

**Note to Users**

Tennessee Code Annotated Section 5-1-127 requires the posting of each City’s Charter on its webpage. The text of the Charter of the City of Murfreesboro Tennessee posted here is believed to be accurate, but readers should be aware that general state laws passed by the General Assembly can supercede these City Charter provisions and may be the controlling and applicable law. For example, portions of Section 26 of the City Charter were overruled when the State legislature adopted Tennessee Code Annotated Section 2-5-151.

**MURFREESBORO, TENNESSEE CITY CHARTER**

**ARTICLE I. INCORPORATION**

Editor’s note - The Title of Private Acts, 1931, the Charter, reads as follows:

An act to be entitled, “An Act to incorporate the City of Murfreesboro in Rutherford County, Tennessee, as a municipal corporation to be known as “City of Murfreesboro;” defining and prescribing the boundaries or limits thereof; providing a city manager form of government therefor, appointing its first governing body and certain of its officers and providing for the election, appointment and qualification of succeeding governing bodies and officers; and defining and prescribing the rights, powers, privileges, duties, liabilities, obligations and immunities thereof; and, generally, conferring upon said City and its governing body all the rights, powers, duties, privileges and immunities necessary and proper for the adequate government, administration, operation, functioning and general welfare and happiness of said City and the inhabitants thereof; and to repeal all laws or parts of laws in conflict with this Act.”

The numbering of the sections of the charter is based upon the original Charter Act, Private Acts 1931, Chapter 429, and references to said act are omitted from the history notes of the sections.

**SECTION 1                    DECLARED BODY POLITIC; NAME; POWERS GENERALLY.**

That the City of Murfreesboro in Rutherford County, Tennessee, be and the same is hereby declared a body politic under the name and style of “City of Murfreesboro;” that said corporation shall have perpetual succession, that by the name “City of Murfreesboro” said city may sue and be sued, plead and be pleaded, contract and be contracted with, and grant, receive, purchase, and hold real, mixed and personal property, either within or without its corporate limits for corporate public purposes, and lease, sell or otherwise dispose of the same, for the use of said city, and may do and perform the powers and duties hereinafter more fully and definitely set out; and that said city may have use of a corporate seal, which its council hereinafter created and provided for may adopt and change at its pleasure.

The corporation hereby created is hereinafter sometimes referred to as “City of Murfreesboro,” the “city,” and the “corporation.”

Editor’s note - For a chronological and numerical listing of the laws amendatory of Priv. Acts 1931, Ch. 429, see Charter Comparative Table at the end of Part I hereof.

## ARTICLE II. BOUNDARIES OR CORPORATE LIMITS

### SECTION 2 CORPORATE LIMITS.

That the boundaries and corporate limits of said corporation shall embrace the territory within the following boundaries and description, to wit:

Beginning on an iron pipe in the north line of the Hembree Estates Addition at a point 561 feet East of an iron pipe on the east side of North Maple Street, and at the N.E. corner of lot No. 11, and the N.W. corner of lot No. 12; running thence N. 2 degrees 57 minutes W. 921.5 feet to an iron pipe about 3 feet south of the wire fence, and 73 feet northeast of the northeast corner of the Lee Rogers barn, 21.5 feet east of the corner post of wire fence; thence N. 87 degrees 29 minutes W. 515.5 feet to a R.R. Spike in the centerline of North Maple Street, southwest of Church; thence N. 18 degrees 37 minutes E. with the Lebanon Highway (North Maple Street) 1042 feet to a spike in the center of said Highway; thence N. 35 degrees 51 minutes W. 3103 feet to an iron pipe, 300 feet northeast of the Kingwood Drive and Sulphur Springs Road intersection, also 141 feet S. 35 degrees E. of a 24 inch elm, and 75 feet northeast of a 30 inch elm, both trees marked as pointers; thence N. 87 degrees 38 minutes W. crossing a spike in the center of Sulphur Springs Road at 408 feet and continuing on in all on same course 1540 feet to an iron pipe in the fence line; thence S. 18 degrees 37' W. 3352 feet to an iron pipe, northeast of Chas. H. Clark's residence and east of the barn, and about in line with the shed on the northern side of barn; thence N. 85 degrees 32 minutes W. passing a pipe in Battle Ground Drive at 330 feet and continuing on in all a distance of 1698.6 feet to an iron pipe; thence S. 68 degrees 24 minutes W. crossing the centerline of the new Nashville Highway at 333 feet and continuing on in all on same course a distance of 920 feet to an iron pipe on the east bank of the West Prong of Stones River, about 15 feet from low water mark, also 10 feet east of a marked ash, 11 feet north of an elm, 9.4 feet west of a box elder, all trees marked as pointers; thence up said river as it meanders as follows: S. 51 degrees 27 minutes E. 203.5 feet to a point about 4.5 feet to water line, and 30 feet S. 10 degrees W. of a sewer manhole cover; thence S. 61 degrees 16 minutes E. 320 feet to an iron pipe about 5 feet from waters edge; thence S. 64 degrees 34 minutes E. 190 feet to an iron pipe about 20 feet from waters edge; thence S. 34 degrees 10 minutes E. 274.4 feet to drilled hole in rock with pipe driven in flush with top, about 20 feet to water line; thence S. 12 degrees 20 minutes E. 437.5 feet to an iron pipe 31 feet from the waterline of river; thence S. 1 degree 48 minutes E. 179 feet to an iron pipe about 30 feet from waterline of river, pointer trees marked; thence S. 2 degrees 34 minutes W. 147.2 feet to an iron pipe; thence S. 12 degrees 34 minutes W. 320 feet to a pipe under centerline of Old Nashville Highway Bridge, 75.5 feet S. 47 degrees 30 minutes E. of the center line of Stones River, and S. 22 degrees

53 minutes W. 426 feet to U. S. concrete monument near edge of water line; thence S. 3 degrees 59 minutes W. 361.7 feet to an iron pipe about 50 feet from waters edge, and under the west rail of the Main line of the Nashville Chattanooga & St. Louis Railway; thence with said west rail leaving Stones River and running S. 39 degrees 11 minutes E. 975.5 feet; thence leaving said west rail and running S. 84 degrees E. with toe of fill on Manson Pike overhead Bridge or Viaduct 324 feet to a point 25 feet north of centerline of present Manson Pike; thence S. 1 degree E. crossing center line of said pike at 25 feet and continuing on in all a distance of 50 feet to a point or stake on the south side of said Manson Pike; thence with toe of fill S. 87 degrees 35 minutes W. 248 feet to a point on the west rail of said main line of said railroad, 121 feet distance from the point of leaving said west rail above mentioned; thence with the west rail of said railroad S. 39 degrees 11 minutes E. 67.5 feet to a point in line with the north line of Lytle Heirs, and the south line of the P. B. Warkman tracts (now owned in part by Tenn. Gas Pipe Line Co.); thence with said Lytle & Warkman line S. 83 degrees 25 minutes W. 1213 feet to a 2 inch cedar stob about 15 feet from waters edge of Stones River, above the old Ransom Mill building; thence continuing up said River S. 66 degrees 55 minutes W. 293.7 feet to a stake on the east bank of Lytle Creek about 100 feet from the centerline of Stones River, 6 feet N. 80 degrees W. of a large hackberry and 12 feet S. 52½ degrees W. of an 18 inch elm; thence S. 87 degrees 53 minutes W. 273.5 feet crossing Lytle Creek to a stake about 30 feet to waters edge, hackberry and buckeye trees marked near same; thence N. 71 degrees 04 minutes W. 238.5 feet to a stake about 25 feet from water line; thence N. 59 degrees 33 minutes W. 390.5 feet, 3 feet north of a hackberry, 18 feet from waterline; thence N. 73 degrees 21 minutes W. 308 feet, to stake elm pointer marked, 10 feet from waterline; thence S. 88 degrees 06 minutes W. 304.5 feet to a cedar stake, 2 ash and elm pointers marked, 15 feet to waters edge; thence S. 71 degrees 26 minutes W. 303.2 feet, double hackberry and elm pointers marked, about 20 feet from waters edge; thence S. 64 degrees 48 minutes W. 331.5 feet to cedar stake, double hackberry and ash pointers, about 40 feet to waters edge; thence S. 75 degrees 11 minutes W. 491.2 feet to stake, hackberry and ironwood pointers marked, about 30 feet to low water mark; thence N. 88 degrees 32 minutes W. 386.5 feet to cedar stake, elm pointers marked, about 5 feet to edge of waterline; thence S. 75 degrees 31 minutes W. 292 feet to a cedar stob, 2 ash and elm pointers marked; thence S. 54 degrees 22 minutes W. 141.2 feet to cedar stake about 7 feet from waters edge, elm and ash pointers marked; thence S. 43 degrees 02 minutes W. 471.5 feet to a cedar stob, ash, 2 hackberry and elm pointers marked, 5 feet from waters edge; thence S. 2 degrees 43 minutes E. 221 feet to a small "boudock" stump, 4 feet from waters edge, hackberry, box elder and hedge trees marked as pointers; thence S. 22 degrees 29 minutes E. 291.4 feet to a cedar stob, 5 feet from waters edge, 2 ash pointers marked; thence S. 37 degrees 16 minutes E. 196 feet to a stake, ash, hackberry and hedge trees

marked as pointers; thence S. 60 degrees 12 minutes E. 218.7 feet to a cedar stake about 18 feet to waters edge, ironwood and hedge trees marked as pointers; thence N. 71 degrees 05 minutes E. 406.7 feet to a cedar stake about 52 feet from low water mark of river, locust and elm pointers marked; thence N. 78 degrees 38 minutes E. 447.4 feet to a cedar stake 29 feet from low water mark; thence N. 86 degrees 40 minutes E. 451.7 feet to a cedar stake, hackberry and small elm pointers marked, 17 feet to low water mark; thence N. 83 degrees 43 minutes E. 546 feet to a cedar stake 49 feet from low water mark; thence S. 87 degrees 51 minutes E. 558 feet to a cedar stob 51 feet from waters edge, hackberry pointers marked; thence S. 63 degrees 08 minutes E. 359 feet to a cedar stob, also iron pipe; thence S. 38 degrees 25 minutes E. 351.5 feet to a cedar stake 38 feet from low water mark, N. 67½ degrees E. of and 31 feet from a rough bark 18 inch hackberry tree, marked as pointer; thence S. 10 degrees 38 minutes E. 184 feet to a cedar stake 23 feet from waters edge, N. 72 degrees E. 18.5 feet to a marked 18 inch elm tree; thence S. 7 degrees 23 minutes W. 184.5 feet to a cedar stob, 30 feet from a 12 inch elm tree, marked; thence S. 15 degrees 37 minutes W. 235.1 feet to a cedar stob, 22 feet from low water mark, 7 feet N. 84¾ degrees E. of a 12 inch marked hackberry tree; thence S. 00 degrees 01 minute W. 387 feet to a cedar stake, 25.2 feet N. 1 degree E. of a 12 inch elm tree; thence S. 15 degrees 37 minutes E. 598 feet to a stake 31 feet from low water mark of Stones River; thence S. 25 degrees 30 minutes E. 392.1 feet to a cedar stake; thence S. 19 degrees 14 minutes E. 243 feet to a cedar stake 9 feet from a marked red oak; thence S. 9 degrees 51 minutes E. 183 feet to a cedar stake 13 feet from an 18 inch marked elm tree; thence S. 12 degrees 36 minutes E. 272.1 feet to a cedar stake about 8 feet from waters edge, ash and elm pointers; thence S. 20 degrees 17 minutes E. 220.5 feet to a cedar stake about 48 feet from low water mark; thence S. 13 degrees 46 minutes W. 289 feet to a cedar stake about 54 feet from waters edge of Stones River, 23 feet to the N. E. corner at abutment wing wall and 22.8 feet to S. W. corner at wing wall of concrete Highway Bridge over Stones River on Franklin Highway; thence S. 33 degrees 39 minutes W. 552.5 feet to a 1 inch iron pipe on west side of public road, 34 inches east of corner post, and 45 inches northeast of a cutoff hackberry tree, about 164 feet to low water mark of Stones River; thence S. 55 degrees 48 minutes E. 2344 feet to Morgan-Patterson fence line, and continuing on same course in all a total distance of 4042 feet to an iron pipe in the fence line on the north side of the Eagleville Pike or Highway; thence N. 87 degrees 41 minutes E. passing over a pipe in the centerline of the Murfreesboro-Eagleville Pike or Highway at 27 feet and continuing on in all a distance of 2863.5 feet to nail driven in cross tie in centerline of the main line of the Nashville Chattanooga and St. Louis Railway, near the north end of Lytle Creek Bridge, southwest of the Ledbetter residence; thence S. 83 degrees 46 minutes E. passing over an iron pipe in the centerline of the Shelbyville Highway at 380 feet, and continuing on in all a distance of 2392.3 feet to an

iron pipe about 100 feet north of the TVA line, and 211 feet N. 61 degrees 30 minutes E. of the northeast corner leg of the TVA tower, and 88.7 feet S. 5 degrees E. of the S.E. corner of a concrete water tank located on the Harrell, now Bell farm, and the southwestward of the residence; thence S. 18 degrees 22 minutes E. 186.5 feet to the iron pipe at the point of a curve to left; thence around said curve, parallel with the centerline of the Manchester Highway, and 600 feet therefrom (southwestward) on a radius of 3590.8 feet, a distance of 936.4 feet to the point of tangency, an iron pipe marking this point; thence S. 33 degrees 21 minutes E. 1381 feet to an iron pipe; thence S. 37 degrees 55 minutes E. 1300 feet to point in the north fence line of the Rucker Mankin farm; thence N. 52 degrees 08 minutes E. 600 feet to the center of the Manchester Highway; thence with centerline of said Highway S. 37 degrees 55 minutes E. 221.5 feet to an iron spike in centerline seam of Highway, and about the 6th cross seam south of the Mankin driveway; thence N. 52 degrees 08 minutes E. 600 feet to an iron pipe in the A. L. Todd farm, 74.5 feet N. 19¼ degrees W. of a 30 inch cherry tree, and E. 12 degrees 10 minutes W. 180.5 feet from a 24 inch hackberry tree; thence N. 38 degrees W. 1483.1 (1053.1 plus 430) feet to an iron pipe; thence N. 33 degrees 17 minutes W. 430 feet to an iron pipe northeast of the A. L. Todd residence; thence N. 49 degrees 55 minutes E. passing over a spike in the centerline of the Bradyville Turnpike at 295 feet, and continuing on in all a distance of 3474 feet to an iron pipe East of Elrod Addition and on the south side of Minor Street at Sol Berger Addition; thence across the west side of the Frank Allen land, east of the Sol Berger Addition, N. 12 degrees 12 minutes E. 1768 feet to an iron pipe 4 feet east of and 4 feet south of Allen's corner (488 feet south of a spike in the centerline of the Woodbury Highway or East Main Street); thence S. 78 degrees 05 minutes E. 2890.5 feet to an iron pipe (488 feet south of a spike in the centerline of the Woodbury Highway) and southeast of garage or shop building; thence N. 12 degrees 17 minutes E. passing a spike in centerline of Woodbury Highway at 488 feet, and continuing on across the west side of the Paschall land a total distance of 1110 feet to an iron pipe 3 feet north of and 9 feet east of the northeast corner of Ragland Court Addition; thence N. 82 degrees 58 minutes W. 1108.5 feet to pipe northwest of a 2 ft. by 2 ft. rock post at southeast corner of old air strip landing area; thence N. 3 degrees 59 minutes E. 2306 feet to the iron pipe at the northeast corner of air strip landing area; thence N. 49 degrees 52 minutes, W. 773 feet to point in fence line 22.3 feet south of a 30 inch cherry tree; thence N. 4 degrees 23 minutes E. 636 feet to a spike in the center of Halls Hill Turnpike, near front of Mrs. Clyde Evans residence; thence with centerline of Halls Hill Turnpike S. 81 degrees 18 minutes E. 40 feet to a spike; thence along the west edge of the lot that lays east of the Evans lot N. 17 degrees 28 minutes E. 1922 feet to an iron pipe in the south boundary line of the Mrs. B. L. Hughes farm; thence with the south line of same S. 75 degrees 50 minutes W. 856.5 feet to a spike in the centerline of the Lascassas Turnpike; thence with centerline of said Turnpike

N. 29 degrees 50 minutes E. 459.5 feet to a 1/2 inch by 8 inch carriage bolt driven in the centerline of said Turnpike; thence S. 88 degrees 15 minutes W. 7702.4 feet to the point of beginning.

[Priv. Acts 1949, Ch. 894 §1; Priv. Acts 1949, Ch. 901 §1 (*repealed*); Priv. Acts 1951, Ch. 610 §1; Priv. Acts 1951, Ch. 655 §1; Priv. Acts 1953, Ch. 326 §1; Priv. Acts 1955, Ch. 134 §1]

Editor's note - Private Acts 1955, Ch. 133, which was the latest attempted definition of the corporate limits of the city by law is omitted herefrom as invalid due to the fact it is violative of Art. IX, § 9 of the Tennessee Constitution, which provides that enlargement of boundaries of municipalities must be by general law. Therefore the corporate limits as herein contained are taken from Ch. 326, Priv. Acts 1953, which was adopted prior to the amendment to Art. XI, §9 as the latest valid expression of the State Legislature as to the legal boundaries of the city. For further extensions or contractions of the corporate limits, see Appendix D.

### **SECTION 3                      TERRITORIAL JURISDICTION.**

That the city council may, by ordinance or resolution, authorize the institution, in the name of the City of Murfreesboro, of all suits and proceedings necessary to abate and suppress any acts, practices or conditions, constituting or liable to constitute a nuisance in relation to said city and the inhabitants thereof, whether existing within the corporate limits set out in section 2 above, or within all surrounding territory within one mile of said corporate limits, and the chancery court of the county in which the City of Murfreesboro is situated shall have jurisdiction of any such suit or proceeding. The police force of the City shall have the power and authority as set forth in Tennessee Code Annotated, Sections 6-54-301, 6-54-302, and 6-54-303, as amended, and such other authority as may be now or hereafter provided by applicable private or public act of the General Assembly of the state of Tennessee or the common law of the state of Tennessee. The city shall have the authority to collect fines as provided in Tennessee Code Annotated, Section 6-54-305, as amended. The city shall have the authority to enter mutual aid agreements as provided in Tennessee Code Annotated, Section 6-54-307 as amended.

[Priv. Acts 1991, ch. 109 §1]

Cross references - Office of city judge authorized, §43; duties of the police department generally, §85.

## **ARTICLE III. CORPORATE POWERS**

### **SECTION 4                      GENERAL ENUMERATION.**

That the said corporation, in addition to such other powers as may be granted to it elsewhere in this Act, shall have power by ordinance, resolution or in other appropriate manner:

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

State law reference – Municipal authority to levy and collect taxes for property and privileges, Tennessee Code Annotated §6-2-201(1).

- (2) *Special taxes; sinking fund.* To levy special taxes, and create, control, invest and reinvest, in a manner consistent with the laws of the State of Tennessee from time to time in force and effect and with this Act, necessary sinking funds sufficient to discharge the principal of and interest on all bonds or other evidences of indebtedness issued by the City.
- (3) *Classifications of subjects and objects of taxation.* To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.
- (4) *Special assessments.* To make special assessments for local improvements in the manner provided and for the purposes specified in section 4B of this Act, or in the manner and for the purposes now provided, or as may hereafter from time to time be provided, by any other Private Act or Acts or any Public Act or Acts of the General Assembly of the State of Tennessee.
- (5) *Contracts generally.* To contract and be contracted with.
- (6) *Incurring debts by borrowing money, etc.* In the manner and to the extent hereinafter provided, to incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof.
- (7) *Issuance and sale of bonds, etc.* In the manner and to the extent hereinafter provided, to issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the city, upon the credit of the city or solely upon the credit of specific property owned by the city or solely upon the credit or income derived from any property used in connection with any public utility or service owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more of such credits.
- (8) *Appropriate and expend money.* To appropriate and/or expend money of the city for all lawful corporate or public purposes; but for none other.
- (9) *Payment of debts, etc.* To appropriate money and provide for the payment of the debts and obligations of the corporation, including all debts and obligations valid and binding upon said corporation's predecessor corporation; but power to validate any invalid debts or obligation is not hereby conferred.

- (10) *Acquisition and disposition of property.* To acquire or receive by purchase, gift, devise or otherwise, and to hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real, personal and mixed, and any estate or interest therein, within or without the corporate limits, for any lawful corporate or public purpose, or for any purpose necessary or proper in effectuating any of the powers, purposes and objects of the corporation.
- (11) *Take property by and administer trusts.* To take and to hold property within or without the corporation, county or state upon trust; and to administer trusts for the public benefit of said corporation.
- (12) *Condemnation.* To condemn property, real or personal or mixed or any interest or estate or use therein, either within or without the corporate limits, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of Tennessee Code Annotated, Section 29-16-101 et seq., Tennessee Code Annotated, Section 29-17-801 et seq., Tennessee Code Annotated, Section 7-35-101 et seq., or in such other manner as may be now or hereafter provided by law.
- (13) *Ownership and operation of public utilities.* To acquire, by purchase, condemnation or in other lawful manner, construct, own, operate, maintain, or sell, lease, mortgage, pledge or otherwise dispose of water plants, waterworks, water distribution systems, electric generating plants, electric distribution systems, street lighting systems, gas plants, gas distribution systems, sewage systems, sewage disposal plants or systems, cable television franchise (and/or authorize and grant a cable television franchise to its municipal electric system or plant known as “Murfreesboro Electric Department”), and other public utilities or services and any utility of service to the city or any part thereof, and necessary, appropriate or useful parts, equipment, appurtenances and accessories therefor or in connection therewith; and to furnish the product or service supplied or furnished by any such public utility for its own uses and purposes and to its inhabitants and to other users thereof within the city and to the inhabitants of and to users thereof within the territory adjacent to the city, for residential, commercial, industrial and other purposes, and to fix and establish the rates and charges to be paid and collected therefor, and to prescribe rules and regulations defining the terms and conditions under which the product or service of any such public utility shall be made, and shall continue to be made, available to the users thereof.
- (14) *Franchises.* To grant to any person, firm, association, company or corporation franchises for public utilities and public services to be furnished the corporation and the inhabitants thereof. Such power to grant franchises shall not embrace the power to grant exclusive franchises. Franchises may be granted for a period of ninety-nine (99) years or less, but no longer. The council shall prescribe in each grant of a franchise, the rate, fares, charges, and regulations that may be made by the grantee of the franchise and that the city shall at all times have the right to regulate and control the same; and the council shall in granting such franchise stipulate for the

purchase (the consideration to be arrived at by agreement, or by an appraisal based upon the reasonable and fair cash value thereof, or to be in an amount set forth in each such grant of a franchise) or condemnation by the corporation of such franchise and the properties erected, owned and operated on the basis thereof by the grantee. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the granting of such franchises, and as said corporate limits thereafter may be enlarged or diminished; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened. The council shall have power to require the payment of such compensation or consideration to the city, as it sees fit to stipulate, for the grant of any such franchise.

