

CHARTER OF THE CITY OF KINGSTON, TENNESSEE¹

CHAPTER 298

HOUSE BILL NO. 2403

By Bowman, Bissell

Substituted for: Senate Bill No. 2129

By Baird (Roane)

AN ACT to amend Chapter 328 of the Private Acts of 1903, the same being the charter of the City of Kingston, Tennessee, and all acts amendatory thereto.

TABLE OF CONTENTS

Chapter 298, Private Acts of 1972

<u>ARTICLE</u>	<u>PAGE</u>
1. Charter revised in its entirety (See articles I-XI below)	C-5
2. Certain acts expressly repealed; corporate existence, boundaries, assets, liabilities, ordinances, appointments, etc., generally continued	C-24

¹Private Acts of 1972, Chapter 298 is the present charter for the City of Kingston, Tennessee; it amended in its entirety the old city charter, Private Acts 1903, Chapter 328. The general and permanent amendments to that act through the 2016 session of the Tennessee General Assembly have been incorporated therein in this unofficial compilation. All private acts, temporary and permanent, which relate to the town and which have been passed since and including Private Acts of 1972, Chapter 298 are listed at the end of this unofficial compilation for reference.

Where a section of the charter has been amended or added, the official act or acts making such change is contained in a historical citation at the end of the section so amended or added.

No changes have been made in the wording of the charter as set out hereinafter except that its amendments have been incorporated, catchlines have been added, and a table of contents has been included to facilitate its use.

<u>ARTICLE</u>	<u>PAGE</u>
3. Severability clause	C-24
4. Local approval required -- when effective	C-24
5. Effective upon becoming a law	C-25

REVISED CHARTER

(All of the following articles and sections are set out in Private Acts of 1972, Chapter 298, Section 1.)

<u>ARTICLE/SECTION</u>	<u>PAGE</u>
I. NAME AND BOUNDARIES	C-5
<u>Section</u>	
1.01. Title	C-5
1.02. Name and general powers	C-5
1.03. Corporate boundaries	C-5
II. POWERS	C-6
<u>Section</u>	
2.01. Enumerated	C-6
2.02. Foregoing enumeration of powers not exclusive of others	C-9
III. ELECTIONS	C-9
<u>Section</u>	
3.01. How conducted	C-9
3.02. Qualifications for voting	C-9
3.03. Elections for, and terms of, mayor and councilmen	C-10
3.04. When terms begin	C-10

<u>ARTICLE/ SECTION</u>	<u>PAGE</u>
IV. CITY COUNCIL	C-10
<u>Section</u>	
4.01. Composition, qualifications of members, forfeiture of office	C-10
4.02. Oath of office	C-11
4.03. Vice-Mayor	C-11
4.04. Vacancies on council	C-11
4.05. Compensation of mayor and councilmen	C-11
4.06. Legislative and other powers vested in council	C-12
4.07. Meetings of council	C-12
4.08. Council presiding officer, quorum, voting, journal, and rules	C-12
4.09. Ordinances -- adoption, codification, etc.	C-12
4.10. Mayor to be ceremonial head of city, sign documents, etc.	C-13
4.11. Council under old charter to hold over	C-13
4.12. Advisory boards for council and manager	C-13
4.13. Conflicts of interest	C-13
4.14. Recall of officers	C-14
4.15. City officials allowed to run for office	C-14
V. CITY MANAGER	C-14
<u>Section</u>	
5.01. Appointment, compensation, tenure, qualifications, and removal	C-14
5.02. Vacancy in office of, or absence of	C-15
5.03. Council-manager relations generally	C-15
5.04. Manager's general powers and duties	C-15
5.05. (This number not used.)	
5.06. Powers with respect to property and equipment	C-15
5.07. Powers with respect to purchasing and making public improvements	C-16
VI. ADMINISTRATION	C-16
<u>Section</u>	
6.01. Organization plan, amendment, administrative regulations, and departments	C-16

