

CHARTER FOR THE CITY OF BRISTOL, TENNESSEE<sup>1</sup>

## CHAPTER NO. 84

## HOUSE BILL NO. 1583

By Representative Holcomb

Substituted for: Senate Bill No. 1579

By Senator Montgomery

AN ACT to amend the Charter of the City of Bristol, Tennessee, the same being Chapter 179 of the Private Acts of 1986, as amended by Chapter 216 of the Private Acts of 1984, and all acts amendatory thereto, so as to provide an amended charter for said city.

TABLE OF CONTENTS

	<u>PAGE</u>
SECTION 1. Previous charter amended . . . . .	C-5
CHAPTER 1. GENERAL PROVISIONS . . . . .	C-5
Section 1-1. Declared body politic and corporate name . . . . .	C-5
Section 1-2. Corporate boundaries . . . . .	C-5
Section 1-3. Charter declared public act; use of charter, ordinances, etc., in evidence . . . . .	C-5

---

<sup>1</sup>Priv. Acts 1991, ch. 84, is the current basic charter act for the City of Bristol, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2010 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

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

PAGE

CHAPTER 2.	CITY COUNCIL .....	C-5
ARTICLE I.	IN GENERAL .....	C-5
Section 2-1.	Created, designation; composition; qualifications ....	C-5
Section 2-2.	Election; term .....	C-6
Section 2-3.	Powers generally .....	C-7
Section 2-4.	Charter and statutory powers generally .....	C-7
Section 2-5.	Enumeration of particular powers .....	C-7
Section 2-6.	Meetings; designation of mayor and vice-mayor; powers and duties of mayor generally .....	C-15
Section 2-7.	Compensation .....	C-16
Section 2-8.	Expenses .....	C-16
Section 2-9.	Filling of vacancies .....	C-16
Section 2-10.	Attendance of members; quorum .....	C-17
Section 2-11.	Bond; oath .....	C-17
Section 2-12.	Annual examination of books and accounts .....	C-17
Section 2-13.	Subscribing to stock, lending money, etc., prohibited	C-17
Section 2-14.	Limitation upon appropriations and contracts .....	C-17
Section 2-15.	Object of appropriation to be stated in order .....	C-18
Section 2-16.	Issuance of script prohibited; warrants not to be drawn until money in hands of recorder, etc. ....	C-18
Section 2-17.	City depository, requirements for withdrawal of funds .....	C-18
ARTICLE II.	ORDINANCES AND RESOLUTIONS .....	C-18
Section 2-18.	Requirements as to passage of ordinances generally; franchises .....	C-18
Section 2-19.	Form of ordinances; effective date .....	C-19
Section 2-20.	Resolutions effective from and after adoption on one reading .....	C-19
CHAPTER 3.	ELECTIONS .....	C-20
ARTICLE I.	IN GENERAL .....	C-20
Section 3-1.	State offenses applicable to city elections .....	C-20
Section 3-2.	Influencing voters .....	C-20
Section 3-3.	Campaign expenses .....	C-20
Section 3-4.	Elections and referendums .....	C-20
Section 3-5.	Examination of registration books .....	C-20
ARTICLE II.	[DELETED] .....	C-21

PAGE

CHAPTER 4.	DEPARTMENTS . . . . .	C-21
Section 4-1.	Powers, authority and duties distributed among departments . . . . .	C-21
CHAPTER 5.	OFFICERS AND EMPLOYEES . . . . .	C-21
ARTICLE I.	IN GENERAL . . . . .	C-21
Section 5-1.	Appointment of city manager and other officers . . . .	C-21
Section 5-2.	Recorder . . . . .	C-23
Section 5-3.	Qualifications of officers generally . . . . .	C-23
Section 5-4.	Bond and oath of city recorder and police chief . . . .	C-24
Section 5-5.	Fixing compensation . . . . .	C-24
Section 5-6.	Bonds of officers to be examined annually . . . . .	C-24
Section 5-7.	Difference of opinion as to what department embraces particular work . . . . .	C-24
Section 5-8.	Appointment and duties of city attorney . . . . .	C-24
Section 5-9.	Interest in city contracts, etc., free passes, services, etc.; influencing others to adopt political views; penalty . . . . .	C-25
Section 5-10.	Appointments; prohibited grounds . . . . .	C-25
Section 5-11.	Personnel policies and procedures . . . . .	C-25
CHAPTER 6.	EDUCATION . . . . .	C-26
Section 6-1.	Board--Creation, composition; qualifications of members . . . . .	C-26
Section 6-2.	Same -- Election; term . . . . .	C-26
Section 6-3.	Same -- Budget . . . . .	C-27
Section 6-4.	Use of school property . . . . .	C-27
CHAPTER 7.	POLICE DEPARTMENT . . . . .	C-27
Section 7-1.	Appointment . . . . .	C-27
Section 7-2.	Powers generally . . . . .	C-27
Section 7-3.	Deleted . . . . .	C-28
CHAPTER 8.	BONDED INDEBTEDNESS AND OTHER DEBT FINANCING . . . . .	C-28
Section 8-1.	Generally . . . . .	C-28
CHAPTER 9.	TAXATION . . . . .	C-28

PAGE

ARTICLE I.	IN GENERAL . . . . .	C-28
Section 9-1.	Tax books to be made out by the recorder; when taxes due and payable; collection; penalty; extension of time for collection . . . . .	C-28
Section 9-2.	Restriction upon exemption of property . . . . .	C-29
Section 9-3.	Taxes assessed to constitute lien . . . . .	C-29
ARTICLE II.	COLLECTION OF DELINQUENT TAXES . . . . .	C-29
Section 9-4.	Preparation of lists; delivery to city attorney; institution of suit . . . . .	C-29
Section 9-5.	Payment prior to suit; duty of city attorney . . . . .	C-30
Section 9-6.	Nature and form of bill to enforce lien; fees for sheriff and clerk . . . . .	C-30
Section 9-7.	Procedure in suits . . . . .	C-31
Section 9-8.	Sale not to affect state or county lien, etc. . . . .	C-31
Section 9-9.	Bidding in property by city--Authority granted; right of city as party to suit instituted by state or county .	C-31
Section 9-10.	Same -- Subrogation to rights of state and county where property sold . . . . .	C-32
Section 9-11.	Institution of suit by state or county where city has suit pending; purchase by city; payment of city taxes upon redemption . . . . .	C-32
Section 9-12.	Severance of suits . . . . .	C-32
Section 9-13.	Compensation of city attorney -- Generally . . . . .	C-33
Section 9-14.	Same -- Additional penalty imposed to provide for compensation . . . . .	C-33
CHAPTER 10.	MUNICIPAL AND JUVENILE COURTS . . . . .	C-33
Section 10-1.	Municipal court established . . . . .	C-33
Section 10-2.	Juvenile court established . . . . .	C-33
Section 10-3.	Juvenile court jurisdiction limited . . . . .	C-33
Section 10-4.	Appointment and term of municipal judge . . . . .	C-34
Section 10-5.	Election of juvenile judge; term . . . . .	C-34
Section 10-6.	Judges not required to be full-time officers . . . . .	C-34
Section 10-7.	Qualifications and compensation of judges . . . . .	C-34
Section 10-8.	Acting judges; vacancy . . . . .	C-35
Section 10-9.	Authority of judges to grant fiats, etc. . . . .	C-35
Section 10-10.	Court costs; amount, collection, disposition . . . . .	C-35
Section 10-11.	Election of juvenile court clerk; term . . . . .	C-35
Section 10-12.	Clerks not required to be full-time officers . . . . .	C-36
Section 10-13.	Qualifications and compensation of clerks . . . . .	C-36

PAGE

SECTION II. Terms of officials uneffected by act . . . . . C-36  
SECTION III. Approval . . . . . C-36  
SECTION IV. Effective date . . . . . C-36

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

SECTION 1. The Charter of the City of Bristol, Tennessee which now consists of Chapter 179 of Private Acts of 1986 as amended by Chapter 216 of the Private Acts of 1984 and all acts amendatory thereto, is hereby amended to provide for the following charter for said city.

CHAPTER 1. GENERAL PROVISIONS

Section 1-1. Declared body politic and corporate name.