- (15) *Contracts for public utilities and public services.* To make contracts with any person, firm, association, company or corporation, for public utilities and public services (including light, water, heat, electricity and gas) to be furnished the corporation and the inhabitants thereof. Such power to make contracts shall not embrace the power to make exclusive contracts. Such contracts may be entered into for a period of twenty-five years or less, but no longer. The council shall prescribe in each such contract entered into, the character of services to be furnished, the rates, fares, charges, and regulations that may be made by the person, firm, association, company or corporation with whom the contract is made, and that the city shall at all times have the right to regulate and control the same. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as said corporate limits may thereafter be enlarged or diminished; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened.
- (16) *Regulations regarding public utilities and public service; extensions of facilities.* To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and public services and to compel, from time to time, reasonable extensions of facilities for such services; provided that the exercise of the power hereby granted shall be consistent and not in conflict with the general law of the State of Tennessee.
- (16a) *Poles, wires and conduits generally.* To compel and require all telephone, telegraph, power, lighting or other public utility companies to remove from the streets of the city all unsightly poles, and/or to keep such poles well painted and in such other prescribed condition, and/or to compel such companies to place its lines and wires underground, within such areas of the city as the city council may from time to time designate by ordinance; and to prescribe penalties, fines and forfeitures for failure to comply with any such ordinance; provided, however, that in all cases a reasonable time shall be allowed to such companies to comply with the provisions of any such ordinance.

- (17) *Registration of voters; control of municipal elections generally.* To regulate and provide for the registration of the voters of the city, consistent with the provisions of this Act and the laws of the state, and to call, regulate, provide for and control, consistent with the provisions of this Act, all municipal elections not otherwise herein expressly provided for, and in all matters in regard to elections not expressly provided for in this Act.
- (18) *Streets, sidewalks, sewers, etc., generally.* To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, wharves, bridges, viaducts, subways, tunnels, sewers, drains within or without the corporate limits and to regulate the use thereof within the corporate limits; and property may be taken and appropriated therefor under the provisions of Sections 1338, 1388, 1389, 1390 and 1391, of the Code of the State of Tennessee of 1858, or in such other manner as may be now or hereafter provided by applicable public or private law or laws of the general assembly of the State of Tennessee.

Editor's note - Sections 1338, 1388, 1389, 1390 and 1391 of the 1858 Tennessee Code are brought forth as §§29-16-114, 7-31-108, 7-31-109, 7-31-110 and 7-31-111, T.C.A.

- (19) *Service and tap in charges for water, sewers and drains.* To fix and establish tapping or other fees or charges for service connection to the water distribution system, to the sanitary sewage system, and/or to the surface water drainage sewers or system of the city; and to fix and establish fees and charges, either in an amount applicable in all cases or in graduated or scaled amounts based on differences in the costs of installation and construction whether due to varying widths of streets or roadways or other factors reflecting increased such costs, to be paid by the owners of properties to be served thereby in addition to any applicable sanitary sewer tapping or service connection fee or charge, to pay or defray all or part or portion of the cost of constructing and installing sanitary sewers and necessary or appropriate fittings, appliances and appurtenances thereto, that may be constructed and installed subsequent to the fixing and establishing of such fees and charges for the purpose of making sanitary sewers and sewage service available to such properties, including but not limited to the house service fees or charges fixed, established and provided for by the ordinance amending Sec. 12 of Chapter 26 of The Code of the City of Murfreesboro, Tennessee, 1949, passed on third and final reading by the City Council of said City on August 23, 1962, and other similar such fees or charges.

Cross reference - Said amendment to Ch. 26, 1949 Code appears as section 33-50 of this Code, said section was also amended by Ord. of 10-03-63.

- (20) *Street improvement; assessment of cost against abutting property owners.* To construct, improve, reconstruct and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the

corporate limits and to assess a portion of the costs of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys under and as provided by Chapter 18, of the Public Acts of the General Assembly of the State of Tennessee, 1913, First Extra Session, as amended, or under and as may be now or hereafter provided by applicable public or private law or laws of the general assembly of the State of Tennessee.

Editor's note-Said Ch. 18 of the 1913 first extra session as amended appears as §§6-1-201 through 6-58-116 and §§7-31-101 through 7-32-141, inclusive, T.C.A.

- (21) *Assessment of cost of planting shade trees, removal of snow, cutting and removal of weeds and rubbish, cleaning of privies, etc.; lien.* To assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing and street oiling; the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the council. The council shall have power by ordinance to provide that any such assessment shall constitute a lien upon such abutting property, and may also provide by ordinance the method of assessment, the amount thereof, when due, and its manner of collection; and provided that, if authorized by ordinance, a bill may be filed in either the circuit or Chancery Court of Rutherford County, Tennessee, to enforce said lien; and/or suit brought to recover of the respective abutting property owners such amounts as may be due from them on account of any assessment made under this subsection.
- (22) *Compelling construction, etc., of sidewalks; authority of city to do work; cost; lien.* To require the abutting property owners upon any street, alley, avenue, parkway, boulevard or other public thoroughfare within the corporate limits to grade or regrade, create or recreate, construct or reconstruct, build or rebuild, pave or repave, repair or re-repair the sidewalks or pavements along the front or side of such property; the same to be done according to the specifications and out of the materials specified by the council; and, if the owner of the ground shall fail to comply with the provisions of such laws and ordinances as may be duly enacted by the council for the grading or regrading, building or rebuilding, paving or repaving, repairing or re-repairing of said sidewalks and foot pavements within such time and in such manner as may be prescribed by the council, then the city may contract with some suitable person on the best terms that can be made, for such work, or itself do the same, through its city manager, and the amount so paid to others, or expended by the city in doing said work, shall be a lien upon said abutting property, and shall constitute a charge against the owner or owners of property abutting or adjacent to said sidewalks and pavements, and may be enforced by attachment at law or in equity, and or shall be recovered by suit in the name of the city before any court of competent jurisdiction. The council may determine what streets or other of the above named public thoroughfares are to be improved under this subsection and the ordinance or

ordinances requiring such work may provide the time of payment, or reimbursement of the city, and for reasonable hearing as to the reasonableness or necessity of the improvement, and all other matters necessary or proper to effectuate fully the power granted in this subsection.

- (23) *Name and numbering of houses, lots, etc.; requiring property owners to provide number plates, etc.; failure to comply.* To name and/or rename, and/or to number and/or renumber the houses, lots and other property abutting on, the streets, alleys, avenues, boulevards, parkways, and other public thoroughfares within the corporate limits; to prescribe the type, style, design and material for the necessary number plates, or other markers, and to require the owners of said property to provide and post said number plates or other markers on their respective property, and to provide punishment for the violation of any ordinance requiring such numbering. If such property owners fail, neglect or refuse to comply with any ordinance requiring such numbering within the time allowed by ordinance, then the city may, under the supervision and direction of its city manager, provide and post or have posted such numbers as may be required, and the amount so expended by the city shall be and constitute a lien upon the respective houses, lots and other property so provided with number plates, and shall be and constitute a charge against the respective property owners, which may be enforced by attachment at law or in equity, and/or may be recovered by suit in the name of the city, in any court of competent jurisdiction. Any ordinance requiring such numbering to be done may provide the time within which such numbering shall be done, the time within which any sums expended by the city shall be reimbursed, and time when suit may be brought by attachment or to recover judgment as hereinabove provided.
- (24) *Acquisition and regulation of market places, public buildings, sewers, etc.* To acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all market places, public buildings, bridges, sewers, and other structures, works and improvements.
- (25) *Collection and disposal of sewage, ashes, garbage, etc.* To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse by discharging the same into streams and rivers or by other feasible means, or to license and regulate such collection and disposal.
- (26) *Operation and maintenance of public utilities.* To continue the operation and maintenance of all public utilities and services now owned and operated by the city, and to operate and maintain any other public utilities and services which the city may acquire or construct and establish.
- (27) *Election and appointment of officers and employees; fixing compensation.* To elect, appoint and employ all superintendents, school principals, teachers, policemen, firemen, officers, clerks, bookkeepers, engineers, officers, laborers, or other

employees and servants, necessary or proper to carry on the business of the corporation, or to carry out any of its objects and purposes, except as otherwise provided by this Act; and to determine their salaries and compensations.

Cross reference-For officers and employees' pensions agreement, see Appendix C.

(27a) *Pensions*. To establish and to provide for the payment and/or funding of a retirement or pension system or systems for the officers and employees of the city, either for all or for a selected or specified class or classes of all the officers and employees of the city, or separately for all or for a selected or specified class or classes of the officers and employees of the various or separate departments or divisions of the city's government and operations, with or without requiring such officers and employees to contribute to the payment or funding of such retirement or pension system or systems, with or without the use or employment of insurance to pay or fund the whole or any part of such retirement or pension system or systems, and either independent of and/or in conjunction with the federal social security system as from time to time in force and effect; and to determine and prescribe the terms, conditions, coverage and scope of and eligibility to participate in such retirement or pension system or systems, and from time to time to extend, alter, limit, reduce and otherwise to amend or modify, and to eliminate and discontinue, any or all of the terms, conditions, coverage and scope of and eligibility to participate or to continue to participate in such retirement or pension system or systems; and to abolish or to discontinue any such retirement or pension system or systems; provided, however, that nothing contained or provided in this subsection shall be held or construed to deprive any officer or employee, covered by or eligible to participate and participating in any such retirement or pension system, or any retirement or pension or other benefit earned by or vested in him or her under any such retirement or pension system at the time any of the terms or conditions of, or the coverage, scope or eligibility to participate in, such retirement or pension system may be altered, limited, reduced, amended, modified, eliminated or discontinued, or at the time such retirement or pension system may be abolished or discontinued.

(28) *License, tax and regulate business, trades, professions, etc.* Without limitation of, and in addition to, the specific powers and provisions of any other section or subsection of this Act, to license, tax and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law.

(29) *Licensing of animals, privileges, etc.* Without limitation of, and in addition to, the powers and provisions of any other section or subsection of this Act, to impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling, not prohibited by law.

- (30) *Definition, prohibition and abatement of things detrimental to health, morals, welfare, etc., of inhabitants.* Without limitation of, and in addition to, the powers and provisions of any other section or subsection of this Act, to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, vocations, callings, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and to exercise general police powers.
- (31) *Restricting the location of business occupations and practices.* To prescribe and define the limits within which business occupations and practices, liable to be nuisances or detrimental to the health, morals, comfort, security or general welfare of the people, may lawfully be established or maintained.
- (32) *Prevention of nuisances.* To declare, prevent and remove nuisances.
- (33) *Licensing and regulation of auctioneers, merchants, taverns, hotels, restaurants, billiard halls, peddlers, junk dealers, etc.* To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, hotels, restaurants, lunch rooms, lunch stands, garages, filling stations, livery stables or livery stablekeepers, poolrooms, billiard halls, dancing halls, peddlers, traveling vendors, junk dealers, pawnbrokers or dealers, and all other privileges taxable under the laws of the State of Tennessee as from time to time enacted and in force.
- (34) *Licensing and regulation of busses, automobiles, taxicabs, etc.; fixing of rate for carriage of persons and property.* To license, tax and regulate hackney carriages, carts, omnibusses, wagons, drays, automobiles, automobile trucks, jitneys, taxicabs, motorcycles, motor busses, and all other vehicles; and to fix and regulate the rate for carriage of persons or property within the city limits in a manner not inconsistent with the general laws of the state.
- (35) *Regulation of vehicles for hire; requiring insurance policy or bond.* To license, regulate and control the operation of taxicabs, jitneys, motor busses, and other motor vehicles engaged in the carriage of passengers and/or their luggage for hire upon the streets and other public thoroughfares of the city; and, if so provided by ordinance, to require all owners and/or operators of such vehicles, before engaging in such business within the city (or, if already engaged in said business, to require such owners and/operators) to file, within the time fixed by ordinance, with the city manager, city recorder, or other city official, as designated by such ordinance, and to keep in force and effect, a bond, indemnity undertaking or policy of insurance executed by a corporation, company, mutual association, or other bonding or insurance company or association authorized to do business in the State of Tennessee, to be approved by the city manager, city recorder or other designated city official in accordance with the terms of such ordinance, in such reasonable amount and under such terms and conditions as may be prescribed by such ordinance; and such bond, indemnity undertaking or policy of insurance shall be conditioned to pay any judgment rendered

against the owner and/or operator of such vehicles so filing said bond, undertaking or policy of insurance (within the limits of said bond, undertaking or policy) as the result of damage from personal injury or damage to the property arising out of the operation of such vehicles, or for damage to property or loss of property while in the possession of or under the control of the owner or operator of such vehicles; and to prohibit the operation of such vehicles in such business without having filed such bond, indemnity undertaking or policy of insurance, and to provide punishment for violating the provisions of any ordinance enacted under this subsection; and to maintain all proceedings or suits in the name of the city necessary to prevent the violation of, and to compel full compliance with, any ordinance adopted under this subsection.

- (36) *Licensing and regulation of theatrical exhibitions, shows, etc.* To license, tax and regulate theatrical and other exhibitions, shows and entertainments, and to suppress immoral or vicious or indecent theatrical and other shows, exhibitions and entertainments.
- (37) *Regulation of animals and domestic fowl running at large; impounding, sale and disposition.* To regulate, tax, license or suppress the keeping or going at large of animals and domestic fowl within the city; to impound the same, to provide for the fees and cost of keeping the same in the pound and of the pound keeper and to provide, in default of the payment of such fees and costs, for the sale of the same to satisfy such fees and cost, and/or for the killing or other disposition of same.
- (38) *Inspection, etc., of articles of consumption; standards of weights and measures.* To inspect, test, measure, and weigh any article of consumption or use within the city limits, and to charge reasonable fees therefor; and to provide standards of weights, tests and measures.
- (39) *Licensing, inspection, etc., of weights and measures.* To establish, regulate, license, and inspect weights and measures.
- (40) *Revocation of licenses.* To provide for the revocation of, and to revoke, licenses.
- (41) *Quarantine laws; spread of contagious diseases.* To make and enforce quarantine laws and regulations, and to prevent the introduction and spread of contagious or other diseases.
- (42) *Regulation and inspection of meats, vegetables, milk, etc.; establishment, etc, of markets.* To provide for the regulation and inspection of meats, vegetables and other provisions, and of milk, butter, and of oils and other spirits; and to establish, maintain and regulate markets, and to erect and maintain market houses.

- (43) *Gambling, disorderly houses, immoral conduct, obscene pictures, etc.* To suppress and prohibit all gambling houses, disorderly houses, bawdy houses, all kinds of gambling and games of chance, immoral or illicit conduct, and obscene pictures and literature.
- (44) *Disorderly persons, breaches of the peace, noise disturbances, etc.* To provide for the arrest, punishment and imprisonment of all riotous or disorderly persons, and for the punishment and suppression of all breaches of the peace, noise, disturbances, and disorderly conduct and assemblies.
- (45) *Intoxicating liquors.* To regulate, tax, license or suppress the sale, manufacture, receipt, possession and/or transportation of spirituous, vinous, malt or other intoxicating liquors.
- (46) *Manufactories likely to produce fires; sale, etc., of fire arms and other weapons.* To regulate, restrain, and prevent the carrying on of manufactories dangerous in causing or producing fires; and to regulate and suppress the sale of firearms, and to prevent and suppress the selling, carrying, using or firing of pistols, rifles, guns, Bowie knives, dirks, firearms, or other deadly weapons.
- (47) *Storage and sale of dynamite, gasoline, firecrackers and other explosives and inflammables.* To regulate the storage of powder, tar, pitch, resin, saltpeter, guncotton, dynamite, coal oil, gasoline, and all other explosives and/or inflammable materials; and to regulate or suppress the sale and/or use of firecrackers, toy pistols or toy guns, fireworks, and all other explosives or inflammable instruments and materials.
- (48) *Regulation of lights, lamps, electric wiring, etc., in public places and buildings.* To regulate the character and use of lights, lamps, electric wiring, steam, gas, and hot air pipes in all factories, showhouses, theatres, and other public places and buildings.
- (49) *Establishment of fire districts; regulation of buildings therein.* To establish fire districts, and to prevent the erection of wooden buildings and buildings covered with combustible material therein.
- (50) *Construction of dangerous buildings, chimneys, fireplaces, etc.; regulations for the prevention of fires generally; building permits, etc.* To prevent the dangerous construction and condition of buildings, chimneys, flues, fireplaces, hearths, stoves, stovepipes, ovens, boilers, and apparatus, and to cause the same to be removed or placed in a safe condition when dangerous, and to make such general regulations for the prevention and extinguishment of fires as the city council may deem necessary and proper, including the power to require the obtaining of a building permit from the city before building, installation or repairing of any building, structure, part thereof, or apparatus used or situated therein.

- (51) *Regulation of location, occupancy, height, etc., of buildings; inspection of buildings, etc., relative to health and safety.* To regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness, and safety, and when necessary to prevent the use thereof and require any alteration or changes, necessary to make them healthful, clean or safe.
- (52) *Maintenance of libraries, parks, playgrounds, etc.; operation of charitable, educational, corrective, penal, etc., institutions; acquisition and operation of cemeteries and burial ground; providing funds for playground and recreational activities.* To provide, operate and maintain a public library or libraries, parks and playgrounds to provide, operate and maintain recreation activities, services, functions, facilities and programs; and to provide, operate and maintain charitable, educational, recreative, curative, corrective, detention or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services; and to acquire, own, operate and maintain cemeteries and burial grounds.
- (53) *City hospital; care of indigent sick.* To provide for, acquire, own, operate and maintain (by and through a hospital board created by ordinance of the city council under such rules and regulations as the city council may prescribe) a city hospital or other necessary similar curative institutions; and/or to contract with any person, firm, corporation, or association owning and/or operating such a hospital or other institution, for the care and treatment of the poor, needy and indigent persons of the city requiring such treatment and care and who are unable to provide themselves with such care and treatment, upon such terms and conditions as the city council may deem proper; and/or to contribute to the support and maintenance of any such hospital or other similar institution, upon such terms and conditions as the city council may deem proper.
- (54) *Care and relief of indigent persons generally.* To provide for the care and relief of the poor, needy and indigent persons of the city, including the furnishing of necessary housing, clothing, fuel and food for such persons, so as to prevent suffering and want among such persons, and/or to join with other persons, associations and organizations of a charitable nature in providing any such care and relief, in such manner and to the extent deemed necessary or proper by the city council.
- (55) *Creation of health department; appointment of health officer, etc.* To provide for and create a city health department or division, and to elect or appoint a city health officer or physician, and necessary assistants and workers, and to fix the salary or compensation of the same, and prescribe the duties thereof.
- (56) *Establishment of workhouse for confinement of convicted persons; contracts with county for keeping of prisoners.* To purchase or condemn or otherwise acquire, construct, maintain and establish a workhouse or farm colony, for the confinement and detention of any person convicted in the city court of offenses against the laws

and ordinances of the city who fails to secure the fine and costs imposed upon him, and/or to contract with Rutherford County, Tennessee, its sheriff, or other proper person, to keep such persons in the workhouse and/or jail of said county and to provide by said contract and by ordinance for the commitment of such persons to the workhouse so provided, until such fine and costs shall be fully paid.

- (57) *Enforcement of ordinances.* To enforce any ordinance or regulation by means of fines, forfeitures, penalties, and imprisonment or by action or proceedings in any court of competent jurisdiction or by any one or more of such means to impose costs as part thereof, and the city council is expressly authorized to prescribe fines, forfeitures or penalties for violations of ordinances, rules or regulations and to provide imprisonment for not exceeding ninety days for such violations, or both such fines, forfeitures or penalties and imprisonment in the discretion of the judge of the city court.
- (58) *Fire preventative powers; maintenance of fire companies, etc.* To provide for the extinguishment of fires, to organize and maintain a fire company or companies, and provide the same with quarters, uniforms, engines, hose, ladders, and other necessary equipment; and to prescribe the personnel of said fire company or companies, the salaries of their members, and the regulations governing the same.
- (59) *Water and waterworks; fixing and collection of rates; requiring deposit, etc.* To provide the city with water; to provide for the regulation, personnel, construction and maintenance of waterworks, settling basins, pumping stations, water pipes and mains and rights of way for the same, wells and other sources of supply of water, reservoirs and all appurtenances necessary therefor, whether within or without the corporate limits of the City; to provide for and fix the charges and rates for water service, including charges for the making of connections or taps to water pipes and mains; to provide for discounts to be allowed for the prompt payment of all charges for water services, and for penalties and for withdrawal of service for refusal or failure of water consumers to pay for water service and/or charges for making of service connection or taps to water pipes and mains, within the time and in the manner provided by ordinance; and to require from prospective consumers of water a deposit to secure charges for water furnished or consumed before service connection shall be made.
- (60) *Police department; designation of chief, etc.* To provide for a police department for said city; to determine the number, personnel and salaries of the members of said department, one of whom shall be designated as chief of police, and to provide quarters and uniforms for said police force.
- (61) *Regulation of use of streets, etc.; rate of speed; designation of through streets; other traffic rules and regulations.* To regulate the travel and use of the streets, alleys, avenues, boulevards, and other public thoroughfares of the city; to define and prescribe a lawful rate of speed or travel of vehicles thereon, not inconsistent with the general law of the state; to designate arterial and through highways or

thoroughfares and to provide for proper stop signs, and all other traffic rules and regulations necessary or proper for the orderly and safe use of such streets, alleys, avenues, boulevards and thoroughfares of the city; and to provide for the violation of any rule or regulation enacted under this subsection.

