



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
MARCH 30, 2015, 4:30 P.M.**

**COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE**

AGENDA

- 1) CALL TO ORDER
- 2) PRAYER AND PLEDGE OF ALLEGIANCE
- 3) ATTENDANCE
- 4) CHARTER REVISIONS
 1. Discussion regarding proposed revisions to the Official Charter
- 5) ADJOURNMENT

DRAFT 2
MARCH 30, 2015

PART I - CHARTER AND RELATED LAWS

CHARTER OF THE CITY OF CLARKSVILLE, TENNESSEE [1]

CHAPTER NO 292

(SENATE BILL NO. 751)

FOOTNOTE(S)

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Editor's note— Chapter 292, Private Acts of 1957, is the present basic Charter act for the City of Clarksville, Tennessee. As unofficially set forth here, this Charter compilation contains all amendments to this act to the date listed in the table of private acts at the end of Part I A citation to acts amending a particular Charter section is placed in parentheses at the end of the affected section. Bond authorization acts, since they are of a temporary nature, have not been included in this compilation.

ARTICLE I: CHARTER ~~AMENDMENT~~, DEFINITIONS, ~~CITY CORPORATE LIMITS, AND CORPORATE POWERS; THIS ACT IS A CHARTER~~

~~**Section 1. Charter amended; general powers.**~~

Section 1. City of Clarksville; body politic and corporate; perpetual succession; seal.

~~The Charter of the City of Clarksville, Tennessee, being Chapter 252 of the Private Acts of 1929, and all acts amendatory thereto, be and they are hereby amended to be read as follows.~~ The inhabitants of the City of Clarksville, in the County of Montgomery, Tennessee, shall be and continue as a body politic and corporate by the name and style of Clarksville, Tennessee, and by that name shall have perpetual succession, ~~may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever,~~ and may have and use a common seal which may be changed at the pleasure of the city council.

(Drafters Note: The provisions pertaining to lawsuits has been removed as redundant, since similar language is provided at Article I, Section 4 dealing with corporate powers generally.)

Section 2. - Definitions.

- (a) As used in this ~~act~~ Charter the following words and terms shall have the following meanings:
- (1) *Agency* shall mean any department, office, court, utility, authority, board, commission, institution or other organization in charge of or administering any public function or municipal affair of the City of Clarksville.

(Drafter's Note: The definition for *Agency* has not been changed, but has been moved to place it in the proper alphabetical sequence.)

~~(a)~~ (2) *City* shall mean the City of Clarksville.

(3) *Code* shall mean any publication or compilation of rules, regulations, specifications, standards, limitations or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a municipality, or by a trade association or other organization generally recognized as an authority in its field of activity.

(Drafter's Note: The definition for *Code* has not been changed, but has been moved to place it in the proper alphabetical sequence.)

~~(b)~~ (4) *Councilman* shall mean a person elected to the city council as provided in this ~~aet~~ Charter.

(5) *Member of the Council* shall mean the Mayor and each Councilman.

(Drafter's Note: The current Charter does not identify the above definition by separate alpha numeric identifier.)

(6) *Officer* shall mean and include the Mayor, all City Councilmen, the City Judge, members of boards, authorities, and commissions and other public bodies established by the City, and any other persons classified as public officers by the laws or judicial decisions of this state. An "officer" as herein defined shall fill an "office," and an "employee" shall fill a "position of employment."

(Drafter's Note: The definition for *Officer* has not been changed, except for the suggested additions in blue, but has been moved to place it in the proper alphabetical sequence.)

~~(c)~~ (7) *Public Way* shall mean any land used by the public as a passageway, including but not limited to streets, roads, highways, expressways, freeways, boulevards, avenues, parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels and other thoroughfares, and including the right-of-way of such public ways.

~~(d) Code shall mean any publication or compilation of rules, regulations, specifications, standards, limitations or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a municipality, or by a trade association or other organization generally recognized as an authority in its field of activity.~~

(Drafter's Note: The definition for *Code* has not been changed, but has been moved to place it in the proper alphabetical sequence.)

~~(e) Agency shall mean any office, court, utility, board, commission, institution or other organization in charge of or administering any public function or municipal affair of the City of Clarksville.~~

(Drafter's Note: The definition for *Agency* has not been changed, but has been moved to place it in the proper alphabetical sequence.)

~~(f) Officer shall mean and include the mayor, councilman, city judge, members of boards and commissions and any other persons classified as public officers by the laws or judicial decisions of this state. An "officer" as herein defined shall fill an "office," and an "employee" shall fill a "position of employment."~~

(Drafter's Note: The definition for *Officer* has not been changed, except for the suggested additions in blue, but has been moved to place it in the proper alphabetical sequence.)

~~(g) Elector shall mean a person residing within the city who is qualified to vote therein.~~

(b) The masculine shall include the feminine, and the singular shall include the plural and vice versa.

(Drafter's Note: The general consensus of the Charter Revision Task Force, City Street Department Engineers, and the City Attorney is that it is unnecessary for the Charter to contain an actual metes and bounds description of the City limits. Doing so unnecessarily lengthens the Charter, and in any event, the metes and bounds description contained the Charter is not accurate unless you also include and make reference to the numerous ordinances annexing territory passed by various City Councils over the years, each of which contain their own metes and bounds descriptions. There was a further concern that some previous annexation ordinances may not have been included by the codifier company in Charter / Code updates, and so the description contained in the current Charter, even with reference to and incorporation of previously passed annexation ordinances, may not be entirely accurate. For these reasons, it is thought best to simply take the metes and bounds description out of the proposed new Charter, and establish the corporate limits of the City instead by reference to and incorporation of all previous private acts of the State and ordinances of the City pertaining to annexation and establishment of the City limits.)

Section 3. - Corporate limits.

~~The corporate limits and boundaries shall embrace the following territory situated within Montgomery County, Tennessee, to-wit:~~

~~Beginning at the intersection of the center line of the Red River and Cumberland River; thence following upriver the center line of the Cumberland River, approximately 9.7 miles ending at approximately mile 135 (being Reference Point No. 1); thence northeasterly along a line that would be 500 feet southeast of and parallel to Gratton Road if extended westerly to the Cumberland River; thence northeasterly along a line 500 feet from and parallel to the center line of Gratton Road on Montgomery County Tax Map Number 89, crossing Parcels 10, 22, and along the southeast property line of Parcel 12 to a corner with Parcel 14; thence southeasterly, easterly, and southerly along property line of Parcels 14, 17, and 68 and the west and south lines of Parcel 68; thence along the east property lines of Parcels 127, 126, 125 and 124, on Tax Map Number 88; thence easterly along the south property lines of Parcels 123 and 122, crossing Parcel 121 to a corner of Parcel 119; thence along a property line of Parcel 119 and crossing the parcel to a point on the east property line of 119, said point being approximately 500 feet south of the south right of way of State Highway 12; thence easterly along a line parallel to and 500 feet from said right of way to a point in the east property line of Parcel 117; thence northerly along said property line to the south right of way of State Highway 12 (being Reference Point No. 2); thence crossing said highway to the southeast corner of Deerfield Estates Subdivision, Section II; thence along the east boundary of said subdivision to a point in the south right of way of Old Ashland City Road (being Reference Point No. 3) crossing said road and continuing northeasterly to the northeast corner of Parcel 24; thence northwesterly along the property line of Parcel 24 to a point in the east property line of Parcel 15; thence northerly along the east property line of Parcel 15 and Parcel 99, Tax Map Number 81 to the southeast corner of Rotary Park; thence in a generally westerly and northerly direction along said park boundary to a corner being the northwest corner of said park and a point in the south line of Parcel 54, said point being 500 feet from the center line of the Highway 41 A bypass; thence~~

~~following a line 500 feet east of and parallel to the center line of the 41 A Bypass through Parcels 54 and 53 to the southwest corner of Parcel 52; thence southerly with the west line of Parcel 50 to a point in the north boundary of Rotary Park; thence easterly to the northeast corner of Rotary Park; thence northerly along the east property line of Parcel 50 to the southeast corner of Parcel 106; thence easterly along the south property lines of Parcels 107, 110 and 114 to the southeast corner of Parcel 114; thence northerly to a point in the east property line of Parcel 114 common with the southwest corner of Parcel 1, Tax Map Number 81 J A and 81 K A; thence easterly along the south property line of Parcel 1 to the west right of way of Carney Road; thence continuing across Carney Road 50 feet to a point in the east right of way; thence southerly with the west lines of Parcels 4, 3, 2, and 9 of Tax Map Number 81-K-A to the southwest corner of Parcel 9; thence with the same line, if extended, 465 feet, more or less, through Parcel 118 of Tax Map Number 81 to a point; thence easterly through Parcel 118 to a point in the west line of Roosevelt Ridge Subdivision, said point being 1200 feet south of U. S. Highway 41 A South; thence southerly along the west boundary of Roosevelt Ridge Subdivision, crossing Ledbetter Lane to the southwest corner of said subdivision, bordering Parcels 18 and 19, Tax Map Number 81-K-A; thence easterly and northerly along said subdivision bordering Parcels 19, 20, 21, 23 and 24; thence crossing Delano Street to the southeast corner of Parcel 25; thence northerly along the east and north property lines of Parcel 25 and north property line of Parcel 26 to a corner; thence northerly along the east property lines of Parcels 28, 29, 30, 31, and 32 to the south right of way of U. S. Highway 41 A South, (being Reference Point No. 4); thence northerly to the center line of said highway; thence easterly along said center line approximately 200 feet, more or less; thence northerly crossing Parcel 33, Tax Map Number 81 to the Old Sango Road, and crossing said road to the southwest corner of Parcel 40; thence along the west and north property lines to the northeast corner of said Parcel 40; thence along the west and north property lines of Parcel 33 to the northeast corner of Parcel 33; thence northerly along the east property line of Parcel 6 to the common southwest corner of Parcel 7; thence easterly along the south property lines of Parcels 7, 19, 14 and 12 to the southeast corner of Parcel 12; thence northerly along the east property line of Parcel 12 to the northeast corner of said parcel; thence, continuing northerly with the east line of Parcel 80, Tax Map Number 63, to a point 500 feet, more or less, south of Trough Springs Road; thence easterly along a line 500 feet, more or less south and parallel to the south right of way to Trough Springs Road to the northwest corner of Parcel 5, Tax Map Number 82; thence easterly along the north property line of Parcel 5 to the southwest corner of Parcel 10.01; thence along the south property lines of Parcels 10.01, 10 and 12 to the west right of way of Sango Road; thence north 550 feet, more or less, to a point in the north right of way of Trough Springs Road, (being Reference Point No. 5); thence continuing north 1496.4 feet to a point, said point being 224 feet south of the southwest corner of Parcel 69, Tax Map Number 63; thence easterly along a line south of and parallel with Parcel 69, said line also being the south property line of the Clarksville Baptist College property, a distance of 1965.65 feet; thence northerly to the south right of way of I 24 (being Reference Point No. 6); thence northerly across said right of way to the southeast corner of Parcel 68; thence northerly along the east property line of Parcel 68 to the south right of way of State Route 76 (being Reference Point No. 7); thence easterly along said route approximately 300 feet, more or less, to a point in line with the southeast corner of Parcel 47; thence northerly along the east property line of Parcel 47 to a corner; thence westerly along the north property line of said parcel to the northwest corner of Parcel 47; thence northerly along the east property line of Parcel 46 to a corner; thence westerly along the north property line of said parcel to a point in the east right of way of Hornbuckle Road; thence northerly 300 feet, more or less, along said road to a point; thence westerly along the north property line of Parcel 24 to a point; thence generally northerly and westerly as follows: north 6 degrees, 32~~

minutes, 49 seconds east, 891.77 feet to a point; thence north 4 degrees, 59 minutes, 40 seconds east, 981.78 feet to a corner; thence north 82 degrees, 36 minutes, 00 seconds west, 2599.29 feet to a point in the east right-of-way of I-24; thence along said right-of-way northwesterly approximately 1360 feet to a point, being the center line of Red River (being Reference Point No. 8); thence meander generally west along the center line of Red River to a point of intersection with the westerly right of way of the U. S. Highway 79 (Guthrie Highway) bridge crossing said river, (being Reference Point No. 9); thence along the right of way on a curve, an arc length of 30 feet to a five-foot offset; thence along said offset of said right of way 5 feet; thence with said right of way along a curve, an arc length of 151 feet to a point in the westerly right-of-way of said Guthrie Highway; thence north 53 degrees, 52 minutes west, 307 feet to a point; thence north 72 degrees, 00 minutes west, 480 feet to a point; thence south 21 degrees, 15 minutes west, 385 feet to a point; thence south 67 degrees, 24 minutes east, 375 feet to a point on the center line of said Red River; thence continuing westerly along center line of said river to a point of intersection with the Illinois Central Railroad (being Reference Point No. 10); thence northeasterly along said railroad center line, 1550 feet to a point; thence north 41 degrees, west, 145 feet; thence north 34 degrees west, 185 feet; thence north 70 degrees, 30 minutes west, 200 feet; thence south 75 degrees, 15 minutes west, 825 feet; thence south 17 degrees, 26 minutes west, 1130 feet to the center line of said river (being Reference Point No. 11); thence along center line of said Red River to a point of intersection with the easterly boundary extended of Parcel 5, Montgomery County Tax Map 551-D (being Reference Point No. 12); thence northerly along the east boundary and north boundary of said parcel to its intersection with the easterly right-of-way of Ford Street; thence northerly, westerly and northerly along said right of way to a point east of the northeast corner of Parcel 53, Tax Map 55H-D (being Reference Point No. 13); thence westerly along the north property line of said parcel to a corner (being Reference Point No. 14); thence southerly along the west line of said parcel to its intersection with the center line of Market Street (being Reference Point No. 15); thence westerly along the north boundary of Parcel 1, Tax Map 55H-C and continuing westerly along a fence line and the north property lines of Parcels 1 Block B and 1 Block A and Parcels 10 and 11 to a corner; thence northerly along a line 500 feet east of and parallel to Peachers Mill Road center line, to a point, said point being 500 feet, more or less, east of the center line of Peachers Mill Road and 500 feet, more or less, south of the center line of Pollard Road; thence easterly and northerly along a line 500 feet, more or less, from the center line of Pollard Road and parallel to it, to a point on the south property line of Parcel 39, Tax Map 42; thence easterly along said property line approximately 1890 feet, more or less, to a point; thence northerly to the southwest corner of Parcel 41, Tax Map 42; thence easterly along the south property line of said parcel, continuing easterly along the property lines of Parcels 10, 11, 12, 13, 14, 15, 16, and 17, Tax map 42J-B, crossing Lennox Road stub and continuing along the property line of Parcel 1 Block E, Tax Map 42-J, to the southeast corner of said parcel; thence northerly along the property lines of Parcels 1, 2, 3, 4, 5, 6, 7 crossing Lutz Lane stub to Parcels 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22 and 23 on Tax Map 42J-E to the south right of way of Pollard Road (being Reference Point No. 16); thence crossing said road in a northwesterly direction to the southeast corner of Parcel 24, Tax Map Number 42J-A; thence northeasterly with the southeast property lines of Parcels 24, 25, 27, 28 and 29 to the intersection with the Illinois Central Gulf Railroad; thence crossing said railroad to the northern right of way of said railroad (being Reference Point No. 17); thence meander westerly along the north right of way of said railroad to a point 500 feet, more or less, east of the center line of Peachers Mill Road (being Reference Point No. 18); thence northerly along a line parallel to and 500 feet, more or less, east of the center line of said road a distance of 3050 feet, more or less, to a point in the north right-of-way of McClardy Road (being Reference Point No. 19), said point being

~~500 feet, more or less, east of the center line of Peachers Mill Road; thence continuing northerly 500 feet, more or less, from and parallel to the center line of Peachers Mill Road approximately 1650 feet, more or less, to a point; thence north 34 degrees, 43 minutes west, 1000 feet, more or less, crossings Peachers Mill Road to a point on the west side of said road (being Reference Point No. 20); thence north 88 degrees, 14 minutes east, 900 feet, more or less, to a point 500 feet, more or less, east of the center line of Ringgold Road; thence northerly and easterly 3600 feet, more or less, along a line 500 feet, more or less, from the center line and parallel to Ringgold Road to intersect the east right of way of the Illinois Central Gulf Railroad (being Reference Point No. 21); crossing Ringgold Creek (being Reference Point No. 22); thence northerly along said right-of-way to a point 500 feet, more or less, southeast of the center line of Tobacco Road (being Reference Point No. 23); thence northerly along a line 500 feet, more or less, east of and parallel to Tobacco Road 600 feet, more or less, to a point in the center line of Nussbaumer Road (being Reference Point No. 24); thence northerly along a line 500 feet, more or less, east of and parallel to Tobacco Road 7250 feet, more or less, to the south property line of Parcel 62, Tax Map 6; thence easterly along the south property lines of Parcels 62, 63, 65 and 66 to the southeast corner of Parcel 66; thence northwesterly along the east property line of Parcels 66, 45 and 44 to a point in the south right-of-way of Tiny Town Road (being Reference Point No. 25); thence crossing said road and continue due north to a point 500 feet, more or less, north of the center line of said road; thence westerly along a line parallel to and 500 feet, more or less, north of center line of said road to the northeast corner of Parcel 23, Tax Map 6; thence along the north property line of said parcel to a point in the east property line of Parcel 21; thence northerly and westerly along said parcel to a point 500 feet, more or less, east of the center line of Pembroke Road; thence northerly along a line 500 feet, more or less, east of and parallel to said center line a distance of 2320 feet, more or less, to intersect with the Tennessee and Kentucky state line (being Reference Point No. 26); thence westerly along said state line 7250 feet, more or less, to the intersection of said line and the west right-of-way of U.S. Highway 41-A North (being Reference Point No. 27); thence westerly crossing said highway and continuing along said state line and Fort Campbell Military Reservation 11,550 feet, more or less, to a point of intersection with center line of Range Road (Fort Campbell Military Reservation) (being Reference Point No. 28); thence southerly along center line of said road 7260 feet, more or less, to a point of intersection with the center line of Mabry Road; thence easterly along center line of said road to a point of intersection with the west right-of-way line, if extended, of Woodlawn Road; thence southerly along west right of way line to a point of intersection with the center line of Jordan Springs Road; thence easterly, northerly, easterly, northerly and easterly 9900 feet, more or less, to a point in the southeastern boundary of Fort Campbell Military Reservation (being Reference Point No. 29) and the northwest corner of Parcel 36, County Tax Map 29; thence southerly along the western boundary of said Parcel 36 to the southwest corner of said parcel; thence westerly along the north property line of Parcel 7, Map 29L-C, to a point of intersection with Britton Springs Road right of way, crossing to south right of way to the northwest corner of Parcel 8, Map 29L-C; thence southerly along the west property line of said Parcel 8 and 8.01 and continuing south along Parcels 45, 44, and 43 crossing Center Road at Calvert Drive and along the rear lot lines of Parcels 33, 32, 31, 30 and 29 of Tax Map 26L-A; thence crossing Calvert Drive southeasterly to the northwest corner of Parcel 35 on Tax Map 29L-C; thence southerly along the property lines of Parcels 35, 27.05, 27.04, 27.03, 27.02, 27.01, and 27, continuing southerly along Parcels 26 and 20 on Tax Map 29M-A to the center line of Garrettsburg Road (being Reference Point No. 30); thence southeasterly along said center line of Garrettsburg Road to intersect with the center line of Lafayette Road on Map 44 and continuing southeasterly along center line of Lafayette Road to a point in line with the northeast corner of Parcel 43, Tax Map 44, being Northwest High~~

School site (being Reference Point No. 31); thence southerly, westerly, and northerly along said parcel to Lafayette Road and extending to the center line of said road; thence westerly along said center line to its intersection with the center line of Liberty Church Road (being Reference Point No. 32), Tax Map 44-E; thence southerly along said center line of Tax Map 44 to the southwest corner of Parcel 77 (being Reference Point No. 33); thence easterly along the south property lines of Parcels 77, 79, 45, 44 and on Tax Map 43 along the south property line of Parcel 28 to a point common with the northwest corner of Parcel 31; thence southerly along the west property line of Parcels 31, 30 on Tax Map 54, to the southwest corner of said Parcel 30 (being Reference Point No. 34); thence westerly along the north property line of Parcel 11 (known as Countrybrook Subdivision), Tax Map 53, to the northwest corner; thence southerly along the west property line of said parcel to the southwest corner; thence continuing southerly along the west property line of Parcel 38 to the southwest corner of said parcel, and also the north right-of-way of U.S. Highway 79 W extending to the center line of said highway (being Reference Point No. 35); thence easterly along said highway center line to its intersection with the center line of Dotsonville Road (being Reference Point No. 36); thence southerly along the center line of Dotsonville Road to a point in line with the southwest corner of Parcel 1 (being Reference Point No. 37), Tax Map 54H-B; thence easterly along the south property line of Parcels, 1, 80, 81, 82, 83, 84, and continuing along Parcel 44 to the northwest corner of Parcel 13, Block A, Tax Map 54 I; thence southerly along the rear property line of said parcel and Parcels 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 to the southwest corner of said Parcel 27; thence easterly along the south property line of Parcel 27, crossing Louisiana Avenue and continuing easterly along the south property lines of Parcels 16, 15, 14, 13, and 12, crossing Alabama Avenue and continuing along Parcels 10 and 9 then crossing Highpoint Road (being Reference Point No. 38) and continuing along Parcel 16 and Parcel 2, Block G, Tax Map 54-I, and continuing along Parcels 3, 4, 5, 6, 7, 8, 9, 10; thence southeasterly with the west line of Parcel 11, Map No. 54, to the Cumberland River (being Reference Point No. 39); thence northeasterly along the center line of said river to the point of beginning.