The inhabitants of the City of Bristol, Sullivan County, Tennessee, are hereby constituted a body politic and corporate by the name of the City of Bristol.

Section 1-2. Corporate boundaries.

The corporate boundaries of the City of Bristol are as contained in prior charters and in annexation ordinances, which are recorded and kept in the recorder's office of the city; said boundaries are herewith reaffirmed. Extensions of the corporate boundaries shall be as provided by future annexation ordinances.

Section 1-3. Charter declared public act; use of charter, ordinances, etc., in evidence.

This charter is declared to be a public act, and as such may be read in evidence in all courts of law and equity; and all ordinances, resolutions and proceedings of the City Council of the City of Bristol created by this charter, may be proven by the seal of said corporation, certified and attested by the recorder of said city council.

CHAPTER 2. CITY COUNCIL

ARTICLE I. IN GENERAL

Section 2-1. Created, designation; composition; qualifications.

A governing body for the city shall be known as the "City Council of the City of Bristol." The City Council shall consist of five (5) persons, three (3) of whom shall be elected from three (3) councilmanic districts by the eligible voters of the city at large, and two (2) of whom shall be elected to at-large seats by the eligible voters of the city at large. The councilmanic districts shall be designated as East District, South District and West District, and shall be drawn so as to give due regard to an equalization of population among the districts. Whenever any area is annexed to the City of Bristol, the annexing ordinance or law shall set forth the councilmanic district or districts included in the area so annexed. The boundaries of such districts may be changed from time to time by ordinance or resolution of the City Council after first submitting any proposed change to the planning commission for its review and recommendation. Provided, however, no boundary change shall be made that places a duly elected councilman, during such councilman's term of office, in a district other than the one to which the councilman was elected. No person shall be eligible for the office of councilman unless the person has been a resident of the city and a citizen of Tennessee for at least a year prior to such person's election, and is at least twenty-one (21) years of age. No person who holds any kind of an office, executive, judicial or legislative, under the United States, the State of Tennessee, Sullivan County, or an employee of the City of Bristol, Tennessee, shall be eligible for the office of councilman. [As replaced by Priv. Acts 1996, ch. 140, § 1]

Section 2-2. Election; term.

(a) Following the initial election of five (5) City Councilmen, the election for such office shall be held on the third Tuesday in May in each odd-numbered year thereafter as seats become vacant and terms expire, and this shall be the date for the General City Election. A candidate from each district receiving the largest number of votes from all districts shall be declared to be elected as the councilman from that district. The candidates for the at-large seats receiving the largest number of votes shall be declared to be elected to those seats. In order to stagger their terms, candidates elected from the councilmanic districts shall be elected at the same time and candidates elected to the at-large seats shall be elected at the same time. The terms of office for councilmen shall be four (4) years. All qualified voters of the city may vote for candidates for all of the seats notwithstanding the residency of the voter within the city. The term of each councilman shall begin on the date of the next regular City Council meeting in July following such councilman's election. All councilmen shall be eligible for reelection.

(b) The election to be held in June, 1997, for the seats from the existing districts 1, 3, and 5, shall be conducted in accordance with the foregoing amendments to the city charter, during which election the seats for the new

East District, South District and West District shall be filled. The foregoing amendments to the city charter shall first become applicable to the seats from the existing districts 2 and 4, in the election to be held in June, 1999, during which election the two new at-large seats shall be filled.

(c) Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected. [As replaced by Priv. Acts 1996, ch. 140, § 2; and amended by Priv. Acts 1998, ch. 132; and Priv. Acts 2005, ch. 64, § 1]

#### Section 2-3. Powers generally.

The City Council of the City of Bristol, Tennessee, shall have perpetual succession; shall sue and be sued, plead and be impleaded in all the courts of law and equity and in all actions whatsoever; may purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, with or without the city or state, for the benefit of the city, and do all other acts touching the same, as natural persons, and may use a common seal and may change it at pleasure.

#### Section 2-4. Charter and statutory powers generally.

The city council shall have and exercise all of the powers set forth in the provisions of this charter and as provided by the Statutes of the State of Tennessee.

#### Section 2-5. Enumeration of particular powers.

The city council shall have the following powers:

(1) Taxation. To levy and collect taxes upon all property and privileges taxable by law for municipal purposes.

(2) Appropriation of money. To appropriate and provide for the payment of the debts and expenses of the city, the City Council of the City of Bristol, Tennessee, shall adopt and operate under an annual budget. The budget shall include estimates of proposed expenditures and estimates of anticipated revenues. Expenditures shall not exceed estimated revenues and/or any surplus accumulating from prior years. The budget and supporting tax rate may be adopted by resolution.

(3) Bonds and notes authorized. The City of Bristol, Tennessee, is authorized to issue bonds and notes for such purposes and in such manner as authorized by applicable state statutes.

(4) Schools. To establish a system of free schools and regulate the same so as to avoid sectarian influence.

(5) General health; nuisances. To make regulations to secure the general health of the inhabitants, declare and remove nuisances.

(6) Water; police protection; fire protection. To provide the city with water by contracts, waterworks within or beyond the city limits, or provide for supplying the city with water otherwise; to provide for the appointment of a police force; to impose fines, forfeitures and penalties and costs for the breach of any ordinance; and to provide for the prevention and extinction of fires, and to organize and establish fire companies.

(a) Said City of Bristol, Tennessee, is empowered in its governmental capacity to use its firefighting equipment and personnel outside its corporate limits, when and under such circumstances, limitations and conditions as its governing body may in its sole discretion determine.

(b) Said firefighting equipment and personnel may be so used outside the corporate limits of said City of Bristol, without limitations as to distance or area, except as limited by the governing body of said City of Bristol, and the area so served may include such area in the State of Virginia as may be included by reciprocal or mutual agreement with the City of Bristol, Virginia.

(c) Said governing body of the City of Bristol, Tennessee, may in the exercise of its sole discretion, provide or agree to such terms, limitations, restrictions and conditions as may seem proper or advisable to it with respect to such outside use of said equipment and personnel; and it may refuse to permit any such outside use.

(d) Whenever said firefighting equipment and personnel are so used or employed in fighting fires, or affording fire protection, outside the corporate limits of said city, the City of Bristol and its officials, agents, servants and employees authorizing or performing such service shall be entitled to all the immunities and protections from liability to which they are entitled with respect to similar services within the corporate limits of said City of Bristol, Tennessee.

(e) Said City of Bristol, Tennessee, is empowered in its governmental capacity to use its police force and police equipment outside its corporate limits, when and under such circumstances, limitations, and conditions as its governing body may in its sole discretion determine.

(f) Said police and police equipment may be so used outside the corporate limits of said City of Bristol without limitations, as to distance or area, except as limited by the governing body of said City of Bristol, and the area so served may include such area in the State of Virginia as may be included by reciprocal or mutual agreement with the City of Bristol, Virginia.

(g) Whenever said police and police equipment are so used in law enforcement assistance outside the corporate limits of said city, the City of Bristol and its officials, agents, and employees authorizing or performing such service shall be entitled to all the immunities and protection from liability to which they are entitled with respect to similar services within the corporate limits of Bristol, Tennessee.

(7) Establishment, improvement and repair of streets, alleys, sidewalks, bridges, sewers, etc. To make appropriations to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets; alleys and sidewalks, or to have same done; and to erect, establish and keep in repair bridges, culverts, sewers and gutters and make appropriations for lighting the streets and for the erection of all buildings necessary for the use of the city in or out of the city. The city council of the city shall have the right by resolution or ordinance to lay down such reasonable rules and regulations as to the laying out of subdivisions within said city as it may deem wise for the protection of the city and its citizens and shall have the right to refuse to build streets or extend sewer or water service to subdivisions or parts thereof which have been laid out in violation hereof or in violation of such reasonable rules and regulations as may be promulgated or adopted by said city council. The City of Bristol shall not accept the dedication of any streets, alleys, or other places intended for public use within any land subdivision within the corporate limits of the City of Bristol, Tennessee, unless and until maps, blueprints and/or profile maps of such subdivision shall have been submitted by the owner or owners of such subdivision to the Planning Commission of the City of Bristol, Tennessee, for approval by said planning commission in accordance with the Statutes of the State of Tennessee.