- (61a) *Off-street parking.* To acquire, own, improve, construct and operate off-street parking lots, garages and other off-street parking facilities, and to prescribe rules and regulations governing the use of same, and to provide punishment for the violation, and for the enforcement, of such rules and regulations.
- (62) *General powers and authority; police powers; adoption and enforcement of ordinances, etc., necessary to preserve health, peace, general welfare, etc.* To have and to exercise the fullest general powers and authority necessary for the protection of life, health and property, and to preserve the good government, general welfare, order and security of the city; to have and to exercise all police powers necessary for the city's government, not in conflict with the general laws applicable to all cities of this state; to have and to exercise all powers not inconsistent with the Constitution and laws of this state that are necessary or appropriate for the proper administration of the affairs and for the government, control and management of the city; and to adopt and enforce such ordinances, rules and regulations, whether specifically enumerated herein or not, as may be deemed necessary and proper to preserve the health, peace, safety, quiet, good order and general welfare of the city and the inhabitants thereof.
- (63) *Adoption and enforcement of ordinances not specifically enumerated.* To adopt and enforce such further ordinances, rules, and regulations, whether or not specifically enumerated in this Act, as may be deemed necessary or proper for the good government, functioning and administration of the corporation, and for the accomplishment of its objects and purposes.
- (64) *Residuary powers.* To have and to exercise all powers which now or hereafter it would be competent for this Act specifically to enumerate, as fully and completely as though such powers were specifically enumerated herein; and to have and to exercise all powers which may now or hereafter be conferred upon the city by the terms and provisions of any applicable public or private act of the general assembly of the State of Tennessee.
- (65) *Fees.* Provide fees for issuing licenses to exercise taxable privileges.
- (66) *Sewer Service Lien.* Make by ordinance charges for any utility or sanitary sewer service a lien against property, and to deny such services to any property until delinquent bills of the owner or tenants have been paid.

(67) *Lien for rendering property safe.* Require the owner, agent of the owner, or occupant, after notice and an opportunity to be heard, to remove obnoxious weeds, refuse, rubbish, abandoned or derelict automobiles or other vehicles, junk, discarded equipment, furniture or materials, grass or leaves, dilapidated buildings or structures, unsafe buildings or structures, which may be considered dangerous or detrimental to health or safety from any lot or parcel of land; upon failure to comply, to perform the repair or removal and charge the cost against the owner, agent of the owner, or occupant; and to make the cost of repair or removal a lien against the property, which may be added to and collected as property tax.

(68) *Fines.* Enforce any ordinance, by means of fines, forfeitures and penalties, and to impose such cost as may be determined by ordinance.

[Priv. Acts 1933, ch. 526 §1; Priv. Acts 1939, ch. 430 §1; Priv. Acts 1941, ch. 406 §1; Priv. Acts 1947, ch. 411 §§1–3; Priv. Acts 1953, ch. 326 §§2, 3; Priv. Acts 1955, ch. 133 §1; Priv. Acts 1961, ch. 200 §1; Priv. Acts 1961, ch. 201 §1; Priv. Acts 1961, ch. 329 §1; Priv. Acts 1963, ch. 75 §1; Priv. Acts 1963, ch. 116 §§1, 2; Priv. Acts 1967, ch. 241 §1; Priv. Acts 1975, ch. 43 §1(1), 1(2); Priv. Acts 1989, ch. 59 §§1, 2; Priv. Acts 1990, Ch. 180 §2, 3; Priv. Acts 1991, Ch. 109 §§2, 3, 11]

**SECTION 4A                    AUTHORITY TO PURCHASE AND OPERATE PUBLIC UTILITY PLANTS FURNISHING WATER AND LIGHT; ISSUANCE AND SALE OF BONDS; SALE OF SERVICES; FIXING OF RATES, ETC.**

That if for any reason the city may deem it advantageous to own and operate any public utility plant furnishing water or light to said city, it is hereby authorized to purchase the same at a fair valuation, to be arrived at by agreement or by appraisement, and, in making payment therefor, it is authorized to issue and sell its coupon bonds to the amount fixed as the consideration involved in the purchase of said public utility, bearing interest at any rate and maturing at not more than forty years, the interest payable semi-annually in lawful money of the United States. To secure the payment of the said bonds and the interest coupons thereon, the said City of Murfreesboro is hereby authorized, empowered and directed to execute a trust deed conveying as security the said plant so purchased, with all the property belonging thereto of every kind, character and description, to a trustee with full power vested in said trustee, in default of payment of the interest for ninety days, to advertise and sell the said plant, together with the franchise to operate the same, for the period of said bonds, and, out of the proceeds, to pay the cost of said bonds, the security of said coupons and bonds being first the property embraced in the trust deed to secure their payment, and then the full faith and credit of the City of Murfreesboro.

In the operation of any public utility plant so purchased for the purpose of providing water and lights, or both, the said City of Murfreesboro is authorized and empowered to sell the same to its inhabitants, the inhabitants of its environs, and to business enterprises for domestic use and other purposes.

The rates charged for service by said utility plant or plants so purchased shall be sufficient and so fixed as to pay all costs of operations, extensions, repairs, depreciation, the interest on said bonds and provide a sinking fund to pay said bonds at their maturity; or if the bonds issued hereunder be serial bonds, sufficient to retire the bonds as they severally mature.

And, if for any reason the city may deem it advantageous to own and operate an electric light plant or street lighting system, or both, it is hereby authorized to acquire, own, install, build, construct, erect and operate such an electric light plant or street lighting system, or both, and shall have power to finance the same in the same manner as hereinbefore in this section provided; and, in operating any such electric light plant or street lighting system, or both, said City of Murfreesboro is authorized and empowered to sell electric energy and power to its inhabitants, the inhabitants of its environs, and to business enterprises for domestic use and other purposes, and to fix the rates charged for such service in accordance with the provisions of the next preceding paragraph of this section.

[Priv. Acts 1975, ch. 43 §1(3)]

**SECTION 4B LOCAL IMPROVEMENTS; ASSESSMENTS; BOND ISSUE; HEARINGS; PROMISSORY NOTES; FORMATION OF DISTRICTS.**

- (1) *Creation of improvement districts by ordinance.* Full power and authority is hereby given to the City of Murfreesboro to create an improvement district by ordinance wholly on the initiative of said city council without the necessity of obtaining a petition signed by the owners of abutting property, and such districts shall be improved as set forth in the ordinance and the cost of the improvements such as sanitary sewers, curb and gutter, sidewalk construction, storm water sewers, storm water ditches, potable water lines, bridges and culverts, appurtenances relating to the foregoing, and administrative costs relating to the foregoing, shall be distributed among the property owners in a manner fair and equitable to the property owners who have or reasonably can be expected to benefit from the improvements. Prior to the creation of the special improvement district, the city council shall conduct a public hearing, notice of which shall be published in a newspaper of general circulation at least fourteen (14) days prior to the hearing. The assessment may be made based upon the assessed value of property within the special improvement district, or as a connection or tapping fee, or as a development fee as the area is developed.

Bonds of the city at large may be issued to defray the cost of the aforementioned improvements. In the event, an improvement district is created and assessments levied as provided in this subsection, bonds may be issued for the property owners' share of the cost of said improvements as well as the city's share of the cost of said improvements.

The city council of the city shall have power to extend water lines, sanitary sewers or storm water drains from any improvement district to a water main, sanitary sewer main, or to the principal storm water drain system of the city, or to some proper point of disposal or outlet for said sewers or storm water drains, notwithstanding such extension necessities transversing lands not included in the improvement district.

- (2) *Obligation of bonds.* Improvement district bonds and city improvement bonds issued under the authority conferred by this section shall be the direct obligations of the City of Murfreesboro and the city council is hereby authorized and empowered to pledge the full faith, credit and revenues of the city and all real and personal property taxable therein to secure the prompt payment of the principal and interest thereof as they may become due and payable and the city council shall annually levy sufficient taxes for the payment of the annual interest upon and to provide a sinking fund for city improvement bonds hereafter issued, and in the event that the funds derived from assessments are insufficient to pay the annual interest upon and to provide for the payment of the principal of improvement district bonds hereafter issued as the same shall become due and payable, the city council shall annually levy a tax upon the real and personal property of the city or upon the property originally assessed to produce funds to redeem such bonds, sufficient to meet said deficiency.

The validity of bonds issued hereunder shall not be affected by any invalidity of proceedings taken in connection with the authorization of improvements financed in whole or in part by the issuance of such bonds or any invalidity in the levy of assessments against property benefited by said improvements.

- (3) *Bonds exempt from tax limitations.* Improvement district bonds and city improvement bonds authorized to be issued under and pursuant to the provisions of this section may be issued without regard to, and both within and in excess of, any limitation of indebtedness of the city imposed and prescribed by the provisions of Section 6 of this Charter and without requiring the issuance thereof to be submitted to and approved by the qualified voters of the city as provided for in said Section 6.
- (4) *Temporary promissory notes.* The City of Murfreesboro shall have full authority and power to issue and sell temporary promissory notes to provide funds for carrying on the work of improving improvement districts until the receipt of proceeds of bond issues provided therefor.
- (5) *Alternate method.* The method of constructing and financing improvements set forth in and authorized by this Section is intended as an alternate method for the exercise of the powers enumerated and shall not be considered as laying down a method to be exclusively followed as against other methods now or hereafter duly provided and authorized by laws.

- (6) *Limitation of this section.* Nothing in this section shall be construed to prevent the construction of local improvements in the manner set forth in Tennessee Code Annotated, Sections 7-31-101 through Sections 7-31-114; Sections 7-32-101 through Sections 7-32-141; Sections 7-33-101 through Sections 7-33-120; 7-33-301 through Sections 7-33-314, or as may hereafter be amended.
- (7) *Impact fees.* Full power and authority is hereby given the city to impose such fees on persons or entities developing land within the corporate limits as the city deems appropriate to pay the costs of capital improvements and other expenses related to such developments, including but not limited to improvements and expenses for street repair and construction, traffic signals, water services and/or facilities, storm drainage, storm drainage ditches, storm drainage sewer pipes, and/or storm drainage facilities, and the providing of administrative services for the foregoing.

[Priv. Acts 1961, ch. 329 §2; Priv. Acts 1963, ch. 76 §§1, 2; Priv. Acts 1989, ch. 59 §3; Priv. Acts 1990, ch. 180 §1]

## **SECTION 5                      PLANNING AND ZONING.**

That the corporation, by ordinance of the city council may:

- (1) *Location of trades, businesses, buildings, etc.; establishment of zones; regulation of uses, etc., in zones; regulations to be in accordance with plan.* Regulate and restrict the location of trades, businesses and industries and the location of buildings, designed for specified uses; and, for said purposes, divide the city or corporation into districts or zones of such number, shape, and area as may be deemed best suited to carry out the purposes of this subsection.

For each of such districts or zones, regulations may be imposed designating the uses, trades, businesses and industries for which buildings may be or may not be erected or altered, and designating the uses, trades, businesses and industries that shall be excluded or subjected to special regulations. Such regulations shall be in accordance with a plan, designed to lessen congestion on the public streets, to promote the public health, safety, convenience and general welfare, and shall be made with reasonable consideration, among other things, to the character of the district or zone, its peculiar suitability for particular uses, the conservation of property values, and the direction of building development.

- (2) *Height and bulk of buildings; percentage of land area to be devoted to yards, courts, etc.; establishment of zones; regulations to be uniform throughout zones, etc.* Regulate and limit the height and bulk of buildings hereafter erected or altered, and regulate and determine the percentage of land area to be devoted to yards, courts and other open spaces; and, for said purposes, divide the city or corporation into districts or zones, of such number, shape and area as may be deemed best suited

to carry out the purposes of this subsection. Such regulations shall be uniform for each class of buildings throughout each district or zone, but the regulations in one or more districts or zones may differ from those in other districts. Such regulations shall be designed to lessen congestion on the public streets, to secure safety from fires and other dangers, to promote the public health and welfare, including provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of buildings erected in each district or zone, the value of land and the uses to which it may be put, to the end that such regulations will promote the public health, safety and welfare, the most desirable use for which the land of each district or zone may be adopted, and tend to conserve the value of buildings and to stabilize the value of land throughout such districts or zones.

- (3) *Maximum number of families; establishment of zones; regulations may differ in different zones, etc.* Limit and restrict the maximum number of families which may be housed in dwellings or tenement houses hereafter erected or altered; and, for said purposes, to divide the city or corporation into districts or zones of such number, shape and area as may be deemed best suited to carry out the purposes of this subsection. The regulations adopted for one or more districts or zones may differ from those adopted for other districts or zones. Such regulations shall be designed to limit the overcrowding of land and to avoid undue congestion of population, to facilitate adequate provisions of transit, water, sewage disposal, education, recreation and other public requirements, and to promote the public health, morals, safety, convenience, and general welfare.
- (4) *Creation of city planning commission; composition of commission; powers and duties generally.* Elect and appoint, for such term or terms as may be fixed by ordinance, and to fix the compensation thereof, either from its own membership and/or from the qualified voters of the city, a city planning commission, one of whom shall be designated as chairman, and require such commission to recommend the boundaries or limits of districts or zones and appropriate regulations to be enforced therein. Such commission shall make a tentative report and hold public hearings thereon, at such times and places and upon such notice as the city council shall require, before submitting its final report. The city council shall not determine the boundaries or limits of the district or zone, nor impose any regulations until after the final report of said city planning commission.

After such final report is submitted to the council, and final adoption of regulations by ordinance, the council may, from time to time, amend, supplement or change by ordinance the boundaries or regulations so adopted. Notice of a public hearing concerning the adoption of such an amendment, supplement or change in the ordinance shall be given by publishing the notice as may be fixed by ordinance in a daily or weekly newspaper, of general circulation in the city. At the time and place thus appointed, the council shall meet and hear all persons whose property will be affected by such amendment, supplement or change, may appear in person or by attorney or by petition, and protest against making of such amendment, supplement

or change, and after hearing such protests, if any, the council may confirm, modify or rescind such ordinance in whole or in part. If, however, a protest against such amendment, supplement or change be presented in writing to the city recorder, within ten days from date of last publication, duly signed and acknowledged by owners of 20% or more of any frontage proposed to be altered, or by the owners of 20% of the frontage immediately in the rear thereof, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, such amendment, supplement or change shall not be passed except by a two-thirds (2/3) vote of the council.

- (5) *Creation of administrative board; powers and duties of board generally; delegation of powers and functions of board to city planning commission or city manager.* Create an administrative board to administer the details of the application of the ordinances and regulations and may delegate to such board, in accordance with provisions set forth in the regulations, the power to hear and determine appeals from the refusal of building permits by the officer or officers whose duty it is to grant building permits and to exercise jurisdictional powers with respect to the administration of the regulations specified therein; or these administrative powers and functions may be delegated by the council to the city planning commission hereinbefore provided for, or to the city manager hereinafter provided for.
- (6) *Nonconforming uses.* To provide in the ordinances and regulations enacted and adopted under this section that the lawful use of a building existing at the time of adoption of an ordinance under the provisions of this section, although such use does not conform to the provisions of such ordinance, may be extended throughout the building, provided no structural alterations except those required by law or ordinance, are made therein.

To provide by such ordinances and regulations that, where no structural alterations are made in a building of nonconforming use, such use may be changed to a use of a similar or higher classification, according to the provisions of ordinances and regulations adopted under the authority of this section.

To provide by such ordinances and regulations that, the lawful use of premises existing at the time of the adoption of an ordinance under the provisions of this Act, although such use does not conform to the provisions of such ordinance, may be continued; but if such nonconforming use is discontinued, any future use of such premises shall be in conformity with the provisions of ordinances and regulations adopted under the authority of this section.

To provide by such ordinances and regulations that, where structural alterations are made in a building of nonconforming use, such building shall be changed in conformity with the provisions of ordinances and regulations adopted under the authority of this section, for the district or zone in which such building is located. When the boundary line of any such district or zone divides a parcel of ground in common ownership, at the time of the adoption of the ordinance, under the provisions of this section,

nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of ground, to the entire parcel, but for a distance of not greater than twenty-five (25) feet.

Nothing in this subsection shall be taken to prevent (a) the restoration of a building destroyed to the extent of not more than 75% of its reasonable value, by fire, explosion, an act of God or the public enemy, and the occupancy or use of such building or part thereof, if such use existed at the time of such partial destruction; and (b) the restoration of a wall declared unsafe pursuant to ordinance enacted by the council.

[Priv. Acts 1975, ch. 43 §1(4)–1(6); Priv. Acts 1993, ch. 104 §§1, 2]

State law reference - Municipal regulations of zoning generally, §§13-7-201 through 13-7-210, T.C.A.

**SECTION 6                    LIMITATION UPON AGGREGATE AMOUNT OF LIABILITY OR INDEBTEDNESS OF CITY IN ABSENCE OF APPROVAL OF MAJORITY OF VOTERS; EXCEPTIONS TO LIMITATION; PROVISIONS RELATIVE TO EVIDENCES OF INDEBTEDNESS GENERALLY; ENUMERATION OF PURPOSES FOR WHICH BONDS AND OTHER EVIDENCES OF INDEBTEDNESS MAY BE ISSUED; EFFECT OF ENUMERATION.**

That the power to borrow money and incur indebtedness and give evidences thereof granted by section 4, subsection (6) and (7), or by any other provision of this Act, except section 4b of this Act, is hereby expressly limited, subject to the provisions of clauses (c) to (g), both inclusive, of this section, so that no ordinance nor resolution authorizing an increase in the principal amount of the bonds or other indebtedness of the city to an aggregate sum in excess of an amount equal to fifteen per centum of the preceding year's assessed valuation of all property within or subject to the jurisdiction of the city, plus fifteen per centum of the total amount of the other property within or subject to the jurisdiction of the city on which ad valorem taxes were collected during such preceding year (such fifteen per centum to be computed in accordance with the provisions of this section) and no such indebtedness nor evidences thereof issued or attempted to be authorized by or pursuant to any such ordinance or resolution, shall be valid, unless the issuance thereof shall first be submitted to the qualified voters of the city at a regular or special election, called and/or held in a manner consistent with the provisions of this Act and as directed by ordinance or resolution of the city council, and receive the approval of a majority of the voters actually voting at such election;

- (a) Provided, however, that the amount of bonds or other indebtedness heretofore issued or incurred, or hereafter to be issued or incurred, for purchasing, acquiring, installing, constructing, enlarging, adding to, extending, altering, repairing, improving, maintaining or equipping a city waterworks system or plant or city electric light and power system or plant or other public utility or public service system, including but not limited to bonds heretofore or hereafter issued for the purpose of purchasing,

acquiring, installing, constructing, enlarging, adding to, extending, altering, repairing, improving, maintaining or equipping the city's waterworks and sewerage systems and payable solely from the revenues from such waterworks and sewerage systems or payable first from such revenues and then, in case of a deficiency of such revenues, from taxes required to be levied and collected for the purpose, and the amount of bonds or other indebtedness heretofore or hereafter issued or incurred for the purpose of acquiring, improving, constructing or equipping off street parking lots, garages or other off street parking facilities, and the amount of improvement district bonds and city improvement bonds issued under and pursuant to the provisions of section 4b of this Act and of bonds issued under and pursuant to the provisions of Tennessee Code Annotated, Section 7-32-101 et seq., Tennessee Code Annotated, Section 7-33-101 et seq., or Tennessee Code Annotated, Section 7-33-301 et seq., shall not be counted or included as a part of the indebtedness of the city for the purpose of computing the amount of bonds or other indebtedness that may be issued or incurred within and without exceeding said fifteen per centum limit;

- (b) And provided, further, that in computing the amount of bonds or other indebtedness that may be issued or incurred within and without exceeding said fifteen per centum limit, there may be deducted the amount in and/or to the credit of all sinking funds of the city created for, or that may be applicable to, the payment of any of its outstanding bonds or other indebtedness;
- (c) And provided, further, that said fifteen per centum limitation shall not be construed as prohibiting the city from issuing and the city shall have power, both within and in excess of said fifteen per centum limit (computed in accordance with the provisions of this section) and without requiring the approval of the qualified voters of the city, to issue funding or refunding bonds, notes, warrants, orders or other appropriate evidences of indebtedness, for the purpose of funding or refunding any of its original, funding or refunding bonds, notes, warrants, orders or other evidences of indebtedness, whether same were originally issued, funded or refunded under powers conferred by this Act or by any other public or private act of the general assembly of the State of Tennessee, if the then aggregate principal indebtedness of the city is not thereby increased;
- (d) And provided, further, that nothing in this section contained and provided shall be construed to prevent or prohibit the city and the city shall have power, both within and in excess of said fifteen per centum limit (computed in accordance with the provisions of this section) and without requiring the approval of the qualified voters of the city by ordinance or resolution of the city council, from time to time to issue its notes, bonds, warrants, orders or other appropriate evidences of indebtedness for the purpose of providing funds in anticipation of revenues for ordinary or extraordinary purposes, and for the purpose of providing funds for any other lawful municipal purpose, general, special, ordinary or extraordinary, including the liquidation of the city's floating debt, if any, and to issue renewal, funding or refunding notes, bonds, warrants, orders or other appropriate evidences of indebtedness for the purpose of

paying, retiring, renewing, funding, or refunding any such original, renewal, funding or refunding notes, bonds, warrants, orders or other evidences of indebtedness, whether the bonds, notes, warrants, orders or other evidences of indebtedness to be thereby paid, retired, renewed, funded, or refunded were originally issued in anticipation of revenues, or for any other lawful municipal purpose;

- (e) Provided, however, that the aggregate amount of liability or indebtedness the city is authorized by the foregoing clause (d) of this section to issue or incur in excess of said fifteen per centum limit computed as hereinbefore provided, without requiring the approval of the qualified voters of the city, shall not at any time outstanding exceed a sum equal to the total amount of all assessed delinquent and unpaid taxes of the city for the five years preceding the current fiscal year as shown by the tax books of the city at the close of the last fiscal year preceding the current fiscal year, plus the total of all amounts included in the budget and appropriated by the appropriation ordinance for the current fiscal year, plus the sum of \$150,000.00;
- (f) And provided, further, that no bond, note, warrant, order or other evidence of indebtedness of the city, originally issued within said fifteen per centum limit, or in excess of said fifteen per centum limit under the provisions of the foregoing clauses (d) and (e) of this section, shall be rendered invalid by reason of any subsequent reduction or reductions in the aggregate amount of indebtedness the city would otherwise be authorized to incur, within or in excess of said fifteen per centum limit (computed in accordance with the provisions of this section), without requiring the approval of the qualified voters of the city; and
- (g) Provided, further, that the power to borrow money and incur indebtedness and give evidences thereof granted by section 4, subsections (6) and (7), or by any other provision of this Act, may be fully and freely exercised by the city, without requiring the approval of the voters of the city, both within and in excess of said fifteen per centum limit (computed in accordance with the provisions of this section), and in the manner and to the extent provided in this section, and/or in the manner provided in any other section of this Act but only to the extent in this section provided.