(Pr. Acts 1961, Ch. 249, § 2; Pr. Acts 1972, Ch. 261, § 1; Pr. Acts 1981, Ch. 121, § 1)

Editor's note—

Ordinances annexing territory to the city are listed below by ordinance number and date:

Ord. No.	Date
6-1973-74	7-12-73
22-1974-75	8-7-75
14-1977-78	4-7-77
43-1977-78	3-2-78
44-1977-78	3-2-78

47-1977-78	3-17-78
30-1982-83	4-1-83
22-1984-85	12-6-84
5-1985-86	8-1-85
51-1985-86	3-6-86
52-1985-86	3-6-86
68-1985-86	5-12-86
35-1986-87	12-4-86
36-1986-87	12-4-86
37-1986-87	12-4-86
74-1986-87	4-2-87
33-1987-88	1-7-88
53-1987-88	4-7-88
56-1987-88	5-5-88
64-1987-88	5-17-88
2-1988-89	8-4-88
19-1988-89	10-12-88
20-1988-89	10-12-88
34-1988-89	2-2-89
45-1988-89	3-15-89

48-1988-89	5-4-89
25-1990-91	1-3-91
48-1990-91	6-13-91
38-1991-92	1-2-92
53-1991-92	3-5-92
70-1991-92	6-25-92
6-1992-93	8-6-92
15-1992-93	10-1-92
25-1992-93	11-5-92
23-1994-95	10-6-94
97-1994-95	7-6-95
98-1994-95	7-6-95
68-1995-96	-5-2-96
94-1995-96	-6-6-96
95-1995-96	-6-6-96
52-1996-97	-5-1-97
35-1997-98	11-6-97
51-1997-98	-2-5-98
57-1997-98	-4-2-98
59-1997-98	-4-2-98

69-1997-98	-5-7-98
80-1997-98	-6-4-98
31-1999-00	11-4-99
-1-2000-01	-8-3-00
48-2002-03	-1-2-03
-5-2003-04	-9-4-03
83-2003-04	-5-6-04
-7-1989-90	-8-3-89
19-1989-90	12-7-89
20-1989-90	11-30-89
25-1989-90	-1-4-90
28-1989-90	-1-4-90
53-1989-90	-5-3-90
54-1989-90	-5-3-90
60-1989-90	-5-3-90
30-2004-05	12-2-04
41-2004-05	-1-6-05
52-2004-05	-3-3-05
53-2004-05	-3-3-05
86-2004-05	-7-7-05

1-2005-06	8-4-05
16-2005-06	9-1-05
63-2005-06	3-2-06
82-2006-07	3-1-07
139-2006-07	7-2-07
65-2009-10	4-1-10

The corporate limits and boundaries of the City shall embrace the territory situated within Montgomery County, Tennessee, as described and established by prior private acts of the State of Tennessee, and by ordinances of the City Council, and pursuant to general law, as same may be amended from time to time. Nothing herein shall be construed as reducing or enlarging the corporate limits of the City as previously established, or restricting or prohibiting the power or authority of the City to annex territory as may be provided for by general law.

Section 4. - General powers.

(Drafters Note: The provisions pertaining to lawsuits from Article I, Section 1, has been added here as a more appropriate placement. The additions in blue are suggested changes made by the drafter, to include keeping the provision pertaining to powers that are given to any city or town by any private act of the State. It is unnecessary to include “public act” or “statute” as those terms are subsumed by the reference to “general law.”)

By its corporate name the city may contract and be contracted with; purchase, lease, receive and hold properties, real, personal and mixed, ~~and with all~~ and shall have all rights and privileges, within or beyond the corporate limits of the city; and may sell, lease, grant or dispose of all such properties, rights and privileges, for the benefit of the city, and ~~may do all other acts touching the same may sue and plead and be sued~~ in all courts of law and equity, in all actions whatsoever, and may do all other acts touching the same as natural persons; and may have the exercise of all other powers and authority granted to or vested in any other city or town ~~of the Code of Tennessee as permitted by general law, or by any public or private act or statute of the State of Tennessee, or by any private act of the State of Tennessee,~~ except those things herein forbidden.

Section 5. - Corporate powers enumerated.

- (a) The city shall have full power by ordinance within or without the corporate limits, ~~when~~ as permitted by law, as follows:
 - (1) *Levy, assessment, and collection of taxes.* To levy and to provide for the assessment and collection of taxes on all property subject to taxation, the tax rate for general purposes to be such as the city may by ordinance from time to time establish.

- (2) *License taxes.* To levy and provide for the collection of license taxes on privileges, occupations, trades and professions. A collection fee ~~of one dollar (\$1.00)~~ may be added to each such license tax ~~as permitted by law.~~
- (3) *Vehicle registration fees.* To levy and to provide for the collection of registration fees on automobiles and trucks owned by residents of the city, ~~and also on automobiles and trucks owned by nonresidents and operated within the city with any regularity as permitted by law.~~ Such registration fees on ~~trucks or automobiles~~ licensed vehicles may be graduated according to their tonnage capacities, weight or horsepower, ~~or other classification as permitted by law.~~
- (4) *Classification of subjects and objects of taxation.* To adopt such other classification of the subjects and objects of taxation as ~~may not be contrary to permitted by law.~~
- (5) *Special assessments.* To make special assessments for municipal improvements.
- (6) *Property and ad valorem taxes generally.* To fix the date or dates upon which all property taxes and ad valorem taxes shall become due, and the date or dates upon which such taxes shall become delinquent, and to authorize, or provide for, the payment of such taxes annually, semiannually, quarterly or monthly.
- (7) *Discount for prompt payment of taxes.* To authorize a discount for the prompt payment of taxes, or for ~~the~~ payment before they become delinquent.
- (8) *Payment of taxes after they are secured by lien.* To authorize payments or partial payments of taxes after they are secured by lien but before the amounts thereof are fixed or become due, and to authorize or provide for discounts or interest credits on account of such advance payments. But the total of such advance payments shall not exceed the corresponding taxes for the preceding year, until the assessment is made.
- (9) *Penalty and interest on delinquent taxes.* To fix the penalty and interest to be charged on delinquent taxes but not to exceed that authorized by ~~the Tennessee Code Annotated and statutes law.~~
- (10) *Adjustments on assessments, interest and penalties on taxes.* To make such adjustments as to assessments, interests and penalties on taxes as may appear to be ~~for in~~ the best interests of the City, or to correct an injustice to the property owner.
- (11) *Bonds.* To issue, sell and pledge, or in any manner dispose of negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the City, solely upon the credit of specific property owned by the City, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits, or in any other manner that any other city can lawfully do, and also issue, sell, pledge or in any other manner dispose of any other bonds when authorized by ~~the statutes of the state law.~~
- (12) *Eminent domain.* To acquire by the exercise of the power of eminent domain, property, real or personal, or any easement, interest, estate, ~~right of way~~ or use therein, either within or without the City, for present or future use of the City; Such proceedings for the acquisition of such property by eminent domain to be made and effected in accordance with ~~the terms and provisions of the Tennessee Code Annotated, or in such other manner as may be provided by general law or authorized for any other municipality~~ the ~~general law.~~

- (13) ~~Taking~~ *Accepting* of property by trusts. To ~~take~~ **accept** and hold property within or without the City or state upon trust for the public benefit.
- (14) *Exemption of **new** industries from taxation.* To exempt **new** industries from taxation for a period ~~of~~ not to exceed ten (10) years, ~~when the object of such industries is the manufacture of the county's agricultural products or~~ to afford employment to citizens in need thereof, ~~when such industries will employ regularly at least fifty (50) persons.~~
- (15) *Appropriation of money; donations to certain industries.* To make appropriation of money and bind the credit of said City, but not in excess of two (2) percent of its annual revenue in any one year, for donations for sites and buildings and advertising for the purpose of encouraging ~~and~~ development ~~industries having [as] their object the manufacture of the county's agricultural products, and for the employment of citizens in need of employment, when said industries will employ at least fifty (50) persons regularly.~~
- (16) *Garbage and sewage disposal.* To collect and dispose of drainage, sewage, offal, ashes, garbage, trash and refuse.
- (17) *Contracts for public utilities.* To make contracts, subject to conditions hereinafter provided, with any persons, firm, association, or corporation, for public utilities and public services to be furnished ~~the to or by the City and the inhabitants thereof and its residents.~~ Such power to make contracts shall also embrace the power hereby expressly conferred to make exclusive contracts, and when an exclusive contract is entered into it shall be exclusive only against any person, firm, association or corporation, but not against the City itself. ~~All such contracts may be entered into a period of twenty-five (25) years or less but not longer, but all such contracts shall be subject to the provisions of the code and statutes of Tennessee general law.~~
- (18) *Franchises.* To grant to any person, firm, association or corporation, franchises for public utilities and public services to be furnished ~~to the City and the inhabitants thereof its residents.~~ Such power to grant franchises shall also embrace the power hereby expressly conferred to grant exclusive franchises, and whenever an exclusive franchise is granted it shall be exclusive only as against any other person, firm, association or corporation, but not against the City itself. ~~Franchises may be granted for the period of twenty five (25) years or less, but not longer, subject to the conditions hereinafter provided.~~ All such contracts shall be subject to the provisions of ~~the~~ **general law**.
- (19) *Definition, prohibition and abatement of things detrimental to health, morals, welfare ~~and~~ safety and convenience of inhabitants.* To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conducts, business occupations, callings, trades, uses of property and all other things, whatsoever detrimental, or liable to be detrimental, to the health, morals, ~~welfare, comfort,~~ safety, ~~and~~ convenience ~~or welfare~~ of ~~the inhabitants of the city~~ **City residents**, and to exercise general police powers, and to make and enforce regulations to secure the general health and welfare of the citizens, and to **abate**, remove and prevent nuisances.
- (20) *Operation of charitable, educational, recreative, curative, penal institutions; prevention of disease; quarantine laws, board of health and operation of hospitals.* To provide, construct and maintain, or donate to, charitable, educational, recreative, curative, corrective, detentive or penal, institutions, departments, functions, facilities, instrumentalities, conveniences and services, within or beyond the corporate limits, but within this state; to make regulations to prevent the introduction or spread of contagious or infectious diseases in the City; to make

quarantine laws for that purpose, and to enforce the same to the distance of ~~two (2)~~ one (1) miles from the City; to create a board of health and a health department and to establish, build, regulate and operate hospitals and pest houses, separately or jointly with the county, state, federal government or any public agency, **in accordance with general law.**

(21) *Regulation of animals; impounding and disposing of animals.* To regulate, tax, license, vaccinate or suppress, **separately or jointly with the county, state, federal government, or any public agency,** the keeping or running at large of animals within the city, and to provide for the impoundment of same in violation of any ordinance or lawful order, and in default of redemption, to provide for their disposition by sale, gift or humane killing.

~~(22) *Regulation and inspection of edible meats, vegetables, milk; establishment of markets.* To provide for the regulation and inspection of edible 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.~~

(22) *Acquisition of public buildings, bridges.* To acquire, purchase, provide for, construct, regulate and maintain, and to do other things relative to all market places, public buildings, bridges, market houses, sewers and other structures, works and improvements, parks and recreational facilities.

~~(23) *Reserved.*~~

(Drafters Note: With the deletion of the provision related to regulation of food, the next paragraph related to acquisition of public buildings became number 22. In the current Charter it is number 23. In the proposed amended Charter previously voted on by the City Council and State General Assembly, there was an item 23 noted as reserved. The Drafter would suggest removing this reservation and continuing the numbers in sequence.)

~~(24) *Establishment of schools and educational system generally; special school tax.* To establish, maintain and operate schools, within the city or county, or within the military reservation or property known as Fort Campbell, determine the necessary boards, officers and teachers required therefor and fix their compensation, to purchase or otherwise acquire land for school houses, playgrounds and other purposes connected with the schools, to purchase or erect all necessary or advisable buildings and to do all other acts necessary or advisable to establish, maintain and operate a complete educational system within the city; to establish and support a system of free schools and regulate same so as to secure the most efficient management and to prevent sectarian or denominational influence, and for that purpose may levy and collect a tax, at such rate or rates as the city council may, from time to time, determine, on the one hundred dollars (\$100.00) of property, in addition to the ordinary revenue, to be collected as other revenue and appropriated in aid of the common schools of the city, or to such schools as the city council may establish, and to be paid to the order of the city board of education by the treasurer of said corporation.~~

(Drafters Note: With the retention of an item number 23 as reserved in the revised Charter previously voted on by the City Council and State General Assembly, and with the deletion of the provision related to the establishment of schools above, which is item number 24 in the current Charter, the next paragraph related to regulation of buildings became item 24. However, the Drafter would suggest removing the reservation for item number 23 and then continuing the numbers in sequence, which will make the next item number 23, which was item 25 in the current Charter, but was 24 in the previously revised Charter. For the following items the numbers will be

used in sequence without a further explanatory note, but the changed numbers will be shown in blue.)

(23) *Regulation of location, occupancy, height of buildings and building materials; inspection of buildings, as to health and safety.* To regulate the location, bulk, occupancy, area, lot, height and construction of buildings and building materials, including but not limited to plumbing and electric wiring of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health and safety, and when necessary, to prevent the use thereof and to require any alterations or changes necessary to make them healthful, clean or safe.

~~(26) *Construction, maintenance of railroad bridges, tunnels, sewers.* To order any railroad operating within the city to construct, maintain, repair and replace bridges, approaches, tunnels, overpasses and underpasses and all other conveniences of such railroads where the same cross any of the streets of said city, to insure the safety of the public traveling on said streets, and to prescribe by ordinance, regulations as to the kind and character of bridges, approaches, tunnels, overpasses, underpasses, sewers and all other conveniences and how they are to be maintained. The city shall pay the costs of constructing approaches to the railroads's right-of-way. Each day's failure of the railroad to comply with such an order after a reasonable time has elapsed shall be a misdemeanor and separate offense, and shall be punished by a fine not to exceed fifty dollars (\$50.00) in the city court for each offense. If the railroad refuses to do such work the city may have the work done and may collect the cost thereof from the railroad by the use of all legal and equitable remedies available under the law.~~

(24) *Acquisition and maintenance of airport; power to finance airport.* To acquire, own, equip and maintain a municipal airport, within or without the corporate limits, and for such purposes may make appropriations and borrow money. ~~These things may be done jointly with Montgomery County.~~

(25) *Establishment and maintenance of police department.* To establish, support and regulate a police department, ~~and with the right in the mayor to appoint special policemen when, in his opinion, it is necessary;~~ to purchase police equipment and vehicles, and to construct or purchase buildings for the housing of same, and to make all appropriations necessary for such purposes.

(26) *Enforcement of ordinances, by civil fines, forfeitures, and civil penalties; costs; limitations on fines.* To enforce any ordinance, rule or regulation by means of civil fines, forfeitures and civil penalties, or by abatement, or by order of injunction or to stop work, or by action or proceedings of any kind in any court of competent jurisdiction, or by any one or more of such means, and to impose costs as a part thereof, but no fine, forfeiture or civil penalty shall exceed ~~fifty dollars (\$50.00), except as otherwise lawfully provided, and except that for violating any ordinance forbidding driving while under the influence of an intoxicant or drug the city council may by ordinance authorize imposition of the following maximum penalty:~~

~~(a) For the first conviction—up to one hundred dollars (\$100.00);~~

~~(b) For the second conviction—up to two hundred dollars (\$200.00);~~

~~(c) For the third or subsequent conviction—up to three hundred dollars (\$300.00); and except for violating any ordinance forbidding driving without a valid license or permit or while the driver's license or permit is suspended or revoked the city council may by ordinance authorize a penalty not to exceed one hundred dollars (\$100.00) the amount permitted by general law.~~

(27) *Suppression of vice; civil fines, forfeitures, and civil penalties; judicial proceedings; appeal.* To the extent permitted by general law, to regulate, fine and suppress all disorderly houses, assignation or ~~bawdy~~ houses of prostitution, and gambling houses; to impose civil fines, forfeitures and civil penalties for the breach of same, or to enforce any ordinance pertaining to same; ~~to provide for their recovery and appropriations~~ to provide for the recovery of costs and appropriations related to same; ~~to provide for the arrest and confinement until trial of all persons violating any ordinances of the city;~~ to prevent and punish by civil pecuniary penalties, or fines ~~or imprisonment~~ all breaches of the peace, noises, disturbances, or disorderly assemblies, ~~or other misdemeanors,~~ in the City at any time. ; ~~to erect, purchase or rent and organize and regulate a workhouse in or near said city; and any person who shall refuse or neglect to pay or secure any fine or costs imposed upon him under any ordinance of the city shall be committed to said workhouse or city jail until such fine and costs be fully paid; every person so committed to the workhouse or city jail shall be required to work for the city within or without the workhouse not exceeding ten (10) hours each day and for such work shall be allowed two dollars (\$2.00) per day¹²¹ and board, until the whole fine and costs be paid.~~ Civil fines, forfeitures and civil penalties for each breach of the laws and ordinances of said city may be recovered before in the City judge or the Court, ~~of general sessions for Montgomery County, Tennessee,~~ and said City judge or said Court ~~of general sessions~~ shall have the power to issue process, either summons or ~~capias~~ or subpoena, render judgment, issue executions, ~~demand bail, and fine for contempt, or commit to the workhouse as herein provided by general law.~~ Any person dissatisfied with the judgment of the City judge or said Court ~~of general sessions,~~ may, within ~~two (2)~~ ten (10) entire calendar days thereafter, ~~Sunday excepted,~~ appeal to the ~~next term of the~~ Circuit Court of Montgomery County, Tennessee, upon giving bond with good and sufficient security approved by the City judge or the Circuit Court ~~of general sessions~~ for his appearance or faithful prosecution of the appeal and court costs. The bond shall not exceed, nor be less than, the amount permitted required by general law. ~~Jurisdiction is hereby conferred upon said circuit court to hear and determine such appeals and to impose fines, forfeitures, penalties and imprisonment as provided by the laws and ordinances of the City of Clarksville.~~ Jurisdiction is hereby conferred upon said Circuit Court to hear and determine such appeals, in accordance with general law, and to impose civil fines, forfeitures, civil penalties, injunctions or other orders as provided by the ordinances of the City of Clarksville and general law. ~~Any person failing to pay or secure any fine so imposed by said circuit court, together with all costs of the case, shall be confined in the city workhouse until said fine and costs are worked out at the rate of two dollars (\$2.00) per day; provided, however, that in prosecution for the violations of the city ordinances, the bond shall not exceed two hundred and fifty dollars (\$250.00); provided, that~~ Any judgment in the Circuit Court ~~upon such appearance bond~~ shall not exceed the amount of the civil fine and court costs imposed ~~in~~ by the City Court, to include any litigation taxes, plus ~~the~~ any accrued court costs, to include any litigation taxes, in the Circuit Court. Ordinances of the City imposing civil fines, penalties, ~~and~~ forfeitures and civil penalties shall be construed remedially. All process expressly permitted by law issued by the Mayor, City Council, City judge or said Court, ~~of general sessions~~ or other officer of the corporation, may be directed to the Chief of Police, the Sheriff ~~or any constable~~ of Montgomery County, or police officers or deputies under their authority, who shall execute and return same as any other process, which may be amended from time to time to promote the attainment of justice.

- (28) *Licenses*. To license and regulate all persons, firms, ~~and~~ corporations, companies and associations, engaged in any business, occupation, calling, ~~or~~ profession or trade, not otherwise forbidden by general law.
- (29) *Licensing, inspection of weights and measures*. To establish, regulate, license and inspect weights and measures, to the extent permitted by general law.
- (30) *Immoral conduct, obscene pictures*. To suppress and prohibit, immoral or illicit conduct, and obscene pictures, ~~and~~ literature, materials or objects, ~~as to the extent permitted by general law~~.
- (31) *Weapons*. To regulate ~~and suppress the sale of firearms, to prevent and suppress the~~ selling, carrying, using or firing of firearms, ~~Bowie knives, dirks~~ or other deadly weapons, to the extent permitted by general law.
- (32) *Vagrancy*. To define and punish vagrancy, loitering, disorderly conduct, and all other acts, ~~or~~ conduct ~~or misconduct~~ that could be lawfully defined as misconduct or as a misdemeanor, to the extent permitted by general law.
- (33) *Licensing and regulation of theatrical exhibitions, shows*. To license, tax and regulate theatrical and other exhibitions, shows and entertainments, and to suppress immoral, vicious or indecent theatrical or other shows, exhibitions and entertainments, in a manner not inconsistent with general law.

(Drafter's Note: The above provision may not be legal with regard to taxation, and may be subject to challenge with regard to some First Amendment activities / speech. Adult entertainment can be regulated and obscenity can be prohibited, but where the lines are can be difficult to discern given U.S. Supreme Court precedent. Use of the terms "immoral" and "vicious" may be subject to constitutional challenge on vagueness grounds.)