(8) Control of dangerous, hazardous, toxic materials and weapons. To control, regulate and restrain the use, storage, and manufacture of dangerous, hazardous and toxic materials; to regulate and suppress the use and sale of

fireworks; and to prevent and suppress the sale of firearms and carrying of dangerous weapons.

(9) Fines, forfeitures, and penalties, generally. To impose fines, forfeitures, penalties and costs for the breach of any of the ordinances and provide for their recovery.

(10) Ordinances necessary for health and safety, to carry out provisions of charter, etc. To pass all ordinances necessary for the health, convenience and safety of the citizens and carry out the full extent and meaning of this charter, and to accomplish the object of the same; to join with other municipalities within or out of the State of Tennessee in any plan, arrangement or contract to promote or maintain the general welfare, comfort, education, peace, government, health, trade, commerce, or industries of the City of Bristol, Tennessee, or its inhabitants.

(11) Dangerous properties, buildings, sidewalks, construction.

(a) To impose penalties upon the owner or owners, occupants, or agents of any property, building, wall, sidewalk, or other structures which may be considered dangerous or detrimental to the citizens, unless after due notice, to be affixed by ordinance, the same to be removed, repaired or demolished; to regulate and provide for the construction and repair of sidewalks and foot pavements, and for the repair, removal and demolition of dangerous property, buildings, and walls, at the cost and expense of the owner of the dangerous property, or the owner of the property abutting a dangerous sidewalk or footpath; and if the owner or owners of such dangerous property or of such property abutting a dangerous sidewalk or footpath shall fail to comply with the provisions of the ordinance within such time as may be prescribed, the City of Bristol may contract for the construction or repair of the sidewalks or pavements, or the repair, removal and demolition of such properties, buildings, and walls, and the amount to be paid shall be a lien upon the lot containing the dangerous property or the lot abutting such dangerous sidewalk or footpath, and may be enforced by attachment in the same manner as a city property tax lien against the property; or the amount may be recovered against the owner by suit before any court of competent jurisdiction; or the city may provide by ordinance for construction and repair of sidewalks and foot pavements and for the repair, removal and demolition of property, buildings, and walls at the cost and expense of the owner of the property or property abutting the sidewalk or foot pavement, and the failure of any person to comply with the ordinance, after notice as prescribed therein, shall be deemed a misdemeanor, and punishable by a fine in the same manner as for the violation of other ordinances of

the city. Buildings shall be deemed to mean any and all structures designed for the shelter of humans, animals, or other property, whether residential or commercial, occupied or vacant, open to the public or not.

(b) Any condition created on property within the City of Bristol which is dangerous or detrimental to the citizens because of debris stored on the property, unless by due notice and to be affixed by ordinance, the same to be cleared and removed, and if the owner or owners of such property shall fail to comply with the provisions of the ordinance within such time as may be prescribed, the City of Bristol may contract for the clearing and removal of the debris and the amount so paid shall be a lien upon such lot, and may be enforced by attachment in the same manner as a city property tax lien against the property; or the amount may be recovered against the owner by suit before any court of competent jurisdiction; and the failure of any person to comply with the ordinance, after notice as prescribed therein, shall be deemed a misdemeanor, and punishable by a fine in the same manner as for the violation of other ordinances of the city. It shall not be a defense to this sub-section that there is an owner-occupied residence on the property.

(12) Animals running at large; impounding. To regulate, tax, license, or suppress the keeping and going at large of animals within the city, to impound the same, and in default of redemption, in pursuance of the order to sell or kill the same.

(13) Taxicabs and other vehicles for hire.

(a) To license, tax and regulate vehicles for hire and fix the rate to be charged for the transportation of persons and property within the city; and through its city council by appropriate ordinances to require the owners and/or operators of all taxicabs and motor vehicles for hire within said city to carry insurance and/or bonds upon such vehicles for the protection of their passengers and the public against personal injury and/or property damage; provided, further that the City of Bristol through its city council is hereby vested with full power, right and authority to enact such ordinances as are proper to license, supervise and regulate the operation of every taxicab and other motor vehicle for hire in the City of Bristol, Tennessee, and to fix or approve rates, fares, charges, classifications, rules and regulations pertaining thereto; in all matters affecting the relationship of motor vehicles for hire, operators and the public.

(b) The provisions of this section shall not apply to common carriers of passengers who operate motorbuses within, and without, or

through the corporate limits of the City of Bristol under a franchise granted by an ordinance from the City of Bristol by its city council and approved by the Public Service Commission of the State of Tennessee, or to common carriers of passengers by motorbuses holding a franchise from the State of Tennessee granted by the Public Service Commission of the State of Tennessee.

(14) Granting rights of way through streets, etc. To grant the right-of-way through the streets, avenues and public property of said city for the purpose of street and other railroads, and for such other purposes as the city council may provide by ordinance; provided, that the city council shall not grant the exclusive right to any one (1) person, firm or corporation.

(15) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation. Franchises may be granted for a period of time to be fixed by the city council. The council may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing streets, alleys and thoroughfares that thereafter may be opened.

(16) Levy a hotel/motel tax, in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425, upon any structure or campground, or any portion of any structure or campground, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, campground, whether temporary or permanent, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(17)<sup>1</sup>

---

<sup>1</sup>Private Acts 2005, ch. 64, § 2(7) added a subsection (17) to this § 2-5, but there was no text for the subsection.

(18) Condemnation of land. To take and appropriate property for public purposes as provided by statutes of the State of Tennessee. If, any time condemned land is not utilized for its designated purpose, the previous owner shall be given first choice for repurchase at a fair market value.

(19) Additional powers to join with Bristol, Virginia.

(a) Said City of Bristol shall have the power through its city council in its corporate capacity to acquire, hold and own by gift, devise, condemnation, purchase or otherwise, real and/or personal property within or without the City of Bristol, Tennessee, for public library purposes, for the use and benefit of the citizens of the said City of Bristol and to own, finance, maintain and operate a public library either exclusively and in its own right, or jointly with the City of Bristol, Virginia, and for the purpose of maintaining and operating such public library.

(b) The City of Bristol, Tennessee, shall have the power to join with the City of Bristol, Virginia, separately or jointly, in acquiring, developing, maintaining and operating, leasing or otherwise handling any water power properties, pipelines, reservoirs, pumping stations, filtering plants, purification processes and other works, and auxiliary steam plants, in the states of Virginia and Tennessee, or in either of said states, for the purpose of supplying water and electric current, or either, for the use of inhabitants of the Cities of Bristol, Virginia and Tennessee, and vicinity; and to that end the City of Bristol, Tennessee, is authorized to make the City of Bristol, Virginia, its trustee or agent to hold title to property in Virginia, or for any other purpose the City of Bristol, Tennessee, may deem proper; and the City of Bristol, Tennessee, is authorized to act as trustee or agent for the purpose of holding title to property in Tennessee for the City of Bristol, Virginia, or for any purpose the City of Bristol, Virginia may desire and the City of Bristol, Tennessee, may deem proper. In connection with its system of surface water disposal, said city may continue to use Beaver Creek and Little Creek, and to this end the city council may at any time order the channel of said Beaver Creek or Little Creek to be so altered, widened, deepened, straightened, improved, or the location thereof changed, as it may think proper, and such walls or wall to be constructed along its banks as will tend to prevent over flow; and said City of Bristol is hereby authorized and empowered to condemn, in the manner provided by law, any land, or interest in land, or any riparian rights or any property rights, necessary for the purpose of so altering, widening, deepening, straightening, improving or changing the location of the channel of said Beaver Creek or Little Creek within the City of Bristol.

(c) The said City of Bristol is further authorized and empowered to change the location of the channel of any other creek or creeks within the city and to acquire by condemnation or otherwise any land, or interest in land, or any riparian rights, or any property rights within the city, necessary for such purposes.

(d) To join with the City of Bristol, Virginia, in the construction, maintenance, use and operation of a sanitary sewer line or lines and sewerage disposal plant, either within the State or Virginia, or Tennessee, or both, and to acquire by condemnation or otherwise, any lands, interest in lands, properties, property rights and riparian rights necessary thereto.