Except as may otherwise be required with respect to improvement district bonds and city improvement bonds authorized to be issued under the provisions of Section 4b of this Act, the notes, bonds, warrants, orders or other evidences of indebtedness, issued or incurred by the city under the powers granted in this Act, and interest thereon, if any, shall be payable in lawful money of the United States, at such place or places in the City of Murfreesboro or elsewhere, shall be in such form and denomination or denominations, shall be payable at such time or times not exceeding 40 years from the date thereof, shall bear interest, shall be issued in such aggregate amount or amounts, and shall contain and be payable upon such other terms and conditions, as the ordinances or resolutions authorizing the issuance thereof shall provide, and power is expressly granted to make such notes, bonds, warrants, orders or other evidences of indebtedness payable on a

specified date, or serially or in annual installments, or subject to call and redemption. The city council of said city shall also determine the form of interest coupons that may be attached to said notes, bonds, warrants, orders or other evidences of indebtedness.

Except as may otherwise be required with respect to improvement district bonds and city improvement bonds authorized to be issued under section 4b of this Act, the notes, bonds, warrants, orders or other evidences of indebtedness of the city may be exchanged, sold, or otherwise disposed of, in such manner either publicly or privately and upon such basis or bases and for such price or prices, at not less than par and accrued interest, as may be directed by resolution or ordinance of the city council.

Some of the purposes hereinbefore in this Act specifically authorized for which the bonds or other evidences of indebtedness of the city may be issued and be given, sold, pledged, or disposed of on the credit of the city or solely upon the credit of specific property owned by the city or solely upon the income derived from any property used in connection with any public utility or service owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more such credits, are the following purposes, to wit:

To erect and equip school buildings, city halls and city office buildings, workhouses, jails, fire halls, markethouses, houses of detention and correction, hospitals, city stables, garages and other buildings for municipal purposes; to acquire, improve, construct and equip off street parking lots, garages or other off street parking facilities; to establish, erect, construct, install, extend, repair, improve, maintain and/or equip reservoirs, waterworks, gas or electric lighting and power plants, heating plants and power plants for the supply of water, gas, heat, electricity and power for the use of the city and the inhabitants thereof, public sanitary sewers and sewer systems, public storm water drains and sewers and storm water drain and sewer systems, and sewerage and garbage disposal plants or incinerators for the purpose of making, erecting, building, constructing, installing and equipping additions, extensions, enlargements, alterations, repairs and improvements in and to the waterworks system or plant of the city, including but not limited to the providing of any appropriate source or sources of water supply and the doing of all things necessary or appropriate to make such water available for use and distribution by said waterworks system or plant, including the purchase and/or other acquisition either within or without the corporate limits of the city of all appropriate lands, water rights, easements and rights-of-way and including the purchase, acquisition and installation of all necessary pipe, pumps, and other fixtures and equipment; for the purpose of making, erecting, building, constructing, installing and equipping additions, extensions, enlargements, alterations, repairs and improvements in and to the electric light and power distribution system or plant of the city, including but not limited to the providing of any appropriate electricity generating plant or plants or other source or sources of electricity supply and the doing of all things necessary or appropriate to make such electricity available for use and distribution by said electric light and power distribution system or plant, including the purchase and/or other acquisition either within or without the corporate limits of the city of all appropriate lands or interests in lands, easements and rights-of-way, and including the purchase,

acquisition, and installation of all necessary equipment and fixtures; for the purpose of opening, widening, grading, constructing, reconstructing or paving streets, alleys, public highways, culverts, bridges, viaducts, tunnels or underpasses and parks; for the purpose of purchasing land and constructing and equipping an auditorium for the public; for the purpose of purchasing lands and establishing playgrounds, either in connection with public schools of or in the city or separate therefrom, and equipping the same; for the purpose of purchasing or otherwise acquiring the necessary grounds, buildings, equipment and machinery for abattoirs or public slaughterhouses and, or reduction plants for disposal of garbage, refuse, offal and carrion, and to finance the erection, equipment, building, construction, purchase or other acquisition of grounds, buildings, structures, ways and instrumentalities to carry out any lawful municipal purpose; for the purpose of purchasing or otherwise acquiring lands or interests and rights in land, either within or without the corporate limits, upon which to build and construct any of said systems, structures or works; for the purpose of providing equipment, materials and supplies for the fire department, water department, electric department, or for any other department of the city, or necessary or appropriate to carry out any lawful municipal purpose; and for the purpose of providing funds in anticipation of revenues for ordinary and extraordinary purposes and of providing funds for any lawful municipal purpose, general, special, ordinary or extraordinary, including the payment and liquidation of the city's floating debt, if any, or for the purpose of paying, retiring, funding or refunding any bonded or any other indebtedness of the city.

The foregoing enumeration of the purposes for which bonds and other evidences of indebtedness of the city may be issued shall not be construed to limit any other provision of this Act authorizing the city to borrow money or to issue and dispose of bonds and other evidences of indebtedness, and any such provision or provisions shall be construed according to the full force and effect of the language thereof as if no specific purpose had been so enumerated, and the aforesaid enumeration of such purposes shall be and constitute additional and cumulative power and authority to issue bonds or other evidences of indebtedness for any of said purposes, and shall not be construed as in anywise restricting the power and authority granted by any such other provision or provisions of this Act or to impair any power or authority granted by this Act to make any public improvement.

Any bonds, notes, warrants, orders or other evidences of indebtedness issued by the city, under the powers granted by this Act, shall be the direct and general obligations of the City of Murfreesboro, unless otherwise expressly provided by the ordinance or resolution authorizing the same; and, unless otherwise expressly provided by such ordinance or resolution, all taxable property of the city shall be subject to the levy of, and the city council is hereby expressly authorized and mandatorily required to levy, sufficient taxes over and above all other taxes authorized by law or by this Act, for the payment of the principal of and interest on all bonds, notes or other similar evidences of indebtedness issued or incurred by the city under the powers granted by this Act.

The principal of and interest on any bonds, notes, warrants, orders or other evidences of indebtedness issued by the City under the powers granted by this Section 6 and other provisions of this Act shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes.

[Priv. Acts 1933, ch. 526 §2; Priv. Acts 1941, ch. 406 §2; Priv. Acts 1951, ch. 707 §1; Priv. Acts 1953, ch. 326 §§4, 5; Priv. Acts 1961, ch. 329 §§3–6; Priv. Acts 1963, ch. 76 §3; Priv. Acts 1971, ch. 79 §1; Priv. Acts 1975, ch. 43 §1(7); Priv. Acts 1991, ch. 109 §4]

**SECTION 7 DONATIONS FOR PAGEANTS, ETC., SUBSCRIBING TO STOCK, LENDING MONEY, ETC., PROHIBITED.**

That the City of Murfreesboro is expressly forbidden from making any appropriation of money or credit in the way of donations for festivities, pageants, excursions, or parades; nor shall the city subscribe to stock in any railroad company or in any other corporation, company, association or partnership, or give or lend any money, aid, or credit to any person, corporation or association whatsoever, except as may otherwise be expressly provided in this Act; and the city is hereby prohibited from employing or appropriating the moneys and taxes, in any manner other than for purposes strictly municipal or public.

**SECTION 8 NOTIFICATION OF EXISTENCE OF PROVISIONS OF ACT.**

That all persons, firms, companies, corporations and associations, and the whole world, shall be and are hereby charged with full knowledge and notice of the provisions of this Act, and especially with notice and knowledge of the limitations herein contained with reference to the powers granted by this Act to the city; and all persons, firms, companies, corporations and associations, in dealing with the city or in acquiring any right whatsoever against the city, whether acquired against the city directly or by assignment, transfer or negotiation from any person, firm, association or corporation, shall at its, his, her or their peril determine the existence of any particular power in the city.

**SECTION 9 ENUMERATION OF POWERS NOT EXCLUSIVE.**

That the enumeration of particular powers in this Act is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in any part of this Act impair a power granted in any other part of this Act and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one or more of such powers as to any one or more of such objects for any one or more of such purposes.

**ARTICLE IV. THE CITY COUNCIL**

**SECTION 10**                    **CREATED; POWERS GENERALLY; TO FIX SALARIES, DEFINE POWERS AND PRESCRIBE DUTIES OF OFFICERS AND EMPLOYEES.**

That there is hereby created a governing body of the City of Murfreesboro to be known as the “city council” (sometimes referred to in this Act as the “council”); and the legislative and all other powers, except as otherwise provided by this Act, are hereby delegated to and vested in said city council, which may by ordinance or resolution not inconsistent with this Act prescribe the manner in which any of the powers, purposes and objects of the city shall be exercised or accomplished, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city. The city council shall by ordinance or resolution fix the salaries of all officers or employees of the city, and may, so far as is not inconsistent with the provisions of this act, define the powers and prescribe the duties of all such officers and employees.

[Priv. Acts 1983, Ch. 91 §1; Priv. Acts 1984, ch. 162 §1]

**SECTION 11**                    **COMPOSITION; VICE MAYOR; DUTIES, VACANCY IN OFFICE OF MAYOR.**

That the City Council shall consist of not less than six (6) members and a Mayor or more than ten (10) members and a Mayor, and may in its discretion at the first or any subsequent regular meeting after the election of council members elect one (1) of the council members Vice Mayor to serve until the next city election and to act in the place and stead of the mayor during any absence or disability of the mayor. In the event the office of mayor becomes vacant for any reason the council shall elect a mayor to serve until the next city election, at which time a mayor shall be elected to fill out the remainder of the unexpired term of the previously elected mayor, or alternatively for a new term. The mayor, or in his/her absence, the Vice Mayor of the council, shall preside at all meetings of the council, shall participate therein and shall be entitled to vote on all questions considered by the council. The mayor, and in his/her absence the Vice Mayor of the council, shall perform such other acts and functions as may be prescribed by this Act.

The city council shall be a continuing body, and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or removal or ouster or resignation of the members or any of them.

[Priv. Acts 1949, ch. 859 §§1, 2; Priv. Acts 1967, ch. 30 §1; Priv. Acts 1975, ch. 43 §1(8); Priv. Acts 1993, ch. 104 §§3, 4, 27, 41]

**SECTION 12**                    **ELIGIBILITY OF MEMBERS; PROHIBITED PRACTICES IN OBTAINING NOMINATIONS AND ELECTION.**

That any person qualified to vote in said city shall be eligible to the office of member of the city council, provided such person shall have been a bona fide resident of said city for twelve months next preceding the holding of the election at which such person is a candidate.

No person shall become a member of the city council who shall have been convicted of malfeasance in office, bribery or other corrupt practice or crime, nor shall such person promise or give to any person or persons any money, office, employment, benefit or other thing of value to secure or influence his/her nomination or election or to obtain the aid, influence or vote of any person or persons in securing his/her nomination or election, or to expend in connection with his/her candidacy any money except as permitted by the general election laws of the state, and any such candidate violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or both, in the discretion of the jury, and shall forfeit his/her office, if elected, in which event, the person securing the next highest number of votes, who has not violated said provisions, shall be entitled to said office.

[Priv. Acts 1993, ch. 104 §28]

**SECTION 13**                    **QUALIFICATIONS OF VOTERS IN ELECTION OF COUNCIL, ETC., POLL TAX PROHIBITED.**

Any person who is a resident of the city who has registered as an elector with the election commission of Rutherford County who shall have such qualifications as are prerequisite to vote as provided for by the constitution of the state of Tennessee shall be entitled to vote. Provided, further, that no city poll tax shall be levied or collected by the city of Murfreesboro and payment of a city poll tax shall not be required as a prerequisite to voting.

[Priv. Acts 1947, ch. 49 §§1, 2; Priv. Acts 1991, ch. 109 §5; Priv. Acts 1993, ch. 104 §5]

State law references - Qualifications of electors, §§2-2-101 through 2-2-107, T.C.A.; registration of voters, §§2-3-101 through 2-3-108 and §§2-3-201 through 2-3-205, T.C.A.

**SECTION 14**                    **COUNCIL DISTRICTS.**

- (a) The City Council shall be composed of not more than eleven (11) members, some of whom may be representatives from districts in the city as drawn by the City Council. Districts shall be reapportioned at least every ten (10) years based upon the most recent federal census. No more than one representative shall be elected from a district, except for the Mayor and Council member(s) elected at-large, if any. The Mayor shall be considered a member of the City Council, and may or may not have voting rights based upon the implementing ordinance provided in subsection 14(d).
- (b) A Council member must have been a resident of the city for a minimum of one (1) year and a resident of the district for a minimum of four (4) months prior to the election.
- (c) The terms of the City Council shall be four (4) years. The terms of the Council members shall be staggered so that one-half ( $\frac{1}{2}$ ) or one-half ( $\frac{1}{2}$ ) plus the Mayor are elected every two (2) years. The term of the Mayor is four (4) years.
- (d) The terms and provisions of this section shall not take effect until the City Council by a two-third ( $\frac{2}{3}$ ) majority vote adopts an ordinance implementing this section. Such adoption shall occur more than six (6) months prior to a city election.
- (e)
  - (1) Subject to the adoption and terms of the ordinance as set out in subsection (d), the 1994 city election may be by districts; or, by districts and at-large.
  - (2) The registered voters of at least one half ( $\frac{1}{2}$ ) of the districts designated by the City Council shall be entitled to elect one (1) Council member for such voters' district in 1994. The registered voters of the remaining districts shall be entitled to elect one (1) Council member for such voters' district in 1996. The voters of the city shall be entitled to elect a Mayor in 1994; at least one-half ( $\frac{1}{2}$ ) of the at-large positions, or one (1) Council member at-large, whichever is greater, in 1996, if the ordinance provides for one (1) or more council member(s) at-large; and any remaining at-large Council seats, if any, shall be filled in 1994. If an incumbent whose term does not expire resides in a district designated for an election in 1994, the registered voters of the district will elect a Council member, and the Council member whose term does not expire shall continue to serve at-large until such member's term expires.
- (f) The original establishment of districts and any reappointment must be finalized at least six (6) months before a city election.
- (g) The City Council must use the latest decennial federal census data whenever a reappointment is made.
- (h) Districts shall be reasonably compact and contiguous and shall not overlap. The districts shall have substantially equal populations.

- (i) In the establishment of boundaries for districts, no districts shall be split. When the territory is annexed into the city, it shall be a part of the district to which it is contiguous. If it is contiguous to two (2) or more districts, the City Council shall designate the district or districts by ordinance.
- (j) The written description and maps of district boundaries shall be filed and recorded in the office of the City Recorder and in the office of the Rutherford County Election Commission.
- (k) Upon application of any citizen of the city, the Chancery Court of Rutherford County shall have original jurisdiction to review the City Council's apportionment or reapportionment, and shall have jurisdiction to make such orders and decrees amending the apportionment or reapportionment to comply with the Charter or, if the City Council fails to make apportionment or reapportionment, shall make a decree ordering an apportionment or reapportionment.

[Priv. Acts 1993, ch. 104 §6]

**SECTION 15                    ELECTIONS; WHEN HELD; PUBLICATION; NOMINATION PETITIONS; MANNER OF HOLDING; APPOINTMENT, ETC., OF ELECTION OFFICERS; CANVASS OF RETURNS; EXPENSES; CONTESTS.**

On the third Tuesday in April of every even year, there shall be held a regular election in the City of Murfreesboro, for the purpose of electing members of the City Council and a Mayor, as more particularly provided in Section 14.

Every such regular election shall be called, ordered and published by the election commissioners for Rutherford County, Tennessee, by publication of a notice of election, not less than forty-five (45) days prior to the date of election, in some newspaper printed and published in the City of Murfreesboro, or if there be no such newspaper, then in some newspaper of general circulation therein (if any) and by posting of such notice of election on the courthouse door, at the office of said election commissioners, and at two other public places within said city, such notice of election to state the time and place of holding such election and the purposes thereof; and it shall be the duty of said election commissioners to publish a combination notice of election, locations of the several voting places, and names of all officers, judges, clerks, and any other officials appointed to hold the same, in the manner hereinabove in this paragraph provided, not more than ten (10) days nor less than three (3) days prior to the date of election.

Any qualified person may become a candidate for the office of member of the city council by filing, at least forty (40) days before the holding of such election, with said election commissioners of Rutherford County a petition signed by twenty-five (25) qualified voters

of the city, stating that the signers thereof are qualified voters of the city and that they nominate said person as such candidate, whereupon said proposed candidate's name shall be placed upon the ballots by said commissioners.

Said elections shall be held in the same manner as elections are held for state and county officers but only such qualifications as a prerequisite to vote in such elections as are required by the provisions of section 13 of this Act shall be required.

The officers who shall be appointed by the election commissioners for Rutherford County to hold such elections, shall be sworn as provided by the laws of the state and shall, when the polls are closed, count the ballots and make report in writing of the result thereof, together with the poll books and tally sheets and ballots in said election, to said election commissioners, to be held and disposed of by them as the law governing all municipal elections in the state directs.

It shall be the duty of the election commissioners upon the receipt of said returns of said election, to canvass the same on the day on which they are received, or as soon as practicable thereafter, and certify the results of the same, as found by them upon the face of the returns certified to by the officers holding said election, and file said certificate, together with one copy of the polls and tally sheets, with the recorder of the City of Murfreesboro.

The expenses and costs of any such election shall be paid by the City of Murfreesboro.

No informalities in conducting any election under this section shall invalidate it if such election is conducted fairly and in substantial conformity with the requirements of this section.

Should a contest arise in any election herein provided for, the jurisdiction to try the same shall be vested in the circuit court of Rutherford County, Tennessee, and the contest shall proceed according to the laws in force in the State of Tennessee governing contests for county officers.

In the event of a contest of a regular election, which is not determined before the time for the qualification of the successors to the office, the incumbents of the office will hold over until such contest is finally settled, and their lawful successors qualified; but in all such contests, the contestants shall enter into a bond in the sum of one thousand dollars, conditioned for the payment of all costs and damages to their opponents and to the City of Murfreesboro, occasioned by his or their failure to successfully prosecute such contests.

[Priv. Acts 1949, ch. 859 §3; Priv. Acts 1965, ch. 179 §1; Priv. Acts 1993, ch. 104 §§7, 8]

State law reference - Qualifications of electors, §2-2-101, T.C.A.

**SECTION 15A ELECTION OF MAYOR; TERM; OATH; BOND; DUTIES GENERALLY.**

That on the third Tuesday in April, 1934 and on the third Tuesday in April every four years thereafter at the regular election held for the election of council members for the City of Murfreesboro, there shall be held an election for the purpose of electing the mayor of said city; an office created by this Act. Candidates for the office of mayor of the City of Murfreesboro shall be nominated as are council members and the person receiving the highest number of votes in said election shall be declared elected mayor of Murfreesboro and receive certification of election accordingly. The qualifications for a candidate for the office of mayor shall be the same as for a candidate for the office of a member of the city council and the person elected mayor shall take office at the same time duly elected council members take office. The term of office of mayor of the City of Murfreesboro shall be four years and until his/her successor is elected and qualified. The mayor shall qualify by taking the same oath of office and giving the same bond required of members of the city council.

It shall be the duty of the mayor of Murfreesboro to preside at all meetings of the city council, to represent the city in all ceremonial functions, to receive guests of the city, and generally perform the duties appertaining to his/her said office, and he/she is specifically empowered and directed to discharge all duties provided by this Act to be performed by the mayor and all duties now or formerly provided by this Act to be performed by the former president of the council.

Provided, however, that the operation of this Act is suspended until the city election of April, 1950 and no change in the city government shall take place until that date.

[Priv. Acts 1949, ch. 859 §4; Priv. Acts 1967, ch. 30 §2; Priv. Acts 1983, Ch. 91 §2; Priv. Acts 1984, ch. 162 §2; Priv. Acts 1993, ch. 104 §§29, 41, 42]

Cross reference - For further powers and duties of the mayor, see §31.

State law reference - Elections, Title 2, T.C.A.

**SECTION 16 OATH REQUIRED; FORM.**

That no successful candidate for the office of member of the city council shall enter upon the duties of such office without qualifying to hold said office by taking and subscribing to the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the State of Tennessee and of the United States, and that I will faithfully, zealously and impartially discharge the duties of a member of the city council of the City of Murfreesboro without fear or favor, and for the public welfare."

**SECTION 17**                    **WHEN VACANCY DEEMED TO EXIST.**

In addition to the cases in which a vacancy in the City Council may occur under other provisions of this Charter, a vacancy shall exist in the City Council whenever any member of the City Council fails to qualify within ten (10) days after such member's election or within ten (10) days after any contest determining such member's election is finally decided. A vacancy shall also exist in the City Council whenever any member of such Council dies or resigns or moves such member's domicile outside the city or the district which such member was elected to represent or remains absent from such member's actual residence in the city for a period of six (6) months or is convicted of a felony or is judicially declared insane or is removed or ousted from office under the provisions of this Charter or in any other manner provided by law.

[Priv. Acts 1967, ch. 30 § 3; Priv. Acts 1993, ch. 104 § 9]

**SECTION 18**                    **FILLING OF VACANCIES.**

Be it further enacted, That any vacancy in the city council other than in the office of the mayor, caused by the death, resignation, ouster, or removal of a member, or due to other cause, occurring two hundred-seventy (270) days before the next regular municipal election may be filled by a majority vote of the remaining members of the city council; and any person so elected to the council to fill any such vacancy, upon qualifying by taking the oath prescribed in Section 16 of this Act, shall hold office as a member of the city council until the first Tuesday in May first coming after the holding of the next regular election and until his/her successor is elected and qualified. At such regular election, if the term or terms of office in which there may be a vacancy or vacancies in the council, caused as aforesaid, do not expire on said first Tuesday in May, and, if there be a properly qualified candidate or candidates for the office or offices in which there may have been a vacancy or vacancies, as aforesaid, there shall be elected such additional member or members of the city council as may be necessary to maintain it at full membership, the qualification as a candidate or candidates, and the election of such member or members to be held and governed by the provisions of Section 15 of this Act; and any such additional member or members of the council so elected, upon qualifying by taking the oath prescribed in Section 16 of this Act shall hold office for the unexpired term or terms of office in which there may be a vacancy or vacancies, caused as aforesaid, and of which he/she or they have been elected to fill.