<u>ARTICLE/SECTION</u>	<u>PAGE</u>
6.02. Council to provide for personnel employed by manager; personnel employed under old charter	C-17
6.03. Personnel required to take oath	C-17
6.04. Manager's general powers with respect to personnel	C-17
6.05. City clerk and deputies	C-18
6.06. Administration of financial affairs	C-18
6.07. Treasurer -- to collect taxes	C-18
6.08. All fees and commissions belong to city	C-18
6.09. Personnel required to be bonded	C-18
6.10. Utilities -- separate financial records required -- same personnel and equipment authorized	C-19
6.11. Audits of city accounts	C-19
6.12. Depositories for city funds	C-19
6.13. Status of existing administrative boards or commissions	C-19
 VII. BUDGET AND APPROPRIATIONS	 C-19
 <u>Section</u>	
7.01. Fiscal year	C-19
7.02. Manager to submit proposed budget annually	C-19
7.03. Public hearing on budget	C-20
7.04. Appropriation and property tax levy ordinance	C-20
7.05. Amendments to appropriation ordinance	C-21
7.06. Disposition of unexpended appropriations	C-21
7.07. Financial reports; reduction of appropriations; allotment or transfer of funds	C-21
 VIII. TAXATION	 C-21
 <u>Section</u>	
8.01. Property taxes-when due and delinquent	C-21
8.02. Penalty and interest for delinquency	C-21
8.03. Discount for prepayment	C-22
 IX. CITY COURT	 C-22
 <u>Section</u>	
9.01. Establishment--judge's appointment, term, jurisdiction, qualifications, compensation, oath, bond, and absence	C-22

<u>ARTICLE/SECTION</u>	<u>PAGE</u>
9.02. City judge's general power and authority with respect to fines, costs, forfeitures, process, workhouse, etc.	C-22
9.03. Court docket to be kept	C-22
9.04. Court costs; collection of fines and costs; reports to council; audits	C-23
X. CITY ATTORNEY	C-23
<u>Section</u>	
10.01. Appointment, term, qualifications, compensation, and duties	C-23
XI. TRANSITIONAL AND OTHER PROVISIONS	C-23
<u>Section</u>	
11.01. No incumbents to be removed, etc.	C-23
11.02. Recorder (until July 1, 1973)	C-23

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

SECTION 1. Charter revised in its entirety. The Charter of the City of Kingston in Roane County, Tennessee, being Chapter 328 of the Private Acts of 1903, and all acts amendatory thereto, is amended to read as follows:

ARTICLE I

NAME AND BOUNDARIES

Section 1.01. Title. This Act shall be known as "The Charter of the City of Kingston, Tennessee."

Section 1.02. Name and general powers. The municipal corporation known as Kingston, in the County of Roane, shall continue to be a body politic and corporate under the name "City of Kingston, Tennessee," and by that name may sue and be sued, plead and be impleaded in courts of law and equity, and may adopt and use a common seal and change the same at pleasure.

Section 1.03. Corporate boundaries. The city shall include all territory encompassed by its boundaries as they now exist or hereafter modified in the manner prescribed by law.

ARTICLE II

POWERS

Section 2.01. Enumerated. The City of Kingston shall have the power to:

(1) Assess, levy and collect taxes on all property, polls, merchants, peddlers and privileges within the City that are now or may hereafter be taxable under the laws of the state for municipal purposes.

(2) Make special assessments for local improvements.

(3) Contract and be contracted with.

(4) Anticipate the annual revenue by borrowing to meet the payments of interest on the bonded debt of the city or other budgeted obligations; provided the amount borrowed in any year shall not exceed fifty per centum of the annual tax levy for that year, which shall promptly be repaid out of such tax collections.

(5) Expend the money of the city for all lawful purposes.

(6) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real and personal, and any estate or interest therein, within or without the city or state for any municipal purpose.

(7) Condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the city, for any municipal purpose.

(8) Take and hold property within or without the city or state upon trust, and to administer trusts for the public benefit.

(9) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility or service to the city, its inhabitants or any part thereof.

(10) Grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever any exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The council may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

(11) Make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein.

Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association, or corporation, but also as against the city itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The council may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened.

(12) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel from time to time reasonable extension of facilities for such services, to the extent not within the jurisdiction of the Public Service Commission.

(13) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, re-construct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, cemeteries, and squares, bridges, viaducts, subways, tunnels, sewers, and drains, and to regulate the use thereof.