- (34) *Regulation of motor vehicles*. To regulate the parking, use, ~~and driving~~ and operation of motor vehicles upon the streets, thoroughfares, alleys and public places in the City.
- ~~(38) *Driving while drunk or drugged prohibited*. To prohibit anyone from driving or operating a motor vehicle upon the streets, thoroughfares, alleys and public places of the city while under the influence of drugs, alcoholic or intoxicating beverages, or while intoxicated, and to declare anyone doing any such thing guilty of a misdemeanor.~~
- (35) *Regulation of vehicles for hire; operator's permit required; fee for permit*. To regulate the use and operation of taxicabs, busses and other motor vehicles for hire for the transportation of passengers within the City and the fares to be charged; and to require all persons wishing to drive or operate any such vehicle to first obtain a permit therefor from the City upon such investigation, examinations and conditions as the City may require or determine; and to charge a fee for such permit or renewal, ~~the in an amount of such fee to be~~ as the City may determine.
- ~~(40) *Condition of vehicle for hire; inspection; inspection fee*. To require all such vehicles for hire to be kept clean and in good mechanical condition. To require and that all such motor vehicles for hire be inspected from time to time. For each inspection the city may charge a reasonable fee therefor for each such inspection.~~
- ~~(41) *Insurance requirements for vehicles for hire*. To require that the owner or operator of each vehicle for hire ~~carry~~ acquire and maintain liability and property damage insurance for the~~

protection of passengers and the general public, such insurance to be with a company or companies approved by the state Commissioner of Insurance, with the amounts and forms of insurance policies to be such as the City may require, not inconsistent with state law of general application. Copies of the insurance policies shall be delivered provided to the City and kept on deposit with it on file by the City for public inspection.

- (36) *Establishment and maintenance of fire department.* To establish, support and regulate a fire department; to purchase firefighting equipment and vehicles, and to erect construct or purchase buildings for the housing of same, and to make all appropriations necessary for such purposes.
- (37) *Fire preventative powers generally.* To make such 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, installing or repairing of any buildings, structure, part thereof or apparatus used or situated therein.
- (38) *Manufactories likely to produce fires.* To regulate, restrain and prevent the carrying on of manufactories dangerous in causing or producing fires, to the extent permitted by general law.
- (39) *Storage and sale of explosives and inflammables.* To regulate the storage and sale of all combustible, inflammable, explosive, dangerous or offensive materials and instruments, to the extent permitted by general law.
- (40) *Regulation of lights, lamps, electric wiring in public places and buildings.* To regulate the character and use of lights, lamps, electric wiring, steam, gas, and hot air pipes in all places and buildings.
- (41) *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, to the extent permitted by general law.
- (42) *Restricting the location of business occupations and practices.* To prescribe the limits within which business occupations and practices liable to be a nuisance, or detrimental to the health, morals, security or general welfare of the people, may lawfully be established, conducted or maintained, within the City and within one mile beyond its corporate limits.
- (43) *Authority, duties, and rights, of officers and employees.* To determine and to fix the authority, duties, rights, qualifications, responsibilities and compensation of all officials, officers and employees elected, appointed or employed by the City.
- (44) *Designation and duties of departments.* To designate by appropriate terms the create, reorganize and abolish various departments in and by which the affairs and business of the City are conducted, and to define and fix the duties of such departments.
- (45) *Consolidation of two or more departments.* To combine or consolidate the authority, duties, rights and responsibilities of any two (2) or more departments, officials, officers, appointees or employees, and to define and fix the duties and compensation of each.
- ~~(52) *Changing numbers of wards and their boundaries; changing number of voting precincts.* To change the number of wards and the boundaries of same, when and as it may be deemed necessary or proper; to provide additional voting precincts in the city; and to increase, change or decrease the number of wards and voting precincts.~~

(46) ~~Changing numbers of wards and their boundaries; changing number of voting precincts.~~ To change ~~the number of wards and~~ the boundaries of ~~same wards,~~ when and as it may be deemed necessary or proper; ~~to provide additional voting precincts in the city; and to increase, change or decrease the number of wards and voting precincts in accordance with general law.~~

(Drafter's Note: In the previous proposed revised Charter, the above provision pertaining to changing ward numbers, etc. was deleted entirely, as shown above in red. The reason for this was because this provision conflicts with another Charter provision (Article II, Section 1) that establishes the number of City wards at twelve (12). That fact has not changed and hence the part of the above provision dealing with changing the number of wards must still be deleted. However, Article I, Section 1, of the current Charter and of the proposed revised Charter, permits the City to reapportion, using the latest federal census data, at any time the City Council deems it advisable, which obviously may require the re-drawing of ward boundary lines. Nothing in the current or proposed revised Charter conflicts with this authority, but it is thought best to state the power expressly here under the listing of enumerated powers, as was done under the current Charter. However, the deletion pertaining to voting precincts should also be retained as that aspect is governed by state law of general application, and comes under the authority of the Montgomery County Election Commission, and not the City. For these reasons, the drafter has suggested that a revised version of the current Charter provision as shown in blue be added back in to the listing of enumerated powers.)

(47) *Revocation of licenses.* To provide for the revocation of, and to revoke, licenses and permits.

(48) *Retirement.* To provide for the retirement **and pensioning** of the City's officers and employees and make available to them any group, life, hospital, health, dental, disability or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law.

(Drafter's Note: In the current Charter, the following enumerated powers are listed under Article I, Section 5 (b), which pertains to powers that can be exercised through passage of a resolution by the City Council, requiring only one reading, as opposed to all of the forgoing enumerated powers which are listed under Article I, Section 5 (a), which can only be exercised through passage of an ordinance by the City Council, and therefore requiring two readings, and also requiring passage by a majority of the full membership of the City Council pursuant to Article II, Section 12 of the current Charter. Since these powers that can be exercised by resolution are significant, broad, and far-reaching, and not different in kind from the ones that can only be exercised by ordinance, it was thought by the Charter Revision Task Force, and prior City Councils, that the enumerated "resolution" powers should really only be exercised through passage of an ordinance, and not a simple resolution, which would give the public more time to become aware of impending legislation, and more time for the City Council to study and debate same. That would leave resolutions for the sometimes more mundane, but important, purposes such as approving appointments to boards, etc., expressing the sense of the Council pertaining to political or policy questions, bestowing honors upon citizens, authorizing litigation, and such. Some things or subjects are required to be done by ordinance pursuant to state law of general application, regardless of what the Charter may state (See, e.g., TCA §6-54-112; and others such as state laws pertaining to zoning.) For these reasons, the old Section 5 (b) was deleted, and the powers enumerated there under the current Charter were moved to the listing of enumerated powers under Section 5 (a) pertaining to powers that can only be exercised by ordinance. Some of the old Section 5 (b) powers, like some of the old Section 5 (a) powers, were deleted entirely in the proposed revised Charter as being superseded or preempted by either state law of general application, or federal

law. There does not appear to be any reason to retain a separate Section 5 (b) pertaining to what powers can be exercised by resolution, since it follows that any power that does not have to be exercised through ordinance, by necessity and implication, can be done by resolution. The last two provisions of this Section pertaining to adoption and enforcement of ordinances not specifically enumerated and to necessary implied powers to carry out the state granted Charter powers have accordingly been labeled as subsections (b) and (c) respectively.)

- (49) *Expenditure of money.* To expend the money of the city for all lawful purposes.
- (50) *Acquisition and disposition of property.* To 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, within or without the City or State, except such as may hereinafter be prohibited.
- (51) *Appropriate money, payment of debts and borrowing of money.* To appropriate money, and to provide for the payment of debts of the City, and to borrow money or funds, to include but not limited to the borrowing of money or funds in anticipation of tax collections, in accordance with general law. ~~The city council may borrow money or funds in anticipation of tax collections, provided such money or funds are repaid within the next fiscal year, except as otherwise provided in article V, section 3.~~
- (52) *Public utilities and public service.* To construct, purchase, acquire, by condemnation or otherwise, lease, own, operate and maintain an electric power plant and distribution system, telecommunications system, water pumping plant and distribution system, gas manufacturing plant and distribution system, natural gas distribution system, sewerage disposal system, or any other utilities, or any estate or interest therein or part thereof, or the use of any such utility, and to furnish the product or service of any said utilities for its own uses and purposes and to the general public within or without the City; and to fix and regulate the charges of such products and services; and the right to sell, lease, mortgage, pledge or otherwise dispose of any said utilities or any part thereof; and the right to purchase electric power, telecommunications, gas, water or other products for distribution, for the use of the City and for sale to the general public, and to make all contracts and to do all things in regard to any of such things that may appear advisable for the City.
- (53) *Streets, highways, generally.* To construct, improve, reconstruct and re-improve by opening, extending, 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 cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys, ~~under and as provided by the Code of Tennessee as may be permitted by general law,~~ and ~~said city~~ may by ordinance or otherwise prohibit anyone from occupying, encroaching or trespassing upon any of the public lands, buildings, parks, streets, roads and alleys, within ~~said corporation~~ the City, and remove anyone from same who may have occupied or encroached on same.
- (54) *Construction and repair of sidewalks and curbings; cleaning of gutters and sidewalks; removal of snow, ice, weeds; cleaning of privies, stables and slaughterhouses; assessment of costs; assessment to constitute a lien; livestock and animals generally.*
- (a) To provide for the construction and repair of sidewalks and curbings, and for the cleaning of same and all gutters and streets, at the expense of the owners of the ground fronting thereto; to provide for the removal of all encroachments into or upon any street, alley or other

property of the City, and for the removal of all obstructions from sidewalks, including snow, ice and earth; the cutting and removal of obnoxious weeds, ~~and~~ rubbish, grass, trees, vines, underbrush or other vegetation, trash, litter, refuse or garbage, or of building material debris; the cleaning and rendering sanitary or safe, or the removal, of closets and privies, pigpens, stables and slaughterhouses, at the expense of the owners of the property or the owner of the abutting property, as well as the demolition or reduction of houses, buildings, or structures as permitted by general law. The expense of all of the above shall be a debt against the owner or owners, and shall constitute a lien on the lot or lots of said owner or owners for eighteen (18) months from the date of payment by the City incurs the costs to remedy the condition or the date the lien is filed by the City with the Register of Deeds, whichever occurs earlier, and said lien and debt or costs may be enforced and recovered by the City in the chancery court of Montgomery County, Tennessee, and said court is hereby given jurisdiction of such liens and debts, regardless of the amounts involved; provided, that suits now pending to enforce the collection of such debt may be prosecuted under the provisions of the present Charter in the Circuit or Chancery Court of Montgomery County, Tennessee as permitted by law in accordance with state law of general application; also to regulate and prevent the running at large and tying and fastening of cattle, hogs, horses, mules, stock and other animals of all kinds, and stationing, placing or leaving the teams, wagons or other vehicles on the street, reckless, careless, improper or negligent riding or driving on the streets or alleys or public places also to regulate the keeping, and to prevent the running at large, and tying and fastening of cattle, hogs, horses, mules, stock and other of animals of all kinds, and insects, and stationing, placing or leaving the teams, wagons or other vehicles on the street, reckless, careless, improper or negligent riding or driving on the streets or alleys or public places.

- (b) To provide for the abatement of unhealthy or unsafe conditions on occupied or unoccupied parcels of land, and to recover costs of such actions from the owners, landlords or tenants thereof, as permitted by general law. ~~If it is determined by the department or person as designated by the City Council that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals, such department or person shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:~~
- ~~(1) A brief statement which shall contain the consequences of failing to remedy the noted condition;~~
 - ~~(2) The person, office, address and telephone number of the department or person giving notice;~~
 - ~~(3) A cost estimate for remedying the noted condition; and~~
 - ~~(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.~~

~~If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person so designated by the City Council shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and~~

~~the cost thereof assessed against the owner of the property. Upon the filing of the notice with the Register of Deeds for Montgomery County, the costs shall be a lien on the property in favor of the City of Clarksville, second only to liens of the state, county and municipality for taxes, any lien of the city for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.~~

~~The City Council may make any rules and regulations necessary for the administration and enforcement of this subsection; provided that upon request of the person aggrieved by the determination made pursuant to this subsection, such person shall have a right to a hearing. A request for such hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to this subsection. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. Any person aggrieved by an order or act of the board, agency or department to conduct such hearing may seek judicial review of the order or act. The ten (10) day period established in this subsection shall be stayed during the pendency of such hearing.~~

(55) *Erection of bridges, sewers.* To **construct**, erect, establish, open, close and remove bridges, sewers, gutters, hydrants and cisterns, and regulate and charge for use thereof.

(56) *Improvement of navigation on Cumberland River; erection and regulation of wharves, docks; marinas, wharfage rate; regulation of other anchorages and moorings.* To improve and preserve the navigation of the Cumberland River within the corporate limits of the City which shall extend to the center of said river; to erect, repair and regulate public wharves, docks, marinas and landings, and to fix the rate of wharfage there at, not extending to any now owned by private persons, unless the City becomes the owner; to regulate the stationary anchorage and mooring of vessels, watercraft and rafts at other places than wharves within the City, **to the extent permitted by general law.**

~~(9) Notice to abutting property owners to oil streets or to apply some other specific chemical product thereto; failure of owners to comply; authority of city to do work, assessment of costs; lien. To oil the streets, alleys and public ways of the city at the expense of the owners of the property abutting on said streets, alleys or public ways. Whenever it shall be the opinion of the city council that said streets, alleys or public ways or any of them, should be oiled, a resolution may be passed by that body, and spread upon the minutes, specifying with reasonable certainty the points on said streets, alleys or public ways, between which the oilings should be done, giving the names of the owners of the property fronting thereon. Thereupon the mayor shall issue a notice to the owners of the property abutting on said streets, alleys or public ways to be oiled, requesting said owners or their agents to oil that portion of said streets, alleys or public ways, in front of and adjacent to their respective lots, to the center of said streets, alleys or public ways, according to specifications of the street committee, and under the supervision of the commissioner of public works, within ten (10) days after the publication of said notice as hereinafter set out. Said notice shall be published twice in a newspaper published in said city, ten (10) days prior to the time property owners are required to oil the streets, alleys or public ways and shall give the name of the property owners, the frontage to be oiled by each and the estimated cost, and shall specify with reasonable certainty the points on the streets, alleys or public ways between which the oiling shall be done. Should the owner or the owners of the property or their agent or agents fail to oil the streets, alleys or public ways within the time~~

~~prescribed by such notice, it shall be the duty of the city to have the same done and pay for it out of the treasury, and the amount so paid shall constitute charge against the owner of the property abutting on said streets, alleys or public ways, and shall constitute a lien on said property for eighteen (18) months from the time of the payment by the city, and the city may recover the amount so paid by an action of debt or assumpsit for money paid for the use of such owner or owners, in the chancery court of Montgomery County, Tennessee, and may also enforce the lien on said lot or lots as provided in this act, and the chancery court of Montgomery County, Tennessee, shall have jurisdiction of such liens and debts, regardless of the amount involved. All foregoing provisions relating to oiling or application of some specific chemical product for preventing or lessening the amount of dust on the streets just as if that had been set forth specifically throughout this section, shall apply.~~

- (57) *Regulation of public grounds and buildings.* To provide for the enclosing, improving, ~~and~~ regulating, care, maintenance and use of ~~the~~ public grounds, buildings and properties belonging to the City, within or without the corporate limits.
- (58) *Inspection of articles for consumption.* To inspect, test, measure and weigh any article for consumption or use within the City, and to charge reasonable fees therefor, which fees are to go into the treasury of the City, ~~to the extent permitted by general law.~~
- (59) *Depository for city funds; penalty for refusal of officials to place funds in depository.* To designate from time to time a depository in which all of the funds under control of the City ~~council~~ shall be kept, and it shall be cause for removal from office of any city official to refuse to deposit the funds in his hands in the depository so designated.

(b) *Adoption and enforcement of ordinances not specifically enumerated.* ~~The City shall have full power~~ to adopt and enforce such further ordinances, rules and regulations, whether or not specifically enumerated in this ~~act~~ Charter, as may be deemed necessary or proper for the good government, functioning and administration of the ~~corporation~~ City, and for the accomplishment of its objects and purposes.

(c) *Powers granted herein not restrictive.* ~~The City shall have full power~~ to exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this ~~act~~ Charter as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this ~~act~~ Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities under ~~the constitution or applicable public acts of the state~~ general law.

~~(b) ⁽²⁾ The city shall have full power by resolution within the corporate limits and within one mile beyond said limits when permitted by laws, as follows:~~

- ~~(1) *Expenditure of money.* To expend the money of the city for all lawful purposes.~~
- ~~(2) *Acquisition and disposition of property.* To 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, within or without the city or state, except such as may hereinafter be prohibited.~~

- ~~(3) *Payment of debts and borrowing of money.* To appropriate money and to provide for the payment of debts of the city and to borrow money. The city council may borrow money or funds in anticipation of tax collections, provided such money or funds are repaid within the next fiscal year, except as otherwise provided in article V, section 3.~~
- ~~(4) *Public utilities and public service.* To construct, purchase, acquire, by condemnation or otherwise, lease, own, operate and maintain an electric power plant and distribution system, telecommunications system, water pumping plant and distribution system, gas manufacturing plant and distribution system, natural gas distribution system, sewerage disposal system, or any other utilities, or any estate or interest therein or part thereof, or the use of any such utility, and to furnish the product or service of any said utilities for its own uses and purposes and to the general public within or without the city; and to fix and regulate the charges of such products and services; and the right to sell, lease, mortgage, pledge or otherwise dispose of any said utilities or any part thereof; and the right to purchase electric power, telecommunications, gas, water or other products for distribution, for the use of the city and for sale to the general public, and to make all contracts and to do all things in regard to any of such things that may appear advisable for the city.~~
- ~~(5) *Streets, highways, generally.* To construct, improve, reconstruct and reimprove by opening, extending, 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 cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys, under and as provided by the Code of Tennessee, and said city may by ordinance or otherwise prohibit anyone from occupying, encroaching or trespassing upon any of the public lands, buildings, parks, streets, roads and alleys, within said corporation, and remove anyone from same who may have occupied or encroached on same.~~
- ~~(6) *Construction and repair of sidewalks and curbs; cleaning of gutters and sidewalks; removal of snow, ice, weeds; cleaning of privies, stables and slaughterhouses; assessment of costs; assessment to constitute a lien; livestock and animals generally.*~~
- ~~(i) To provide for the construction and repair of sidewalks and curbs, and for the cleaning of same and all gutters and streets, at the expense of the owners of the ground fronting thereto; to provide for the removal of all encroachments into or upon any street, alley or other property of the city, and for the removal of all obstructions from sidewalks, including snow, ice and earth; the cutting and removal of obnoxious weeds and rubbish, the cleaning and rendering sanitary, or the removal of closets and privies, pigpens, stables and slaughterhouses at the expense of the owners of the property or the owner of the abutting property. The expense of all of the above shall be a debt against the owner or owners, and shall constitute a lien on the lot or lots of said owner or owners for eighteen (18) months from the date of payment by the city and said lien and debt may be enforced and recovered by the city in the chancery court of Montgomery County, Tennessee, and said court is hereby given jurisdiction of such liens and debts, regardless of the amounts involved; provided, that suits now pending to enforce the collection of such debt may be prosecuted under the provisions of the present Charter; also to regulate and prevent the running at large and tying and fastening of cattle, hogs, horses, mules, stock and other animals of all kinds, and stationing, placing or leaving the teams, wagons or other vehicles on the street, reckless, careless, improper or negligent riding or driving on the streets or alleys or public places.~~

~~(ii) To provide for the abatement of unhealthy or unsafe conditions on occupied or unoccupied parcels of land. If it is determined by the department or person as designated by the City Council that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals, such department or person shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:~~

- ~~(1) A brief statement which shall contain the consequences of failing to remedy the noted condition;~~
- ~~(2) The person, office, address and telephone number of the department or person giving notice;~~
- ~~(3) A cost estimate for remedying the noted condition; and~~
- ~~(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.~~

~~If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person so designated by the City Council shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon the filing of the notice with the Register of Deeds for Montgomery County, the costs shall be a lien on the property in favor of the City of Clarksville, second only to liens of the state, county and municipality for taxes, any lien of the city for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.~~

~~The City Council may make any rules and regulations necessary for the administration and enforcement of this subsection; provided that upon request of the person aggrieved by the determination made pursuant to this subsection, such person shall have a right to a hearing. A request for such hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to this subsection. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. Any person aggrieved by an order or act of the board, agency or department to conduct such hearing may seek judicial review of the order or act. The ten (10) day period established in this subsection shall be stayed during the pendency of such hearing.~~

- ~~(7) *Erection of bridges, sewers.* To erect, establish, open, close and remove bridges, sewers, gutters, hydrants and cisterns and regulate and charge for use thereof.~~
- ~~(8) *Improvement of navigation on Cumberland River; erection and regulation of wharves, docks; wharfage rate; regulation of other anchorages and moorings.* To improve and preserve the~~

~~navigation of the Cumberland River within the corporate limits of the city which shall extend to the center of said river; to erect, repair and regulate public wharves, docks and landings, and to fix the rate of wharfage thereat, not extending to any now owned by private persons, unless the city becomes the owner; to regulate the stationary anchorage and mooring of vessels, watercraft and rafts at other places than wharves within the city.~~

- ~~(9) Notice to abutting property owners to oil streets or to apply some other specific chemical product thereto; failure of owners to comply; authority of city to do work, assessment of costs; lien. To oil the streets, alleys and public ways of the city at the expense of the owners of the property abutting on said streets, alleys or public ways. Whenever it shall be the opinion of the city council that said streets, alleys or public ways or any of them, should be oiled, a resolution may be passed by that body, and spread upon the minutes, specifying with reasonable certainty the points on said streets, alleys or public ways, between which the oilings should be done, giving the names of the owners of the property fronting thereon. Thereupon the mayor shall issue a notice to the owners of the property abutting on said streets, alleys or public ways to be oiled, requesting said owners or their agents to oil that portion of said streets, alleys or public ways, in front of and adjacent to their respective lots, to the center of said streets, alleys or public ways, according to specifications of the street committee, and under the supervision of the commissioner of public works, within ten (10) days after the publication of said notice as hereinafter set out. Said notice shall be published twice in a newspaper published in said city, ten (10) days prior to the time property owners are required to oil the streets, alleys or public ways and shall give the name of the property owners, the frontage to be oiled by each and the estimated cost, and shall specify with reasonable certainty the points on the streets, alleys or public ways between which the oiling shall be done. Should the owner or the owners of the property or their agent or agents fail to oil the streets, alleys or public ways within the time prescribed by such notice, it shall be the duty of the city to have the same done and pay for it out of the treasury, and the amount so paid shall constitute charge against the owner of the property abutting on said streets, alleys or public ways, and shall constitute a lien on said property for eighteen (18) months from the time of the payment by the city, and the city may recover the amount so paid by an action of debt or assumpsit for money paid for the use of such owner or owners, in the chancery court of Montgomery County, Tennessee, and may also enforce the lien on said lot or lots as provided in this act, and the chancery court of Montgomery County, Tennessee, shall have jurisdiction of such liens and debts, regardless of the amount involved. All foregoing provisions relating to oiling or application of some specific chemical product for preventing or lessening the amount of dust on the streets just as if that had been set forth specifically throughout this section, shall apply.~~
- ~~(10) Regulation of public grounds and buildings. To provide for the enclosing, improving and regulating, care, maintenance and use of the public grounds, building and properties belonging to the city, within or without the corporate limits.~~
- ~~(11) Inspection of articles for consumption. To inspect, test, measure and weigh any article for consumption or use within the city, and to charge reasonable fees therefor, which fees are to go into the treasury of the city.~~
- ~~(12) Depository for city funds; penalty for refusal of officials to place funds in depository. To designate from time to time a depository in which all of the funds under control of the city council shall be kept, and it shall be cause for removal from office of any city official to refuse to deposit the funds in his hands in the depository so designated.~~

(Pr. Acts 1961, Ch. 249, §§ 3, 4, 5(2), 6; Pr. Acts 1967, Ch. 195, § 1; Pr. Acts 1981, Ch. 139, § 1; Pr. Acts 1997, Ch. 75, §§ 1, 2; Pr. Acts 2005, Ch. 49, § 1)

ARTICLE II. - CITY COUNCIL

Section 1. - Division of City into wards; election of Mayor and aldermen Councilmen.