[Priv. Acts 1967, ch. 30 §4; Priv. Acts 1993, ch. 104 §§10, 11, 30, 43; Priv. Acts 2002, ch. 82 §1]

Cross reference - Requirements relative to elections pertaining to ordinances, election of members of council, etc., generally, §28.

**SECTION 19                    COMPENSATION OF MAYOR AND CITY COUNCIL.**

The compensation of the Mayor and City Council shall not exceed one thousand dollars (\$1,000.00) and nine hundred fifty dollars (\$950.00) per month, respectively, and the City Council shall be classified as officers of the city. In addition, the Mayor and City Council members may be reimbursed their reasonable expenses in operating their personal automobile(s), given a car allowance or allowed the use of a city vehicle(s) and shall be further reimbursed expenses reasonably incurred and properly documented.

[Priv. Acts 1939, ch. 430 §2; Priv. Acts 1959, ch. 333 §1; Priv. Acts 1967, ch. 30 §5; Priv. Acts 1971, ch. 79 §2; Priv. Acts 1983, ch. 91 §3; Priv. Acts 1984, ch. 162 §3; Priv. Acts 1993, ch. 104 §12]

**SECTION 20                    REGULAR AND SPECIAL MEETINGS; QUORUM; MINUTES TO BE KEPT.**

That the city council shall hold one regular meeting each week, the day of the week and time of the meeting to be fixed by ordinance or resolution of the council; provided, however, if the day and time of holding such regular meeting be not fixed by ordinance or resolution, the regular meeting of the council shall be held at 7:30 o'clock P.M. on Thursday of each week.

A majority of the city council shall constitute a quorum for the transaction of the business of the council, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as the council may provide.

The mayor, or any other member of the city council, or the city manager, may call special meetings of the council at any time upon at least twelve hours' written notice to each member, and the city manager, served personally or left at his usual place of business or residence; or such meeting may be held at any time, without notice, provided all members of the council and the city manager attend or consent thereto in writing. All meetings of the council shall be public and any citizen or resident of the city may have access to the minutes and records thereof at all reasonable times.

The council shall cause written minutes of all its meetings, regular or special, to be entered upon a journal to be kept for the purpose.

[Priv. Acts 1967, ch. 30 §6; Priv. Acts 1993, ch. 104 §13]

**SECTION 21                    RULES OF PROCEEDINGS; POWER TO ARREST, SUBPOENA WITNESSES, ADMINISTERING OATHS, ETC.; DUTY TO KEEP JOURNAL OF PROCEEDINGS.**



## **ARTICLE V. ORDINANCES AND RESOLUTIONS**

### **SECTION 23            ENACTING STYLE.**

That all ordinances shall begin "Be it ordained by the city council of the City of Murfreesboro;" and all resolution shall begin, "Be it resolved by the city council of the City of Murfreesboro."

### **SECTION 24            ORDINANCES TO BE IN WRITING, THREE READINGS REQUIRED; EFFECTIVE DATE; EMERGENCY ORDINANCES; EFFECTIVE DATE OF RESOLUTIONS.**

- (a) Every ordinance shall be in writing when offered for adoption by the City Council, and must pass a majority vote on three (3) different days in open session of the City Council before its adoption, and not less than one (1) week shall elapse between the first and third votes.
- (b) An ordinance shall not take effect until fifteen (15) days after final passage of such ordinance, except in the case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided it shall contain the statement that an emergency exists. A two-thirds (2/3) vote of all members of the Council present shall be required to pass an emergency ordinance.
- (c) Unless otherwise required by this Charter, or by the terms of the particular resolution, resolutions of the City Council shall take effect immediately from and after their adoption.

[Priv. Acts 1933, ch. 526 §3; Priv. Acts 1991, ch. 109 §6; Priv. Acts. 1993, ch. 104 §14]

### **SECTION 25            ORDINANCES AND RESOLUTIONS GRANTING A FRANCHISE, LEASE OR RIGHT OF USE; PUBLICATION; RIGHT OF VOTERS TO OBJECT BY PETITION; ORDERING SPECIAL ELECTION; EFFECT OF ELECTION, ETC.**

That notwithstanding any of the provisions of section 24 of this Act, no resolution or ordinance, granting to any person, firm, association or corporation, any franchise, lease, or right to use the streets, public highways, thoroughfares, or public property of the City of Murfreesboro, either in, under, upon, along, through, or over the same, shall take effect and be in force until thirty days after the final passage of the same by the council, and publication of said resolution or ordinance, in full, at least one time in some newspaper published in said city, or if there be no such newspaper, then in a newspaper in general circulation therein, which publication shall be made at the expense of the person, firm,

association or corporation applying for the grant of any such franchise, lease or right of use. Pending the passage of any such resolution or ordinance, or during the time intervening between the final passage of any such resolution or ordinance and the expiration of thirty days, during which publication shall be made as above provided, the legally qualified voters of said city may, by written petition or petitions, addressed to the city council, object to such grant; and if, during said period, such written petition or petitions signed by such number of the legally qualified voters of such city as equals in number, at least fifteen per centum of the votes cast for the candidate receiving the highest number of votes in the last preceding regular election in said city, shall be filed with said council, said council shall forthwith order an election, at which election the legally qualified voters of said city shall vote for or against said grant, as set forth in said resolution or ordinance.

In the call of said election, the said resolution or ordinance making said grant, shall be published in said city by one publication in one of its newspapers, or, if no newspapers are published in the city, in some newspaper of general circulation therein; provided, however, that this section shall not apply to any person, firm or corporation which has, at the time of the passage of this Act, already an unexpired franchise granting to him, them or it, right to use the said streets, public highways, thoroughfares, or public property of the city; and by virtue of said franchise have a bona fide contract with said city for the use of same.

If, at any such election the majority of the votes cast shall be in favor of said ordinance or resolution, and the making of said proposed grant, the same shall thereupon become effective; but if a majority of the votes cast shall be against the passage of the said resolution or ordinance, and against the making of the said grant, the said resolution or ordinance shall not become effective, nor shall it confer any rights, powers, or privileges of any kind, and it shall be the duty of the city council, after the result of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease, or right of user, or any other right in, under, upon, along, through or over the streets, public highways, thoroughfares, or public property of the city shall be made or given, nor shall any such rights of any kind whatsoever be conferred upon any person, firm, or corporation, except by resolution or ordinance duly passed by the council at some regular or adjourned public meeting, and published as above provided for in this section; nor shall any extension, or enlargement of any such rights or powers, previously granted, be made or given except in the manner and subject to all the conditions herein provided for. It is expressly provided, however, that the provisions of this section shall not apply to the grant of side tracks or switching privileges, to any railroad or street car company, or electric railway company, for the purpose of reaching and affording railway connections and switching privileges to the owners or users of any industrial plant, store, or warehouse, or other public business; provided, further, that said sidetrack or switch shall not extend for a greater distance than to reach any such enterprise. As to all franchises or privileges heretofore granted which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise at the time of the passage of this Act, appropriate and proper legal proceedings shall be instituted by direction of the council, to have the same declared forfeited and of no validity; provided, however, that nothing herein shall apply to any franchise in which the ordinance granting the same shall

have a fixed time within which work shall commence or be completed thereunder, and such time for the completion of the same shall not have expired at the time of the passage of this Act.

## **SECTION 26                    INITIATIVE AND REFERENDUM GENERALLY.**

That any ordinance may be proposed and submitted to the city council for adoption, by a petition signed by such number of the legally qualified voters of the city as equals in number fifteen per centum of the votes cast for the candidate receiving the highest number of votes in the last preceding regular election of the city, requesting said council to pass such ordinance. Likewise, any ordinance for the repeal or amendment of any ordinance hereafter adopted by the city council, or heretofore passed and still in force and effect in the City of Murfreesboro by reason of the terms of this Act, may be submitted to the city council by a petition signed by a like number of the qualified voters of the city, requesting the council to pass such repealing or amendatory ordinance. Any such proposed or repealing or amendatory ordinance shall be passed upon one reading by the council at its first regular meeting coming after the submission of any such petition, and then referred to the qualified voters of the city for their approval or disapproval, in an election called, and held at the time to be fixed, by the city council; but no such election shall be called for a date coming before thirty (30) days after the date on which such ordinance is passed upon such first reading.

In all cases, where any proposed or repealing or amendatory ordinance is submitted to the council by petition, as aforesaid, such ordinance shall be filed with the city recorder, upon its passage by the council as aforesaid, and shall be published, together with the petition, at least one time in some newspaper published in the City of Murfreesboro, or, if there be no such newspaper, then in some newspaper in general circulation therein, at least two weeks before the holding of the election at which it is to be submitted to the voters of the city as hereinabove provided. The costs of such publication shall be paid by the city.

In any election held under this section, if the majority of the votes cast in any such election are in favor of the adoption of any such proposed or repealing or amendatory ordinance, such fact shall be shown by proper entry upon the minutes of the council, and the council shall thereupon proceed to pass such ordinance upon its second and third readings. If the majority of the votes cast in any such election are against the adoption of any such ordinance, such fact shall be shown by proper entry upon minutes of the council, and such ordinance shall not take effect; and the council shall not pass or adopt any similar or substantially similar ordinance for a period of thirty days after the holding of any such election, nor shall the council submit any such similar or substantially similar ordinance to the qualified voters of the city for their approval or disapproval within a period of six (6) months after the holding of any such election.

Provided, however, that notwithstanding anything to the contrary in this section contained, the city council may adopt any such proposed or repealing or amendatory ordinance without referring the same to the voters of the city for approval or disapproval; and provided, further, that no ordinance making an appropriation or fixing a tax levy shall be referred to the voters of the city, under the provisions of this section, and neither the repeal nor amendment of any ordinance, affected under the provisions of this section, shall in any manner impair, invalidate or affect any contract or property right that may have been acquired or which may have become vested under and by virtue of any such ordinance while the same remained unrepealed or unamended.

**SECTION 27                    AUTHORITY OF COUNCIL TO SUBMIT ORDINANCES TO VOTERS FOR APPROVAL OR DISAPPROVAL.**

That the city council may, upon its own initiative and in its discretion, submit any new ordinance or any ordinance repealing or amending any ordinance to the qualified voters of the city for their approval or disapproval by an election called, and held at the time fixed, by the council, for the purpose. The city recorder shall publish the proposed ordinance in the same manner provided in section 26 of this Act, and the result of any such election shall be noted upon the minutes of the council, and subsequent action taken thereon, as provided in section 26 of this Act.

**SECTION 28                    REQUIREMENTS RELATIVE TO ELECTIONS PERTAINING TO ORDINANCES, ELECTION OF MEMBERS OF COUNCIL, ETC., GENERALLY.**

That all elections for the adoption or rejection of any proposed new or repealing or amendatory ordinance, or of any ordinance or resolution authorizing the issuance of any notes, bonds, warrants, or other evidences of indebtedness of the city (whether or not the approval of the voters of the city be required in order to validate the same), or of any other ordinance or resolution required by this Act, the general law, or the Constitution, of the state, to be submitted to the qualified voters of the city before the same shall be valid, or of any ordinance or resolution permitted to be submitted to such voters by this Act, and all elections provided for in this Act, shall be held and published by the election commissioners of the county in which the City of Murfreesboro is situated, at such time and in such manner as the Council shall determine in calling any such election, except as is otherwise expressly provided by this Act.

The expenses and costs of any such election shall be paid by the city.

In all such elections, as well as in all elections of members of the city council, the ballot shall be prepared by said election commissioners, in conformity with the Constitution and laws of the State of Tennessee and the provisions of this Act, and shall be on plain white paper, and shall contain no mark or insignia indicating the contents of said ballots, or distinguishing any ballot from any other ballot in any such election. There shall be nothing

on such ballots except (in the case of the election of members of the council) the name of the office to be filled, and the name or names of the candidates in such election and the signatures of said election commissioners; and the ballots (in the case of an election for the adoption or rejection of any proposed ordinance or resolution as hereinbefore in this Act provided) shall be on plain white paper, with no mark or insignia indicating what it contains, or distinguishing it from any other ballot used in said election, and shall have printed thereon proper words indicating the nature of the ordinance or resolution to be voted on and the words "for the adoption" and the words "against the adoption," and shall be signed by said election commissioners.

The voter in voting in elections to elect members of the council shall place a cross mark before or after the name of the candidate or candidates he desires to vote for; but no voter shall mark such cross mark at the names of more candidates than there are offices to be filled in said election. In voting for the adoption or rejection of an ordinance or resolution, he shall place a cross mark either before or after the words on said ballot indicating his/her choice or vote on any such ordinance or resolution.

Any number of such ordinances or resolutions may be voted upon at the same election, in accordance with the provisions of this section, but in event there are more ordinances or resolutions than one submitted in the same election, the ballots used shall be the same as hereinbefore provided, except such necessary words shall be above the words "for adoption" and "against adoption" as will indicate which ordinance or resolution is meant, and these words shall be repeated above the quoted words as many times as the quoted words appear upon the ballot, thus indicating clearly in each instance which ordinances or resolutions the voter is voting for or against.

No informalities in conducting any election under this section shall invalidate it if such election is conducted fairly and in substantial conformity with the requirements of this section.

[Priv. Acts 1993, ch. 104 §§15, 32]

Cross references - Election of mayor, §15A; filling of vacancies in city council §18.

State law references - Qualifications of electors, §§2-2-101 through 2-2-107, T.C.A.; registration of voters, §§2-3-101 through 2-3-108 and §§2-3-201 through 2-3-205, T.C.A.

**SECTION 29**                    **VOTE OF COUNCIL TO BE BY YEAS AND NAYS AND ENTERED UPON JOURNAL;  
MAJORITY VOTE REQUIRED.**

That in all cases the vote of the city council shall be by yeas and nays, the names of the members voting for or against a resolution or ordinance shall be entered upon the journal; and, except as otherwise provided in this Act, a majority vote of the members present shall decide the action of the council.

**SECTION 30**                    **RECORDS TO BE KEPT BY CITY RECORDER; INDEXING.**

That every ordinance and resolution passed or adopted by the city council shall be taken charge of by the city recorder, and either be copied into or be shown or spread upon the minutes of the city council and indexed, or be copied into or filed in a book kept for the purpose, indexed, and preserved in his/her office.

[Priv. Acts 1941, ch. 406 §3; Priv. Acts 1993, ch. 104 §33]

**ARTICLE VI. THE MAYOR**

**SECTION 31**                    **MAYOR HEAD OF CITY FOR CEREMONIAL AND MILITARY PURPOSES; POWERS AND DUTIES GENERALLY.**

That the mayor shall preside at all meetings of the council, shall have a seat, a voice, and a vote, but no veto power, and shall be recognized as the official head of the city for all ceremonial purposes, and by the Governor for military purposes. The mayor is authorized to sign the journal of the minutes of the meetings of the council, all ordinances on their final passage, and execute all deeds, bonds, contracts or other legal instruments made in the name of the city, except: (i) in the absence of the mayor, the foregoing may be signed by the vice-mayor, or (ii) the city manager, or other person specified in a resolution or ordinance, may execute a contract or other document on behalf of the city. (Nothing herein is intended to limit the authority of the city manager which is granted by other provisions of this Charter.) In time of public danger or emergency, the mayor may, with the consent of the council, take command of the police and maintain order and enforce the laws.

[Priv. Acts 1967, ch. 30 §8; Priv. Acts 1993, ch. 104 §44; Priv. Acts 1997, ch. 43 §1]

**SECTION 32**                    **POWER OF MAYOR TO PERFORM ACTS REQUIRED BY ORDINANCE, ETC.; NOT TO PERFORM ADMINISTRATIVE OR JUDICIAL FUNCTIONS.**

That the mayor shall have power and it is hereby made his/her duty to perform all acts that may be required of him/her by any ordinance or resolution duly passed by the council, not in conflict with the provisions of this Act.

[Priv. Acts 1967, ch. 30 §9; Priv. Acts 1993, ch. 104 §§34, 53]

**SECTION 33**                    **LEGAL PROCESS AGAINST CITY.**

All legal process against the city shall be served upon the mayor or city attorney. If service is upon the mayor, it shall be the duty of the mayor to transmit immediately the process to the city attorney, after writing thereon, the time, place and manner of service. During the absence or disability of the mayor his duties and functions shall be performed by the vice-mayor and all process against the city, during any such absence or disability of the mayor may be served upon the vice-mayor. In the absence or disability of the city attorney, process against the city may be served upon any full-time assistant city attorney.

[Priv. Acts 1967, ch. 30 §10; Priv. Acts 1991, ch. 109 §7]

## **ARTICLE VII. OFFICERS AND EMPLOYEES GENERALLY**

### **SECTION 34 APPOINTMENT, SALARY AND TERM OF CITY MANAGER; PRESENT OFFICER CONTINUED IN OFFICE.**

That there shall be a city manager for said city. The city council shall appoint, and fix the salary of the city manager, who shall serve for an indefinite period and at the will of the council.

[Priv. Acts 1975, ch. 43 §1(9)]

Cross reference - As to powers and duties of city manager, see §41 et seq.

### **SECTION 35 SALARIES GENERALLY; CERTAIN OFFICERS TO BE APPOINTED BY CITY COUNCIL; OTHER OFFICERS AND EMPLOYEES TO BE APPOINTED BY CITY MANAGER; REMOVAL; QUALIFICATIONS; PRESENT OFFICERS CONTINUED IN OFFICE.**

- (a) That the City Council shall fix the salary of the City Recorder, City Treasurer, City Manager, City Judge and City Attorney and shall make provisions for all officers and employees of the city as may be necessary.
- (b) The City Council shall appoint or elect the City Recorder, City Treasurer, City Manager, and City Attorney, who shall serve for an indefinite period and at the will of the council, and who shall have such other qualifications as may be prescribed in this Charter. The City Council shall appoint or elect the City Judge for a definite or indefinite period. All other employees, unless otherwise expressly provided in this Charter shall be appointed by the City Manager, shall serve for an indefinite time and may be removed by such City Manager at any time; provided, however, that no person related in the fourth degree of consanguinity or affinity, to any member of the City Council or to the City Manager, shall be employed or appointed by the City Manager, unless such appointment or employment is confirmed by a two-thirds (2/3) vote of the Council.

**SECTION 36                      DISCIPLINARY REVIEW BOARD; PROCEDURE.**

- (a) (1) There shall be a Disciplinary Review Board of the City of Murfreesboro, which shall have up to seven (7) members. At least one such member shall be: a manufacturing representative; a business owner; a manager of twenty (20) employees or more; a non-city employee who is not in management; and one shall be a doctor, lawyer, dentist, engineer, accountant or architect. All members shall be registered voters of the City of Murfreesboro for a period of not less than two (2) years preceding such member's appointment.
- (2) The members of the Disciplinary Review Board shall be recommended by the mayor and approved by majority vote of the City Council. The term of office shall be six (6) years or until much member's successor is elected and qualified. The initial terms of the members of the Disciplinary Review Board shall be staggered.
- (3) The compensation of the Disciplinary Review Board members, if any, shall be fixed by the City Council.
- (4) Any vacancy on the Disciplinary Review Board that occurs by reason of death, resignation or removal shall be filled by appointment of a qualified person to complete any unexpired term. Such appointment shall be made by the Mayor subject to approval by a majority of the City Council.
- (5) The members of the Disciplinary Review Board shall not hold any other public or political office while serving as members of such board. In the event any member of such board accepts public or political office or actively becomes a candidate for an elective office, or ceases to be a bona fide resident of the City of Murfreesboro, such member's membership on such board shall be automatically vacated and a successor shall be appointed.
- (6) Members of the Disciplinary Review Board may be removed by the City Council for cause.
- (7) (a) Members of the Disciplinary Review Board shall be required to take the oath prescribed in Section 38 of the Charter of Murfreesboro.
- (b) (1) The Disciplinary Review Board is authorized to make such rules and regulations as it may from time to time deem necessary for implementing the provisions, objectives and purposes of this section, subject to prior approval of the City Council.

- (2) The Disciplinary Review Board shall make an annual report to the City Council containing a general statement of its actions for the preceding year, its rules and regulations and any suggestions it may have for the more effectual accomplishment of the purposes of this section. A copy of such report shall be filed with the City Recorder on or before February 1 of each year, and such report shall be available for public inspection.
  - (3) The Disciplinary Review Board shall hold at least two (2) regular meetings per year and may be convened in special session upon call of the chairperson, or whenever in the judgment of a majority of the board it may be deemed necessary and proper. A majority of the board members shall constitute a quorum for the transaction of business, unless the board consists of seven (7) members, in which case a quorum shall be five (5) members. A majority vote is required and, in cases of a tie, the appeal shall fail. The members shall each year select one (1) of their membership to serve as chairperson of the board.
- (c) (1) The City Treasurer, or such other person as may be designated by the City Manager, shall serve as the clerk of the Disciplinary Review Board. Provisions shall be made by the City Council for necessary expenses of the Disciplinary Review Board, certified by the chairperson to the City Manager and such expenses shall be paid out of the general funds of the city.
- (2) The Disciplinary Review Board shall keep or cause to be kept by the clerk minutes of its proceedings, and records of its examinations, hearings and other official actions.
- (d) (1) The City Manager shall have exclusive power to dismiss, suspend, reduce in rank or otherwise discipline all employees of the city, subject to the employee's constitutional rights, provided, however, that the head of any department, as regards such department head's subordinate employees, shall have the power at any time to temporarily suspend with pay an offending or derelict employee for a period of not to exceed two (2) days (or one [1] shift in the case of firefighters) without prior approval of the City Manager, subject to the employee's constitutional rights. Any employee, other than a probationary employee who is dismissed, is entitled to request a hearing before the Disciplinary Review Board. Any such request must be in writing and filed with the clerk of the board within ten (10) days of written notice of the action. Upon hearing, the board may sustain, modify or overrule the action of the City Manager, may order the employee reinstated, with or without back pay, or may order such other disciplinary action as deemed appropriate from the facts and evidence adduced at the hearing.
- (2) (A) If the Disciplinary Review Board determines that a contested personnel case involves complicated issues of law or is likely to require more

than five (5) hours of testimony, the Disciplinary Review Board may appoint a Hearing Officer to hear such case. The Hearing Officer shall be a licensed attorney who shall be compensated at an hourly rate, which rate shall be uniform and not changed by the City Council more than one (1) time per year.