(14) Construct, improve, re-construct, and re-improve, by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, or alleys under and as provided by chapters 11 and 12 of title 6, Tennessee Code Annotated.

(15) Provide for the construction and repair of sidewalks and foot pavements and to require the owners of the abutting property to pay for the construction of same, including the necessary walks to the curb or ditch line on corners, and when the construction of any sidewalk or pavement has been ordered, if the owner or owners of any lot or lots shall fail to comply with the provisions of said ordinance, by building such sidewalks and foot pavements, directed to be built by the Council, within the time prescribed by said ordinance, the Council through any officer or agent they may designate, shall contract for the construction of such sidewalks or foot pavements and pay for the construction of same, and the amount or amounts thus paid shall be a lien on the lot, lots or property and may be forced by attachment at law or in equity, or the amount may be recovered against such owner or owners by suit before any court of competent jurisdiction.

(16) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all market places, public buildings, bridges, sewers, cemeteries, and other structures, works and improvements.

(17) Collect and dispose of drainage, sewage, offal, ashes, garbage and refuse, or to license and regulate such collection and disposal, subject to any applicable state laws and regulations.

(18) Declare, prevent, abate and remove nuisances.

(19) License and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law.

(20) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or likely to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city and to exercise general police powers.

(21) Prescribe limits within which businesses, occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

(22) Inspect, test, measure and weigh any article for consumption or use within the city, and to charge reasonable fees therefor.

(23) Regulate the location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent use thereof and require any alteration or changes necessary to make them healthful, clean, or safe.

(24) Provide and maintain charitable, educational, recreative, curative, corrective, preventive or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(25) Purchase or construct, maintain and establish a workhouse or farm colony for the confinement and detention of any person, except indigents, convicted in the city court of offenses against the laws and ordinances of the city who fails to secure the fine imposed upon him; or to contract with Roane County to keep said persons in the workhouse of said county and to provide by said contract and by ordinance for the commitment of such persons to the workhouse so provided, until such fine shall be fully covered by compensation due for such labor.

(26) Enforce any ordinance, rule, or regulation, by means of fines, forfeitures and penalties or by action or proceedings in any court of competent jurisdiction or by anyone or more of such means and to impose costs as apart thereof, but no fine, forfeiture, or penalty shall exceed fifty dollars for any one offense.

(27) Regulate, license or suppress the keeping or running or going at large of animals within the city; to impound the same and in default of redemption, to provide for their disposition, by sale, gift, or humane killing.

(28) Pass and adopt all laws, rules, regulations and ordinances necessary and proper for carrying into effect the provisions of this charter and to secure and promote the health, morals, comfort, safety, convenience, peace

and general welfare of the City, and to do and all things legitimately incident to municipal government.

(29) Have and exercise all powers and functions which now or hereafter it would be competent for this charter specifically to enumerate as fully and completely as though said powers were specifically enumerated herein.

Section 2.02. Foregoing enumeration of powers not exclusive of others. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this charter impair a power granted in any other part of this charter and whether powers, objects, or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes. Nothing in this charter shall be construed as limiting in anyway powers of the City under general laws.

ARTICLE III

ELECTIONS

Section 3.01. How conducted. All city elections, including all elections respecting bond issues, except as otherwise provided by law, shall be conducted by the Commissioners of Elections of Roane County in accordance with the general election laws of the State and the provisions of this charter.

Section 3.02. Qualifications for voting. Any person eighteen (18) years of age or older who is a resident of the City of Kingston for thirty (30) days or more, properly registered and qualified to vote for members of the General Assembly and County Officers of Roane County shall be entitled to vote in elections for Mayor and Council members. The same qualifications for voting in all other city elections or referenda shall apply unless otherwise provided by law. All natural persons residing outside the corporate limits of the city but within the territorial limits of Roane County, who meet the residency requirements prescribed by the election laws of the State of Tennessee and who own not less than one-half ($\frac{1}{2}$) interest in a taxable freehold, or husband and wife who own a taxable freehold as tenants by the entirety within the city limits at time of registration and at the time of the election, shall be entitled to vote in a city election; provided, however, that for the purposes of this subsection, all persons residing outside the corporate limits of the city and owning a time-share estate as it is defined in Tennessee Code Annotated, Section 66-32-102, within the city limits, shall not be considered the owner of a taxable freehold and shall not be entitled to vote in such election. The nonresident qualified voter shall vote in a precinct assigned by the election commission and the voter shall, within the time required for registration of voters on such election, provide