- (a) ~~Be it further enacted, that~~ The City of Clarksville shall be divided into twelve (12) wards for the purpose of electing twelve (12) persons for the office of ~~alderman Councilman~~.
- (b) ~~Prior to January 1, 1992,~~ The City Council shall by ordinance divide the city into twelve (12) wards to apportion the City Council so that the ~~aldermen Councilmen~~ elected from wards shall represent substantially equal populations. The City Council ~~shall reapportion in 1991 and~~ may reapportion at any time thereafter if it deems such action necessary to maintain substantially equal representation based on population. The City Council shall use the latest federal census data whenever a reapportionment is made. Wards shall be reasonably compact and contiguous. A map of such wards shall be ~~stored~~ filed and maintained ~~with~~ by the ~~office of~~ City Clerk.
- (c) ~~Commencing with the November election in 1992, there shall be a total of twelve (12) aldermen. After the period of transition from present law,~~ There shall be one ~~alderman Councilman~~ elected from each ward who is a resident of such ward, and such ~~alderman Councilman~~ shall be selected by the qualified voters of such ward.
- (d) ~~The county election commission of Montgomery County shall~~ City shall take all action necessary to cause the Montgomery County Election Commission to hold an election at the voting places in the City on the first Tuesday after the first Monday in November ~~and in~~ each even-numbered year ~~thereafter~~ to fill all vacancies ~~for the offices on the of~~ City Councilman and ~~the~~ Mayor. ~~At the election occurring on the first Tuesday in November, 1994, there shall be elected by the qualified voters of the entire city a mayor elected for a term of four (4) years beginning the following January 1st and until his successor is elected and qualified. At the November 1992 election for aldermen, six (6) persons shall be elected for a term of four (4) years. At the November 1994 election for aldermen, six (6) aldermen shall be elected for a term of four (4) years. Thereafter,~~ Except as otherwise ~~set out~~ provided herein pertaining to filling vacancies due to unexpired terms, as the terms of office of ~~each alderman and~~ the Mayor and each Councilman expire, the qualified successors thereto shall be elected for terms of four (4) years. The candidate receiving the highest number of votes for Mayor, and the candidates, one from each ward, receiving the highest number of votes for ~~alderman Councilman~~ of ~~such~~ each ward, shall be taken as duly elected, subject each to an election contest ~~before the city council as provided by general law~~.
- (e) Nothing herein shall be deemed to shorten or enlarge any terms of a sitting, duly elected Mayor or Councilman at the time of the effective date of this ~~amended~~ Charter, or to repeal or annul any previous duly enacted ordinance establishing specific wards ~~filled by election, or to be filled by election, prior to the effective date of this amended Charter~~.
- (f) ~~At the election occurring on the first Tuesday in November, 2014, there was elected by the qualified voters of the entire City a Mayor elected for a term of four (4) years, said term beginning the following January 1, 2015, and continuing until his her qualified successor is elected and qualified and takes office. The terms of City Council members shall be staggered in accordance with the following. At the November 2014 election, one (1) Councilman was~~

electd from each of the following wards to serve for a term of four (4) years, ~~which began~~ said terms beginning the following January 1, 2015, and continuing until their qualified successors ~~is~~ are elected and takes office: Wards One (1), Two (2), Six (6), Seven (7), Ten (10) and Eleven (11). At the November 2012 election, one (1) Councilman was elected from each of the following wards to serve for a term of four (4) years, ~~which began~~ said terms beginning the following January 1, 2013, and continuing until their qualified successors ~~is~~ are elected and takes office: Wards Three (3), Four (4), Five (5), Eight (8), Nine (9), and Twelve (12).

~~Prior to January 1, 1992, the city council by ordinance shall establish the twelve (12) wards and designate the offices of alderman which shall be filled in the 1992 November election. Such alderman shall be elected from specific wards as the ordinance so provides.~~

(Pr. Acts 1961, Ch. 249, § 7; Pr. Acts 1965, Ch. 158, § 1; Pr. Acts 1988, Ch. 183, § 1; Pr. Acts 1991, Ch. 39, § 1)

Section 2. - Restrictions on candidates.

~~If a candidate or any person on his behalf directly or indirectly gives or promises to any person or persons any office, employment, money, benefit or anything of value in connection with his candidacy, upon conviction thereof he shall be punished by a fine of not more than fifty dollars (\$50.00), and shall thereafter be ineligible to hold any office or position of employment in the city government for a period of five (5) years.~~

All persons eighteen (18) years of age or older who are citizens of the United States and of the State of Tennessee, and who have been ~~inhabitants~~ residents of the City for the period required herein, and who are otherwise qualified by general law, shall be eligible to hold a City public office, except for any person who has been convicted of offering, giving, or receiving a bribe, ~~or of~~ misfeasance or malfeasance in public office, or ~~of~~ any other offense declared infamous by general law, unless restored to citizenship in the manner provided by general law.

Section 3. - City council designated; eligibility for office.

- (a) The governing body of ~~said municipality~~ the City shall be known as the "City Council" and shall be composed of a Mayor and as many ~~aldermen~~ Councilmen as there are wards in the City, ~~being freeholders or householders, and~~. Candidates for Mayor and City Councilman shall be residents of the City of Clarksville ~~who~~ and shall have resided in ~~said the~~ City for twelve (12) months next preceding their election, and ~~who shall have complied with the registration laws of the state and are~~ be qualified to vote in the election in which they are candidates. Candidates for City Councilman, other than the Mayor, shall also reside in and be qualified to vote in the ward to which they seek election at the time said candidate files his election qualifying petition with the ~~office of the~~ Montgomery County Election Commission. City Council members, ~~other than the Mayor,~~ shall continue to reside in the ward ~~to~~ from which they were elected to serve for the duration of their term of office. The Mayor shall continue to reside within the City limits for the duration of their term of office.
- (b) "Reside," "Residence," or "Resident," for purposes of this section, shall ~~be~~ mean the place where the candidate maintains their "principal residence."
- (c) For purposes of this section, a person's "principal residence" shall be that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a

definite intention to return. There can be only one “principal residence.” The following factors may be considered in the determination of a person’s “principal residence”:

- (1) the location of a person’s ~~ownership, lease, possession, occupation, or use of~~ inhabitable or residential real property ~~owned, leased, possessed, occupied or used by such person;~~
- (2) the location of a person’s personal possessions;
- (3) the location at which a person normally sleeps on a daily basis except for periods the person is away for business, social, family, vacation, or hospitalization purposes;
- (4) the location provided by or used by the person for licensing or registration of personal property;
- (5) the location provided by or used by the person for any occupational or professional licensing, certifications, or permits;
- (6) the location provided by or used by the person in connection with the provision of utility services for inhabitable or residential real property owned, leased, possessed, occupied or used by the person;
- (7) the location provided by or used by the person for driver license and / or voter registration purposes;
- (8) the location provided by or used by the person for personal federal and / or state tax return purposes;
- (9) the principal place of abode of the person’s spouse or immediate family members;
- (10) the location provided by or used by the person for bills and correspondence, to include bank and credit card statements, and correspondence from group organizations or entities of which the person is a member or affiliated with;
- (11) any other factor that may be relevant to the determination of the “principal residence” of a person.

(Pr. Acts 1961, Ch. 249, § 8)

Section 4. - ~~Terms of councilmembers.~~ Terms Limits of for Councilmembers.

- (a) No member of the City Council, ~~excluding the Mayor, is allowed to may~~ serve more than three (3) consecutive terms as a member of the Council, not including parts of terms which could result from appointment to that position or election for less than a full term. A member of the City Council who has served the maximum number of consecutive terms hereunder shall not be prohibited from then running for the office of Mayor ~~of the city.~~
- (b) No Mayor of the City ~~is allowed to may~~ serve more than three (3) consecutive terms in that ~~capacity~~ office, each of such terms to include parts thereof which could result from appointment to that position or election for less than a full term. A Mayor who has served the maximum number of consecutive terms hereunder is prohibited from then running for the office of City Councilman, ~~except as provided below.~~
- (c) “Consecutive terms” means terms which are served without interruption; any member of the City Council, ~~or to include a Mayor,~~ who has served three (3) consecutive terms, may, after not serving in that capacity for at least one full term, seek ~~the~~ office again.

- (d) The provisions of this section shall apply to those persons serving terms beginning January 1, 1993, and January 1, 1995, and all subsequent terms.

(Pr. Acts 1992, Ch. 177, § 1)

Section 5. - City council to call elections; supervision of elections; qualifications of voters.

The City Council shall have the power, in accordance with general law, to call, regulate and provide for all municipal elections; including all elections respecting bond issues; all elections held under this ~~act~~ Charter shall be held and supervised by the ~~election commissioners of~~ Montgomery County, Tennessee, Election Commission ~~or such other person or persons as may be authorized to hold state and county elections~~. A qualified voter who is properly registered as a resident of the City in accordance with general law is shall be entitled to vote in any election held pursuant to this Charter.

(Pr. Acts 1993, Ch. 99, § 1)

Section 6. - ~~Forfeiture of Removal from office.~~

~~If the mayor or any alderman should be convicted of any offense, such as malfeasance in office, bribery or other corrupt practice or crime, he shall forfeit his office.~~

- ~~(a) The Mayor, or any City Councilman, or the City Judge, may be removed from office pursuant to and in accordance with the provisions of general law.~~

Section 7. - Vacancy in office.

In case of a vacancy in ~~any said the~~ offices of any City Council member prior to the expiration of the term for any such member, except the Mayor, the City Council shall fill the vacancy until the next City election by a majority vote of the entire City Council. When a vacancy shall occur in the office of Mayor prior to the expiration of the term for Mayor, the vacancy shall be filled as provided in the following section. Should the Mayor cease to be a bona fide resident of the city at any time during his term of office, his office shall thereupon become vacant, and should any ~~alderman Councilman, other than the Mayor,~~ change his residence from the ward from which he was elected, his office shall thereupon become vacant.

Section 8. - Absence of Mayor,; Mayor Pro Tem.

~~Beginning January, 1993, at the first meeting of the city council,~~ At the first meeting of the City Council, following any city-wide election in which city officials have been elected, and after the installation of such officials, the Mayor shall recommend to the City Council one of its members to be Mayor Pro Tem, which individual shall serve for a period of two (2) years from his/her ratification by the City Council. That person shall serve in the absence of or inability of the Mayor to act. In the event of the failure of the City Council to make such ratification, a Mayor Pro Tem shall be elected by ~~the body~~ majority vote of the entire City Council to serve. Such member shall act as Mayor during any temporary absence or inability of the Mayor to act, and whenever a vacancy occurs in the office of Mayor prior to the expiration of the term for Mayor, the Mayor Pro Tem shall become Mayor and hold office as such until the next City election, and his office as ~~alderman Councilman~~ shall thereupon become vacant, and the vacancy shall be filled by the City Council as herein provided. In the event of the absence or disability of the Mayor Pro Tem to serve, or his failure to perform the duties required of him, the City Council shall have the right to elect an acting Mayor Pro Tem, who shall serve until the Mayor Pro Tem is able to discharge his duties. Whenever a vacancy occurs in the office of the Mayor Pro Tem prior to the expiration of the term of the Mayor Pro Tem, the City Council shall elect one of its members to fill that

vacancy. ~~Such mayor pro tem shall receive a salary of one hundred dollars (\$100.00) per month instead of the fifty dollars (\$50.00) per month provided for aldermen generally in section 19 of this article.~~

(Pr. Acts 1965, Ch. 158, § 3; Pr. Acts 1991, Ch. 45, § 1)

Section 9. - Time of meetings; special meetings.

- (a) The City Council, ~~shall~~, by ordinance, shall fix the time and place at which the regular meetings of said City Council shall be held, and until otherwise provided by ordinance, the regular meetings of the City Council shall be held at ~~7:30~~ 7:00 p.m., on the first Thursday night in each month, at the City Council chamber.
- (b) Whenever in the opinion of the Mayor, or of seven (7) City Council members exclusive of the Mayor, the welfare of the City demands it, the Mayor, or the Mayor Pro Tem in the absence or disability of the Mayor, shall call a special meeting of the City Council, ~~provided that with a minimum of twenty-four (24) hours notice is given to each City Council member, the Commissioner of Finance and Revenue, the Commissioner of Public Works the City Clerk, and the City Attorney, and the Director of the Department of Finance and Revenue. Such special meeting of the council may also be called if the provisions of Article II, Section 8 are met.~~ Notice shall ~~will~~ may be sent by email electronic mail, with each such contacted member person affirming receipt by reply email electronic mail within ~~twenty four~~ twenty-four (24) hours. ~~Such persons who do not reply by email within the twenty four (24) hour period shall be contacted by telephone. Affirmations not received within 24 hours will be followed up by telephone. Those persons who do not have access to electronic mail shall be notified of the special meeting by telephone. In case email is unavailable, notice will by telephone.~~ If electronic mail is unavailable, or if any such person fails to affirm receipt by electronic mail, then notice may be accomplished by telephone call made by the City Clerk. If telephone service is unavailable, or if any such person cannot be contacted by telephone, then notice may be accomplished by written notice and personal hand delivery to any such person by the City Clerk or any City Police Officer. Each call for a special meeting shall set forth the specific and only topics of business to be discussed and transacted. The Mayor, or Mayor Pro Tem in the absence or disability of the Mayor, or properly appointed replacement Chair in their absence or disability, shall conduct the meeting within seventy-two (72) hours ~~of the time the notice is issued.~~

(Res. No. 34-2004-05, 7-7-05; Res. No. 42-2004-05, 7-7-05; Res. No. 62-2007-08, 3-6-08)

Section 10. - Mayor to preside; when Mayor to vote.

The Mayor shall preside at all meetings of the City Council, and he may vote upon any matter presented to the City Council. If the Mayor is absent, the Mayor Pro Tem shall preside, and may vote. If the Mayor and the Mayor Pro Tem are both absent, the City Council then in session may elect one of the City Council members present to preside. In such case, the City Attorney, without a right to vote, shall conduct the election of the City Council member to preside at that meeting.

(Res. No. 34-2004-05, 7-7-05)

Cross reference— Mayor, generally, Art. IV, § 2.

Section 11. - Quorum.

A majority of all the members of the City Council (composed of the Mayor and as many ~~aldermen~~ ~~Councilmen~~ as there are wards in the City, the Mayor being one of the members of the City Council) shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalty as the City Council may provide.

Section 12. - Voting.

Except as otherwise provided in this Charter, ~~or by ordinance approved by the City Council, or by general law,~~ a majority vote of the members of the City Council present, shall decide the action of the council at that meeting, ~~but the enactment, amendment or rescission of ordinances shall be by majority vote of the entire membership of the city council.~~ Each ordinance ~~or resolution~~ passed by the City Council shall be signed by the ~~presiding officer~~ Mayor and the City Clerk. Ordinances shall not take effect until after their final passage ~~and publication in the newspaper or in pamphlet or book form unless otherwise provided in such ordinances in accordance with Article ~~III~~ IV, Section 6 of this Charter.~~

(Pr. Acts 1969, Ch. 50, § 2)

Section 13. - Rules of procedure; powers incident to rules of procedure; minutes to be kept.

- (a) The City Council may determine the rules of their proceeding, subject to this Charter, and ~~by majority vote of the City Council~~ may order the arrest of, and ~~punish by~~ may impose a civil fine upon, any City Council member or other person or persons guilty of disorderly or contemptuous behavior in its presence.
- (b) ~~‡~~ The City Council, by majority vote, shall have the power ~~and may delegate it to any committee,~~ to subpoena witnesses, and to order the production for purposes of review or inspection, and the copying thereof, of books, ~~and~~ papers, documents, and records, to include electronic documents and records, and to order that objects and things be produced for inspection, as may be found or located with the City limits and one (1) mile thereof, relating to any subject within its jurisdiction, to the fullest extent permitted by general law; and may delegate said power to any committee of the City Council, who may exercise said power by majority vote of the members of the committee; to call upon its officers or ~~the~~ policemen to execute its process, and may ~~cause to be arrested and punished by~~ order the arrest of, and may impose a civil fine upon, any person refusing to obey such subpoena or order. ~~No fine for any offense under this section shall exceed fifty dollars (\$50.00).~~
- (c) No fine for any offense under this section shall exceed fifty dollars (\$50.00).
- (d) The presiding officer of the City Council or the chairman of any committee may administer oaths to witnesses.
- (e) The City Council shall keep, ~~or cause to be kept by the City Clerk,~~ minutes of its proceedings, to be recorded in a well bound book suitable for that purpose.

Section 14. - Sessions to be public.

All sessions of the City Council shall be public, ~~except as may otherwise be permitted by general law for attorney-client privileged communications.~~

(Res. No. 37-2001-02, 1-3-02)

Section 15. - Restrictions on Councilmen.

- (a) The City Council, and its' committees, shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the City, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. Nothing ~~herein contained~~ contained herein shall prevent the City Council or its' committees from conducting such inquiries into the operation of the City government and the conduct of the City's affairs as ~~it~~ as the City Council or its' committees may deem necessary. ~~The office of any councilman violating any provision of this section shall immediately become vacant upon his conviction in a court of competent jurisdiction.~~
- (b) A City Council member shall not concurrently hold another publicly elected office at the city, county, state or federal levels of government.
- (c) No City Council member, to include the Mayor, shall be employed by the City as an employee, but may hold office as an elected official and may receive compensation and benefits therefore as provided herein or otherwise by ordinance.

~~Section 16. — Mayor pro tem.~~

~~A mayor pro tem shall be elected as provided in article II, section 8 above, with duties as described therein.~~

(Drafters Note: Because this Article deals with the City Council, and not with other officers of the City, and because Article VI deals with organization and personnel, to include other officers of the City, it is suggested that the provision immediately below in Article II, Section 17 of the current Charter, pertaining to the City Clerk, should be moved to Article VI below.)

~~Section 17. — City clerk.~~

~~The city clerk shall be appointed by the city council.~~

~~The city clerk shall be responsible for keeping and preserving the city seal and all records of the council; attending meetings of the council and keeping a journal of its proceedings at such meetings, including the names of members present and absent, the vote of each member on each ordinance or resolution, where a roll call vote is had, the title of each ordinance or resolution, and each motion considered; preparing and certifying copies of official records in his office, for which fees may be prescribed by ordinance; and performing such other duties as may be required by the council or mayor.~~

~~The city clerk shall attest the signature of the mayor on all instruments signed in the name of the city and other official acts of the mayor. The city clerk shall have the custody of and preserve in said clerk's office the public records, original rolls and ordinances, ordinance books, all contracts, title deeds, certificates and papers, and all other records or documents not required by the Charter or by ordinance to be deposited elsewhere.~~

(Pr. Acts 1961, Ch. 249, § 9; Pr. Acts 1969, Ch. 50, § 3)

Editor's note—

The city has advised that pursuant to Ord. No. 38-1964-65, the city clerk is appointed by the city council.

Section 16. - Official city newspaper.

The City Council by resolution shall designate a newspaper of general circulation in the City as the official City newspaper.

(Drafters Note: The City Council may want to consider whether this provision is something still required given changes in technology.)

Section 17. - Compensation of Mayor ~~and aldermen, Mayor pro tem, and Councilmen; Councilmen other than the Mayor, and Mayor Pro Tem.~~

~~Beginning January 1, 1983, the salary of the mayor shall be twenty-seven thousand five hundred dollars (\$27,500.00) per year and the salary of each alderman shall be six hundred dollars (\$600.00) per year, said salaries to be paid in equal monthly installments. In addition, members of the council shall be reimbursed for expenses incurred in the performance of their duties. Beginning January 1, 1983, the salary of the mayor may be adjusted by ordinance by the city council, provided, however, such adjustment shall be made at the beginning of the term of office for which the mayor was elected, and such adjustment shall not be altered during such term of office. Beginning November 1, 1984, the city councilmen shall also receive such compensation as the city council may fix by ordinance for attending called council meetings and such committee meetings as are designated by ordinance.~~

~~Beginning January 1, 1985, the salary of aldermen may be adjusted by ordinance of the city council, provided however, that such adjustment shall take effect only at the beginning of a term of office for which a member is elected, and such adjustment shall not be altered during such member's term of office.~~

(Drafters Note: Below in blue strikethrough is the language and organization format used in the previous proposed revised Charter. However, it is suggested that the provisions pertaining to compensation be broken down into sub-sections for easier reading, as found below, and no substantive changes have been made.)