(B) Such hearings on contested personnel cases shall be conducted in accordance with Tennessee Code Annotated, §§4-5-301, et seq., except that:

(i) any reference therein to “administrative judge or hearing officer employed in the office of the secretary of state” or similar language shall mean a licensed attorney as described in Section 36(d)(2)(A);

(ii) the Hearing Officer or any substitute therefor shall be appointed by the Disciplinary Review Board rather than the Governor or other appointing authority; and

(iii) any reference therein to “agency” shall mean the Disciplinary Review Board.

(e) The rules governing contested cases under the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-301, et seq., shall apply to all hearings before the board and to any judicial review of its decisions.

(f) All full-time employees of the city, other than the City Manager, City Recorder, City Treasurer, City Attorney and City Judge are hereby declared to be employees, subject to all the conditions, limitations and benefits of this section. Any such employee shall be a probationary employee during their first year of employment. In calculating the probationary year, time that the employee is not performing all of the duties of his or her position because of absence or restriction shall be excluded and the probationary period shall be extended for an amount of time equal to the period of absence or restriction. A probationary employee may be dismissed by the City Manager without having any right of review by the board.

[Priv. Acts 1967, ch. 30 §11; Priv. Acts 1993, ch. 104 §§17, 35; Priv. Acts 1997, ch. 94 §§1, 2; Priv. Acts 2009, ch. 9 §1]

## **SECTION 37**

**COUNCIL NOT TO INTERFERE, ETC., WITH CITY MANAGER IN THE APPOINTMENT OF OFFICERS AND EMPLOYEES; COUNCIL TO DEAL WITH ADMINISTRATIVE SERVICE SOLELY THROUGH CITY MANAGER.**

That neither the city council nor any of its members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with him/her or prevent him/her from exercising his own judgment in the appointment of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service of the city solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

[Priv. Acts 1993, ch. 104 §54]

**SECTION 38 OATH REQUIRED OF CERTAIN OFFICERS AND EMPLOYEES.**

That the City Manager, City Recorder, City Treasurer, City Judge and City Attorney shall, before entering upon such city official's duties, take and subscribe and file in the office of the City Recorder an oath or affirmation that such city official possesses all the qualifications named in this Charter for the office and employment such official is about to assume, that such official will support the Constitution of the United States and of the State of Tennessee, and this Charter and ordinances of the city, and that such official will faithfully discharge the duties of such official's office or employment.

[Priv. Acts 1993, ch. 104 §18]

**SECTION 39 BOND REQUIRED OF CERTAIN OFFICERS AND EMPLOYEES; APPROVAL BY COUNCIL; COST TO BE PAID BY CITY.**

That the city manager, city recorder, city treasurer, and every officer, agent, and employee having duties embracing the receipt, disbursement, custody or handling of money shall, before entering upon his duties, execute a fidelity bond with some surety company authorized to do business in the State of Tennessee (except that bonds for five hundred dollars or less may be given with personal surety), in such amount and in such form as may be prescribed by the city council by ordinance or resolution. All such bonds and the sureties thereto shall be subject to the approval of the city council.

The costs of making said bonds shall be paid by the city.

**SECTION 40 ADDITIONAL BOND REQUIRED IN CERTAIN INSTANCES.**

That if at any time, it appears to the city council that the surety or sureties on any official bond is insufficient, or that the amount of such bond is insufficient, that officer or employee shall be required to give additional bond within twenty days after he/she shall have been notified; if such additional bond be not given, the office shall be and become vacant.

[Priv. Acts 1993, ch. 104 §45]

## ARTICLE VIII. CITY MANAGER

Cross reference -Appointment, salary and term of city manager, §34.

### **SECTION 41**            **ADMINISTRATIVE HEAD OF CITY; APPOINTMENT; QUALIFICATIONS; ABSENCE OR DISABILITY, NOT REQUIRED TO DEVOTE ENTIRE TIME TO AFFAIRS OF CITY; EXCEPTION.**

That in addition to all other powers and duties conferred upon the city manager by this Act, he/she shall be the administrative head of the municipal government; he/she shall be chosen and appointed by the city council without regard to his/her political beliefs and solely upon the basis of his/her executive and administrative qualifications. He/she need not be a resident of the city or of the state at the time of his/her appointment, unless otherwise required by the Constitution of the state.

During the absence or disability of the city manager, the city council may designate some properly qualified person to perform the functions of the city manager.

The city manager shall not be required to give his/her entire time to the affairs of the city, unless the city council, when employing the city manager, make his/her employment conditional upon his/her devoting his/her entire time to the interests of the city; but he/she shall be responsible to the city council for the administration of all affairs of the city.

[Priv. Acts 1993, ch. 104 §§36, 46]

### **SECTION 42**            **POWERS AND DUTIES GENERALLY.**

That in addition to any other powers and duties conferred and imposed upon him/her by other provisions of this Act, the powers and duties of the city manager shall be:

- (1) *Enforcement of laws, ordinances, etc.* To see that all laws, resolutions and ordinances are enforced, and upon knowledge or information of any violation thereof, to see that prosecutions are instituted in the city court.
- (2) *Appointment and removal of officers and employees.* Except as otherwise in this Act provided, to appoint, discipline, and remove all heads of departments, and all subordinate officers and employees, the appointment of whom is made by him/her, all appointments to be made upon merit and fitness alone.

- (3) *Supervision and control of officers and employees generally.* Except as may be otherwise provided by this Act, to supervise and control the work of the city recorder, except his duties as judge of the city court, the chief of police, the fire chief, the city treasurer, the city attorney and the city tax collector, and of all employees of the city and of all departments or divisions of the city government created by this Act, or which may be created by the city council under or by virtue of the provisions of this Act or any other applicable public or private act of the general assembly of the State of Tennessee.
- (4) *Enforcement of terms of franchises in favor of city.* To see that all terms and conditions imposed in favor of the city or its inhabitants, in any public utility or franchise are faithfully done, kept and performed and, upon knowledge or information of any violation thereof, to call the same to the attention of the city council so that such steps as may be necessary to protect the same shall be taken.
- (5) *Attendance of meetings of council; notice of special meetings.* To attend all meetings of the city council, with the right to take part in the discussion, but having no vote. He/she shall be entitled to notice of all special meetings.
- (6) *Recommendation to council.* To recommend to the council, for adoption, such measures as he/she may deem necessary or expedient.
- (7) *Making and execution of contracts.* To make and execute all contracts on behalf of the city, except as may be otherwise provided in this Act or by ordinance or resolution of the city council.
- (8) *Duties as budget commissioner, submission of annual budget.* To act as budget commissioner, and as such to prepare and submit to the city council the annual budget showing estimated receipts and disbursements for the ensuing year.
- (9) *Advise council as to financial condition of city.* To keep the council at all times fully advised as to the financial condition and needs of the city.
- (10) *Duties as purchasing agent, council to prescribe maximum expenditure; when bids required.* To act as purchasing agent for the city and to purchase all materials, supplies and equipment for the proper conduct of the city government and its affairs; provided, however, that the city council shall prescribe by ordinance or resolution the maximum expenditure that the city manager may make without specific authorization of the council; and the city council shall prescribe the rules for competitive bidding or competitive proposals only if the purchase, lease or lease-purchase exceeds Seven Thousand Five Hundred Dollars (\$7,500.00).

The foregoing shall apply except as follows:

- (A) Purchase of the city under the state bid.
- (B) Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the municipal governing body and the chief executive officer of the municipality and shall include all items of information as required for the record.
- (C) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the person authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the city council, and shall include all items of information as required in the record.
- (D) This part shall not apply to purchases made under the provisions of Tennessee Code Annotated, Section 12-3-1001.
- (E) This part shall not apply to purchases from instrumentalities created by two (2) or more cooperating governments such as, but not limited to, those established pursuant to the Interlocal Cooperation Act, compiled in Title 12, Chapter 9.
- (F) This part shall not apply to purchases from nonprofit corporations such as, but not limited to, the Local Government Data Processing Corporation, whose purpose or one of whose purposes is to provide goods or services specifically to municipalities.
- (G) [1] Contracts for legal services, fiscal agent, financial advisor or advisory services, educational consultant services, and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity. The prohibition against competitive bidding in this section shall not prohibit interviewing eligible persons or groups to determine the capabilities of such persons or groups.

[2] Any person providing fiscal agent, financial advisor or advisory services to the city, who desires to bid, directly or indirectly, on any bonds, notes or other obligations of such entity sold pursuant to public, competitive sale shall receive in writing prior to the sale, the permission of the city council to bid either directly or indirectly on the obligations.

(H) City council by ordinance may exempt perishable commodities from the requirement of public advertisement and competitive bidding when such items are purchased in the open market. A record of all such purchases shall be made by the person authorizing such purchases and shall specify the amount paid, the items, purchased and from whom the purchase was made. A report of such purchases shall be made, at least monthly, to the mayor and city council and shall include all items of information as required in the record. Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services' contract where available.

(I) Purchases leases, or lease-purchases of real property.

(J) Purchases, leases, or lease-purchases from any federal, state, or local governmental unit or agency of secondhand articles or equipment or other materials, supplies, commodities, and equipment.

(11) *Duties as to collection of taxes, assessments, etc.* To supervise and control the collection of all taxes, assessments and privileges due the city.

(12) *Other powers and duties.* To perform such other duties, and to have such other powers, prescribed by this Act or required of him/her by resolution or ordinance of the city council, not inconsistent with this Act, or the general laws or the Constitution of the State.

[Priv. Acts 1941, ch. 406 §4; Priv. Acts 1984, ch. 161 §§1, 2; Priv. Acts 1991, ch. 109 §8; Priv. Acts 1993, ch. 104 §§19, 47, 55; Priv. Acts 1997, Ch. 42 §1]

## ARTICLE IX. CITY COURT

### SECTION 43

**OFFICE CREATED; DUTIES AS JUDGE OF CITY COURT; ESTABLISHMENT OF COURT; JURISDICTION GENERALLY; POWER TO ISSUE SEARCH WARRANTS, ETC.**

That there shall be a city judge of Murfreesboro, and the city judge shall preside over the city court, which may be established and provided for by the city council, and he/she shall have jurisdiction in and over all cases for the violation of any and all cases arising under the laws, ordinances, and resolutions of the city.

The city judge shall have jurisdiction and power to issue search warrants, both in cases of violation of state laws and also in cases of violation of the ordinances, rules, regulations or laws of the city, in the same manner and to the same extent as justices of the peace are authorized to issue such warrants under the general laws of the state.

The city judge shall be a person qualified to vote in the city and shall possess such other qualifications as shall be prescribed by ordinance, who shall take an oath of office in substantially the form provided in Section 16 of this Act, before entering upon his/her duties as city judge, and who shall serve at the pleasure of the city council, and to fix the salary or compensation of such city judge. The city council may by ordinance set forth a procedure for an acting city judge in the event of the absence or disability of the city judge.

[Priv. Acts 1933, ch. 526 §4; Priv. Acts 1959, ch. 334 §1; Priv. Acts 1990, ch. 180 §5; Priv. Acts 1993, ch. 104 §§37, 48]

Cross reference - Power and authority of police to execute at any place within the county, any warrant, notice or other process, §3.

**SECTION 44                    POWER TO IMPOSE FINES, COSTS, ETC., AND TO PUNISH BY IMPRISONMENT;  
REMISSION OF FINES, ETC.**

That the city judge shall have power and authority to impose fines, costs and forfeitures, and to punish by fine and imprisonment or both for violation of city ordinances; to preserve and enforce order in his court; to enforce the collection of all such fines, costs and forfeitures imposed by him/her, and, in default of the payment, or of good and sufficient security given for the payment of any such fines, costs, or forfeitures imposed by him/her, he/she shall have the power, and it shall be his duty, to commit the offender to the workhouse or other place provided for the purpose, and to such labor as may be provided by ordinance, until such fines, costs or forfeitures shall be fully paid, at the rate of a day's imprisonment or work for each one dollar of such fines, costs, or forfeitures; provided that no such imprisonment or fine shall exceed the fine or imprisonment prescribed by the particular ordinance violated; and provided, further, that fines may be paid in installments in such manner as may be provided by ordinance. The city judge may remit, with or without condition, fines, costs and terms of imprisonment for violation of any ordinance or charter provision.

[Priv. Acts 1990, ch. 180 §6; Priv. Acts 1993, ch. 104 §§49, 56]

**SECTION 45**                    **RIGHT OF APPEAL.**

That any person dissatisfied with the judgment of the city court in any case may, within ten days thereafter, appeal to the Circuit Court of Rutherford County, upon giving bond with good and sufficient surety for his appearance or the faithful prosecution of the appeal.

[Priv. Acts 1990, ch. 180 §7]

**SECTION 46**                    **SEPARATE OR SINGLE WARRANT MAY BE ISSUED; WARRANT REQUIRED BEFORE ARREST CAN BE MADE; EXCEPTIONS.**

That either separate warrants, or a single warrant, may be issued for all persons charged with an offense; provided, however, in case of the issuance of such single warrant, and all person charged therein be not arrested by the return thereof, or if other parties be charged with said offense, further original, alias and pluries warrants may be issued. No arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the arresting officer or officers, or except in case of the commission of a felony.

[Priv. Acts 1941, ch. 406 §5]

**SECTION 47**                    **FINES TO BE PAID INTO TREASURY; LABOR PERFORMED IN EXECUTION OF PRISON SENTENCE TO BE PERFORMED UNDER DIRECTION OF CITY MANAGER, OR HIS/HER DESIGNEE.**

That all fines imposed by the city judge for violations of city ordinances shall belong to and be paid into the treasury of the city; and any labor performed in the execution of a workhouse or prison sentence for such violation or violations shall be performed for the city under the direction of the city manager, or his/her designee.

[Priv. Acts 1990, ch. 180 §8; Priv. Acts 1993, ch. 104 §38]

**SECTION 48**                    **COST TO BE SAME AS IN COURTS OF JUSTICES OF THE PEACE; CITY JUDGE TO CERTIFY FINES; COST, ETC. TO CHIEF OF POLICE FOR COLLECTION; PAYMENT INTO TREASURY; RECORDER TO RECEIPT FOR FINES AND RENDER MONTHLY REPORT.**

That the city judge in all cases heard or determined by him/her for offenses against the corporate laws and ordinances shall, if and only when so provided by ordinance, tax in the bill of costs the same amounts and for the same items allowed in courts of justice of the peace for similar work in state cases. The city judge shall certify to the chief of police for collection all fines, costs and forfeitures imposed by him/her for offenses against the

laws and ordinances of the city. Costs in favor of any person paid a fixed salary by the city shall belong to the city and be paid into the treasury. It shall be the duty of the city judge to collect and receipt for all fines imposed by him/her.

[Priv. Acts 1990, ch. 180 §9; Priv. Acts 1993, ch. 104 §57]

State law references - Justice of peace: Costs, execution for, §40-4-108, T.C.A.; payment, §40-4-106, T.C.A.

**SECTION 49                    DOCKETS TO BE KEPT.**

That the city judge shall keep or cause to be kept a docket or dockets embodying complete detailed records of all cases handled by him/her.

[Priv. Acts 1990, ch. 180 §10; Priv. Acts 1993, ch. 104 §58]

**ARTICLE X. CITY RECORDER-OTHER DUTIES-CITY TREASURER**

**SECTION 50                    HEAD OF FISCAL DEPARTMENT; SALARY AND BOND; ATTENDANCE AT MEETINGS OF COUNCIL.**

That the city recorder shall be the head of the fiscal department of the city, under the supervision and direction of the city manager.

The recorder shall receive a salary to be fixed by the city council by ordinance or resolution, and shall give such bond, in accordance with the provisions of this Act, as may be prescribed by the council. He/she shall be entitled to attend all meetings of the council and have a voice in its proceedings, but no vote, and he/she shall have power to administer oaths.

[Priv. Acts 1993, ch. 104 §50]

**SECTION 51                    DUTY TO KEEP RECORDS OF PROCEEDINGS OF CITY COUNCIL.**

That it shall be the duty of the recorder to be present at all meetings of the city council, and to keep and preserve in permanent book form, a full and accurate record of all business transacted by the same.

**SECTION 52                    DUTY AS CUSTODIAN OF CITY SEAL, PUBLIC RECORDS, BONDS, ORDINANCE BOOKS, ETC.**

That the recorder shall have custody of, and preserve in his office, the city seal, the public records, original rolls of ordinances, ordinance books, minutes of meetings of the council, contracts, bonds, title deeds, certificates, and papers, all official indemnity or surety bonds, and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this Act, or by ordinance or resolution, to be deposited elsewhere, and register them by appropriate numbers, dates and contents, and keep an accurate and modern index thereof.

**SECTION 53                    DUTY TO PROVIDE CERTIFIED COPIES OF RECORDS, PAPERS, ETC.; PRINTING AND DISTRIBUTION OF COPIES OF ORDINANCES.**

That the recorder shall provide, and when required by any officer or other person shall certify, copies of records, papers and documents in his/her office, and charge therefor, for the use of the city, such fees as may be provided by ordinance or resolution, cause copies of ordinances to be printed as may be directed by the council, and keep the same in his/her office for distribution.

[Priv. Acts 1993, ch. 104 §39]

**SECTION 54                    DUTY AS TO FISCAL AFFAIRS GENERALLY; DESIGNATED GENERAL ACCOUNTANT AND AUDITOR.**

That the recorder, as the head of the fiscal department of the city, shall exercise general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets, and claims and the disposition thereof, subject, however, to the direction and supervision of the city manager and/or city council. He/she shall be the general accountant and auditor of the city; he/she shall have custody of all records, papers and vouchers relating to the fiscal affairs of the city, and the records in his/her office shall show the fiscal operations and conditions, property, assets, claims, and liabilities of the city, all expenditures authorized and all contracts in which the city is interested. He/she shall require proper fiscal accounts, records, settlements, and reports to be kept, made and rendered to him by the several departments and officers of the city, including all deputies or employees of his/her department charged with the collection or expenditure of money, and shall control and audit the same. He/she shall, from time to time, as may be required by ordinance or resolution of the council, adjust the settlement of officers engaged in the collection of revenue.

[Priv. Acts 1993, ch. 104 §§40, 51]

**SECTION 55                    INSTALLATION AND MAINTENANCE OF EFFICIENT SYSTEM OF ACCOUNTING.**

That the recorder, with the approval of the city manager, shall cause an efficient system of accounting for the city to be installed and maintained.

**SECTION 56**                    **APPOINTMENT OF CITY TREASURER; UNDER SUPERVISION OF CITY RECORDER AND CITY MANAGER; DUTIES GENERALLY.**

That the city council shall appoint a city treasurer for the City of Murfreesboro. The City Council may appoint the same person to hold the office of City Treasurer and the office of City Recorder. It shall be the duty of the city treasurer, under the supervision and direction of the city recorder and city manager, to collect, receive, deposit, and receipt for (in the name of the city manager or city recorder) the taxes and all other revenue due the city, and the proceeds of its bond and other issues, and to disburse the same. The treasurer shall have such other duties as may be prescribed by ordinance or resolution of the council, or by other provision of this Act.

[Priv. Acts 2010, ch. 54 §1]

**SECTION 57**                    **RECORDER TO PRESCRIBE AND REGULATE MANNER OF PAYING CREDITORS, ETC.; AUDIT OF PAY ROLLS, ETC.; AUTHORITY TO REQUIRE EVIDENCE THAT CLAIMS ARE JUSTLY DUE; LIABILITY OF CITY MANAGER, RECORDER, ETC., FOR LOSS SUSTAINED BY CITY.**

That, except as by this Act or by law, ordinance or resolution otherwise provided, the recorder shall prescribe and regulate the manner of paying creditors, officers, and employees of the city. He/she shall audit all pay rolls, accounts and claims against the city and certify thereon the balance as stated by him/her, but no pay roll, account, or claim, or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance or approved and certified by the city manager, and the head of the department, if any, for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance or resolution and in the treasury or otherwise lawfully provided for. Whenever any claim is presented to the city recorder, he/she shall have the power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose he/she may summon before him/her an officer, agent, or employee of the city, or any other person, and examine him/her upon oath or affirmation relative thereto. The city manager, recorder and head of the department concerned, if any, and their sureties, if any, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the city.

[Priv. Acts 1993, ch. 104 §§52, 59]

**SECTION 58**                    **ISSUANCE, COUNTERSIGNMENT AND PAYMENT OF WARRANTS; AUTHORITY OF RECORDER TO DESIGNATE SUBSTITUTE TO DRAW WARRANTS.**

That, subject to the provisions of the foregoing section, and any ordinance or resolution of the council adopted in that regard, warrants shall be issued by the City Recorder and countersigned by the City Manager and Mayor. Each warrant shall specify the particular fund against which it is drawn and shall be payable out of no other fund, unless otherwise therein provided. Any officer or employee in the recorder's office may be designated by him/her to draw warrants with the same effect as if signed by him/her, such designation to be in writing, and in duplicate filed with the city manager; provided, that the city manager may make such designation if the recorder be absent or disabled and there be no one in his office designated to act. Any such designation may be revoked by the recorder while acting as such by filing the revocation in duplicate with the city manager and the city treasurer.

[Priv. Acts 1967, ch. 304 § 2; Priv. Acts 1993, ch. 104 § 60; Priv. Acts 2010, ch. 54 §2]

**SECTION 59**                    **CONTRACTS, AGREEMENTS, ETC., INVOLVING THE EXPENDITURE OF MONEY; PROVISION TO BE MADE IN BUDGET, ETC.**

That no contract, agreement, or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution or order for the making of any such contract, agreement or obligation be passed or adopted by the city council or be authorized by any officer of the city, unless provision has been theretofore made for the payment by the city of any expenditure required of it by such contract, agreement, or obligation in the budget and appropriation ordinance for the current fiscal year, or unless the money required for such contract, agreement or obligation or expenditure is actually on hand and be unappropriated or unobligated for other purpose, or unless either the city recorder, or the superintendent, manager or other head of the department or division of the city for or on account of which such contract, agreement, obligation or expenditure is proposed to be entered into or made, shall first certify to the city council or the proper officer or employee of the city, as the case may be, that such money is safely assumed to be forthcoming and available in time to comply with or meet such contract, agreement, obligation or expenditure, and no contract, agreement or other obligation involving the expenditure of money, payable from the proceeds of bonds or other evidences of indebtedness issued by the city, shall be entered into, unless and until the issuance and sale or other disposition of such bonds or other evidences of indebtedness have been duly authorized, and the same have been sold or otherwise disposed of, in accordance with the provisions of this Act or other applicable public or private act of the general assembly of the State of Tennessee.