(e) The City of Bristol, Tennessee, is hereby authorized to join with the City of Bristol, Virginia, in the construction, paving, improving, repairing, maintenance, cleaning, and sanitation of State Street, or any other street in said cities similarly situated with respect to the Tennessee-Virginia state line and in the regulation and routing of traffic along and over same, also to join with the City of Bristol, Virginia, in establishing and regulating motor vehicle routes and other public service routes, and in fixing and regulating the changes for carrying services over such routes.

(20) Lighting of streets, etc.; laying of gas and water pipes, erection and removal of lampposts, poles, wires, etc.; conduits in underground structures; use of streets by public service companies. In addition to the powers and duties conferred upon the city council, and city council shall have the power and authority by ordinance to regulate and provide for the lighting of the streets, avenues, and alleys of said city; and to regulate by ordinance the laying down of gas pipes and water pipes; and the erection of lampposts, electric poles, wires, and cables, and all other pipes, wires, poles and apparatus used by public utility and cable TV companies; and to require the removal from the public grounds, streets and alleys; of any and all poles, wires, cables, and other apparatus, and to require the placing thereof underground within reasonable limits; and to this end said city council shall have the authority and power to direct the building of subways, conduits, and other underground structures by the various public utility and cable TV companies now or hereafter operating plants or works and using poles, wires, cables, and other apparatus in said city, and placing such underground ducts and wires and cables and removing all poles, wires, and other apparatus from the surface of the street as aforesaid; and said city council is hereby and herein vested with ample authority to regulate the use of the streets, alleys and public places in said city by public service companies, and at all times to control and regulate the setting of poles, posts, wires, cables, ducts and subways of existing and all future companies operating in said city.

(21) Weeds, grass and noxious growth. The city council shall have the power by ordinance to require the owners of property to keep all weeds, rank grass, and noxious growth of any kind upon said property, cut or clipped.

(22) Operation of motor vehicles generally; annual license fees. Said City of Bristol, Tennessee, is hereby authorized and empowered by ordinance to regulate the operation of motor vehicles within said City of Bristol as provided by Statutes of the State of Tennessee.

(23) Additional powers to accept gifts of property generally.

(a) To accept and receive, unconditionally or upon conditions, absolutely or in trust, gifts, grants, bequests and devises of any kind of property, real or personal for educational, charitable or other public purposes; and to do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests and devises, with power to manage, maintain, operate, sell, lease or otherwise handle or dispose of the same, in accordance with the terms and conditions of such gifts, grants, bequests and devises.

(b) Any such gifts, grants, bequests and/or devises may be accepted and received absolutely or in trust either for Bristol, Tennessee, alone, or for both Bristol, Tennessee, and Bristol, Virginia; or may be accepted as trustee for Bristol, Virginia, and/or the sections of Sullivan County, Tennessee, and/or Washington County, Virginia, adjacent or near to Bristol, Tennessee-Virginia; and may be owned, managed and/or administered by said City of Bristol, Tennessee, so as to effectuate their purpose or object. [As amended by Priv. Acts 1996, ch. 141; and Priv. Acts 2005, ch. 64, § 2]

Section 2-6. Meetings; designation of mayor and vice-mayor; powers and duties of mayor generally.

(a) Until otherwise changed by the city council, regular meetings of the city council shall be held at 7:00 p.m. on the first Tuesday of each month at the city hall. Special meetings may be called at any time by the mayor, by two (2) councilmen, or by the city manager, but only after at least twenty-four (24) hours written notice to all councilmen in the city and publication of notice at least twenty-four (24) hours in advance of meeting in a daily newspaper circulating in the city. All meetings of the council, whether regular or special, shall be open to the public and shall be conducted according to law. If the business at any regular or special meeting is not completed on the day the council convenes, the council may adjourn such meeting to any subsequent day.

The place for council meetings cannot be changed except by resolution or action of the council.

(b) The city council shall elect one of its number as mayor for a term of one year at its first regular meeting in July and shall elect one of its number as mayor each year thereafter.

(c) The mayor shall preside at all meetings of the city council, shall be the ceremonial head of the city, and shall be the officer upon whom legal process against the city may be served. He shall have no other executive or administrative powers or duties except those prescribed by this charter or conferred by the council and not inconsistent with this charter.

(d) Immediately after election of a mayor the council shall also elect one of its number as vice-mayor to act as mayor during the absence or disability of the mayor. If the office of mayor shall become vacant the vice-mayor shall become mayor for the remainder of the unexpired term and another councilman shall be elected to serve as vice-mayor.

(e) In the absence of the mayor and vice-mayor at any meeting, the other three (3) councilmen may designate one of their number to preside.

(f) The mayor or other councilman presiding at any meeting votes and has all the other rights, privileges, and duties of the other members of the city council. [As amended by Priv. Acts 2005, ch. 64, § 3]

#### Section 2-7. Compensation.

The salaries and other benefits of the mayor and other councilmen be shall be fixed by ordinance.

#### Section 2-8. Expenses.

All of the members of council may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties, provided such expenses are approved by council, either specifically or by policy.

#### SECTION 2-9. Filling of Vacancies.

Vacancies in the city council from death or resignation shall be filled within thirty (30) days of the vacancy by appointment of the city council, from the district in which the vacancy occurs, to serve until the next city or general election. In the event of a tie vote by council, the mayor shall have the power to cast the deciding vote; in the event it is the mayor's position that becomes

vacant, then the vice-mayor shall have the right to cast the vote. [As amended by Priv. Acts 1998, ch. 121]

Section 2-10. Attendance of members; quorum.

(a) Each member of the council shall attend all meetings of the council and attend to such other duties as the good of the city may require. Three (3) members of the city council shall constitute a quorum, but a smaller number may adjourn from day to day. The attendance of members may be enforced by rules or ordinance with appropriate fines.

(b) The affirmative vote of three (3) members, one of whom may be the mayor, shall be necessary to adopt any motion, resolution, or ordinance, or to pass any measure, unless a greater number is provided for in this charter, or by state law.

Section 2-11. Bond; oath.

Each member of said city council, including the mayor, shall be required to execute and file with the recorder a bond in the sum of five thousand dollars (\$5,000.00) for the faithful discharge of their duties, and shall take and subscribe the oath of officers of the city. The cost of such bond shall be paid by the city. [As amended by Priv. Acts 2005, ch. 64, § 4]

Section 2-12. Annual examination of books and accounts.

At the end of each year the city council shall cause a full and complete examination of all the books and accounts of the city to be made by a recognized independent firm of certified public accountants and shall publish the results to such examination once in a daily newspaper circulating in said city.

Section 2-13. Subscribing to stock, lending money, etc., prohibited.

The city council is forbidden to make any appropriations or subscribe for stock in any company or corporation, except under the general law of the state, or give or lend money, aid, or credit to any person, company or corporation whatsoever; and they are hereby prohibited from employing or appropriating the revenue and taxes in other manner than for purposes strictly municipal and local and according to the provisions of this charter and the general laws of the state. [As replaced by Priv. Acts 2005, ch. 64, § 5]

Section 2-14. Limitation upon appropriations and contracts.

The city council shall not appropriate or contract for any greater sum of money in any one year than the amount of income for that particular year, from all sources. Nothing in this section shall prevent the use of excess funds accumulating from prior years, nor the borrowing power provided in Section 2-5(3) hereafter.

Section 2-15. Object of appropriation to be stated in order.

No appropriations for work or improvements shall be made unless the object is fully stated in the order making such appropriations.

Section 2-16. Issuance of script prohibited; warrants not to be drawn until money in hands of recorder, etc.

It shall not be lawful for the city council to issue or authorize the issuance of any city scrip, and any such city scrip so issued shall be null and void. No warrant shall be drawn by the city manager or the recorder for any purpose until the money is in the hands of the recorder with which to pay such warrant.

Section 2-17. City depository, requirements for withdrawal of funds.

The city council shall designate a bank or banks as city depository or depositories provided that said bank or banks shall pledge United States treasury securities or other acceptable securities to cover the average balance of deposits. When the depository or depositories have been nominated, all funds of the city, including sinking funds and other special funds, bond proceeds, and school moneys shall be deposited with said bank or banks, and shall remain there until expended. City funds shall be withdrawn from such bank or banks in such manner and in accordance with such procedure as may be prescribed by the council.