~~The compensation of the Mayor shall be established by ordinance by the City Council and may be adjusted by ordinance by the City Council, provided that such adjustment shall be approved before the beginning of the term of office for which the Mayor was elected, and such compensation shall not be altered during such term of office. The compensation of the Councilmen shall be established by ordinance by the City Council and may be adjusted by ordinance of the City Council, provided that such adjustment shall be approved before the beginning of the term of office for which a Councilman is elected, and such compensation shall not be altered during such Councilman's term of office. In addition to the compensation provided to Councilmen in the previous sentence, the Mayor pro tem shall receive additional compensation to be established by ordinance by the Council for the duration of his term as Mayor pro tem. Additional compensation for the Mayor pro tem may adjusted by ordinance by the City Council, provided that such adjustment shall be approved before the beginning of the term of office for which the Mayor pro tem was selected, and such additional compensation shall not be altered during such term of office.~~

~~In addition to the compensation set out hereinbefore, Councilmen, the Mayor, and the Mayor pro tem shall be reimbursed for expenses incurred in the performance of their duties.~~

- (a) ~~The compensation of the Mayor shall be established by ordinance by the City Council, and may be adjusted by ordinance by the City Council, provided that such adjustment shall be approved prior to the beginning of the term of office for which the Mayor was elected, and such compensation shall not be altered during such Mayor's term of office.~~

- (b) The compensation of the Councilmen, other than the Mayor, shall be established by ordinance by the City Council, and may be adjusted by ordinance by the City Council, provided that such adjustment shall be approved prior to the beginning of the term of office for which a Councilman is elected, and such compensation shall not be altered during such Councilman's term of office.
- (c) In addition to the compensation provided to Councilmen in the previous sub-section, the Mayor Pro Tem shall receive additional compensation for the duration of his term as Mayor Pro Tem, to be established by ordinance by the City Council, and said additional compensation for the Mayor pro tem may adjusted by ordinance by the City Council, provided that such adjustment shall be approved prior to the beginning of the term of office for which the Mayor Pro Tem was selected or elected, and such additional compensation shall not be altered during such Mayor Pro Tem's term of office as Mayor Pro Tem.
- (d) In addition to the compensation set out hereinbefore, the Mayor and each Councilman, to include the Mayor Pro Tem, shall be reimbursed for expenses incurred in the performance of their duties.

(Pr. Acts 1973, Ch. 117, § 1; Pr. Acts 1981, Ch. 138, §§ 1, 2; Pr. Acts 1984, Ch. 173, § 1; Pr. Acts 1984, Ch. 222, § 1)

(Drafters Note: It is suggested that the below provision really does not add anything that is not already stated previously expressly or by implied power, and in essence states a truism, that legislative power is vested in the City Council, etc., which is obvious. This provision really seems to be mere surplusage and unnecessary, and should be deleted.)

~~**Section 18. Legislative powers generally.**~~

~~The legislative and other powers, except as otherwise provided by this Charter, are hereby delegated to and vested in the city council and the city council may, by ordinance or resolution, not inconsistent with this Charter, prescribe the manner in which all powers of the city shall be exercised, 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.~~

(Drafter's Note: Under the current Charter, Article III pertains to ordinances and resolutions. It was originally thought best to move this Article to a later occurring organizational / subject matter format position within the Charter, and to instead place the Charter provisions dealing with the Mayor here, renumbered as Article III, next after the provisions dealing with the City Council. This organizational / subject matter format placement and renumbering would have placed the importance of the Mayoral position, in our strong mayor private act charter form of local government, and as first among equals on the City Council, and as a center of power separate and apart from the rest of the City Council as the chief executive power, while yet also being a mere equal part of the City Council as a whole in exercising its legislative power, in what seemed its rightful place, leaving the more mundane provisions dealing with the mechanics of legislation to a later placed following article. However, doing so leaves the subject matter of the legislative process untethered from the provisions pertaining to the legislative body that has the power to enact legislation. The legislative body gets pride of place coming first in the organizational / subject matter format at Article II, after the introductory provisions pertaining to definitions and City powers in Article I. This organizational format of placing the provisions pertaining to legislative bodies and power first, to include the mechanics of the legislative process, immediately followed by provisions pertaining to the executive position and power immediately thereafter, is consistent with both the federal and state constitutional organizational / subject matter formats. Plus,

the current Charter already places the provisions pertaining to ordinances and resolutions at Article III. For these reasons, it is suggested that the City retain the current Charter's organizational / subject matter format with regard to Article III, pertaining to ordinances and resolutions and the mechanics of the legislative process, to be immediately followed by the provisions dealing with the Mayor and executive power. By doing so, we would simply be swapping places, with the provisions pertaining to the Mayor and executive power (being article III in the previous proposed revised charter) being moved to after the provisions pertaining to ordinances and resolutions and the mechanics of the legislative process (being article IV in the previous proposed revised charter). The bottom line end result is that the provisions pertaining to mechanics of the legislative process will now be article III (just as it is in the current charter) and the provisions pertaining to the Mayor will now be article IV. Under the current charter, there is no separate article dealing only with the Mayor, as those provisions are found in article IV (dealing with organization and personnel generally), section 2.)

ARTICLE III. - ORDINANCES AND RESOLUTIONS

Section 1. - Enacting style.

All ordinances shall begin "Be it ordained by the City of Clarksville."

Section 2. - City legislation.

Any action of the City Council having a regulatory or penal effect, or required to be done by ordinance under this ~~act~~ Charter, or by general law, shall be done only by ordinance. Other actions may be accomplished by resolutions ~~or motions~~, or by motions. Each ~~motion~~, resolution and ordinance shall be in written form before being introduced. Amendments of ordinances and resolutions, ~~whether codified or not~~, or parts thereof, ~~before or at the time of their introduction, shall be in written form, and shall be accomplished only by setting forth the complete section, sections, subsection, or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date of the code, and issuing organization, and the City Clerk shall file a copy of the any such code in his office. The City shall furnish a copy of any such code to any person for a reasonable fee in accordance with general law. After adoption of a code of ordinances, The City Clerk shall number ordinances consecutively in the order of their final adoption, and shall bind them into a permanent record book used solely for this purpose, and the City Clerk shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances, resolutions and motions shall be filed and preserved by the city clerk. An abstract of the essential provisions of each ordinance shall be published once in the official newspaper within ten (10) days after its adoption, except that only the title shall be so published of a code adopted by reference as provided in this section.~~The original copies of all ordinances and resolutions shall be filed and preserved by the City Clerk.

Cross reference— Publication requirements, Art III, § 6.

Section 3. - Codification of ordinances.

(Drafter's Note: The requirement for conducting a "codification" or all ordinances and resolutions made sense at the time of enactment of the current charter in 1957. However, since all ordinances as described have since been codified, there is no reason to conduct a review of all previously passed

ordinances having a regulatory effect or of general application to determine what should be codified and what should not. Such a review has already been done in the now distant past, and we now have an Official Code of the City of Clarksville which already contains such ordinances. Doing another such review is unnecessary therefor, and would require literally months of work and be a monumental waste of time. Article III, Section 5 below already addresses what the effect of passage of the proposed new Charter would have on any existing ordinances, that is, there is no effect and all such ordinances remain in force, except for any that are in direct conflict with the provisions of the Charter, in which case the Charter provision trumps the offending City Code provision. It is not possible to anticipate every possible factual situation in which some previously passed ordinance or part of an ordinance (which has been codified in the City Code) may conflict with some Charter provision. For these reasons, it is suggested that any modifications or amendments to any City Code titles /chapters / sections that may become necessary, be dealt with on a case by case basis as they come up. That is essentially what the proposed solution is in any event as set forth above, ie., when any conflict is discovered, the City Council is to take action to repeal or amend the offending City Code provision that conflicts with the Charter. Therefore, the drafter suggests that this provision simply state in essence the requirement that all ordinances having a regulatory or penal effect, or which are of a permanent nature and have general application, shall be codified. It is further suggested that the details pertaining to the actual process for codification be deleted, or at least left to an ordinance, to provide flexibility, given the constant changes in technology. Finally, given the changes in Article I that would require virtually all significant legislation to be done by ordinance, there would be no need to codify any resolution, and indeed the drafter is unaware of any resolutions that have previously been codified in any event, hence the deletion of references to codifying resolutions.)

~~Within three (3) years after this act becomes effective there shall be prepared, under the direction of the mayor and with the advice of the city attorney, a codification of all ordinances and resolutions having a regulatory effect or of general application which are to be continued in force. Existing ordinances and resolutions may be revised, amended and consolidated in making the codification, which shall be then be adopted as a single ordinance to be known and cited as the "Official Code of the City of Clarksville," and thereupon all ordinances and resolutions in conflict therewith shall be repealed. The ordinance containing the code need not be published in a newspaper, either in full or in abstracted form, but a notice of its adoption shall be published once in the official city newspaper. The code shall be reproduced in loose leaf form and shall be made available to any person desiring a copy, for which a reasonable fee may be charged. An additional annual fee may be charged for furnishing revisions currently. After adoption of the code each ordinance shall be adopted as a numbered section or sections of the code, as amending existing sections or adding new sections. Such new ordinances shall be integrated into the code, and at least once a month new pages shall be reproduced to replace existing pages (with instructions to destroy existing pages) or to be added to the code, and shall be distributed to city officers and employees having copies of the code and to other persons who have paid the annual fee for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the dates and numbers of ordinances making the amendments or adding the new sections, and such references shall be cumulative if a section is amended more than once in order that the current copy of the code will contain references to all ordinances passed since the adoption of the original code.~~

~~Within six months after this amended Charter becomes effective there shall be prepared, under the direction of the Mayor and with the advice of the City Attorney, a codification of all ordinances and~~

~~resolutions having a regulatory effect or of general application. All existing ordinances and resolutions in conflict with this codification will be repealed with the adoption of this codification. A notice of the adoption of this codification shall be published in accordance with Tennessee Code Annotated § 6-54-508 and § 6-54-509. All ordinances having a regulatory or penal effect, or of a permanent nature and having general application, as may be determined by the City Attorney, or which are required to be codified by general law, shall be codified and made a part of the Official Code of the City of Clarksville. The Official Code of the City of Clarksville shall be kept and maintained in electronic format on the official Internet website of the City of Clarksville, where it will be accessible and printable by the general public for no charge. The Official Code of the City of Clarksville shall also be kept and maintained in loose-leaf form by the City Clerk, and shall be made available to any person desiring a copy for which a reasonable fee may be charged in accordance with general law. Any conflict between the loose-leaf form of the Official Code of the City of Clarksville and the electronic form maintained on the City of Clarksville's website shall be resolved in favor of the loose-leaf form. After adoption of the Official Code of the City of Clarksville, Each new ordinance enacted by the City of Clarksville shall be adopted as a newly numbered title, chapter, or section or sections of the Official Code of the City of Clarksville, or as an amendments to an existing title, chapter, or sections of the Official Code of the City of Clarksville as new sections of the Official Code of the City of Clarksville, or as repealing an existing title, chapter, or sections (or portions thereof), of the Official Code of the City of Clarksville. Such new ordinances shall be integrated into the Official Code of the City of Clarksville, and at least every six months new pages shall be reproduced to replace existing pages (with instructions to destroy existing pages being replaced) or to be added to the Official Code of the City of Clarksville, and shall be distributed to City officers and employees having copies of the Official Code of the City of Clarksville. The City Clerk, in coordination with the City Attorney, shall cause said ordinances to be codified and integrated with the existing Official Code of the City of Clarksville, and may contract with a private codification services firm for such purposes, within appropriated funds. Notes shall be inserted at the end of amended or new titles, chapters, or sections, referring to the dates and numbers of ordinances making the amendments or adding the new titles, chapters, or sections, and such references shall be cumulative if a title, chapter, or section is amended more than once in order that the current copy of the Official Code of the City of Clarksville will contain references to all ordinances previously passed related thereto since the adoption of the original Official Code of the City of Clarksville.~~

Section 4. - Ordinances to establish rules and regulations.

The City Council may by ordinance or resolution authorize ~~officers and~~ agencies of the City to promulgate formal ~~rules and~~ regulations or rules within their respective jurisdictions, subject to such restrictions and standards of guidance as the City Council may prescribe. No such formal ~~rule or~~ regulations or rules shall take effect until it is filed with the City Clerk, who shall ~~file and preserve the original copy and maintain same~~ in his office. Such ~~rules and~~ regulations and rules shall be included as a separate ~~section part~~ of the Official Code of the City of Clarksville as an appendix or as separate ~~appendices and shall be reproduced and distributed in loose leaf form as required by section 3 above.~~ Amendments of such ~~rules and~~ regulations and rules shall be accomplished only by setting forth complete sections or subsections in their amended form.

Section 5. - Effect on prior ordinances and resolutions.

All ordinances and resolutions in force at the time of the taking effect of this Charter, passed under authority of prior Charters, shall remain in full force and effect until amended or repealed, except where they are in conflict with the provisions of this ~~act amended~~ Charter.

Section 6. - Effective date of ordinances, resolutions, and franchises.

- (a) Ordinances shall be passed on two (2) readings on two (2) separate days in open session of the City Council before ~~it [sic] they~~ shall become effective, ~~but on the second reading, and for each reading,~~ a reading of the title of the ordinance shall suffice together with such explanation as might be called for by the Mayor or any member of the City Council. Any ordinance may be amended on second reading after being passed on first reading, provided the amendment is sufficiently explained ~~and the amendment itself is read.~~
- (b) All ordinances ~~and resolutions~~ shall take effect from and after their final passage ~~and publication in a newspaper or pamphlet form,~~ unless otherwise provided therein.
- ~~(c) Unless otherwise specified, resolutions shall become effective when adopted.~~
- (c) Ordinances making a grant, renewal, or extension of a franchise, or regulating the rate to be charged by any public utility for its services, ~~except for rate changes required by general law or by contract between the City and any state or federal governmental agency, to include the Tennessee Valley Authority or any successor agency,~~ shall be passed on ~~three (3) two (2)~~ readings on ~~three (3) two (2)~~ separate days, and shall not take effect until thirty (30) days after ~~the~~ final passage. Notwithstanding the forgoing, any City utility supervisory board established by the City Council by ordinance pursuant to Article VIII, Section 1 ~~herein of this Charter,~~ may establish rates to be charged by that utility for its services, as may be permitted by general law, to such extent and in such manner as the City Council may by ordinance determine.
- (d) All ordinances ~~and resolutions~~ shall be signed by the Mayor ~~or mayor pro tem or, after~~ before the expiration of two (2) whole days, Sunday excluded, following the final reading of such ordinance ~~or resolution, by the acting mayor pro tem and by the City Clerk or person acting in his place as such, and all ordinances shall be published at least once in a newspaper published in the City of Clarksville, or in pamphlet or book form.~~ All ordinances not signed by the Mayor, ~~or City Clerk,~~ before the expiration of two (2) whole days, Sunday excluded, shall be treated as if they have been signed by the Mayor ~~and City Clerk~~ within the time allotted above, unless the Mayor exercises his veto powers ~~as set forth in Article # IV, subsection (j) of this Charter.~~

(Pr. Acts 1969, Ch. 50, § 4)

Cross reference— See also the publication requirements in Art III, § 2.

Section 7. - Ordinances to have effect beyond City limits.

All ordinances now in force and hereafter enacted, of a moral, criminal, quasicriminal, sanitary or penal nature shall apply to any and all surrounding territory within one mile beyond ~~said incorporated the~~ City limits, as well as within the corporate limits ~~as set forth in section 3, article 1, above.~~

Cross reference— Powers in extraterritorial jurisdiction, Art. I, § 5(b).

ARTICLE IV: MAYOR; POWER AND DUTIES GENERALLY.

~~Section 2.— Mayor; duties and powers generally.~~

(Drafter's Note: In the current Charter, for some unexplained reason, only some of the paragraphs pertaining to the Mayor have an alpha / numeric identifier. This is common to other parts of the current Charter as well. In the previous proposed revised Charter, each paragraph was given an alpha / numeric identifier, and the language from some of the paragraphs of the current Charter was broken down into separate paragraphs for ease in reading. That usage has been continued here.)

- (a) The Mayor shall be the executive head of the City government, responsible for the efficient and orderly administration of the City's affairs.
- (b) The Mayor shall preside at all meetings of the City Council, and perform such other duties consistent with his office as may be imposed by the City Council, and he shall have a seat, a voice, and the right to vote. ~~He shall sign all checks or orders on treasurer, and shall sign the minutes of the city council and all ordinances upon their final passage, and shall execute all deeds, bonds and contracts made in the name of the city, and his signature shall be attested by the city clerk or by the person acting for the city clerk and so designated by the city council.~~ (Drafter's Note: The provisions in the immediately preceding sentence have been moved and are set forth below as separate paragraphs.) He The Mayor may introduce ordinances and resolutions ~~in~~ for action by the City Council.
- (c) The Mayor shall sign all checks or orders on the ~~Treasurer~~ treasury.
- (d) The Mayor shall sign the minutes of the City Council, and all ordinances and resolutions upon their final passage.
- (e) The Mayor, ~~or his duly authorized designee~~, shall execute all deeds, bonds and contracts made in the name of the City, and his signature, ~~or that of his duly authorized designee~~, shall be attested by the City Clerk ~~or by the person acting for the City Clerk and so designated by the City Council~~.

~~(1) — To perform acts required by ordinance; to appoint committees; to administer oaths.~~

(f) The Mayor shall have the power, and it is hereby made his duty, to perform all acts that may be required of him by any ordinance or resolution duty enacted by the City Council not in conflict with any of the provisions of this Charter.

(g) He The Mayor shall have the power to appoint all standing committees as he may deem necessary. He shall have the right to change the committee members as he may deem advisable.

(h) The Mayor shall have authority to administer oaths and affirmations, and to take depositions in the same way and for the same purposes ~~and for the same fees~~ and under the same laws, as ~~justices of the peace permitted by law~~.

~~(2) — Receiving of process. A legal process against the city shall be served upon the mayor or the city clerk, and it shall be their duty forthwith to transmit the process to the city attorney after writing thereon the time and manner of service.~~

~~(3) — Veto power; overriding of veto.~~

(i) The Mayor shall have the right to veto, within two (2) whole days, Sundays excluded, any ordinance passed by the City Council. He shall enter, ~~or cause to be entered by the City Clerk~~, his

reasons for such veto on the minutes of the proceedings. The veto of the Mayor shall render null and void such ordinance unless the City Council shall **override the veto at the next regular or special called meeting of the City Council**, by majority vote of the full membership of the City Council, plus one, excluding the Mayor, who may not vote on a veto override vote, ~~reenact or re-pass such ordinance at its next regular meeting.~~

(Drafter's Note: The provisions below pertaining to City Court and the City Court Judge have been placed here into a stand-alone Article V. This is the same placement as in the previous proposed revised Charter. In the current Charter, the provisions pertaining to City Court and the City Court Judge are found at Article IV (dealing with "Organization and Personnel"), Sections 4, 4.1, 4.2, 4.3, 4.4 and 4.5. The Charter Revision Task Force and previous City Councils, your drafter and City Attorney, have thought it best to give the City Court and the City Court Judge a more prominent position within the organizational / subject / topical formatting of the Charter by creating a separate stand-alone article in the Charter dealing only with the City Court and City Court Judge. The formal tri-partite separation of powers structure common to both our federal and state constitutions is not legally required for local government organizational structure. Indeed, the City Court is not, technically speaking, what is known as and commonly referred to by legal scholars under the federal United States Constitution as an "Article III" court that is a co-equal branch of government. Unlike the U.S. Supreme Court, and the lower federal courts, and unlike the Tennessee Supreme Court, and the lower *state* courts, which are in fact co-equal branches of government who reign supreme within their judiciary functions, and are a distinct and separate center of power within the constitutional structure from both the legislative and executive branches, the City Court is actually what is known as a "corporate court" because it is part of a "municipal corporation" (the City), and its functions, powers, and duties may be established, modified, or circumscribed by the legislative body, and may even be abolished altogether, to the extent not inconsistent with state law of general application, *and the City's Charter*. Since the City Court and the City Court Judge position is established in our current Charter, and will be retained in the proposed revised Charter, it is thought best to treat it with the respect and dignity called for by the rule of law.)

ARTICLE V: CITY COURT.

~~Section 4.—City court.~~

Section 1. City Court Established; Jurisdiction; Powers Generally.

A City Court, presided over by a City Court Judge on a full or part time basis as may be prescribed by ordinance, is hereby established, which shall have **original** jurisdiction over violations of ~~this act and~~ ordinances of the City, **except as may otherwise be provided by this Charter, or City ordinances, or general law**, and shall have such other jurisdiction as is conferred by ~~the general laws of the state.~~

~~(1)~~ (a) *Authority to execute process; administer oaths, etc.* The City Judge may send ~~the~~ City police officers into any part of Montgomery County, Tennessee, to execute process, which said police officers are hereby authorized and empowered to execute and return, **according to the in accordance with the general law of the state.** The City Judge shall have authority to administer oaths and affirmations.