[Priv. Acts 1933, ch. 526 §5; Priv. Acts 1941, ch. 406 §6]

**SECTION 60                   TREASURER TO BE CUSTODIAN OF SINKING FUNDS.**

That unless otherwise provided by law, ordinance or resolution, the treasurer shall be the custodian of all sinking funds established for retiring of bonds or other evidences of indebtedness issued by the city, to be managed in accordance with the provisions of this Act and the law governing such sinking funds.

Cross reference - Investment of sinking fund, § 68.

**SECTION 61                   DEPOSITORIES OF CITY FUNDS; AUTHORITY OF COUNCIL TO REQUIRE SECURITY.**

The depositories of city funds shall be approved by ordinance or resolution of the City Council.

[Priv. Acts 1933, ch. 526 §6; Priv. Acts 1993, ch. 104 §20]

**SECTION 62                   FORMS USED IN CONNECTION WITH RECEIPT OR DISBURSEMENT OF CITY FUNDS TO BE NUMBERED; SPOILED OR UNUSED FORMS.**

That the recorder shall cause all forms used either in connection with the receipt or disbursement of city funds to be numbered, consecutively, and all spoiled or unused forms shall be accounted for.

**SECTION 63                   FURTHER DUTIES OF RECORDER.**

That the recorder shall also perform any other duties imposed upon him/her by this Act or by ordinance or resolution, not inconsistent with this Act.

[Priv. Acts 1993, ch. 104 § 61]

**SECTION 64                   TEMPORARY ABSENCE OR DISABILITY OF RECORDER; APPOINTMENT, ETC., OF RECORDER PRO TEM.**

That the city council may appoint and fix the salary of a Recorder Pro Tempore, who shall serve for an indefinite period and at the will of the Council during the temporary absence or disability of the City Recorder.

[Priv. Acts 1971, ch. 79 § 3]

## **ARTICLE XI. CITY ATTORNEY**

### **SECTION 65                    APPOINTMENT; QUALIFICATIONS; SALARY.**

That the city council may appoint a city attorney for the City of Murfreesboro. The city attorney shall be an attorney at law entitled to practice in the courts of the state, and shall receive a salary to be fixed by the council.

### **SECTION 66                    DUTIES GENERALLY.**

That the city attorney shall direct the management of all litigation in which the city is a party, including the functions of prosecuting attorney in the city court, represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested, attend all meetings of the city council, advise the council and committees or members thereof, the city manager, the city recorder, and the heads of all departments or divisions, as to all legal questions affecting the city's interest; and approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name or made by or with the city.

### **SECTION 67                    APPOINTMENT OF ASSISTANTS; EMPLOYMENT OF SPECIAL COUNSEL.**

That the city council may also appoint such assistant city attorney or attorneys and employ such special counsel to represent the city or its interests as it may deem necessary, and may fix the salary of, or compensation to be paid to, the same.

## **ARTICLE XII. SINKING FUNDS**

### **SECTION 68                    INVESTMENT; AUTHORITY OF CITY TO BORROW FROM FUNDS.**

That all sinking funds of the city may be invested by the recorder or city manager, as provided by ordinance or resolution, by and with the consent of the city council, in bonds of the United States, of the State of Tennessee, of the City of Murfreesboro, of the county in which the City of Murfreesboro is situated, of other states or counties, or in notes secured by first mortgage on real estate in an amount not exceeding fifty per centum of the appraised value thereof, or in any other manner authorized by law for the investment of trust funds, or as may be provided by the law governing such sinking funds, on the best terms obtainable.

The city shall be authorized and empowered, from time to time and within the limits and the powers prescribed and provided by this Act or by any other applicable public or private act of the general assembly of the State of Tennessee, to borrow money from the sinking

funds of the city for any lawful purpose, and for the money so borrowed to execute and deliver to the city treasurer, for the use and benefit of the respective sinking fund or funds from which borrowed, its note or notes, bond or bonds, or such other appropriate evidence or evidences of indebtedness as the city may be authorized to issue by this Act or by any other applicable such public or private act or acts; provided, however, that all such notes, bonds or other appropriate evidences of indebtedness shall be made to mature so that the funds represented thereby will be repaid or be repayable to the respective sinking funds to which owing in sufficient time to be available to pay the principal of and interest on the bonds or other evidences of indebtedness of the city which the same were created to pay.

[Priv. Acts 1941, ch. 406 §7]

Cross reference - City treasurer to be custodian of sinking funds, §60.

**SECTION 69                    SALE OF SECURITIES.**

That the recorder or city manager, as provided by ordinance or resolution, by and with the consent of the council, may sell the securities belonging to a sinking fund, or any part thereof, at any time, when the proceeds thereof may be needed for the payment of bonds or other evidences of indebtedness issued by the city, on the best terms obtainable.

**SECTION 70                    EXCHANGE OF BONDS OR OTHER SECURITIES FOR BONDS OR OTHER EVIDENCES OF INDEBTEDNESS OF CITY.**

That the recorder or city manager, by and with the consent of the council, may exchange any bonds or other securities belonging to a sinking fund for bonds or other evidences of indebtedness of the city whenever such exchange may be advantageous for the city.

**SECTION 71                    WHEN LEVY OF TAX MAY BE OMITTED.**

That, if the amount of any sinking fund, with the interest or revenue thereof, computed to the maturity of the city bonds or other evidences of indebtedness issued by the city, be sufficient to pay at maturity all of the bonds or other evidences of indebtedness for which it is held, the levy of the tax for such sinking fund may then be omitted, but, if by reason of decrease of interest or depreciation in investments or other cause said fund shall not be sufficient, the levy shall be resumed.

**SECTION 72                    DISPOSAL OF MONEYS REMAINING IN FUND AFTER PAYMENT OF DEBT.**

That all moneys remaining in a sinking fund, after payment of the entire bonded or other debt for which its was accumulated, shall be paid into the general fund or transferred to another sinking fund, as the council may direct.

### **ARTICLE XIII. BUDGET AND APPROPRIATIONS**

#### **SECTION 73 CITY MANAGER DESIGNATED BUDGET COMMISSIONER; FISCAL YEAR.**

That the city manager shall be the budget commissioner for the city. The fiscal year of the city shall begin on the first day of July until otherwise provided by ordinance or resolution of the council.

[Priv. Acts 1975, ch. 43 §1(12)]

#### **SECTION 74 CITY MANAGER TO SUBMIT ANNUAL ESTIMATE OF EXPENDITURES AND REVENUES; INFORMATION TO BE FURNISHED CITY MANAGER BY OFFICERS AND HEADS OF VARIOUS DEPARTMENTS.**

That the city manager shall on or before the 15th day of May of each year, unless such time be extended by the council, submit to the city council an estimate of the expenditures and revenues of the city for the ensuing fiscal year.

The city manager shall compile said estimate from detailed information obtained from the books and records of the city affairs, with information furnished upon request by the various officers and heads of the various departments or divisions of the city.

[Priv. Acts 1933, ch. 526 §7; Priv. Acts 1975, ch. 43 §1(13)–1(15)]

#### **SECTION 75 CLASSIFICATION OF ESTIMATE OF EXPENDITURE; INFORMATION TO BE SHOWN.**

That the classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments of the city government and administration and shall give in parallel columns the following information:

- (a) *Estimate of expense.* A detailed estimate of the expense of conducting each department or division of the city government and administration.
- (b) *Expenditures for last two fiscal years.* Expenditures when possible for corresponding items for the last two fiscal years, stated separately.
- (c) *Expenditures for current fiscal year.* Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

- (d) *Supplies and materials.* Increase of supplies and materials on hand at the date of the preparation of the estimate.
- (e) *Proposed appropriations.* Increase or decrease of appropriations proposed by each department, compared with the corresponding appropriations for the current year.
- (f) *Other information.* Such other information as is required by the city council or that the city manager may deem advisable to submit.
- (g) *Recommendations of city manager; salaries; subjects of corporate expenditures.* The recommendations of the city manager as the amounts to be appropriated with reasons therefor in such detail as the city council may direct. Such estimates of expenditures and revenues of the city for the ensuing fiscal year shall designate the salaries of the various officers of the city and, under general heads, the various subjects of all corporate expenditures, and the estimated amount, run out in figures, of the probable expenditures for each such subject of corporate expenditure.

[Priv. Acts 1933, ch. 526 §8]

**SECTION 76                    PREPARATION AND PUBLICATION OF BUDGET AND APPROPRIATION ORDINANCE; RIGHT OF TAXPAYERS TO BE HEARD; LIMITATION UPON AMOUNT, ETC.**

That, upon receipt of such estimates, the city council shall prepare a tentative budget and appropriation ordinance, and the tentative budget shall be published in a newspaper published in the City of Murfreesboro, or, if there be no such newspaper, then in a newspaper of general circulation therein, not later than three days before it is taken up for consideration by the council, and, before adopting a budget and passing an appropriation ordinance, the city council shall consider same at the next or a subsequent meeting of the council and all voters and taxpayers may appear at said meeting and be heard in person or by attorney. The appropriation ordinance and budget for each fiscal year, beginning with those for the year 1932, shall be passed and adopted before the first day of the fiscal year for which said budget and ordinance is adopted and passed; provided, however, that the city council may defer the time of passing and adopting such ordinance and budget for a reasonable time, not exceeding 120 days, beyond said first day of such fiscal year, the needs of the city for such fiscal year to be provided for by resolution or ordinance of the city council and the amounts so authorized to be spent to be charged to the proper items of the budget and appropriation ordinance as finally adopted and passed.

[Priv. Acts 1933, Ch. 526 §9; Priv. Acts 1939, Ch. 430 §3; Priv. Acts 1947, Ch. 411 §4; Priv. Acts 1953, Ch. 326 §6; Priv. Acts 1955, ch. 133 §2; Priv. Acts 1961, ch. 200 §2]

**SECTION 77                    UNENCUMBERED BALANCES OR APPROPRIATIONS TO REVERT TO GENERAL FUND; WHEN BALANCES CONSIDERED UNENCUMBERED.**

That at the end of each fiscal year, all unencumbered balances or appropriations in the treasury shall revert to the general fund and be subject to further appropriations. Such balances shall be considered unencumbered only when the city manager shall certify in writing that the purposes for which they were appropriated have been completely accomplished and that no further expenditure in connection with them shall be necessary.

**SECTION 78                    WHEN ADDITIONAL APPROPRIATIONS MAY BE MADE; REDUCTION AND REVOCATION OF APPROPRIATIONS BY COUNCIL; APPLICABILITY OF SECTIONS 73 TO 78.**

That no additional appropriations, in any fiscal year, in excess of any amount included in said budget or appropriation ordinance to cover contingencies, shall be made, unless there be unappropriated funds in the city treasury available therefor, or unless an unexpended appropriation or appropriations or part thereof made in such appropriation ordinance be reappropriated by ordinance or resolution for an additional or other purpose, in which case said original appropriation or appropriations or unexpended portion thereof shall not be expended for the purpose originally appropriated, or unless the necessary funds are lawfully provided therefor in some manner provided in this Act or by applicable public or private act of the general assembly of the State of Tennessee. The city council shall at all times have full power to reduce or revoke any appropriation as to the unexpended portion thereof, except appropriations made and required to pay or retire the principal or interest on bonds, notes or other similar evidences of indebtedness of the city.

Provided, however, that, notwithstanding anything to the contrary that may be contained and provided in this Act, the preceding paragraph of this section 78 and the preceding sections 73 to 77, both inclusive, of this Act, and any other provision, if any, of this Act requiring or relating to the making or adoption of a budget or the passage of an appropriation ordinance, shall have no application to the operation of the city's water plant or system or to the city's sewer and sewerage disposal plant and system or to the city's water or sewer departments or to the city's water and sewer department or to the operation of the city's electric distribution system or to the city's electric department, nor to the expenditures made or to be made by the city from the revenues or other funds, not collected or to be collected by means of taxation by the city, of either said water plant or system or said sewer and sewerage disposal plant and system or said water or sewer departments or said water and sewer department or said electric distribution system or said electric department, nor to the expenditures made or to be made for the operation of the city's schools from the funds received by the city from the State of Tennessee and/or Rutherford County, Tennessee, for school purposes, unless and until the city council by ordinance or resolution duly passed or adopted requires and directs that said preceding paragraph of this section, said sections 73 to 77 inclusive, and/or such other provision or provisions, if any, shall have such application and then only to the extent so required and directed. The city council is authorized and empowered by ordinance or resolution duly passed and adopted, without regard to the foregoing provisions of this section 78 and the

provisions of the preceding sections 73 to 77, both inclusive, of this Act and without regard to any other provision, if any, of this Act requiring or relating to the making of a budget or the passage of an appropriation ordinance, to provide for the making and adoption of budgets and appropriations, upon an annual or fiscal year basis, covering the operations of and expenditures made or to be made during annual or fiscal year period or periods, by and on account of said water plant or system or said sewer and sewerage disposal plant system or said water or sewer departments or said water and sewer department or said electric distribution system or said electric department or the city's schools and school system.

[Priv. Acts 1933, Ch. 526 §10; Priv. Acts 1941, Ch. 406 §8; Priv. Acts 1961, ch. 200 §3]

#### **ARTICLE XIV. TAXES-ASSESSMENT, LEVY AND COLLECTION**

**SECTION 79                    ELECTION OF TAX ASSESSOR BY COUNCIL; DUTIES GENERALLY; QUALIFICATIONS; OATH; SALARY; VACANCY; ATTENDANCE AT MEETINGS OF BOARD OF CITY TAX EQUALIZATION; ASSESSMENTS TO BE MADE UNDER LAWS BY WHICH PROPERTY IS ASSESSED FOR STATE AND COUNTY PURPOSES.**

That there shall be a city tax assessor of the City of Murfreesboro, who shall be elected by the city council, and whose duty it shall be to assess for taxation all property, real, personal or mixed, having its situs within the corporate limits of said city. Said assessments shall be made under the laws by which such property is assessed for state and county purposes. The city tax assessor shall be at least twenty-five years of age, shall be well acquainted with property and the value of property in said city. The city tax assessor shall take and subscribe to the same official oath as is required by section 38 of this Act.

The salary of the city tax assessor shall be fixed and payable as provided by the council; and the number and compensation of the necessary assistants, if any, to the city tax assessor shall be fixed and prescribed by the council.

When a vacancy occurs in the office of city tax assessor by death, resignation, removal, dismissal, or for any other reason, a successor shall be elected by the city council.

The city tax assessor shall assess all property, real, personal and mixed, in the City of Murfreesboro, for municipal taxes as required by law, and by the provisions of this Act, shall have and prepare field books and other necessary books, and keep such records safely, and shall transmit the tax rolls of the city, immediately upon their completion, to the board of city tax equalization.

The city tax assessor shall attend the sittings, either special or regular, of the board of city tax equalization and shall furnish said board all information requested, including any papers and documents in the custody or under the control of said city tax assessor; and shall perform such other duties as may be required by the city council.

Notwithstanding the foregoing, the City Council may authorize the assessor of property for Rutherford County to assess for taxation all property, real, personal or mixed, having its situs within the corporate limits of the city.

[Priv. Acts 1975, ch. 43 §1(16); Priv. Acts 1993, ch. 104 §21]

**SECTION 80                    BOARD OF CITY TAX EQUALIZATION CREATED; COMPOSITION; QUALIFICATION; APPOINTMENT; TERM; VACANCIES; OATH; POWERS AND DUTIES GENERALLY; FORM OF CERTIFICATE TO BE ENDORSED UPON ASSESSMENT ROLLS.**

That there shall be a board of city tax equalization for the City of Murfreesboro. Said board shall consist of three members, who shall have been residents of the territory embraced within the corporate limits of said city for one year and of Rutherford County for five years next preceding their appointment, and who shall be at least thirty years of age, and experienced in the values of property in the city. A member or members of the city council may be members of said board, if he or they have the foregoing qualifications.

The members of the board shall be appointed by the city council every two years, and vacancies on said board shall be filled in the same way for the unexpired term. The members of said board shall take the oath prescribed in section 38 of this Act, before entering upon their duties.

Said board shall be governed by the same provisions, laws and requirements as the county board of equalization, so far as may be applicable; and it shall have the same powers and authority to raise or lower assessments so as to equalize them. Said board shall meet in the council chamber of the city council, and shall have the power to prescribe its rules of procedure and the hours of its sessions. When the board of city tax equalization shall have determined the matters of equalization and values before it and within its jurisdiction, either on original hearings or on appeal from the recorder, such action shall be final; provided, the vote of two out of the three members of said board shall be necessary to constitute the action of the board upon all questions coming before it.

Until a board of city tax equalization shall be appointed under the provisions of this Act, the board of equalization performing the functions of such board in the City of Murfreesboro as last constituted prior to the passage of this Act shall continue to act as such board, subject to the provisions of this Act; and all acts performed by such board, or by any predecessor board of equalization for said city, and all assessments heretofore made in said city by a city tax assessor, shall be valid and binding on the city and the taxpayers, and the same are hereby ratified, confirmed and validated, notwithstanding the then absence of power

in the city to have its own board of equalization and tax assessor and notwithstanding any irregularity in the appointment of any such board of equalization or any such city tax assessor.

Said board shall append to and endorse upon the assessment rolls of the city a certificate signed by each member thereof, as follows:

“We, the undersigned members of the board of city tax equalization of the City of Murfreesboro, do hereby officially certify that we have equalized, computed and fixed the valued of all properties set out in the assessment rolls of said city upon the standard of the actual cash value of the same, by raising the values thereof to the actual cash value of the same, or by reducing the values of all properties assessed at a greater than the actual cash value thereof to the actual cash value of the same, and otherwise faithfully and honestly obeyed the requirements of the assessment laws of the state and kept our oaths of office. Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_.”

Said assessment rolls shall then be turned over to the city recorder. Said board shall have authority to equalize assessments for the year 1931, and subsequent years thereafter.

The tax assessment books of the city shall be completed and turned over to said board of tax equalization not later than the fifteenth day of April of each year by the tax assessor of the city, or at such time as the city council may require by resolution.

The length of time that the board of city tax equalization of said city shall consider the matters committed to their charge and the compensation, if any, to be paid to the members of said board for their services, shall be fixed and declared by ordinance or resolution.

Notwithstanding the foregoing, the City Council may authorize the county tax equalization board to perform the foregoing duties of a board of city tax equalization.

[Priv. Acts 1993, ch. 104 §22]

**SECTION 81                    ASSESSMENT OF PROPERTY GENERALLY; AUTHORITY OF COUNCIL AS TO COLLECTION GENERALLY; DELINQUENT TAXES; OMITTED TAXES; FORCE AND EFFECT OF ASSESSMENT ROLLS, TAX BOOKS AND DELINQUENT LISTS; COLLECTION OF DELINQUENT TAXES; FEES; TAXES ON REALTY TO CONSTITUTE LIEN; ENFORCEMENT OF LIEN IN EQUITY, ETC.**

That all property, real, personal, and mixed, which is subject to state and county taxes, shall be assessed and listed for taxation in the names of the owners or reputed owners, alphabetically for the entire city. The assessment shall be made under the laws by which

such property is assessed for state and county purposes, except as herein modified; but by the city tax assessor, who shall have the same powers as are conferred by law upon assessors of state and county taxes. All privileges and privileged occupations may be taxed as provided by city ordinance consistent with and subject to the provisions of this act and the laws of the state for the assessment of such taxes for state and county purposes. The city tax assessor shall include in the assessment rolls all assessments made by the Tennessee Public Service Commission that may be taxable for city purposes, under the laws of the state.

No assessment shall be invalid because the size, dimensions, boundaries, or other description of any tract, lot or parcel of land shall not have been precisely named or given, nor because the amount of the valuation or tax is not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid and parol evidence may be admitted, received and considered to supply any such error or defect. The city council shall have power to correct any errors in the tax assessments upon a certificate filed by the city tax assessor or city recorder.

The city council may by ordinance or resolution fix and change the due date and delinquent date of all taxes due the city, and may provide for the payment of taxes in quarterly, semi-annual or such other installments as it may deem advisable and for a discount for the prompt payment thereof. And in order to enforce collection of taxes on property or other taxes when due, the city council is empowered by ordinance or resolution to provide that delinquent taxes of the city shall bear interest from after the delinquent date thereof at not exceeding the legal rate of interest and, in addition thereto, to provide that a penalty of not exceeding one-half of one per centum for each month such taxes are delinquent shall be added to the amount of such taxes on the first day of each month, such interest and penalty to be paid by the taxpayer, and to be collected as city taxes are collected, and all liens and remedies for the collection of city taxes shall be applicable to the collection of such interest and penalty.

The city recorder shall have power and authority, and it shall be the duty of said city recorder, to pick up and assess all omitted taxes on property and all privileges and other taxes; and said pickup and assessment of taxes on omitted property shall be made upon a notice of five days to the owner or agent, if it is practicable to give such notice within the county (provided, however, that the person against whom any such assessment is made may waive such notice); but the city recorder shall have no power to assess omitted property, privileges, or other taxes for a longer period than three years prior to the current year; and provided that penalty and interest on such assessments of omitted property and taxes shall not be added to the amount of tax to be paid on such assessments, unless taxes for the year for which such assessments are made are due and delinquent, and then only for months coming after the making of such assessments. If the owner is dissatisfied with the assessment of such omitted property as made by the city recorder, such owner shall have the right of appeal to the board of city tax equalization; but said

appeal must be taken within ten days of the assessment of such omitted property by the recorder; and the action of the board of city tax equalization upon such appeal shall be final, as in cases of the other equalizations by said board; and said board shall certify its action on all such appeals to the city recorder.