evidence, satisfactory to the Roane County Election Commission, that the voter is a qualified voter in the upcoming election. A qualified voter residing outside of the city limits shall not be entitled to run for or hold office to any elective position. [as replaced by priv. acts 1987, ch. 73, sec. 1; and amended by Priv. Acts 2000, ch. 134]

Section 3.03. Elections for, and terms of, mayor and councilmen. Beginning with the regular November election to be held in November, 2014, and biennially thereafter, the Mayor and Councilmen shall be elected by the qualified voters of said city, at an election held biennially on the date of the general state election held on the first Tuesday after the first Monday in November of even-numbered years in accordance with the general election laws of the State of Tennessee. The term of office for the Mayor and all Councilmen shall be four (4) years, except as provided in Section 3.04 of this Charter. The Mayor and Councilmen shall serve during the term of office, or until their successors are elected and qualified. [as replaced by priv. acts 1987, ch. 77, sec. 1; priv. acts 1988, ch. 226; amended by priv. acts 1996, ch. 184, sec. 1; and replaced by Priv. Acts 2011, ch. 28, § 1]

Section 3.04. When terms begin. The terms of the Mayor and three (3) Councilmen elected for a term of four (4) years at the regular City election in June, 2009, shall be extended to serve a term that will expire on December 1, 2014. The terms of the three (3) City Council members elected for a term of four (4) years at the regular City election in June, 2011, shall be extended to serve a term that will expire on December 1, 2016. In each and every regular City election thereafter, the Council seats then becoming vacant shall be filled by Council members elected for terms of four (4) years. [As replaced by Priv. Acts 2011, ch. 28, § 2]

ARTICLE IV

CITY COUNCIL

Section 4.01. Composition, qualifications of members, forfeiture of office. The governing body of the City shall consist of a Mayor and six Councilmen to be known officially as the "City Council" or "Council." Any resident of one (1) year of the City of Kingston who is a registered voter and who shall be eighteen (18) years of age or older on the day of the election shall be eligible for the office of Mayor or Councilman. The office of Mayor and Councilman shall become vacant if the incumbent ceases to be a resident of the City. No person shall be eligible for the office of Mayor or Councilman who shall have been convicted of misfeasance or malfeasance in office, bribery, or other corrupt practice of crime, and if the Mayor or a Councilman shall be convicted, he shall forfeit his office. [as replaced by priv. acts of 1987, ch. 75, sec. 1]

Section 4.02. Oath of office. Before entering upon the duties of their offices the Mayor and each Councilman shall take an oath before any officer authorized to administer oaths to discharge honestly and faithfully the duties of their respective offices without partiality, favor or affection.

Section 4.03. Vice mayor. At the first meeting of the Council after their installation as Councilmen, Council shall choose the highest vote getter remaining on Council from the City election held two (2) years previously as Vice Mayor. The Vice Mayor so designated shall act as Mayor during any temporary absence, disability of the Mayor or permanent vacancy in the office until the next regular scheduled City election. In case of a permanent vacancy in the office of Mayor and the Vice Mayor is unable to fill such vacancy, a Mayor shall be elected from the members remaining on Council from the City election held two (2) years previously, to fill the unexpired term or portion thereof, by an affirmative vote of a majority of the other Councilmen. No Councilman shall vote for his own election to fill such a vacancy. In the case of a permanent vacancy in the office of Vice Mayor, the Council shall elect as Vice Mayor that member of the Council, remaining on the Council, who received the greatest number of votes at the city election held prior to the immediately preceding city general election. [as replaced by priv. acts 1987, ch. 80, sec. 1; and amended by Priv. Acts 2000, ch. 132]

Section 4.04. Vacancies on council. When any vacancy in the office of Councilman shall occur, and the vacancy occurs less than ninety (90) days before the next regular city election, the filling of such vacancy for the remainder of the unexpired term shall be by the voters at the next regular city election. In any election in which the remainder of an unexpired term is to be filled by the voters, the three (3) candidates for councilman receiving the highest number of votes shall be elected for four (4) year terms, and the candidate or candidates for councilman receiving the next highest number of votes shall be elected to fill the remainder of the unexpired term or terms.