~~Whenever any person is arrested for the violation of any city ordinance in the presence of a police officer and no warrant has been issued or served, he may execute an appearance bond in an amount of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00), and file same with police desk sergeant, or he may, in lieu of the execution of an appearance bond, deposit a sum of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00), with a police desk sergeant and be given a receipt for same, and on the appearance of such person before the city court at the time specified in said receipt such deposit shall be returned to him, but on the failure of such person to appear at the time specified the amount so deposited shall be forfeited to the municipality and he shall not be entitled to the return of any part thereof and it shall not be necessary to issue a scire facias; provided, however, that within two (2) days of the imposition of the forfeiture the city judge shall have the power to set aside the conditional judgment imposing such forfeiture when it shall be made to appear that the failure of the accused to appear and defend his suit was due to no fault or negligence of the accused. After the expiration of the two (2) days, there may be a final judgment imposing a forfeiture.~~

~~(2) (b) Authority of judge to impose fines, and commit offenders to workhouses; limitations on fines; authority to remit fines; contempt power; enforcement.~~ The City Judge shall have power and authority to impose civil fines, costs and forfeitures, ~~and to punish by fine for~~ all violations of ~~the~~ City ordinances, in amounts as may be determined by ordinance of the City Council and general law; to preserve and enforce order in his court through exercise of the contempt power, and to enforce the collection of all such fines, costs and forfeitures imposed by him as permitted by law, and in default of payment thereof, ~~or good and sufficient security given for the payment of such fines, costs and forfeitures imposed by him, he shall have the power and it shall be his duty to commit the offender to the city workhouse or other places provided for such purposes, to do such labor as may be provided for such purposes, to do such labor as may be provided by ordinance until such fine, costs or forfeitures shall be fully paid, at the rate of one day's imprisonment for each two dollars (\$2.00) of such fine, costs, or forfeitures; provided that no fine shall exceed fifty dollars (\$50.00), to pursue collection of same through the City Finance Department~~ Department of Finance and the City Attorney. ~~and All fines may be paid in such installments and in such manner as may be provided by ordinance.~~

~~The city judge, with the approval of the mayor, may remit, with or without conditions, fines and costs imposed for the violation of any ordinance or Charter provision of the city, or any part of the same.~~

~~(3) (c) One warrant citation for same each offense. Only One warrant citation shall be issued for the same each separate offense or violation, such warrant to embrace all the parties charged with the same offense and separate parties shall be issued separate citations.~~

~~(4) (d) Fines generally.~~ All fines imposed, and all costs assessed, by the City Judge for the violation of ~~the any~~ City ordinances shall belong to the City, except as may otherwise be provided by general law, and shall be received and collected by the ~~chief of police of the city, to be reported by him in his monthly reports and paid over to the city treasurer, and all labor performed in the execution of workhouse sentences for the violation of ordinances shall be performed for the city finance department of the City~~ City Department of Finance. The individual fined shall bear all of the costs associated with the collection of all fines and court costs.

~~(5) (e) No fees to arresting officers; Judge to certify to chief of police the finance department responsible for collection of all fines and costs. The City Judge shall allow no fees to any arresting officer. and he shall certify to the chief of police The City Finance Department Department of Finance shall be responsible have the duty to for collection of all fines, costs and forfeitures, imposed or assessed by him the City Court for offenses against the laws and the violation of any City ordinances of the city.~~

~~(6) (f) Court dockets. The City Judge City Court Clerk City Court Judge shall keep, or cause to be kept, with assistance of the City Court Clerk, the City Court dockets embodying complete detailed records of all cases tried and determined in his City Court, including all financial transactions and affairs of the Court, in accordance with the general law.~~

~~(7) (g) When Judge unable to hold court. When the City Court Judge fails to attend, or if in attendance, cannot properly preside in a cause pending in the City Court, or from any cause is unable to hold the court, the Mayor, or in his absence the Mayor Pro Tem, shall appoint some competent lawyer attorney or judge of the Montgomery County general sessions court of justice of the peace for Montgomery County, to attend and hold the court for the occasion, and continue to do so until the City Court Judge resumes the duties of his office. The compensation of an acting City Court Judge shall be fixed by ordinance.~~

(Pr. Acts 1961, Ch. 249, § 5(b), 10)

Section 4-1 2. - Election of City Judge; term of office.

~~The city judge of the City of Clarksville shall be hereafter elected by the qualified voters of the City of Clarksville, at an election to be held by the election commissioners of Montgomery County, Tennessee, or such other person or persons as may be authorized to hold state and county elections, at the voting places in the City of Clarksville, at the next regular election of the mayor and aldermen of said city, to be held on the first Tuesday in December 1960, and on the same day every four (4) years thereafter, who shall hold office for a term of four (4) years beginning January 1st following such election and until his successor is elected and qualified.~~

(a) The City Court Judge of the City of Clarksville shall be elected by the qualified voters of the City of Clarksville, at an election to be held by the Montgomery County Election Commission, or such other person or persons as may be authorized to hold state and county elections, at the voting places in the City, at the regular election to be held on the first Tuesday after the first Monday in November, or such other date as established by the Montgomery County Election Commission, and on the same day every four (4) years thereafter, who shall hold office for a term of four (4) years beginning January 1st following such election and until his qualified successor is elected and ~~and~~ takes office. The candidate receiving the highest number of votes for City Court Judge who is otherwise qualified as provided herein shall be duly elected, subject to an election contest as provided by general law.

(b) At the election occurring on the first Tuesday in November, 2016, there shall be elected by the qualified voters of the entire City a City Court Judge elected for a term of four (4) years beginning the following January 1st and until his qualified successor is elected and ~~and~~ takes office.

(c) No City Court Judge ~~is allowed to~~ shall serve more than three (3) consecutive terms in that capacity, each of such terms to include parts thereof which could result from appointment to that position or election for less than a full term. "Consecutive terms" shall mean terms which are served without interruption; any City Court Judge who has served three (3) consecutive terms may, after not serving in that capacity for at least one full term, seek the office and serve again.

(d) The provisions of this section shall apply to those persons serving terms beginning January 1, 2017, and all subsequent terms.

(e) Nothing herein shall be deemed to shorten or enlarge any term of a sitting City Court Judge at the time of the effective date of this amended Charter.

(Pr. Acts 1959, Ch. 84, § 1)

Section 4.2 3. - Qualifications of City Judge.

The ~~Judge of said~~ City Court Judge shall be at least thirty (30) years of age upon taking office, and ~~a person learned in the law by practice and profession, and of good moral character, and shall have been for two (2) years before his election a bona fide resident and voter in the County of Montgomery~~ and shall be licensed to practice law in ~~good standing with~~ the State of Tennessee, and whose license shall be in good standing, and any candidate for City Court Judge shall be a bona fide resident of the City of Clarksville ~~at the time of~~ for one (1) year prior to ~~on~~ the date of qualification for his election.

(Pr. Acts 1959, Ch. 84, § 2)

~~Section 4.3. — Election of interim city judge.~~

~~Following the passage of this act there shall be elected by the mayor and aldermen of the City of Clarksville a judge of the city court of said city, who shall hold office until the next regular election as provided in section 4.1 hereof.~~

(Pr. Acts 1959, Ch. 84, § 3)

(Drafter's Note: The below section pertaining to the jurisdiction of the City Court is unnecessary and redundant, and should be deleted, since the jurisdiction of the City Court is already addressed in Article V, Section 1 above. Further, the statement is not entirely accurate, because while it is true that the City Court has *original* jurisdiction over many ordinance violations, several City boards also have their own authority to hear ordinance violation cases *originally*. Further, the City Court does not have *exclusive* jurisdiction over all ordinance violations, as the Montgomery County Circuit Court also has *de novo* jurisdiction to hear appeals from City Court, and from decisions of the Beer Board pertaining to beer code violations.)

~~Section 4.4. — Jurisdiction of city court.~~

~~The city court shall have original and exclusive jurisdiction of all violations of the ordinances of the city.~~

(Pr. Acts 1959, Ch. 84, § 4)

Section 4.5 5 4. - Salary of City Court Judge.

The ~~salary compensation~~ of the City Court Judge shall be ~~fixed established by ordinance of by~~ by the City Council, and payable in equal monthly installments, and may be adjusted by ordinance by the City Council, provided that such adjustment shall be approved ~~before~~ prior to the beginning of the term of office for which the City Judge is elected, and such compensation shall not be altered during such term of office.

(Pr. Acts 1959, Ch. 84, § 5; Pr. Acts 1967, Ch. 135, § 1; Pr. Acts 1976, Ch. 236, § 1; Pr. Acts 1986, Ch. 176, § 1)

~~Section 6.~~ **Section 5. - City Court Clerk.**

There is hereby established an office of City Court Clerk. The City Court Clerk shall be selected in the manner as shall be determined by ordinance ~~enacted~~ by the City Council. The City Court Clerk shall discharge those duties mandated by ordinance by the City Council and general law, ~~and as may be provided by ordinance of the City Council.~~

~~ARTICLE IV.~~ **ARTICLE VI. - ORGANIZATION AND PERSONNEL**

FOOTNOTE(S):

--- (4) ---

Cross reference— Duties of the city clerk, Art II, § 17

Section 1. - Organization.

~~The city government shall be organized into a department of general government, department of finance, police department, fire department, and department of public works, unless and until otherwise provided by ordinance.~~

The executive and administrative functions of City government shall be organized into departments, with a Police Department, Fire Department, Finance Department, Legal Department, Human Resources Department, and such other departments as may be established by ordinance by the City Council. The Mayor shall select and appoint a Department Head to manage and supervise each department, except as may otherwise be provided for herein. The Mayor, subject to City Council approval by ordinance, may disband, abolish, consolidate or otherwise reorganize one or more existing departments as determined by him to be necessary and efficient for the carrying on of City business. Department Heads shall be under the direct supervision of the Mayor, and shall report to the Mayor and City Council as they require.

(Drafter's Note: The provisions below pertaining to the Mayor have been placed into a stand-alone article, which was article III under the previous proposed revised charter, but which has now been placed at article IV above for the reasons stated above in the drafter's note.)

Section 2. — Mayor; duties and powers generally.

~~The mayor shall be the executive head of the city government, responsible for the efficient and orderly administration of the city's affairs.~~

~~The mayor shall preside at all meetings of the city council, and perform such other duties consistent with his office as may be imposed by the city council, and he shall have a seat, a voice and the right to vote. He shall sign all checks or orders on treasurer, and shall sign the minutes of the city council and all ordinances upon their final passage, and shall execute all deeds, bonds and contracts made in the name of the city, and his signature shall be attested by the city clerk or by the person acting for the city clerk and so designated by the city council. He may introduce ordinances and resolutions in the city council.~~

~~(1) — To perform acts required by ordinance; to appoint committees; to administer oaths. The mayor shall have power and it is hereby made his duty to perform all acts that may be required of him by any ordinance or resolution duly enacted by the city council not in conflict with any of the provisions of this Charter.~~

~~He shall have power to appoint all standing committees as he may deem necessary.~~

~~He shall have the right to change the committee members as he may deem advisable.~~

~~The mayor shall have authority to administer oaths and affirmations, and to take depositions in the same way and for the same purposes and for the same fees and under the same laws, as justices of the peace.~~

~~(2) — Receiving of process. A legal process against the city shall be served upon the mayor or the city clerk, and it shall be their duty forthwith to transmit the process to the city attorney after writing thereon the time and manner of service.~~

~~(3) — Veto power; overriding of veto. The mayor shall have the right to veto, within two (2) whole days, Sundays excluded, any ordinance passed by the city council. He shall enter his reasons for such veto on the minutes of the proceedings. The veto of the mayor shall render null and void such ordinance unless the city council shall, by majority vote, reenact or re-pass such ordinance at its next regular meeting.~~

Cross reference— Duties of mayor relative to city council, Art II, § 10.

Section 17 2. - City Clerk.

- (a) The City Clerk shall be appointed by the City Council.
- (b) The City Clerk shall be responsible for keeping and preserving the City seal and all records of the City Council; attending meetings of the City Council and keeping a journal of its proceedings at such meetings, including the names of members present and absent, the vote of each member on each ordinance or resolution, where a roll call vote is had, the title of each ordinance or resolution, and each motion considered; preparing and certifying copies of official records in his office, for which fees may be prescribed by ordinance in accordance with general law; and performing such other duties as may be required by the City Council or Mayor.

- (c) The City Clerk shall attest the signature of the Mayor on all instruments signed in the name of the City ~~and other official acts of the mayor. The city clerk shall have the custody of and preserve in said clerk's office the public records, original rolls and ordinances, ordinance books, all contracts, title deeds, certificates and papers, and all other records or documents not required by the Charter or by ordinance to be deposited elsewhere.~~

(Drafter's Note: The last sentence above was simply moved to a new subsection (d) immediately below for ease of reading in the previous proposed revised Charter and no changes have been made to that sentence from the current Charter, other than the capitalization of City Clerk and the deletion and additions in blue.)

- (d) The City Clerk shall have ~~the~~ custody of and shall preserve in said clerk's office the public records, original rolls and ordinances, ordinance books, all contracts, title deeds, certificates and papers, and all other records or documents not required by the Charter or by ordinance to be deposited elsewhere.

(Pr. Acts 1961, Ch. 249, § 9; Pr. Acts 1969, Ch. 50, § 3)

Editor's note—

The city has advised that pursuant to Ord. No. 38-1964-65, the city clerk is appointed by the city council.

~~Section 3.—City attorney. Section 2.—City Attorney; Director of Finance and Revenue (Chief Financial Officer); Director of Internal Audit~~ Section 3. City Attorney.

- {1} (a) The City Attorney shall be an attorney-at-law ~~entitled licensed to practice~~ in the ~~courts of the~~ State of Tennessee, shall be appointed by the City Council, and shall receive such compensation as the City Council may determine.
- {2} (b) The City Attorney shall direct the management, under the supervision of the City Council, of all litigation in which the City is a party, including the function of prosecuting attorney in the City Court when ~~it is~~ necessary; He shall 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 City Council, its members and committees, and the heads of all departments, and all City boards, authorities, and commissions, as to all legal questions affecting the City's interest, and shall approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the City. Except as otherwise directed by this Charter or by ordinance, he shall have full charge of all legal proceedings in which the City ~~as is~~ a party.

(Pr. Acts 1965, Ch. 158, § 4)

(Drafter's Note: The provisions below pertaining to City Court and the City Court Judge have been placed into a stand-alone article IV above for the reasons stated above in the drafter's note.)

~~Section 4.—City court.~~

~~A city court, presided over by a city judge on a full or part time basis as may be prescribed by ordinance, is hereby established, which shall have jurisdiction over violations of this act and ordinances of the city, and such other jurisdiction as is conferred by the general laws of the state.~~

~~(1) *Authority to execute process; administer oaths, etc.* The city judge may send the police officers into any part of Montgomery County to execute process, which said police officers are hereby authorized and empowered to execute and return, according to the law of the state. The city judge shall have authority to administer oaths and affirmations.~~

~~Whenever any person is arrested for the violation of any city ordinance in the presence of a police officer and no warrant has been issued or served, he may execute an appearance bond in an amount of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00), and file same with police desk sergeant, or he may, in lieu of the execution of an appearance bond, deposit a sum of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00), with a police desk sergeant and be given a receipt for same, and on the appearance of such person before the city court at the time specified in said receipt such deposit shall be returned to him, but on the failure of such person to appear at the time specified the amount so deposited shall be forfeited to the municipality and he shall not be entitled to the return of any part thereof and it shall not be necessary to issue a scire facias; provided, however, that within two (2) days of the imposition of the forfeiture the city judge shall have the power to set aside the conditional judgment imposing such forfeiture when it shall be made to appear that the failure of the accused to appear and defend his suit was due to no fault or negligence of the accused. After the expiration of the two (2) days, there may be a final judgment imposing a forfeiture.~~

~~(2) *Authority of judge to impose fines, and commit offenders to workhouses; limitations on fines; authority to remit fines.* The city judge shall have power and authority to impose fines, costs and forfeitures, and to punish by fine all violations of the city ordinances; to preserve and enforce order in his court, and to enforce the collection of all such fines, costs and forfeitures imposed by him and in default of payment, or good and sufficient security given for the payment of such fines, costs and forfeitures imposed by him, he shall have the power and it shall be his duty to commit the offender to the city workhouse or other places provided for such purposes, to do such labor as may be provided for such purposes, to do such labor as may be provided by ordinance until such fine, costs or forfeitures shall be fully paid, at the rate of one day's imprisonment for each two dollars (\$2.00) of such fine, costs, or forfeitures; provided that no fine shall exceed fifty dollars (\$50.00), and all fines may be paid in such installments and in such manner as may be provided by ordinance.~~

~~The city judge, with the approval of the mayor, may remit, with or without conditions, fines and costs imposed for the violation of any ordinance or Charter provision of the city, or any part of the same.~~

~~(3) *One warrant for same offense.* Only one warrant shall be issued for the same offense, such warrant to embrace all the parties charged with the same offense.~~

~~(4) *Fines generally.* All fines imposed by the city judge for the violation of the city ordinances shall belong to the city and shall be collected by the chief of police of the city, to be reported by him in his monthly reports and paid over to the city treasurer, and all labor performed in the execution of workhouse sentences for the violation of ordinances shall be performed for the city.~~

~~(5) No fees to arresting officers; judge to certify to chief of police for collection of all fines. The city judge shall allow no fees to any arresting officer and he shall certify to the chief of police for collection of all fines, costs and forfeitures, imposed by him for offenses against the laws and ordinances of the city.~~

~~(6) Court dockets. The city judge shall keep or cause to be kept the city court dockets embodying complete detailed records of all cases tried and determined in his court.~~

~~(7) When judge unable to hold court. When the city judge fails to attend, or if in attendance, cannot properly preside in a cause pending in the city court or from any cause is unable to hold the court, the mayor, or in his absence the mayor pro tem, shall appoint some competent lawyer or judge of the Montgomery County general sessions court of justice of the peace for Montgomery County, to attend and hold the court for the occasion and continue to do so until the city judge resumes the duties of his office. The compensation of an acting city judge shall be fixed by ordinance.~~

~~(Pr. Acts 1961, Ch. 249, § 5(b), 10)~~

~~Section 4.1. — Election of city judge; term of office.~~

~~The city judge of the City of Clarksville shall be hereafter elected by the qualified voters of the City of Clarksville, at an election to be held by the election commissioners of Montgomery County, Tennessee, or such other person or persons as may be authorized to hold state and county elections, at the voting places in the City of Clarksville, at the next regular election of the mayor and aldermen of said city, to be held on the first Tuesday in December 1960, and on the same day every four (4) years thereafter, who shall hold office for a term of four (4) years beginning January 1st following such election and until his successor is elected and qualified.~~

~~(Pr. Acts 1959, Ch. 84, § 1)~~

~~Section 4.2. — Qualifications of city judge.~~

~~The judge of said city court shall be at least thirty (30) years of age and a person learned in the law by practice and profession, and of good moral character, and shall have been for two (2) years before his election a bona fide resident and voter in the County of Montgomery and a bona fide resident of the City of Clarksville at the time of his election.~~

~~(Pr. Acts 1959, Ch. 84, § 2)~~

~~Section 4.3. — Election of interim city judge.~~

~~Following the passage of this act there shall be elected by the mayor and aldermen of the City of Clarksville a judge of the city court of said city, who shall hold office until the next regular election as provided in section 4.1 hereof.~~

~~(Pr. Acts 1959, Ch. 84, § 3)~~

~~Section 4.4. — Jurisdiction of city court.~~

~~The city court shall have original and exclusive jurisdiction of all violations of the ordinances of the city.~~

~~(Pr. Acts 1959, Ch. 84, § 4)~~

~~Section 4.5. Salary of city court judge.~~

~~The salary of the city court judge shall be fixed by the city council and payable in equal monthly installments.~~

~~(Pr. Acts 1959, Ch. 84, § 5; Pr. Acts 1967, Ch. 135, § 1; Pr. Acts 1976, Ch. 236, § 1; Pr. Acts 1986, Ch. 176, § 1)~~

~~Section 5. Commissioner of finance and revenue.~~ (b) **Section 4. Director of Finance and Revenue (Chief Financial Officer).**

~~The commissioner of finance shall be appointed by the city council and shall have such powers and duties as enumerated in this Charter.~~

~~The commissioner of finance and revenue shall have charge of the financial affairs of the city, except those delegated by the council to some board or to some other official, the collection of funds due the city and disbursement thereof, and shall sign all checks or orders on the treasure [treasurer]. He shall require proper fiscal accounts, records and reports to be made to his office by the heads of the several departments, officers and employees of the city. He shall at least monthly, and oftener if the council or the mayor deems it advisable, require settlement from the officers or employees charged with the collection of any revenue of the city. He shall approve or disapprove for payment all bills and accounts which are to be paid from funds under his supervision and perform such other duties as the city council may by ordinance require. The commissioner of finance and revenue shall, before entering his duties, enter into bond, to be approved by the city council, payable to the City of Clarksville and its successors, in a sum to be fixed by the city council, which shall not be less than one hundred thousand dollars (\$100,000.00), conditioned for the faithful performance of his duties and for regular monthly settlements with the treasurer, and to faithfully account for and pay over all moneys by him collected or that shall come into his hands.~~

~~The commissioner of finance and revenue shall have authority to administer oaths and affirmations and to take depositions in the same way and for same purposes, and for the same fees and under the same laws as justices of the peace, and shall have the power to accept service of process, and he shall be present at all meetings of the city council. He shall have custody of and preserve in his office all official indemnity or security bonds (except his own bond which shall be in the custody of the mayor) and all other oaths, bonds, and affirmations, not required by this Charter or by ordinance to be deposited elsewhere. He shall provide, and when required by any officer or person, certify copies of records, papers, and documents in his office and charge therefor, for the use of the city, such fees as may be prescribed by ordinance, and have copies of ordinance printed as may be directed by the city council.~~

~~Except as otherwise directed by the city council, he shall have custody of all records, papers and vouchers relating to the fiscal affairs of the city and the records in his office shall show the financial operation and conditions of the property, assets, claims and liabilities of the city, all expenditures authorized and all contracts in which the city is interested. He shall make a yearly report showing in full detail the financial condition of the city, which shall be published in pamphlet form in the manner required by the city council for distribution. He shall cause an efficient system of accounting to be installed and maintained and shall perform such other duties as may be required by the city council.~~

The Director of Finance and Revenue (Chief Financial Officer) shall be the City Treasurer, and shall be appointed by the City Council, and shall have full charge of the financial affairs of the City, except those duties that may be delegated by the City Council to some board, official, or other employee, and

shall sign all checks or orders on the Treasury, and he shall have such other powers and duties as are enumerated in this Charter or by ordinance.