The assessment rolls and tax books of the city, and the delinquent lists (which the city recorder is hereby authorized and empowered to furnish, in the same manner as such lists are furnished by county trustees in the case of delinquent state and county taxes, to the officers hereinafter in this paragraph mentioned), as to all taxes remaining delinquent for thirty days, shall have the force and effect of a judgment and execution from a court of record in the state, and shall be full, complete and ample authority for the officers having such taxes for collection to distraint and sell sufficient amount of the personal property of the delinquent taxpayer to satisfy his or her taxes, interest, penalties and costs; and the city recorder shall have power to issue distress warrants, and alias and pluries distress warrants, in the name of the State of Tennessee on behalf of the City of Murfreesboro, to enforce the collection of all taxes, privileges, assessments, and interest and penalties thereon. Such warrants may be executed by the sheriff or any deputy sheriff or constable of the county in which the City of Murfreesboro is situated, the chief of police of the city or by the city tax collector hereinafter provided for, and the officer or officers to whom such warrants are issued may also proceed against the delinquent taxpayers by garnishment proceedings, entitled in the name of the State of Tennessee for the use of the City of Murfreesboro, and returnable before any justice of the peace of the district where the delinquent resides or of the district in which the City of Murfreesboro is situated. For each collection of such delinquent taxes, there shall be allowed the same fees and commissions, as compensation for such collection, as are allowed by the general laws of the state to officers for the collection of delinquent state and county taxes; and, in case of a levy or garnishment, there shall be allowed, as additional compensation for each such collection, the fees allowed by law in such cases, all of which fees, commissions and costs shall be paid by the delinquent taxpayer. In addition to the remedy by distress warrant and garnishment proceedings, the city may also collect any delinquent taxes on property, privileges, and assessments and other taxes, with all interests and penalties thereon, by suit at law or in equity in any court of competent jurisdiction.

Assessed taxes on realty, and all interest and penalties thereon, shall be and remain a lien on the property until the same are paid, whether or not a bill be filed or other procedure taken for the collection thereof. A bill or bills in equity may be filed, under the direction of the city attorney, in the chancery court of the county in which the City of Murfreesboro is situated, to enforce the lien of such taxes, but no such bill shall be filed before the first day of January of the second year after the year for which said taxes are assessed. Upon the filing of any such bill, an additional penalty of ten per centum upon the amount of delinquent tax shall accrue and be imposed upon the amount due from any taxpayer and shall be allowed to the attorney filing such bill as compensation for his services.

Any such bill filed in equity may include as many as twenty-five distinct pieces or tracts of land, the owners thereof being made defendants to the bill and such cause shall not be subject to objection for misjoinder by reason of such several and distinct interests, or because publication has not been made of delinquency.

All parties necessary to enable the court to enforce the lien and divest the title out of the owner or owners and vest the same in the purchaser may be made parties defendant.

Should any person interested pay the tax, interest, penalty and cost, after the bill has been filed and before the sale of the land, the city, by its city attorney, shall dismiss the suit as to such person and property.

Each person shall pay his proportionate part of the cost, which shall be the same as provided by law in the case of bills filed to enforce the lien of state and county taxes.

The bills herein provided for shall be in substance and in form the same as other bills in the chancery court for the purpose of foreclosing and enforcing liens and collecting taxes, assessments and money due under lien and for divesting title and making title.

No defendant shall be entitled to a copy of the bill without applying to the clerk of the court and paying for such copy.

It shall not be necessary that all defendants' names be included in the copy of the subpoenas to be left with said defendants or in publication for any nonresident defendants.

The cause shall be at issue as to any defendant when his answer is filed or pro confesso has been taken. It may be proceeded with by or against any one or more of the defendants until final judgment, sale and confirmation of title, without in any way affecting any other defendant to the suit.

Any party to the bill shall have the right to an appropriate appeal to the supreme court or court of appeals, or shall have the right of writ of error, as their right in such proceedings may be, and such appeal shall not affect the proceedings as to other parties.

The City of Murfreesboro shall have the same remedy or remedies, in this section provided, for the collection and the enforcement of the lien, of any taxes, privileges, and other taxes assessed in said city prior to the passage of this Act and remaining uncollected at the passage of this Act.

[Priv. Acts 1933, ch. 526 §§11, 12; Priv. Acts 1941, ch. 406 §9; Priv. Acts 1967, ch. 304 §3; Priv. Acts 1975, ch. 43 §1(17), 1(18)]

Cross reference - Collection of poll tax prohibited, §13.

**SECTION 82 CITY TAX COLLECTOR; APPOINTMENT; QUALIFICATIONS; COMPENSATION; POWERS AND DUTIES GENERALLY.**

That the city council shall have power to appoint a city tax collector for the City of Murfreesboro, who shall be a qualified voter of said city. Said city tax collector shall serve at the will of the council and for such compensation, in addition to the fees, commissions and costs as may be allowed under the provisions of section 81, as shall be fixed by ordinance or resolution. He shall have power to serve distress warrants, collect taxes, when due and whether delinquent or not, under the direction of the city manager, and such other powers and duties not inconsistent with the provisions of this Act as may be prescribed by ordinance or resolution.

**SECTION 83 CITY MANAGER TO CERTIFY ASSESSMENT, ESTIMATED REVENUE, ETC., TO COUNCIL ANNUALLY; COUNCIL TO MAKE LEVY TO MEET EXPENSES; DUTY OF RECORDER AFTER LEVY OF TAXES; AUTHORITY OF COUNCIL TO INCREASE OR LOWER TAX LEVY, REVISE APPROPRIATIONS, ETC.**

That it shall be the duty of the city manager, in each year, as soon as the assessment rolls for the city is complete, to submit to the city council a statement, certified by the recorder, of the total amount of the valuation or assessment of taxable property for the year within the city limits (including the assessment of all railroads, telephone, telegraph, and other public utility properties), and a statement, likewise certified, of the revenue estimated to be derived by the city from privileges, taxes, polls, and merchants' ad valorem taxes, together with a statement of the estimated revenue of the city from all other sources. Upon the presentation of such statements by the city manager, if not dispensed with by the city council by resolution or ordinance, the city council shall proceed by ordinance to make the levy to meet the expenses of the city for the current year. It shall be the duty of the city recorder, immediately after the levy of taxes by the council, to cause said levy to be extended upon the tax rolls or books prepared by or under the direction of the city recorder in the same manner as extensions are made upon the tax books in the hands of county trustees.

If at the time this Act takes effect, the tax levy and appropriations for the expenditures of the city government for the year 1931 have been made, the council shall have power, by ordinance, to increase or lower the tax levy, to revise, repeal or change such appropriations and make additional appropriations. If such tax levy and appropriations have not been made, it shall be the duty of the council to make the same for the year 1931.

[Priv. Acts 1933, ch. 526 §13]

**ARTICLE XV. POLICE FORCE**

**SECTION 84                    RESERVED.**

[Priv. Acts 1967, ch. 304 §4; Priv. Acts 1993, ch. 104 §23]

**SECTION 85                    DUTIES GENERALLY.**

That it shall be the duty of the chief of police and the members of the police force to preserve order in the city, protect the inhabitants and property owners therein from violence, crime, and all criminal acts, prevent the commission of crime, violations of law and of the city ordinances, and perform a general police duty, execute and return all processes, notices, and orders of the president of the council, city manager, city attorney, and city recorder, and all other processes, notices, and orders in this Act or by ordinance or resolution provided.

Cross reference - Police force shall have power and authority not only to pursue and arrest offenders against ordinances of the City within one mile limit of the corporate limits but shall also have the power to execute process anywhere within the county, §3.

**SECTION 86                    SUMMONING ASSISTANCE IN TIME OF RIOT OR EMERGENCY.**

That in time of riot or emergency, the Mayor or city manager shall have power to summon any number of inhabitants to assist the police force.

[Priv. Acts 1975, ch. 43 §1(19); Priv. Acts 1991, ch. 109 §9]

**SECTION 87                    PROCURING AND EXECUTION OF WARRANTS; APPEARING IN CITY COURT, ETC.**

That members of the police force, whenever necessary for the purpose of enforcing any ordinance of the city, shall procure the issuance of warrants, execute the same, and appear in the city court as prosecutors, relieving the complaining persons insofar as practicable of the burden of instituting cases involving the violation of city ordinances; but nothing in this section shall be construed to relieve any person from the duty of appearing in court and testifying in any case.

[Priv. Acts 1941, ch. 406 §10]

**SECTION 88                    SALARIES.**

That the chief of police and other members of the police force shall receive salaries to be fixed by the city council.

## **ARTICLE XVI. FIRE DEPARTMENT**

### **SECTION 89 APPOINTMENT AND REMOVAL OF CHIEF AND MEMBERS GENERALLY.**

That the city manager shall appoint a chief of the fire department and such other members of said department as may be provided for by ordinance, who shall all serve at the will of the city manager.

### **SECTION 90 DUTIES GENERALLY.**

That it shall be the duty of the chief of the fire department and the members thereof, to take all proper steps for fire prevention and suppression.

### **SECTION 91 POLICE POWERS OF CHIEF AND ASSISTANTS.**

That the chief of the fire department or any assistant of such chief in charge at any fire shall have the same police powers at such fire as the chief of police, under such regulations as may be prescribed by ordinance.

## **ARTICLE XVII. DEPARTMENT OF EDUCATION**

### **SECTION 92 AUTHORITY OF COUNCIL TO PROVIDE FOR CITY BOARD OF EDUCATION; COMPOSITION OF BOARD; QUALIFICATIONS OF MEMBERS; TERM; REMOVAL OF MEMBERS, ETC.**

That the city council by ordinance may provide that all the public schools of the City of Murfreesboro shall be administered, managed and controlled by a city board of education, to be composed of seven members. The members of the board of education shall consist of qualified voters of the city, who have been residents in the city for at least one (1) year prior to election to such board, and who shall be at least twenty-five (25) years of age at the time of election, and who shall serve without compensation unless authorized by ordinance or resolution of the City Council. The City Council may provide for the removal of the members of the school board and the filling of any vacancy that occurs in such board by reason of death, resignation or removal of any member. The City Council may regulate as permitted by state law, and may delegate to such board the power to adopt its own rules of procedure.

[Priv. Acts 1993, ch. 104 §24]

**SECTION 93                      POWERS AND DUTIES OF BOARD OF EDUCATION GENERALLY.**

That said city board of education, when provided for by ordinance as provided in section 92 of this Act, shall have the exclusive right and power to elect all teachers, to employ a city superintendent of schools (for a year or a term of years, as it may deem advisable), to select all other employees of the city school system, and fix the salaries of each, and shall have the power to prescribe the duties and functions of the city superintendent. Said board shall also have exclusive jurisdiction over all school property belonging to the city, and it shall be its duty to plan for the extension and development of the city school system, to determine the need for new buildings, to plan and locate, and erect and furnish the same, after the city council shall have approved its action in that regard and authorized and provided the funds for the same; and said board [shall] have such other powers and duties, and perform such other functions as may be prescribed by ordinance, consistent with the provisions of this Act.

No member of the city council, nor the city manager, shall dictate the appointment of any person to employment by the city board of education.

**SECTION 94                      PREPARATION OF BUDGET; SUBMISSION TO CITY MANAGER.**

That the city board of education, when established by the city council as it is authorized to do in section 93 of this Act, shall prepare a budget showing the proposed expenditures for the schools under its jurisdiction, for the ensuing fiscal year, and shall submit the same to the city manager on or before the 15th day of May of each year, so that the city manager may include the same in his annual estimate of expenditures and revenues of the city for the next ensuing fiscal year, as provided in sections 74 and 75 of this Act.

[Priv. Acts 1975, ch. 43 §1(20)]

**SECTION 95                      SCHOOL SYSTEM NOT TO BE AFFECTED UNTIL COUNCIL EXERCISES POWERS CONFERRED BY ARTICLE.**

That nothing in sections 92, 93, and 94 of this Act shall affect the public school system of the City of Murfreesboro in any manner, until the city council exercises the powers conferred by said sections, and, until such powers are exercised, the school system of the City of Murfreesboro shall be controlled, managed and supervised in the manner it was last controlled, managed and supervised prior to the Passage of this Act.

Editor's note - The city council exercised the powers conferred by this article by passing an ordinance relating to the city board of education on June 27, 1946, codified herein as Chapter 25.

## **ARTICLE XVIII. DEPARTMENTS**

**SECTION 96**                    **AUTHORITY OF COUNCIL TO CREATE AND ESTABLISH DEPARTMENTS AND DIVISIONS, PRESCRIBE DUTIES AND FUNCTIONS THEREOF AND COMBINE OR ABOLISH EXISTING DEPARTMENTS OR DIVISIONS.**

That in order that the government, work and affairs of the City of Murfreesboro may be efficiently done, the city council may, in a manner, not inconsistent with the provisions of this Act, create and establish such departments and divisions as it may deem necessary and expedient, prescribe the duties and functions of all such departments and divisions except as fixed by this Act, and may combine or abolish existing departments or divisions, except those expressly provided for in this Act, or establish a temporary department or division for special work and purposes.

The city council is expressly authorized by ordinance to create a water and sewer department as a separate department of the city's government, and a water and sewer board which shall have and exercise such supervision and control of the operation, maintenance, improvement and extension of the water and sewer systems of the city, and shall have and exercise such other powers, authority and jurisdiction over and with respect to said water and sewer systems, as the city council may by such ordinance or by other ordinance or ordinances provide. Said water and sewer board shall consist of not less than three nor more than seven members, all of whom shall be persons qualified to vote in said city and one of whom may, be a duly elected and qualified member of the city council. The city council shall provide by ordinance for the election or appointment, and shall fix or prescribe the term or terms of office, of the members of said water and sewer board, which terms of office may be staggered and need not be required to expire at the same time, and shall prescribe the conditions upon which a vacancy shall be created in the membership of said board, for the removal of members for neglect of duty or other cause, and for the filling of vacancies on said board howsoever arising. All members of the water and sewer board shall serve without compensation unless otherwise authorized by ordinance or resolution of the City Council, but they shall be allowed reimbursement for all reasonably necessary and documented travel and other expenses while engaged in the business of the board.

Until the city council exercises the powers granted in this section, all departments or divisions of the city government, as constituted prior to the passage of this Act, shall continue to function, except as may be otherwise provided in this Act.

[Priv. Acts 1959, ch. 162 §1; Priv. Acts 1972, ch. 244 §1; Priv. Acts 1993, ch. 104 §25]

**SECTION 97**                    **UNDER SUPERVISION OF CITY MANAGER.**

That the city manager shall supervise and control all departments now or hereafter created under the provisions of this Act, except as otherwise provided by this Act.

## **ARTICLE XIX. ADVERTISEMENT FOR PUBLIC WORKS**

### **SECTION 98                    WHEN EXECUTION BY CONTRACT REQUIRED; TO BE AWARDED TO LOWEST BIDDER AFTER PUBLICATION; REQUIREMENT AS TO BOND; INTEREST OF OFFICERS AND EMPLOYEES OF CITY.**

Any public work or improvement costing more than Ten Thousand Dollars (\$10,000.00) shall be executed by contract.

All contracts for more than Ten Thousand Dollars (\$10,000.00) shall be awarded to the lowest responsible bidder after publication, advertisement and competition, as may be prescribed by ordinance or resolution by the city council, subject to emergencies. No contract for any public work costing in excess of Twenty-Five Thousand Dollars (\$25,000.00) or such amount established in Tennessee Code Annotated, §12-4-201, as amended, shall be made except on condition that the contractor gives bond with some bonding company authorized to transact business in the State of Tennessee, or secures a letter of credit from a bank authorized to do business in the State of Tennessee as surety in a sum equal to at least twenty-five percent (25%) of the contract price of the particular work or improvement for the faithful performance of such contract, as provided for in Tennessee Code Annotated, §12-4-201, as amended. The city council may prescribe by ordinance the procedure for the waiver of bids when an emergency exists. The city shall have the power to reject all of the bids, and all advertisements shall contain a reservation of this right.

The requirements of this Section 98 may be satisfied by complying with Tennessee Code Annotated, §12-4-201, as amended.

[Priv. Acts 1967, ch. 30 §12; Priv. Acts 1984, ch. 161 §§3-5; Priv. Acts 1991 ch. 109 §10; Priv. Acts 1993, ch. 104 §26; Priv. Acts 1997, ch. 42 §2]

## **ARTICLE XX. MISCELLANEOUS**

### **SECTION 99                    DEFINITIONS OF “CITY,” “COUNTY” AND “COUNCIL.”**

That the words “city” or “said city” in this Act shall refer to the City of Murfreesboro, and the word “county” shall refer to Rutherford County, Tennessee, and the word “council” shall refer to the city council provided for in this Act, unless the context otherwise requires.

**SECTION 100****EFFECT OF PASSAGE OF ACT AS TO VESTING OF PROPERTY, EXISTING CONTRACTS AND LIABILITIES, SUITS, TAXES, ORDINANCES, RESOLUTIONS, ETC.**

That all property, real, personal and mixed, of every character and description, belonging, at the time of the passage of this Act, to the City of Murfreesboro as constituted prior to the passage of this Act, whether held by it or by and through its officers and agents, or which may now be in the hands of any agent or trustee, for the use and benefit, or in trust for, said city, is hereby divested out of any such officers, agents, or trustees, or other persons or corporations, and the same hereby vested in the City of Murfreesboro as constituted under this Act; provided, however, that all property held at the time of the passage of this Act by the City of Murfreesboro as constituted prior to the passage of this Act, or by any commission or other person or persons as trustee or trustees, for the use and benefit of the City of Murfreesboro and the inhabitants thereof, for cemetery or burial purposes, shall continue to be held by the City of Murfreesboro as constituted under this Act or by any such commission or other trustees, as the case may be, upon the same terms and conditions and for the same uses and benefits heretofore held by it or them; and provided, further, that the right and power, heretofore vested in any governing body of the City of Murfreesboro as constituted, established or incorporated at any time prior to the passage of this Act, to regulate, by ordinance or otherwise, the control and management of any such cemetery or burial property held by any such commission or other trustees, and to remove any member of any such commission or any such trustee and to fill any vacancy in any such commission or among such trustees, and to demand a conveyance or reconveyance to the City of Murfreesboro by any such commission or trustee or trustees of the property so held by it or them, is hereby vested in the city council of the City of Murfreesboro as constituted and established under the provisions of this Act.

All debts, contracts and liabilities of said City of Murfreesboro, as constituted prior to the passage of this Act, which are valid and binding upon said City of Murfreesboro at the passage of this Act, shall be binding upon said City of Murfreesboro as constituted under this Act; provided, however, that nothing in this Act shall be construed as validating, or as authorizing the validation of, any debts, contracts and liabilities against the city not already valid and binding against it.

All suits of whatever nature, in any of the courts of this state now pending to which the City of Murfreesboro, as constituted prior to the passage of this Act, is a party, shall not abate, but may be proceeded with in the name of the City of Murfreesboro as constituted under this Act, without formal revival.

All uncollected taxes, dues, claims, judgments, and choses in action and all rights of every kind whatsoever belonging to the City of Murfreesboro as constituted prior to the passage of this Act shall immediately upon the passage of this Act vest in the City of Murfreesboro as constituted under this Act.

All ordinances, laws and resolutions heretofore passed in the City of Murfreesboro, as constituted at any time prior to the passage of this Act, which are in force at the time this Act goes into effect or which were in force in said City of Murfreesboro as last constituted prior to the passage of this Act, are hereby made the laws, ordinances and resolutions to govern said City of Murfreesboro, as constituted under this Act, until the same are altered, amended or repealed, except such as may be in conflict with, or inconsistent with, this Act; and all contracts and franchises existing and in effect at the passage of this Act, shall remain in full force and effect until the same expires or is forfeited as in this Act provided.

**SECTION 101            USE OF ACT AND ORDINANCES AS EVIDENCE IN COURTS; AUTHORITY OF COUNCIL TO ADOPT CODE OF ORDINANCES; USE OF CODE IN EVIDENCE.**

That this Act is declared a Public Act, and may be read in evidence in all the courts of this state.

All ordinances or resolutions of the city council may be proved in any of the courts of the state by reading in evidence a copy of any such ordinance or resolution, duly certified by the city recorder to be a true and correct copy thereof, which certificates shall be sworn to by said city recorder and have the corporate seal, if any, affixed thereto.

And the city council may direct that a digest or code of the laws, ordinances or resolutions of a criminal or penal or public nature may be prepared and published, under the supervision of the city attorney; and when said digest or code shall be adopted and approved by the city council, as a single digest or code, the laws, ordinances and resolutions therein contained shall be presumed to be correct, until shown otherwise, and any law, ordinance or resolution therein contained may be read in evidence in any of the courts of the state, provided the said code or digest is certified as hereinabove provided.

And, in addition to the above provisions, or in lieu thereof, the city council may by ordinance or resolution direct the city attorney to prepare a code of the laws, ordinances and resolutions for the City of Murfreesboro; and, when said code of laws, ordinances and resolutions as fully prepared, the city council may pass, enact, and adopt the same as a single ordinance and, upon such passage, enactment and adoption, all other laws, ordinances or resolutions shall be thereby repealed and nullified. Any law, ordinance or resolution in said code contained may be read in evidence in any of the courts of the state, provided said code is certified as hereinabove provided, and any law, ordinance or resolution so read in evidence shall be presumed to be correct, until otherwise shown.

**SECTION 102            CITY OFFICERS NOT TO CONTRIBUTE TO OR TAKE ACTIVE PART IN ELECTION OF CITY COUNCIL.**

That neither the city manager, city recorder, chief of police nor any other officer or person in the employ of the city, shall take any active part in or contribute any money towards the nomination or election of any candidate for election to the city council, except to answer such questions as may be put to them and as they may desire to answer.

A violation of this section shall subject the offender to removal from office or employment and to punishment by fine of not more than fifty dollars for each offense.

**SECTION 103            CANDIDATES FOR OFFICE, ETC., NOT TO GIVE OR PROMISE EMPLOYMENT, MONEY, ETC., FOR PURPOSE OF OBTAINING POLITICAL SUPPORT.**

That no candidate for office or any other person, shall directly or indirectly, give or promise any person or persons any office, employment, money, benefit, or anything of value for the purpose of influencing or obtaining political support, aid, or vote for any candidate; and any persons violating this provision shall be punished by fine of not more than fifty dollars for each offense.

**SECTION 104            ACT TO BE LIBERALLY CONSTRUED.**

That in the construction of any portion of this Act the meaning or application of which is in dispute, it is intended that its language or phraseology shall be liberally construed to effect the substantial objects of the Act.

**SECTION 105            SEVERABILITY.**

That if any section or part of a section of this Act proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part of a section of this Act, unless it clearly appears that such other sections or parts of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

**SECTION 106            REPEAL OF CONFLICTING LAWS.**

That all laws, or parts thereof, public and private, in conflict with the provisions of this Act be, and the same hereby are, repealed.

**SECTION 107            EFFECTIVE DATE.**

That this Act take effect from and after its passage, the public welfare requiring it.

**END OF CHARTER.**