## ARTICLE II. ORDINANCES AND RESOLUTIONS

Section 2-18. Requirements as to passage of ordinances generally; franchises.

(a) Before its adoption, every ordinance shall be presented two (2) different days in open session and read in its entirety on the first of those days; not less than one (1) week shall elapse between the first and second presentation during which time it shall remain on file with the recorder for public inspection. Any ordinance not so read shall become null and void except that at the discretion of the council the reading of the ordinance may be dispensed with provided a copy of said proposed ordinance shall have been lodged with each council member and one (1) copy lodged with the recorder at least three (3) days

prior to the date of the meeting at which said ordinance shall be presented for the first time. No ordinance shall take effect until seventeen (17) days after its final passage except in case of emergency ordinances. Each ordinance shall be signed by the mayor or by three (3) council members and entered in full upon the minutes of the city council. The city may adopt by reference the provisions of any code or portion of any code as such term is defined in T.C.A. 6-54-501 without setting forth the provisions of such codes in full, provided that at least one (1) copy of such code which is incorporated or adopted by reference is filed in this office of the recorder for a period of fifteen (15) days prior to adoption of the ordinance.

(b) An emergency ordinance for the immediate preservation of the public peace, health, safety or public welfare may become effective upon the day of its final passage, provided it shall contain the statement that an emergency exists.

(c) The unanimous vote of all councilmembers present shall be required to pass an emergency ordinance.

(d) Franchise. No franchise granting a right to occupy or use the streets, highways, bridges or public places in said city shall be granted, renewed or extended except by ordinance.

#### Section 2-19. Form of ordinances; effective date.

All ordinances shall begin by an enacting clause, as follows: "Be it ordained by the City of Bristol, Tennessee," and shall, at the end thereof, contain the provision that:

"This ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it."

except that an emergency ordinance shall take effect immediately from and after its final passage, the welfare of the city requiring it.

#### Section 2-20. Resolutions effective from and after adoption on one reading.

(a) Resolutions of the city council of said city shall be effective from and after adoption of one reading, and shall not be subject to the requirement, applicable to ordinances, that they be passed on two (2) readings.

(b) At the discretion of the council the reading of a resolution in its entirety may be dispensed with provided that a copy of said proposed resolution

shall have been lodged with each councilmember and one (1) copy lodged with the recorder at least three (3) days prior to the date of the meeting, at which said resolution shall be presented. [As amended by Priv. Acts 2005, ch. 64, § 6]

## CHAPTER 3. ELECTIONS

### ARTICLE I. IN GENERAL

#### Section 3-1. State offenses applicable to city elections.

Every act of deed, whether of commission or omission, denounced by law as an offense in the case of regular state elections, is hereby declared to be a like offense in the case of any regular, special or removal election held under this charter, and shall be punishable in like form and manner.

#### Section 3-2. Influencing voters.

Any candidate for election under this charter who shall to any person pay, give or offer to pay or give, or promise directly or indirectly, money, office, or anything of value, or who shall knowingly suffer any person to do so for the purpose of obtaining the vote or influence of any elector, or of obtaining such person's vote or influence against an opposing candidate, shall be disqualified as councilman in addition to the other penalties prescribed by law for such offenses. [As replaced by Priv. Acts 2005, ch. 64, § 7]

#### Section 3-3. Campaign expenses.

Every candidate for an elected office of the City of Bristol shall comply with all financial disclosure and reporting requirements which may be applicable under Tennessee law. A copy of each financial disclosure report filed with the Sullivan County Election Commission shall be filed with the city recorder no later than twenty-four (24) hours following its filing with the Election Commission, and the same shall be available for public inspection during normal business hours. [As replaced by Priv. Acts 1998, ch. 120]

#### Section 3-4. Elections and referendums.

All elections and referendums shall be held and supervised by the Sullivan County Election Commission and said commission shall make all necessary provisions of the holding of all elections and referendums of the city. The City of Bristol shall pay the Board of Registration and Election Commissioners of Sullivan County for their services.

#### Section 3-5. Examination of registration books.

The registration books containing the names of the qualified voters of the city shall be public records, and the board of registration and election commissioners of Sullivan County shall allow examination of said books at all reasonable hours by the recorder or any other person designated and authorized by the city council, to examine said books for the purpose of ascertaining whether a sufficient number of names of qualified voters, be signed to any petition filed in accordance with the provisions of this article relative to the recall and reconsideration, as herein set out in this article, and any qualified voter shall also have the right and be permitted to examine said books. [As amended by Priv. Acts 2005, ch. 64, § 8]

## ARTICLE II.

[As deleted by Priv. Acts 2009, ch. 18, § 1]

### CHAPTER 4. DEPARTMENTS

Section 4-1. Powers, authority and duties distributed among departments.

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

(b) The city manager shall determine the powers and duties to be performed by, and assign them to, the appropriate departments; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or an employee to perform duty in two (2) or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city. [As amended by Priv. Acts 2005, ch. 64, § 9]

### CHAPTER 5. OFFICERS AND EMPLOYEES

#### ARTICLE I. IN GENERAL

Section 5-1. Appointment of city manager and other officers.

(a) City manager; appointment and compensation. The city council shall appoint a city manager to serve at the will of the council. The manager shall be appointed on the basis of his executive and administrative qualifications. The compensation of the manager shall be fixed by council.

(b) Interim city manager. The council shall name an interim city manager to serve during the temporary absence or illness of the city manager and to serve during the period of time when the city has no city manager.

(c) Powers and duties enumerated. The city manager shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all the city affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(1) He shall appoint and when he deems it necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise herein provided. He may authorize any administrative officer subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(2) He shall direct and supervise the administration of all departments, offices, and agencies of the city except as herein otherwise provided.

(3) He shall attend all council meetings and shall have the right to take part in discussion but may not vote.

(4) He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(5) He shall prepare and submit the annual budget and capital program to the council.

(6) He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(7) He shall make such other reports as the council may require concerning the operations of city departments, offices, and agencies subject to his direction and supervision.

(8) He shall keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to council concerning the affairs of the city as he deems desirable.

(9) He shall execute contracts and other documents and instruments on behalf of the city.

(10) He shall perform such other duties as are specified in this charter or as may be required by the council.

(d) Council not to interfere with personnel appointments exclusive to manager or his subordinates. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(e) Council to deal with personnel through manager generally. Except for the purpose of formal council inquiries and investigations, the council and its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. [As amended by Priv. Acts 2005, ch. 64, § 10]

#### Section 5-2. Recorder.

The city manager shall appoint a city recorder who may be assigned other duties in accordance with section 4-1.

(1) The recorder shall give such bond to the city as may be established, the cost of such bond to be paid by the city; and shall have power to administer oaths.

(2) It shall be the duty of the recorder to be present at all meetings of the city council and to keep a full and accurate record of all business transacted by the same to be presented in permanent book form.

(3) The recorder shall have custody of, and preserve in this office, the city seal, the public records, original ordinances, minutes of the city council, contracts, title deeds, certificates, and papers, and all bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere.

(4) The recorder shall serve as clerk of the municipal court and keep a court docket embodying complete details of all cases handled in each court. Deputy court clerks may be appointed as necessary. [As amended by Priv. Acts 1997, ch. 2; and Priv. Acts 2005, ch. 64, § 11]

#### Section 5-3. Qualifications of officers generally.

No person shall be eligible to any city office who holds any kind of office, executive or judicial, under the United States, the State of Tennessee, or Sullivan County, exclusive of appointed boards and commissions not empowered to enter into contracts on behalf of the city.

Section 5-4. Bond and oath of city recorder and police chief.

The city recorder and police chief shall give such bond to the city council of said city as the city council may, by ordinance or resolution require, and they shall each, before entering upon the duties of their respective offices, take an oath before the mayor of said city, who is hereby authorized to administer the same, to faithfully, honestly, and impartially, without fear or favor, discharge the duties of their respective offices to the best of their ability.

Section 5-5. Fixing compensation.

The city council shall fix the compensation for all city officers and employees except as herein otherwise provided.

Section 5-6. Bonds of officers to be examined annually.

The bonds of all officers of the city shall be examined once each year and the solvency of the sureties examined into by the city manager and city attorney; and if they require the same, a new bond shall be executed, and said city manager and city attorney may require the officials to give new bond or justify the old bonds at any time.