(Pr. Acts 1965, Ch. 158, § 4; Pr. Acts 1969, Ch. 50, § 5)

Section 6. ~~City engineer (commissioner of public works).~~

~~(1) The city engineer (commissioner of public works) shall be appointed by the city council and shall have such authority and be chargeable with such duties in regard to the following and other business and affairs of the city as the city council may from time to time determine by ordinance or resolution:~~

~~(a) Construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, wharves and any other public ways, sewers, ditches, streams and waterworks, and of all public buildings, except school buildings and school property, of boulevards, squares and other public places and grounds belonging to the city or dedicated to the public use.~~

~~(b) Management of the waterworks plant, water mains, and natural gas distribution system.~~

~~(c) Charge of making and the preservation of all surveys, plans, drawings and estimates of public works, the cleaning, sprinkling of the streets and public places, and the preservation of contracts, papers, drawings, tools and appliances and building belonging to the city and placed under its supervision.~~

~~(d) The inspection and approving of the laying out of subdivisions in the city and within five (5) miles beyond the corporate boundaries.~~

~~(2) Duties, powers, authority to be changed by resolution. The city council may by resolution transfer and distribute to other officials and employees of the city any part or all of the duties, powers and authority imposed upon and vested in the city engineer (commissioner of public works), and city council may from time to time, by resolution, fix the power, authority and duties to be vested in and imposed upon the city engineer (commissioner of public works).~~

~~(Pr. Acts 1961, Ch. 249, § 12)~~

~~(e)~~ Section 5. Director of Internal Audit; Audit Committee.

~~(1) There shall be, as an independent agency of the City of Clarksville government, a Department of Internal Audit.~~

~~(2) The Department of Internal Audit shall be headed by a Director of Internal Audit, who shall be appointed by the Mayor, upon a recommendation (nomination) by the City Audit Committee, and subject to confirmation by a majority vote of the City Council.~~

~~(3) The Director of Internal Audit shall possess at least one certification indicating proficiency in auditing or governmental financial management, and shall possess education and experience as an accountant, auditor, chief financial officer, controller, or principal accounting officer of a governmental entity or private business sufficient to demonstrate an understanding of Generally Accepted Accounting Principles, Generally Accepted Governmental Auditing Standards, financial statements, internal controls, and procedures for financial reporting, and the audit functions of a governmental entity.~~

(4) The Director of Internal Audit shall report administratively and functionally to the City Audit Committee, and shall conduct, or cause to be conducted, such financial, performance and other audit functions and services as may be determined by the City Audit Committee, and as otherwise may be provided for by the City Council by ordinance. The Director of Internal Audit shall have the power and authority to hire and to discipline, and to fix the compensation, within the funds appropriated by the City Council therefor, of such other employees as the Director may deem necessary for the work of the Department of Internal Audit.

(5) The Director of Internal Audit, and his or her assistants, shall have full unrestricted access to any and all City records, properties and personnel relevant to any function or activity of City government under internal audit review. The Director's authority shall extend to all City departments, divisions, or other component parts, to include the Mayor and members of the City Council, and to any committees, boards, commissions, or authorities, and to any individual, organization, association, or entity of any kind which uses or receives City funding.

(6) There shall be a City Audit Committee, whose composition shall be as determined by the City Council by ordinance, and who shall determine and oversee the City annual audit plan, guide and direct the Director of Internal Audit, and review and evaluate the performance of same in the same manner as other department heads are evaluated, and who shall fix the compensation of the Director of Internal Audit within the amount appropriated therefor by the City Council, and who shall be subject to discipline by the Audit Committee in the same manner as other City department heads, except that the Audit Committee shall act in the role of Mayor, and any appeal shall be to the City Council in the same manner as may be had by other City department heads.

~~**Section 7. — Removal of mayor and city council members.**~~

(Drafter's Note: The provisions pertaining to removal of a Mayor, or a City Councilman, was substantially changed in the previous proposed revised Charter and placed at Article II, Section 6, where it is in this proposed Charter. That section of the previous proposed revised Charter also included removal of the City Court Judge, since there is no specific reference anywhere in the current Charter to removal of the City Court Judge, except for the reference to removal of "officials" as set forth below in what is Section 8 of the current Charter, and Section 3 of the previous proposed revised Charter, and now Section 6 of this proposed revised Charter. But that section allows the City Council to determine how an elected "official" (the City Court Judge) can be removed by simply passing an ordinance. It has been thought better to treat the City Court Judge the same as other elected "officials" (the Mayor and each City Councilman) by requiring removal only in accordance with state law of general application. Thus, in essence, removal of elected City officials under the proposed revised Charter would be pursuant to state law of general application (both statutory and common law) using an "ouster" lawsuit. The removal of other "officials" (not employees) like board, authority and commission members, could still be provided for through an ordinance approved by the City Council, which could establish some other method or standard for removal instead of "ouster".)

~~The mayor and any member of the city council may be removed from office by the city council for any crime, misconduct, dereliction of duty, unfitness or disability by vote of the city council. The proceedings for such removal shall be upon specific charges in writing which, with a notice stating the time and place of the hearing, shall be served upon the person so charged or left at his or her usual~~

~~place of residence. The hearing shall be public and the person so charged shall have the right to appear and defend in person or by counsel and have process of the city council to compel the attendance of witnesses in his or her behalf. Such vote shall be by yeas and nays and the names of the members voting for or against such removal shall be included in the minutes. Immediately upon the vote in favor of removal, the term of the removed city official shall expire, and his official status, power and authority shall cease without further action.~~

(Pr. Acts 1992, Ch. 178, § 1)

Section 8. Section 3. Section 6. - Discipline and removal of ~~other~~ City officials and employees other than Councilmen, ~~and the Mayor, and City Court Judge.~~

~~Other~~ City officials and employees, ~~other than Councilmen, and the Mayor, and the City Court Judge,~~ may be disciplined or removed as provided by ordinance.

(Pr. Acts 1992, Ch. 178, § 1)

Section 9. Section 4. Section 7. - Oath of office.

Before a person takes any ~~elected~~ office in ~~the~~ City government, ~~or appointment as the head of a department set out in established by this Charter or by ordinance,~~ he shall take and subscribe to an oath or affirmation before the ~~Mayor in office, or the commissioner Director of Finance and Revenue City Clerk, or a notary public of Montgomery County, Tennessee~~ the City Attorney, ~~said the following~~ oath, or affirmation, being as follows:

"I solemnly swear (or affirm), that I will support the ~~Constitutions,~~ and will obey ~~all~~ the laws, of the United States and of the State of Tennessee, ~~and~~ that I will, in all respects, ~~observe support and obey the provisions of~~ the Charter, and ~~all~~ ordinances ~~and resolutions,~~ of the City of Clarksville; and that I will demean myself in my official capacity as _____, faithfully, honestly, and with due regard to the welfare of the ~~City,~~ to the best of my ability."

Section 10. Section 5. Section 8. - ~~Official~~ Fidelity or faithful performance bonds; financial loss insurance.

Every officer, ~~agent and~~ employee, ~~or agent~~ of the ~~City~~ having duties embracing the receipt, disbursement, custody and handling of money, and other officers and employees as may be required by ordinance, shall ~~give be required to obtain and maintain~~ a fidelity ~~bond~~ or faithful performance bond, ~~as provided by ordinance, with some~~ from a surety company authorized to do business in the State of Tennessee as a surety, in such amount as shall be prescribed by ordinance ~~by the City Council.~~ All such bonds and sureties ~~thereto~~ shall be subject to approval by the ~~City Council.~~ The cost of such bonds shall be paid by the ~~City.~~ All such bonds shall be kept in the custody of the ~~City Clerk, except that the City Clerk's bond shall be kept in the custody of the Mayor, as provided in article IV, section 5 above. In the~~ As an alternative, as may be permitted and established by ordinance by the City Council, the City may procure and carry, at its expense, appropriate insurance ~~coverage, at its expense, for such~~ covering financial losses, ~~set out above~~ in lieu of ~~posting~~ requiring ~~the above~~ such bond or bonds, for all or for any one or more officers, employees or agents referenced above.

Section 11. Section 6. Section 9. - Political activity prohibited.

Except for the ~~Mayor~~ and members of the City Council ~~other than the Mayor,~~ no ~~City~~ employee or ~~City~~ official shall engage in political activity ~~or in~~ support of, or opposition to, any candidate, party, or

measure in any election, when on duty with the City or acting in such their official City capacity. When off-duty and acting as a private citizen, no City employee or City official shall be prohibited from engaging in political activity, or be denied the right to refrain from engaging in such activity.

(Pr. Acts 1993, Ch. 49, § 1)

~~Section 12. – Officers and employees not to profit from connections with the city.~~

~~No officer or employee of the city shall profit personally, directly or indirectly, from any contract, purchase, sale, or service, between the city government and any person or company.~~

~~Section 7.~~ Section 10. Ethics Policy.

The City Council, through ordinance(s) codified in the Official Code for of the City of Clarksville, shall create and maintain at all times a Code of Ethics. This Code of Ethics must contain, but is not limited to, policies regarding gifts, gratuities, conflicts of interest, financial interests, use of information, and use of City property. The Code of Ethics must address employees and elected officials of the City of Clarksville. The Code of Ethics must also contain a procedure for the logging of ethical complaints and the investigation of those complaints. The Code of Ethics may only be amended, altered, or changed by a two-thirds majority vote of the entire City Council.

~~ARTICLE V.~~ ARTICLE VII. - FISCAL ADMINISTRATION

Section 1. - Fiscal year.

The fiscal year of the City government, to include any City utilities, shall begin on the first (1st) day of July and shall end on the thirtieth (30th) day of June of the following year, but another fiscal year may be fixed by ordinance for the entire City government or for any utility or such other fiscal year as may be established by general law.

(Res. No. 34-2004-05, 7-7-05)

Sec. 2. – ~~Reserved~~ Submission of budget.

There shall be submitted to the City Council a proposed budget for the next fiscal year. Said budget shall be prepared under the direction of the Mayor for the submission to the City Council.

Editor's note—

Res. No. 34-2004-05, ratified July 7, 2005, repealed § 2 in its entirety, which pertained to the annual budget and derived from original codification.

Section 3. - Action by council on budget.

- (a) The City Council shall adopt an appropriations ordinance based on the approved budget. Appropriations need not be in more detail than a lump sum for each department and agency. The City Council shall not adopt any appropriations ordinance in excess of the available funds, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the City, providing the City Council declares by resolution by unanimously agrees vote that there is such an emergency, and provided further that the City Council shall be empowered to borrow such funds as may be necessary to meet such emergencies, and

provided further that the City Council shall be empowered to borrow such funds as may be necessary to meet such emergencies notwithstanding the provisions of Article I, Section 5(a)(16), as amended.

(Drafter's Note: It is suggested that the last clause be deleted, as the reference to Article I, Section 5 (a) (16) (in both the current Charter, and the previously proposed revised Charter) pertains to the power to collect and dispose of garbage, which surely is an incorrect reference. Article I, Section 5 (a) (17) does not appear to fit either, as that sub-section deals with contracts for public utilities. As best I can surmise, sometime in the distant past the power provisions were amended and renumbered with the reference here being overlooked and not updated, or perhaps the original editor or codifier of the original current Charter simply cited the wrong sub-section, and may have meant to cite Article 1, Section 5 (a) (15), which deals with the appropriation of money and binding the credit of the City, but not in excess of two percent of its annual revenue in any one year. But that particular provision pertaining to two percent of revenue was specifically related to using such credit, and making such appropriations, for recruiting and developing industries, so that may not be the correct provision either. In any event, the charter citation is clearly erroneous, and given that it cannot be determined what reference should be used, and given that there appears to be no reason to inhibit the flexibility of the City Council to act in the best interests of the citizens during an emergency, it is suggested that the last clause simply be deleted. The requirement that the City Council find that there be an emergency by "unanimous" vote offers strong protection against any abuse of the power here granted.)

- (b) If a budget ordinance is not adopted before the beginning of the new fiscal year, the budget ordinance for the fiscal year ending on June 30, less any appropriations for capital expenditures (land, buildings, equipment and infrastructure that cost more than \$5,000), shall become the budget ordinance for the new fiscal year beginning the following July 1, until such time as a budget ordinance for the new fiscal year can be adopted. The City Council shall adopt a budget ordinance by affirmative vote of a majority of the City Council on two (2) separate readings of the budget ordinance. The budget ordinance as approved on first reading may be changed amended by the City Council at any time during any publicly noticed voting session of the City Council prior to the second and final reading; provided, however, that all such changes amendments shall be publicly noticed or disclosed prior to the adoption of the budget ordinance on the second and final reading. Amendments to the adopted budget ordinance may be approved by ordinance by the City Council at any time during the fiscal year by the affirmative vote of a majority of the City Council on two (2) separate readings.
- (c) The minimum requirements of the budget ordinance shall provide for the following:
 - (1) Estimates of proposed expenditures for each department, board, authority, commission, office or other agency of the City, showing in addition, the expenditures for corresponding items for the last preceding fiscal year, projected expenditures for the current fiscal year, and reasons for recommended departures from the current appropriation pattern in such detail as may be prescribed or required by the governing body City Council. It is the intent of the City, that except for moneys expended pursuant to a project ordinance or accounted for in a proprietary type fund or accounted for in a fiduciary type fund that are excluded from the budget ordinance, all moneys received and expended by a municipality the City shall be included in a the a budget ordinance. Therefore, notwithstanding any other provision of law, the City may not expend any moneys regardless of their source (including moneys derived from bond and long-term note proceeds, federal, state or private grants or

loans, or special assessments), except in accordance with a budget ordinance adopted ~~under pursuant to this section Charter and Article~~, or through a proprietary type fund or a fiduciary type fund properly excluded from the budget ordinance.

- (2) Estimates of anticipated revenues of the City from all sources, including current and delinquent taxes, non-tax revenues, and proceeds from the sale of any bonds ~~or~~ or long-term notes, with a comparative statement of the amounts received by the ~~municipality~~ City from each of such sources for the last preceding fiscal year, the current fiscal year, and the coming fiscal year, in such detail, and consistent with the financial reporting within the comprehensive annual financial report to the State, or as may be prescribed ~~by ordinance~~ or required by the ~~governing body~~ City Council.

~~(d) The Council may by ordinance adopt policies and regulations for the implementation of this section and to provide for additional budget requirements. The City Council may by ordinance establish regulations, rules, or procedures, in accordance with general law, as it may determine necessary, to implement the provisions of this section and to retain exemption from all budgeting provisions of the state Municipal Budget Law of 1982, as may be amended from time to time.~~

(Pr. Acts 1961, Ch. 249, § 13; Pr. Acts 1992, Ch. 253, § 1; Res. No. 34-2004-05, 7-7-05)

~~Section 4. Annual audit.~~

~~The council shall employ a certified public accountant to make an annual audit of all financial books and records of the city. The accountant shall file his report with the council, at a time agreed to between him and the council, and shall prepare a summary of the report which shall be published once in the official city newspaper.~~

Section 4. Adequate accounting records, budgetary control, and annual audit.

A system of adequate accounting records shall be ~~installed~~ used and maintained in accordance with generally accepted accounting principles. Constant and comprehensive budgetary control shall be maintained. ~~As provided for by ordinance, An external audit of the comprehensive annual financial report~~ of the City shall be made after the end of each fiscal year by an independent Certified Public Accountant experienced in such work.

Section 5. - Property taxes.

~~All property subject to taxation for state or county purposes, including the capital stock of merchants and public service companies, assessed as of January 10th in each year, shall be subject to the property tax levied by the city. The council by ordinance may elect to use the county assessment or may provide for a independent city assessment by a city assessor appointed by the city council and to serve at the pleasure of the city council. A board of equalization, consisting of three (3) persons appointed by the council, with compensation fixed by ordinance, shall hear appeals of taxpayers taken within ten (10) days after the city assessor has sent a notice by ordinary mail of a new or increased assessment; provided that such notice shall not be required nor may appeals be taken in the case of initial city assessments that are the same as county assessments. Except as otherwise provided in this section, appeals involving city property assessments may be taken as provided by general law. The board of equalization may increase or decrease the assessment of all property of the same class by uniform percentage, in which case individual notices shall not be mailed but a notice of such action shall be published once in the official city newspaper; such a blanket increase or decrease shall not be subject~~

~~to appeal. The authority and duties of such city assessing personnel shall be the same as those provided by general law for county assessing personnel. The city assessor shall meet with and assist the board of equalization. The board of equalization, upon completion of its work, shall submit a written report to the council, including total increases and decreases made by it and the final total assessment of each class of property.~~

All property, real, personal and mixed, lying within the corporate limits of the City of Clarksville, subject to county or municipal taxes, as permitted by law, shall be assessed for taxation for municipal purposes by the City. All assessments of real property and of personal property shall be made annually and as of January 1 for the tax year to which the assessment applies as provided for and in accordance with the general law. The office of the Montgomery County, Tennessee, Assessor of Properties shall serve as property assessor for the City of Clarksville, and shall provide such information as is necessary to the City of Clarksville for the levying of property taxes.

Section 6. - Tax levy.

The City Council shall by ordinance make a tax levy each fiscal year, expressed as a fixed rate per one hundred dollars (\$100.00) of assessed valuation as permitted by in accordance with general law, and if no tax levy is made within ninety (90) days prior to the tax due date, or within ninety (90) days prior to the due date of a second installment if two (2) installments are authorized by ordinance, then the property tax rate in effect the last fiscal year shall continue in effect as the tax rate for the new fiscal year.

Section 7. - Property tax due date, delinquent date, and tax bills.

The due date and delinquent date of property taxes shall be established by ordinance. The City Council by ordinance may allow semiannual installment payments for property taxes. The City may send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to the delinquency date, interest, and penalties. Failure to send the tax bills, or to provide any of the preceding information, shall not, however, invalidate any property tax. Interest and penalty shall be charged on any delinquent property tax at a rate to be established by ordinance. On and after the date when such property taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a court of record.

(Pr. Acts 1992, Ch. 253, § 2)

Section 8. - Collection of delinquent taxes.

The ~~commissioner~~ Director of the Department of Finance and Revenue (Chief Financial Officer) shall collect delinquent taxes, interest, penalty, attorney's fees, and court costs due as permitted under the provisions of Tennessee Code Annotated, Title 67 general law, and as the City Council may provide for by ordinance. A lien shall exist against all property on which city property taxes are levied as of the assessment date as found in Tennessee Code Annotated, Title 67 permitted by general law, and the lien shall have the equal dignity with those for federal, state or county taxes.

(Pr. Acts 1967, Ch. 288, § 1; Pr. Acts 1992, Ch. 253, § 3)

Section 9. - Special assessments.

The City may assess all or part of the cost of constructing, reconstructing, widening, or improving any public way, sewers, or other utility mains and appurtenances, against the abutting property owners, under such terms and conditions as may be prescribed by ordinance. Such special assessments shall

become delinquent thirty (30) days after their due dates (after the due date of each installment if paid on an installment basis), shall thereupon be subject to a penalty of five (5) percent, and shall thereafter be subject to interest at the rate of one-half of one percent for each month, or fraction thereof, until paid. A lien shall exist against the abutting property superior to all other liens, except that it shall be of equal dignity with liens for County and City property taxes, and said lien shall be enforceable by the same procedures, and under using the same remedies, as provided in this article for City property taxes.

Section 10. - Lien extends to fee and all interest in the land.

Said taxes shall be a lien upon the fee in said property, and not merely upon the interest of the person to whom said property is or ought to be assessed, but to any and all other interests in said property, whether in reversion or remainder, or of lienors, or of any nature whatever.

Section 11. - Tax is not invalid because land is assessed to wrong persons.

The whole proceeding for collection of taxes, from the assessment to sale for delinquency, shall be a proceeding in rem, and shall not be invalid on account of such land having been listed or assessed for taxation to anyone as owner or owners, or to any person or persons not the owner or owners, or to any unknown owner or owners.

Section 12. - Tax lien confined to leasehold where the fee, remainder, or reversion is exempt.

Where there is assessable under the law a leasehold interest in real estate or any improvements on real estate, which said real estate is exempt from taxation in the hands of and to the owner thereof, the taxes assessed against such leasehold interest or interest in improvements on such exempt real estate, shall be a lien only upon such leasehold interest or interest in improvements, and not upon the interest of the owner of the fee or the remainder or reversion of the fee.

Section 13. - Owners not liable.

In all cases where a penalty is incurred for exercising a privilege without license, the interest which the person thus exercising the privilege without license has in the building, shall be liable for the penalty, superior to all other claims, except those owed to the state and county, but the interest of the owner of the building shall not be liable, unless he is privy to the violation of the law.

Section 14. - Distress warrants.