If a vacancy occurs more than ninety (90) days before the next regular city election, council has a time limit of sixty (60) days to fill this vacancy by a majority vote of council. If council does not fill this vacancy within the sixty (60) days, a special election shall be held within one hundred twenty (120) days of the occurrence of the vacancy according to provisions of Article III, Section 3.01 to allow the voters to fill this vacancy. [as replaced by priv. acts 1987, ch. 76, sec. 1]

Section 4.05. Compensation of mayor and councilmen. The council may by ordinance fix the compensation of the Mayor and Councilmen. Any such ordinance shall become effective upon final reading of the ordinance. [as amended by Priv. Acts 2000, ch. 133]

Section 4.06. Legislative and other powers vested in council. All legislative and other powers of the City shall be vested in the City Council except as otherwise provided by law or this charter. The Council may prescribe, to the extent not prescribed by, nor inconsistent with the law or this charter, the manner in which the powers of the City shall be exercised, and shall provide for the performance of all duties and obligations imposed upon the City by law.

Section 4.07. Meetings of council. The Council shall by ordinance fix the time and place of regular Council meetings, and unless otherwise provided by ordinance, regular meetings of the Council shall be held at 7:30 p.m., on the first Tuesday of each month. Special meetings may be called by the Mayor or by at least two Councilmen on twenty-four (24) hours notice, or shorter in case of an emergency, to the other members of the Council served personally by the Mayor, a Councilman, or a police officer. The notice shall indicate in a general way the business to be considered, and business not embraced in the call shall not be considered unless all members of the Council are present.

Section 4.08. Council presiding officer, quorum, voting, journal, and rules. The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor and the Councilman designated Vice Mayor the Councilmen constituting a quorum may designate one of their number to act as presiding officer. Except as provided in section 4.04 of this article, four members of the council, the Mayor being a member thereof, shall constitute a quorum. Unless otherwise provided, an affirmative vote of a majority of the members of the Council present shall be required for the passage of any ordinance, resolution or motion. The Mayor shall have a vote on all matters, but no veto power. A full and accurate journal of the proceedings of the Council shall be kept. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal to show how each member voted, except when a measure shall pass unanimously. The Council may establish its own rules of procedure not inconsistent with this charter or law.

Section 4.09. Ordinances -- adoption, codification, etc. The enacting clause of each ordinance shall be: "Be it ordained by the City Council of the City of Kingston." Every proposed ordinance shall be in writing. Each ordinance, before being adopted, shall be read at two (2) separate meetings, which maybe regular or special. As used in this section, "read" means the reading of the caption of the ordinance. All ordinances of a penal nature passed shall be published at least once in the official newspaper of the city, and no such ordinance shall be in force until it is published. The council shall, within a two-year period after the adoption of this charter, and every ten (10) years thereafter, arrange for the codification of the ordinances of the city. Copies of this charter, code, and current loose-leaf editions of the official code shall be maintained and made available for purchase by the general public at a fee to be

established by the council. In addition, each councilman shall be furnished a copy for his use during his term of office. [As replaced by Priv. Acts 2007, ch. 57, § 1]

Section 4.10. Mayor to be ceremonial head of city, sign documents, etc. The Mayor shall be the ceremonial head of the City, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the Council to do so, shall not have any regular administrative duties, and shall perform only such duties as shall be specifically conferred on or required of him by law or this charter.

Section 4.11. Council under old charter to hold over.¹ The Mayor, Vice-Mayor and Councilmen in office on the date this act becomes operative shall be the Mayor, Vice-Mayor, and Councilmen under this Act until the Council herein provided shall be elected and qualified, and shall have the rights, powers and duties provided in, and shall be governed by, the provisions of this act.