Section 5-7. Difference of opinion as to what department embraces particular work.

Whenever a difference of opinion shall arise as to what department embraces a particular work or matter the question shall be resolved by the city manager and his conclusion shall be final and binding

Section 5-8. Appointment and duties of city attorney.

The city attorney and necessary assistants shall be appointed by and serve at the will of the city council. The duties of the city attorney shall be, in addition to the duties herein already set forth, to attend meetings of the city council and to give legal counsel touching the interest of the municipality when called upon by any officers of the city. He shall prepare ordinances, attend to all litigation wherein the city may be a party, and shall transact such other business connected with the government of the city as may be imposed upon him by the council.

Section 5-9. Interest in city contracts, etc., free passes, services, etc.; influencing others to adopt political views; penalty.

No officer or employee elected or appointed in said city shall be interested directly or indirectly in any contract or job for work or material, or the profits thereof or service to be furnished or performed for the city. No such officer or employee shall accept or receive, directly or indirectly, from any business using or operating under a public franchise, any free passes or services, nor shall such other employee receive any other valuable consideration upon terms more favorable than is granted to the public generally. Upon the finding that the provisions of this section have been violated, a civil penalty of a fine only not exceeding fifty dollars (\$50.00), or the amount permitted by law, may be assessed, and any such contract or agreement shall be void. Any officer or employee of said city who, by solicitation or otherwise, shall exert such person's influence, directly or indirectly, to influence other officers or employees of such city to adopt his or her political view or favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be punished by a civil penalty not exceeding the amount permitted by law. [As replaced by Priv. Acts 2005, ch. 64, § 12]

Section 5-10. Appointments; prohibited grounds.

All officers and employees of said city shall be elected or appointed with reference to their qualifications and fitness and for the good of the public service, and without reference to their race, age, religious faith, or political belief or party affiliation or sex. It shall be unlawful for any candidate for office or an officer of said city, directly or indirectly, to give or promise any person or persons any office, position, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons. No officer or employee elected or appointed by said council or board of education shall be related to any of said council or members of the board of education controlling or having a vote or voice in the election or appointment of said officer or employee within the second degree either by affinity or consanguinity.

Section 5-11. Personnel policies and procedures.

The city council shall adopt personnel policies and procedures for employees of the city in compliance with Tennessee Code Annotated, Section 6-54-123 as amended and any other applicable provision of general law. Such policies and procedures may be amended from time to time by the city council. [As added by Priv. Acts 2002, ch. 130, § 2; and amended by Priv. Acts 2005, ch. 64, § 13]

## CHAPTER 6. EDUCATION

## Section 6-1. Board - Creation, composition; qualifications of members.

There shall be a board of education for the city, to consist of five (5) members. No person shall be eligible for membership on the board of education unless he shall have been for at least one year next before his election a resident of the city and a citizen of Tennessee, and is at least twenty-one (21) years of age. No person who holds any kind of office, executive, judicial or legislative under the United States, the State of Tennessee, Sullivan County, or an employee of the board of education or of the City of Bristol, Tennessee, shall be eligible for membership on the board of education. No person shall act as a member of the city council and board of education at the same time.

## Section 6-2. Same - Election; term.

(a) Members of the Board of Education shall be residents of and elected by the qualified voters of the city at large with one (1) member coming from each of five (5) districts of substantially equal population established by resolution of the City Council. The candidate from each district receiving the largest number of votes from all districts shall be declared to be elected as the board member from that district. In order to stagger their terms, candidates elected from districts 1, 3, and 5 shall be elected at the same time and candidates from districts 2 and 4 shall be elected at the same time. The terms of office for members of the Board of Education shall be four (4) years. All qualified voters of the city may vote for candidates from all of the districts notwithstanding the residency of the voter within the city. The term of each board member shall begin on July 1 after the election. All members shall be eligible for reelection. [As replaced by Private Acts 2009, ch. 2, § 1]

(b) Any vacancy occurring on the board of education shall be filled by the city council from the district in which the vacancy occurs, to serve only until the next general city election when such vacancy shall be filled for the remainder of the unexpired term by election by the qualified voters of the city.

(c) The chairman of the board of education shall be elected by the members for a one-year term.

(d) No member of the board of education shall directly or indirectly receive any compensation from the city other than that provided by the city council for members of the board of education. Each member of the board of education shall attend all meetings of the board and attend such other duties as may be required.

(e) Each member of the board of education shall be required to execute and file with the recorder a bond in the sum of five thousand dollars (\$5,000) for the faithful discharge of their duties, the cost of such bond to be paid by the board of education, and shall take and subscribe the oath of officers of the city. [As amended by Priv. Acts 1996, ch.140, § 3; and Priv. Acts 2005, ch. 64, §§ 14 and 15]

#### Section 6-3. Same - Budget.

(a) Prior to the selection of the school teachers to teach in the schools of said City of Bristol, Tennessee, the board of education shall submit to the city council a municipal school budget, including estimates of school revenues as well as estimates of expenditures necessary for the operation of the school system for the next fiscal period.

(b) The city council shall have no authority to modify or delete any item of the school estimates and shall have the power to modify only the total amount of the school budget, as funded by city revenues.

#### Section 6-4. Use of school property.

Should the city council recognize the Viking Hall as a school building, the board of education shall have the power to allow the facility to be used for public, community or recreational purposes in accordance with Tennessee Code Annotated, Section 49-2-203(b)(4), as may be amended from time to time. [As added by Priv. Acts 2005, ch. 5]

### CHAPTER 7. POLICE DEPARTMENT

#### Section 7-1. Appointment.

The city council shall have the power to authorize the number of police officers as may be necessary to preserve the peace and good order of the city.

#### Section 7-2. Powers generally.

It shall be the duty of the chief of police and members of the police department to preserve order in the city, to protect the inhabitants and property therein from violence, crime, and all criminal acts, to prevent the commission of crime, violations of law and city ordinances, to perform general police duties and to execute and return all processes, notices and orders. [As replaced by Priv. Acts 2005, ch. 64, § 16]

Section 7-3. Deleted. [As deleted by Priv. Acts 2005, ch. 64, § 17]

## CHAPTER 8. BONDED INDEBTEDNESS AND OTHER DEBT FINANCING

Section 8-1. Generally.

The City of Bristol, Tennessee, shall be empowered to finance projects, operations, facilities and such other governmental expenditures whether within or without the state, through the use of bonded indebtedness and such other debt financing methods as may be provided for within the laws of the State of Tennessee or applicable federal law. Provisions shall be made within the city's annual budget for the reservation and payment of such funds as may be required to fund all principal amounts and interest payments due within the given fiscal period to satisfy the requirements of bond holders or as may be required under state or federal law. [As amended by Priv. Acts 2005, ch. 64, § 18]

## CHAPTER 9. TAXATION

### ARTICLE I. IN GENERAL

Section 9-1. Tax books to be made out by the recorder; when taxes due and payable; collection; penalty; extension of time for collection.

(a) The city tax books shall be compiled by the recorder from the information furnished by the Sullivan County Tax Assessor by the first day of September or as soon thereafter as practicable, of each and every year for which assessment is made; and the tax so levied being due and payable on October 1 of each and every year.

(b) Such recorder shall proceed at once, after assessment rolls are received from the State Division of Property Assessments, to collect such taxes, and a penalty of five percent (5%) shall attach to all taxes remaining unpaid after January 5 of the following year, from which date all unpaid taxes shall draw interest at a rate to be fixed from time to time by the Governing Body of the City of Bristol at no more than the maximum legal rate of interest until paid. Notwithstanding the foregoing, unpaid taxes on property assessed by the Tennessee Public Service Commission shall not be subject to penalty or interest until after April 5 of said following year. The City of Bristol may by resolution or ordinance extend the time for the collection of such taxes without penalty and interest for a period not exceeding three (3) months. The City of Bristol may provide by ordinance or resolution adopted in connection with the levy of ad valorem real or personal property taxes for any year for a discount of two

percent (2%) of the tax currently due, if such taxes are paid on or before November 5 of the year in which they are assessed and/or a discount of one percent (1%) if paid after November 5, but before December 6 of the year in which such taxes are assessed; provided, that such discount shall not apply when all or any part of the amount of tax due is paid pursuant to Tennessee Code Annotated, Title 67, Chapter 5, Part 7, or the corresponding provisions of any future general laws of the State of Tennessee. [As amended by Priv. Acts 1994, ch. 162]

#### Section 9-2. Restriction upon exemption of property.

The city council shall not exempt any property from taxation not exempt from state taxation.