The distress warrants authorized by law to be issued in such cases, if proceeded with to sale, shall operate as a writ of possession against the party exercising said privilege without license.

~~**Section 14.1. - Parking authority created.**~~

~~Be it enacted by the general assembly of the State of Tennessee, that article V of Chapter 292 of the Private Acts of 1957, the caption of which is recited in the caption hereof, and all subsequent amendatory acts thereto be, and the same is hereby amended so as to create for the City of Clarksville a parking authority whose duties, membership, powers, responsibilities, compensation, are to be as hereinafter set out.~~

~~{Pr. Acts 1965, Ch. 80, § 1}~~

~~**Editor's note—**~~

~~Sections 14.1—14.6 are derived from Private Acts 1965, Ch. 80, which provided that Article V of Chapter 292 of the Private Acts of 1957 be amended to create a parking authority but did not specify particular sections to be added. The provisions of Ch. 80 have therefore been placed at the end of Article V.~~

~~Section 14.2.—Membership; terms of office; vacancy.~~

~~Such parking authority created hereby shall be composed of a board of five (5) members and shall be known as the Clarksville Parking Authority and hereafter referred to in this act as the authority. One member of the authority shall be a member of the city council of Clarksville appointed by the mayor for a term of one year. The remaining four (4) members of the authority shall be appointed by the mayor and approved by a majority of the city aldermen, and shall serve for terms of four (4) years. Provided, however, the first such authority members appointed shall serve terms of one, two (2), three (3) and four (4) years respectively, the term of each to be designated at the time of appointment, and all subsequent regular appointments shall be for terms of four (4) years, it being the intent that such lay members of the authority succeeding the initial appointments, shall serve four-year terms on a staggered basis so that one member shall thereafter be appointed each year. Members shall serve until their successors are elected as provided herein. Any vacancy shall be filled in the same manner as an original appointment, but only for the unexpired term of the member whose absence from death or other cause, created the vacancy.~~

~~(Pr. Acts 1965, Ch. 80, § 2)~~

Note—See the editor's note for § 14.1

~~Section 14.3.—Compensation; expenses; organization; meetings; minutes.~~

~~The members of the authority shall serve without compensation except for actual expenses incurred in the performance of the duties of such office. Such expenses shall be reimbursed only upon the filing by such member of an itemized statement of such expense, sworn to and presented to the city council for approval, and approved thereby. The members of the first board shall meet, and then, and thereafter annually, select from among themselves a chairman, vice chairman and secretary. The board shall meet each month, at a time and place provided for it by the city council, and at such other times as the chairman may call a special meeting thereof. Notification of any special or called meeting shall be given each member prior to such meeting. Minutes of all meetings shall be kept by the secretary or someone designated by him.~~

~~(Pr. Acts, Ch. 80, § 3)~~

Note—See the editor's note for § 14.1

~~Section 14.4.—Adopting parking and regulations.~~

~~The authority is hereby authorized to adopt and publish parking regulations, including the erection of proper signs necessarily and properly connected with, or incident to the following:~~

- ~~(a) The location and time when parking shall be limited.~~
- ~~(b) Places where parking shall be prohibited entirely or during certain periods of time.~~
- ~~(c) The location, time and charge, if any, for loading zones.~~

~~(d) To make studies and recommend to the city council improvements in or need for, off-street parking facilities.~~

~~(Pr. Acts 1965, Ch. 80, § 4)~~

Note—See the editor's note for § 14.1

Section 14.5.—Management of public parking facilities and finances.

~~The authority shall have authority to manage any public parking facilities in any Clarksville street or road, including the installation of parking meters or other necessary equipment in connection therewith. The authority shall prescribe and may revise a schedule of service charges in connection with the use of parking meters, a copy of which schedule shall be kept on file and subject to public inspection at the office of the authority and at the office of the city clerk.~~

~~The authority is authorized to establish a schedule of civil penalties, including late fees and costs, none of which may exceed one hundred dollars (\$100.00) for violation of any parking regulations adopted by it, including, but not limited to, the following:~~

- ~~(1) Overtime parking at a parking meter;~~
- ~~(2) Parking on a sidewalk;~~
- ~~(3) Parking in front of a public or private driveway;~~
- ~~(4) Parking within fifteen (15) feet of a fire hydrant;~~
- ~~(5) Parking on a crosswalk;~~
- ~~(6) Parking alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;~~
- ~~(7) Parking on the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking);~~
- ~~(8) Parking facing the opposite direction of the flow of traffic in the lane of a street;~~
- ~~(9) Parking at any place where official signs prohibit stopping or parking; and~~
- ~~(10) Parking in a space clearly identified by an official sign as being reserved for the physically handicapped; unless, however, the person driving the vehicle is physically handicapped or parking such vehicle for the benefit of a physically handicapped person.~~

~~Any person who receives notice of an alleged parking violation shall have the right to an administrative hearing before the parking authority. Such hearing shall be held not earlier than ten (10) days, nor later than forty-five (45) days, from the date of the issuance of a notice of an alleged violation. At the hearing, the parking authority shall take and maintain a verbatim record of the proceedings, and shall hear and decide whether a violation has occurred, and shall impose the appropriate civil penalty in such cases.~~

~~Any person aggrieved by a decision of the parking authority may appeal the decision to the Chancery Court of Montgomery County pursuant to Tennessee Code Annotated, Section 27-9-101 et seq.~~

~~The parking authority may institute legal proceedings to collect any penalties, late fees, or other costs owed to it.~~

~~The authority shall also have control management of any city owned parking garage or other parking facilities, and the acquisition, construction and establishment whenever authorized or otherwise provided for by the city council. The authority may recommend entering into lease agreements with private operators to operate the parking facilities owned by the City of Clarksville, and it is authorized to collect rents, fees or other charges for such parking garage and other parking facilities as it may operate and manage. All moneys collected by the authority from any source shall be remitted by it to the City of Clarksville and deposited with the city treasurer, who shall keep such moneys in a separate fund for the retirement of parking bonds, operation and maintenance and the improvement of parking facilities in the City of Clarksville, along with such other funds as may [be] budgeted for such purposes by the city council.~~

~~(Pr. Acts 1965, Ch. 80, § 5; Pr. Acts 1996, Ch. 169, § 1)~~

Section 14.6.—Conflicting ordinances.

~~Any of the city ordinances set out under Chapter 18 of the Official Code of the City of Clarksville, Tennessee, as adopted No. 29 1963 on the 11th day of October, 1963 [now codified as title 9 of part II of this volume], which conflict with the provisions of this act by designating any of the functions and duties given the authority by this act to the chief of police of such city, or to any other person, board or agency, shall be modified by the city council to reflect the powers and duties granted the authority under the provisions of this act, the powers and duties of the authority superseding any such granted to another or others by city ordinance.~~

~~The parking authority may enter into interlocal governmental agreements with other private or public agencies, including the Clarksville Police Department, for the enforcement of parking regulations in the City of Clarksville. Any notices issued by such agency of alleged parking violations shall be returnable and subject to the exclusive jurisdiction of the parking authority.~~

~~(Pr. Acts 1965, Ch. 80, § 6; Pr. Acts 1996, Ch. 169, § 2)~~

Editor's note—

See the editor's note for § 14.1

ARTICLE VI. ARTICLE VIII. - MISCELLANEOUS

Section 1. - Supervisory boards.

The City Council may elect or create supervisory boards of not less than three (3), nor more than seven (7), members, to be appointed ~~or elected~~ by ~~such the~~ City Council. No member of such boards shall be appointed ~~or elected~~ for a ~~longer~~ period longer than three (3) years. The members of the first board may be appointed ~~or elected~~ to serve for different periods so that the terms of office of its members shall not all expire the same year. To such extent and in such manner as the City Council shall by ordinance determine, ~~and in accordance with general law~~, these boards shall have general supervision, ~~and~~ management ~~and~~ control of ~~and over~~ the construction, maintenance and operation of such plants, ~~buildings, grounds, facilities, structures, systems, lines, and pipes~~, and ~~over~~ additions,

extensions and improvements thereto, and over the purchase, sale, and resale, or otherwise furnishing, of electric power, gas, water, ~~and furnishing~~ sewerage disposal, telephone, cable television, internet, and any other utility services, and the operation of recreational or entertainment facilities.

Section 2. - Powers to be liberally construed.

The powers hereby granted shall be liberally construed to effect the purposes hereof, and said City shall have power to do all things necessary or convenient to carry out such purposes.

Section 3. - Sealed bids for purchases.

The ~~Clarksville City~~, as prescribed by ordinance by the City Council, and in accordance with general law, shall require ~~by ordinance~~ the competitive procurement through bids, and requests for proposals, for all goods, and services, except for professional services and emergency purchases, leases, and for all other purchases in excess of \$10,000. This limit may be modified and increased or decreased by ordinance by the City Council. Requirements for advertising ~~will~~ shall be as ~~directed~~ established by ordinance by the ~~Clarksville City Council~~ via ordinance. All purchases ~~made from funds subject to the authority of this section~~ shall be made within the limits of the approved budget, ~~when required, and the appropriations, when required,~~ for the department, office or agency for which the purchase is made. The City Council ~~shall~~ may by ordinance establish all such bidding and purchasing regulations or procedures, ~~or both,~~ in accordance with general law, as it may determines ~~to be~~ necessary, to implement the provisions of this section and ~~as may be necessary for to retain~~ exemption from all purchasing provisions of the state Municipal Purchasing Law of 1983, as may be amended from time to time.

(Pr. Acts 1980, Ch. 259, § 1; Pr. Acts 1985, Ch. 101, § 1, Pr. Acts 1992, Ch. 253, § 4; Pr. Acts 1993, Ch. 49, § 2; Res. No. 34-2004-05, 7-7-05)

Section 4. - Use of this act, City Code, and ordinances as evidence.

The Charter of the City of Clarksville, and all amendments thereto, are declared to be public acts, and may be read as evidence in all courts, which shall take judicial notice thereof. The Official Code of the City of Clarksville ("Official Code" or "Code"), amendments thereto, ordinances, and resolutions of said City may be proved in any courts of this state by reading into evidence copies of such Code, amendments thereto, ordinances and resolutions of said City, when duly certified by the City Clerk to be true and correct copies thereof. Such certificates shall be sworn to by him, and have the corporate seal of the city thereto affixed.

Section 5. - Adding additional territory.

Whenever additional territory is added to the City, ~~theretofore included within the boundaries of said city,~~ ad valorem, and privilege, sales, and other taxes shall be assessed, levied and collected against all property, ~~and~~ privileges, and sales included within or occurring within such added territory as permitted by and in the manner provided for by general law ~~and dated from January 1st of the year within which such territory is added; provided, however, that such taxes shall only be levied and collected for the remainder of the year following the date when the act or amendment that adds the new territory takes effect.~~

Section 6. - Care of indigent sick or injured persons.

For the purpose of caring for the indigent sick ~~or injured or needy~~ persons, ~~the city council of~~ the City ~~of Clarksville~~ is empowered to enter into contracts with any reputable hospital, or person, ~~or~~ corporation, ~~partnership, limited liability company, non-profit or other business entity recognized by the State of Tennessee,~~ operating a reputable hospital ~~or clinic,~~ for the care and treatment of indigent sick or injured persons, ~~and the City Council may authorize or make annual contracts with such hospitals or operators thereof, in~~ on behalf of the City, whereby such hospitals ~~or entities~~ shall provide for the care and treatment of indigent sick or injured persons upon such basis, terms and conditions as the City Council may deem expedient or advisable.

Section 7. - Power to make contributions for care of needy, veterans, etc.

For the purpose of caring for the indigent sick or needy persons, and for the purpose of rehabilitating veterans, and giving necessary assistance to such veterans and their families, the City ~~council~~ is empowered to make such payments or contributions to ~~such~~ established organizations which provide such care, services or assistance as the City Council may deem expedient or advisable.

Section 8. - Elections for giving or lending of City's credit.

- (a) The credit of the City may be given or lent to or in aid of any person, ~~company,~~ association, ~~partnership, limited liability company,~~ or corporation, ~~or other business entity recognized by the State of Tennessee,~~ upon an election to be first held by the qualified voters of such City and the assent of three-fourths ($\frac{3}{4}$) of the votes cast at said election. The City may become a ~~partner or~~ stockholder with others in any ~~company,~~ association, ~~partnership, limited liability company,~~ or corporation, ~~or other business entity recognized by the State of Tennessee,~~ upon a like election and the assent of a like majority.
- (b) Any such election shall be held as follows:
 - (1) The City Council shall adopt a resolution (herein called the City "Election Resolution") which shall briefly and concisely state in substance: (a) the amount, or a maximum amount, of credit of the City, or funds of the City, to be given, lent, or used, and the purposes therefor; (b) the date on which such election will be held; (c) the place where such voting places will be open. The Election Resolution shall be published in full at least once, not less than fifteen (15) days prior to the date fixed for such election, in the official City newspaper.
 - (2) There shall be printed on the ballot, a brief general statement of the proposal or question to be voted upon, ~~the using~~ suitable phrasing to permit the voter to clearly indicate his or her wish to vote 'for' or 'against' such proposition.
 - (3) Without limitation, the Election Resolution ~~or the proposition~~ to be voted upon may give the City Council authority to give or lend the City's credit or use its funds not exceeding a specified amount, or to authorize the City Council to issue and sell the City's general obligation bonds not exceeding a specific amount, for the purpose or purposes indicated in the Election Resolution ~~or proposal~~.
 - (4) On the ballots opposite each of the phrases, ~~'for'~~ 'Yes' for approval of the proposal, and ~~'against'~~ 'No' for disapproval of the proposal, ~~contained in the Election Resolution,~~ there shall be a hollow square, each side of which shall be not less than one-quarter ($\frac{1}{4}$) of an inch nor more than one inch. The voter shall indicate his vote ~~'for'~~ or ~~'against'~~ the proposal by inserting a mark in the ~~appropriate~~ square ~~opposite such phrase~~.

- (5) The election shall be held in the same manner as ~~municipal~~ City elections are now held ~~in the City of Clarksville, Tennessee,~~ and shall be subject to and in compliance with the Charter ~~of said city and amendments thereto~~ and the general ~~election laws of the state.~~ It shall be conducted by the ~~election authorities of the state and~~ Montgomery County, Tennessee Election Commission in accordance with the election laws of the state.
- (6) At the next regular meeting of the City Council succeeding the date of such election, or at a special meeting called therefor, the City Council shall canvass the returns and determine and declare the results and returns in the election, which entry, after the use of the City's credit or of its funds as voted upon at such election, shall be conclusive evidence of the results of the election.
- (c) If the proposition ~~contained in the Election Resolution~~ voted upon is defeated, it shall not be ~~against~~ the subject of an election for three (3) months thereafter.
- (d) If the election results in ~~favor~~ approval of the proposition ~~contained in the Election Resolution~~ as above provided, the ~~Election Resolution~~ shall again be published in the official City newspaper, and with it there shall be published a statement substantially as follows:

Statement

The election referred to in the ~~Election Resolution~~ published herewith was held on the (here insert the date of election). After such election, the City Council of the City of Clarksville has found, determined, and declared that the proposition ~~contained in the Election Resolution~~ was carried by a vote of _____ to _____.

No suit, action, or proceeding questioning such election, or the use of the City's credit, or the validity of bonds issued pursuant to such election, or proceedings for the issuance of such bonds, or the use of funds, as described or authorized in such ~~Election Resolution~~ or proceedings, can be commenced after the expiration of twenty (20) days from the date of this publication.

By order of the City Council of the City of Clarksville.

/s/ _____

~~Commissioner~~ Director, ~~Department~~ of Finance and Revenue (~~Chief Financial Officer~~)

- (e) No suit, action or proceeding questioning such election, or the use of the city's credit, or the validity of bonds issued or to be issued, or proceedings for the issuance of such bonds pursuant to such election, or the use of the city's funds as voted for in such election, shall be commenced after the expiration of twenty (20) days from the date of ~~such~~ publication of such ~~Election Resolution,~~ and ~~such~~ statement ~~as~~ substantially ~~as above~~ set forth ~~above~~.

~~Section 9. - Financial arrangements with Montgomery County; mutual school aid with Montgomery County. - Reserved.~~

~~The city council may, by ordinance, authorize the payment of fifteen hundred dollars (\$1,500.00) each year to Montgomery County on account of taxes it formerly received from the Kentucky-Tennessee Light and Power Company.~~

~~The City of Clarksville and Montgomery County are hereby authorized to enter into contracts for the support and maintenance of schools.~~

~~Section 10. - City employees on daily, weekly, or monthly basis.~~

~~All employees of the city and in each department thereof, except officials and employees of any board or commission, shall be employed on an hour to hour, day to day, or month to month basis as shall be explained at the time of employment, and the city council shall not undertake to employ any such person on any other basis, and shall make no contract or agreement therefor contrary to this provision.~~

(Pr. Acts 1959, Ch. 280, § 3; Pr. Acts 1965, Ch. 158, § 5)

Section 11. Section 10. - Emergency filing of suits.

The ~~city council~~ Mayor, or when the Mayor is absent as defined in Article II, Section 7 8 of the Charter, the Mayor pro tem, shall have the right to authorize ~~the mayor or a committee from the Council or the head of any department of the City government~~ to direct the ~~immediate~~ filing of a suit where it ~~may~~ appears ~~to such official~~ that it may be necessary or advisable to ~~immediately~~ file such suit for the benefit of the City and for the protection of its interests. ~~However,~~ Any suit so filed shall be reported to the City Council by the ~~officer who directed it and by the city council~~ City Attorney at the next special or regular meeting of the City Council.

Section 12. — Repealed.

Editor's note —

Section 12, entitled "City council to supervise platting, etc.; county register of deeds to get approval of city officials; penalty for failure to get approval of city officials," was repealed by Private Acts of 1961, Ch. 249.

Section 13. — Restrictions on actions for damages against city.

~~No action shall be maintained against the city for damages unless a written statement by the claimant or by his agent, attorney or representative, setting forth the basis for his claims, shall have been filed with the city council within sixty (60) days after such cause of action shall have occurred, except that when the claimant is an infant or non compos mentis, or an injured person dies within such sixty (60) days, the time limit for filing a claim shall be one hundred twenty (120) days. No officer or employee of the city may waive this requirement.~~

Section 14. — General laws may be used.

~~The council in its discretion may elect to use the provisions of any general laws of the state in addition to or instead of the provisions of this act.~~

Section 15. Section 11. - Penalties.

The violation of any provision of this ~~act~~ Charter, for which a penalty is not specifically provided herein, ~~is hereby declared to be a misdemeanor and~~ shall be punished by a civil fine of not more than fifty dollars (\$50.00) ~~or by imprisonment not to exceed one year, or both such fine and imprisonment~~ the maximum allowed by general law.

Section 16. Section 12. — Pensioning of officers and employees.

~~[(a)] (1) Subject to the provisions hereinafter set out, the City Council shall by ordinance provide for the retirement and pensioning of City officers and employees who shall be eligible for such benefits after at least fifteen (15) years' service to the City and after attaining the age of sixty~~

~~five (65) (as one half of the individual's pay at retirement time, less social security to which that individual is entitled).~~

~~(2) In addition, the City Council is authorized by ordinance to provide for early retirement of City officers and employees who are eligible for retirement benefits under the provisions of subdivision (a)(1). Such early retirement benefits may include the payment of lump sum bonuses or incentives as part of such plan.~~

~~(b) A retirement ordinance hereunder shall provide that any person employed on a full time basis by the City of Clarksville on June 30, 1981, who continues employment after July 1, 1981, will automatically become a participant under the retirement plan adopted July 2, 1981; any person employed on or after July 1, 1981, will be eligible for participation only in the new retirement plan.~~

~~(c) Any employee covered previously under the Old Plan Section A, who is subsequently qualified to retire has the option to retire under the Old Plan (Section A) if such a retirement would provide the employee with greater benefits than would be available to the employee under the new plan.~~

~~(d) At the request of an employee eligible for retirement (Section 16-12, paragraph a), the City Council shall by ordinance provide retirement as one half of the individual's pay at retirement time, less social security to which that individual is entitled; and further, provided that said individual must notify the City of his or her entitlement to social security at such time as this entitlement comes about (should such individual not be eligible for social security on the date of retirement), and his or her failure to so notify the City of social security eligibility will entitle the City to recover from that individual any monies to which he or she was not entitled in accord with the above.~~

(Pr. Acts 1961, Ch. 249, § 15; Pr. Acts 1967, Ch. 291, § 1; Pr. Acts 1988, Ch. 202, § 1; Pr. Acts 1999, Ch. 51, § 1)

~~**Section 17. Aldermen and/or councilmen.**~~

~~Whenever throughout this Charter reference is made to aldermen and/or councilmen, such reference is to one and the same position in the city government.~~

~~**Section 18. Section 13, Section 12. - Severability clause.**~~

If any article, section, subsection, paragraph, sentence or part thereof, of this ~~act~~ Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this ~~act~~ Charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part ~~of or~~ parts held to be invalid or unconstitutional, it being the legislative intent in enacting this ~~act~~ Charter that each article, section, subsection, paragraph, sentence or part thereof, be enacted separately and independently of each other.

~~**Section 19. Section 14, Section 13. - Effective date.**~~

This ~~section~~ amended Charter shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the ~~authorized membership of the~~ City Council. Its approval or nonapproval shall be proclaimed by the ~~Mayor~~ and shall be certified by him to the ~~State of Tennessee~~ Secretary of State.

~~Passed: March 15, 1957~~

~~Jared _____ Maddux,
Speaker _____ of _____ the _____ Senate~~

James L. Bomar,
Speaker of the House
of Representatives

Approved: March 22, 1957

Frank G. Clement,
Governor