#### Section 9-3. Taxes assessed to constitute lien.

The taxes assessed by said city shall be a lien on the respective property against which the same are respectively assessed until paid, subject only to the lien which the State of Tennessee and Sullivan County may have for unpaid taxes.

### ARTICLE II. COLLECTION OF DELINQUENT TAXES.

Section 9-4. Preparation of lists; delivery to city attorney; institution of suit.

(a) The recorder of said city shall cause to be prepared, between January 1 and March 1, in the second year after taxes for any one year are assessed, a list of all land and other property taxes due the city for the second year previous, setting forth the persons against whom said taxes are assessed as owner, the description of the property as assessed, the assessed value thereof, the original amount of said taxes, the amount delinquent, and the percent of penalties and interest accrued on said taxes as of February 5, following.

(b) Said list of delinquent taxes shall be certified by said recorder and shall be delivered to the city attorney on or before March 1, following, and it shall be the duty of said city attorney to institute suit for the collection of said taxes and/or the enforcement of the city's lien arising from the assessment of said taxes prior to April 1, following the date said certified list is delivered to said city attorney; provided, that nothing contained in this section shall be construed as limiting or affecting the right of the city or the city attorney to institute suit on any present or future delinquent taxes not filed within the time herein indicated.

Section 9-5. Payment prior to suit; duty of city attorney.

(a) During the period intervening between the time said certified list is delivered to the city attorney and the time suit is filed on such delinquent taxes, such delinquent taxes shall be payable to the recorder.

(b) Said recorder shall keep a record of such payments to him and shall certify such list to the city attorney when, or as soon as practicable after, suit is filed, and said city attorney shall cause said certified list to be filed as an exhibit in the suit filed by him, or otherwise indicate in said suit that the taxes included in the list so certified have been paid, and such suit shall stand dismissed as to such land or other property on which the taxes are shown to have been so paid.

Section 9-6. Nature and form of bill to enforce lien; fees for sheriff and clerk.

(a) Suit may be filed against any number of defendants, or, in the discretion of the city attorney, there may be filed only one bill for the collection of or the enforcement of any one year's taxes, penalties, interest and costs, and said bill may be instituted in the name of the city on its own behalf, and may be styled:

City of Bristol, Tennessee, a Municipal Corporation located in Sullivan County, Tennessee.

Delinquent Taxpayers for the year. . .

and the aforementioned delinquent list may be made an exhibit to said bill, and the persons named therein will be deemed as defendants to said suit, and the property described in said exhibit will be deemed the subject matter of said suit.

(b) Amended, supplemental or separate bills may be filed against any one or more defendants, if it be deemed expedient by the city attorney that such course be taken, or if it becomes necessary or proper that a receiver be appointed or that any other extraordinary relief be asked, or if it be necessary or proper that a receiver be appointed or that any other extraordinary relief be asked, or if it be necessary or proper that any other persons or legal entities be made parties to such suit, and all process may be had which may be necessary to bring all proper parties before the court.

(c) The fees allowed to the sheriff and clerk shall be provided by section 67-5-2410, Tennessee Code Annotated, as amended. No litigation tax shall be imposed. [As amended by Priv. Acts 2005, ch. 64, § 19]

Section 9-7. Procedure in suits.

(a) The procedure in said suits shall be as provided in the general laws, except as otherwise specifically or impliedly provided herein, and provided that each tax item shall be considered a separate action against the person or property named or described in said bill, amended bill, or supplement bill, or exhibits thereto, and provided further, that said suits shall be in rem proceedings insofar as the same are filed to collect taxes against or to enforce the tax lien against land, and provided that no writ of attachment shall be necessary, but said land shall be deemed attached from the filing of the bill.

(b) No reference to the master to ascertain delinquent taxes other than those owning (owing) the city shall be deemed necessary in suits filed under or prosecuted under this article.

Section 9-8. Sale not to affect state or county lien, etc.

In the event of the sale of any property to the city, county or state in enforcing the city's tax lien on the suits filed under or prosecuted under this article, such sale shall not be deemed as affecting the state's or county's tax lien, but such sale shall be made subject to the same, and such sale shall not be deemed as affecting the state's, the county's or the city's right to assess the owner's right or equity of redemption, it being the intent of this provision to protect the state's, the county's, and the city's revenue on properties so sold in said suits and to preserve such rights until the expiration of the equity of redemption and/or until such time as such property so sold would become classified as exempt from taxation under the general exemption laws pertaining to publicly owned property.

Section 9-9. Bidding in property by city - Authority granted; right of city as party to suit instituted by state or county.

In the event any property sold in any suit filed under or prosecuted under this article is bid in by the City of Bristol, Tennessee, which city is hereby expressly given power to bid at such sales, said city shall have the right to become a party to any tax suit instituted by or on behalf of the state or county for the collection of or the enforcement of the state's and the county's lien for taxes, and shall have the right to make defense to said suit, if any it has.

Section 9-10. Same - Subrogation to rights of state and county where property sold.

In the event any property sold in any suit filed under or prosecuted under this article is purchased at such sale by the city and the property, or any part

of same so purchased by said city is thereafter ordered sold in any proper suit instituted by or on behalf of the state or county, said city shall have the right to pay such taxes, penalties, interest, and costs as may be due the state or county, and, in such event, shall, if said property be redeemed, be subrogated to the rights of the state and county and shall be entitled to be reimbursed for the amount so expended, with interest thereon at the rate of six (6) percent per annum from the date of such expenditure.

Section 9-11. Institution of suit by state or county where city has suit pending; purchase by city; payment of city taxes upon redemption.

If there be a sale of any property in any suit instituted by or on behalf of the state and county and the city has a suit pending against such property and/or the owner thereof for the collection of delinquent taxes assessed against such property, or, if any other city taxes be due or assessed against such property, or due assessed against the equity or redemption, said city may, without proceeding to judgment, or may, after proceeding to judgment, purchase said property at such sale, or redeem such property from any other purchaser, and if such property be later redeemed from the city, said city shall have the right to require to be paid in addition to the amount for which said property was originally sold or redeemed, all such city taxes as are sued on, or are delinquent, or are due and unpaid. And no person shall have the right to redeem property so sold unless such city taxes are paid.

Section 9-12. Severance of suits.

(a) The city shall be entitled to have a severance of all suits for the collection of delinquent taxes that have heretofore been filed in its behalf by the state or county in the courts of Sullivan County, and upon motion made by said city through its city attorney said suits shall be ordered severed, and said suits shall be prosecuted under the provisions of this article without the necessity of refileing same, and nothing in this article shall be construed as requiring a refileing.

(b) The city shall likewise be entitled to prosecute any suits filed by it for the collection of delinquent taxes in any other manner the same as if said suits had originally been filed under this article.

Section 9-13. Compensation of city attorney - Generally.

The city attorney shall receive as compensation for services rendered in connection with filing and conducting the suit or suits for the collection of and/or enforcement of the city's lien for taxes ten (10) percent of the amount due from any and all defendants at the time suit is filed, and said ten (10) percent shall

accrue to said city attorney at the time of the filing of such suit or suits, and shall be payable when the tax is collected or the tax lien is enforced by sale.

Section 9-14. Same - Additional penalty imposed to provide for compensation.

Upon the filing of suit for the collection of delinquent taxes and/or for the enforcement of the city's tax lien, as is hereinbefore provided, there is hereby imposed an additional penalty of ten (10) percent of the amount due from any and all defendants or any and all delinquent taxes sued on, said penalty being imposed to provide the compensation to the city attorney for his services in connection with said suits as is hereinbefore provided; and said ten (10) percent penalty is made a lien on the land or other property involved in said suit.

## CHAPTER 10. MUNICIPAL AND JUVENILE COURTS

Section 10-1. Municipal court established.

A municipal court is hereby established and constituted for the said City of Bristol, Tennessee, which court shall try all offenses against the city ordinances, including those regulations for the operation of vehicles within the municipality adopted by ordinance of the City of Bristol pursuant to the provisions of Tennessee Code Annotated, Sections 55-10-307, 55-10-308, and 16-18-302. [As replaced by Priv. Acts 2005, ch. 64, § 20]

Section 10-2. Juvenile court established.

A juvenile court is hereby established and constituted for said City of Bristol, Tennessee, within the meaning of Tennessee Code Annotated, Title 37, Chapter 1, Part 1 and all acts amendatory thereof. Said court shall have all of the authority granted by such statutes.

Section 10-3. Juvenile court jurisdiction limited.

The authority granted under section 10-2 shall only pertain to juveniles living inside the corporate limits of the City of Bristol, Tennessee, or for acts committed within the corporate limits of the City of Bristol, Tennessee.

Section 10-4. Appointment and term of municipal judge.

One or more municipal judges shall be appointed by the City Council of the City of Bristol, Tennessee, to serve until the next appointment of said judge with the term of said office to be for four (4) years thereafter and said judges shall be appointed each four (4) years thereafter by said city council.

Section 10-5. Election of juvenile judge; term.

The juvenile judge shall be elected in the city election held on the first Tuesday in June, 1975 for a term of eight (8) years and each (8) years thereafter, such judge shall be elected by the voters qualified to vote for other officials in said city election.

Section 10-6. Judges not required to be full-time officers.

Said municipal judge and said juvenile judge shall not be required to hold this office to the exclusion of all other activities but said judges may hold this office in addition to their other businesses or professions.

Section 10-7. Qualifications and compensation of judges.

(a) Any person who is a resident of Sullivan County and has attained the age of twenty-five (25) years, who shall be an attorney licensed to practice law and an attorney in good standing with the Disciplinary Board of the Supreme Court of the State of Tennessee, shall be eligible for the office of municipal judge.

(b) Any person who is a resident of Sullivan County, has resided in the state for five (5) years and in the county for one year and has attained the age of thirty (30) years, who shall be an attorney licensed to practice law and an attorney in good standing with the Disciplinary Board of the Supreme Court of the State of Tennessee, shall be eligible to the office of juvenile judge; provided that a failure to continue to reside in said county shall operate to vacate said office and his successor shall be appointed by the city council as hereinafter set forth; in the case of the municipal judge said appointment shall be for the balance of the unexpired term; in the case of the juvenile judge, said appointment shall be for the period of time until the next city election.

(c) The compensation of said judges shall be as fixed by the city council and shall be paid on a basis to be determined by the city council. Such compensation shall not be decreased or increased during the current term of office of the judge. [As amended by Priv. Acts 2005, ch. 64, § 21]

Section 10-8. Acting judges; vacancy.

In the event of the absence, incompetency, or other disability of either the municipal judge or the juvenile judge, the city council may appoint some qualified person to act in his stead and while so acting he shall be vested with the same powers and shall perform the same duties hereby bestowed and imposed upon the presiding officer of said court. Where the judge finds it

necessary to be absent from the holding court, he may designate in writing to be filed with the clerk of the court a name of a special judge to hold court in his place and stead; said person shall be a person who has the qualifications of such a judge and who shall take the same oath and have the same authority as a regular judge to hold court for the occasion. In the event the office of municipal judge shall become vacant for any cause, the city council shall elect some qualified person to serve the balance of said term. In the event the office of juvenile judge shall become vacant for any cause, the city council shall elect some qualified person to serve until the next city election, at which time such judge shall be elected by the voters of such city as heretofore provided.

Section 10-9. Authority of judges to grant fiats, etc.

The judges of the municipal court and the juvenile court shall have the same authority as circuit court judges or chancellors to grant fiats for writs of injunction, attachments, and other extraordinary process.

Section 10-10. Court costs; amount, collection, disposition.

The municipal judge, in all cases heard or determined by this court for offenses against the corporate laws and ordinances, shall tax in the bill of costs an amount as established by the city council, and a litigation tax as provided by state law shall be added to that amount. The recorder shall certify to the chief of police for collection, all fines, costs and forfeitures imposed by the municipal court for offenses against the laws and ordinances of the city, to be paid into the treasury. [As replaced by Priv. Acts 2005, ch. 64, § 22]

Section 10-11. Election of juvenile court clerk; term.

The juvenile court clerk shall be elected in the next general election in August, 1990, to serve until the next city election in 1991. In the 1991 election, the clerk shall be elected for a term of four (4) years and each four (4) years thereafter the clerk shall be elected by the voters qualified to vote for other officials in city elections.

Section 10-12. Clerks not required to be full-time officers.

The juvenile court clerk shall not be required to hold this office to the exclusion of all other activities, but the clerk may hold this office in addition to other business or office.

Section 10-13. Qualifications and compensation of clerks.

(a) Any person who is a resident of Bristol, Tennessee, and has attained the age of twenty-one (21) years and has completed a high school education shall be eligible for the office of juvenile court clerk; provided that a failure to continue to reside in the city shall operate to vacate the office and the successor shall be appointed by the city council to serve until the next city election.

(b) The compensation of the clerk shall be fixed by the city council and shall be paid on a basis to be determined by the city council.

(c) In the event it is necessary to have an assistant clerk, the same may be appointed by the city council.

SECTION II. Nothing in this Act shall be construed to have the effect of removing an incumbent from any municipal office or abridging the term or altering the salary prior to the end of the term for which such officer was selected.

SECTION III. This Act shall have no effect unless it is approved by a two-thirds vote of the City Council of the City of Bristol before January 1, 1992. Its approval or nonapproval shall be proclaimed by the mayor and certified by him to the Secretary of State.

SECTION IV. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in section III.

PASSED: APRIL 29, 1991

\_\_\_\_\_  
s/Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
s/John S. Wilder  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 8<sup>th</sup> day of May 1991

\_\_\_\_\_  
s/Ned McWherter  
NED MCWHERTER, GOVERNOR



ACTS COMPRISING THE CHARTER OF THE CITY OF  
BRISTOL, TENNESSEE

YEAR	CHAPTER	SUBJECT
1991	84	Basic charter act.
1994	162	Replaced § 9-1 (b) relative to tax collection.
1996	140	Replaced § 2-1, relative to city council; and § 2-2, elections of city council. Amended § 6-2 (a), relative to board of education, election, term.
1996	141	Amended § 2-5 (11), relative to powers of city council.
1997	2	Amended § 5-2, relative to recorder and treasurer.
1998	120	Replaced § 3-3, relative to campaign expenses.
1998	121	Amended § 2-9, relative to filling vacancies in the city council.
1998	132	Amended § 2-2 (a), relative to elections of city council.
2002	103	Disapproved.
2002	130	Deleted article II of chapter 5 (Civil Service System), §§ 5-11 through 5-28; and added § 5-11 (Personnel policies and procedures) to article I of chapter 5.
2005	5	Added § 6-4, (Use of school property).

YEAR	CHAPTER	SUBJECT
2005	64	Amended § 2-2(a), relative to elections of city council; § 2-5, (Enumeration of particular powers); § 2-6(a), relative to meetings of council; § 2-11, (Bond; oath); replaced § 2-13, (Subscribing to stock, lending money, etc. prohibited); amended § 2-20, relative to resolutions; replaced § 3-2, (Influencing voters); amended § 3-5, (Examination of registration books); § 4-1, relative to powers and authority of departments; § 5-1, (Appointment of city manager and other officers); § 5-2, (Recorder); replaced § 5-9, (Interest in city contracts, etc., free passes, etc. ...); amended § 5-11, (Personnel policies and procedures); § 6-2, (Board elections; term); replaced § 7-2, (Police department; powers generally); deleted § 7-3, (Power to arrest without warrant); amended § 8-1, (Bonded indebtedness and other debt financing); § 9-6, (Nature and form of bill to enforce law; fees for sheriff and clerk); replaced § 10-1, (Municipal court established); amended § 10-7, (Qualifications and compensation of judges); and replaced § 10-10, (Court costs; amount, collection, disposition).
2009	2	Replaced § 6-2 (Same-Election; term).
2009	18	Deleted ch. 3, art. II in its entirety (Recall initiative and referendum).