Section 4.12. Advisory boards for council and manager. The council may, at its pleasure, by ordinance, create or dissolve such advisory boards to the Council and manager with respect to specific municipal functions as it may deem necessary, prescribing in each case the number, manner or appointment, length of term, and advisory duties of the members or such boards. Council may, from time to time, by ordinance, make changes in the specific municipal functions to be served by such boards, as well as changes in the number, manner of appointment, length of term, and advisory duties of the members or the boards. All members of such boards shall serve without compensation but may be reimbursed for necessary expenses in official duties upon approved by the Council. [as replaced by priv. acts 1996, ch. 178, sec. 1]

Section 4.13. Conflicts of interest. Conflict of interest shall be governed by Tennessee state law as provided in Tennessee Code Annotated, as follows:

Section 6-2-402 Restrictions of interest of officers.

Section 12-4-101 Personal interest of officers prohibited.

Section 12-4-102 Penalty for unlawful interest.

No person related to any city employee or Councilman, either by blood or marriage shall be appointed to any Commission, Committee or Board which sets policies or makes decisions on appeals by citizens or employees so long as that employee works for the city or that councilman is in office. When any person related by blood or marriage to a councilman is considered for any of the

¹See also article XI in this charter for other transitional provisions.

situations listed below, that member shall excuse himself from voting on that particular item pertaining to that particular person:

1. Employment by the city;
2. Pay raise which is not a general increase for all employees or a particular group;
3. Promotion not based on length of service or special school or training;
4. To fill a vacancy of either Mayor or Council; or
5. Doing business with the city. [as added by priv. acts 1987, ch. 79, sec. 1]

Section 4.14. Recall of officers. Provisions for recall of any elected City Official shall be those put forth in Tennessee Code Annotated, Sections 6-31-306 and 6-31-307 as follows:

Section 6-31-306 City Councilman - Petition - Calling Election Recall

Section 6-31-307 City Councilman - Recall Election [as added by priv. acts 1987, ch. 74, sec. 1]

Section 4.15. City officials allowed to run for office. Any elected city official may present himself for election to any other elected city office while still holding his present office. If such city official is elected to the position for which he runs, such city official must resign his former position prior to taking the oath of office for the new position. The Council shall then elect to any vacant Council position created by such resignation that candidate for Council who received the greatest number of votes at the most recent city general election but was not elected. [as added by priv. acts 1987, ch. 78, sec. 1, and replaced by Priv. Acts 2000, ch. 135]

ARTICLE V

CITY MANAGER

Section 5.01. Appointment, compensation, tenure, qualifications, and removal. The council shall appoint and fix the salary of a chief administrative officer of the city who shall be entitled city manager, and who shall serve at the pleasure of the council. Provided, he may not be removed within twelve (12) months from the date on which he assumed his duties, except for incompetence, malfeasance, or neglect of duty. In case of his removal within said period, he may demand written charges and a public hearing thereon before the Council prior to the date on which his final removal shall take effect; but the decision and action of the Council on such hearing shall be final, and pending such hearing, the Council may suspend his duty. The city manager shall give his entire time to the affairs of the city; provided, the Council may by an affirmative vote of a majority of the council permit special concessions or deviations

therefrom. The manager shall be selected on the basis of his training, experience, and other administrative qualifications for the office and without regard to his political or religious preference or his place of residence at the time of his appointment. No member of the council shall, during the period for which elected nor for the next two years thereafter, be eligible for the position of city manager. An affirmative vote of a majority of the Council shall be required to appoint or remove the city manager.

Section 5.02. Vacancy in office of, or absence of. During periods of vacancy in the office, temporary absences or disability of the manager, the council may appoint an acting manager, or may designate a qualified administrative officer of the city to assume the duties and authority of the manager.

Section 5.03. Council-manager relations generally. The manager shall be responsible to the council for the administration of all units of the city government under his jurisdiction and for carrying out policies adopted by the council. Except for the purpose of inquiry, the council and its members shall deal with the administrative officers and employees solely through the manager. Neither the council nor any member thereof shall give orders to the manager's subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the manager's subordinates, or the making of particular purchases from, or contracts with, any specific organization.

Section 5.04. Manager's general powers and duties. The manager shall supervise the administrative affairs of the city. He shall be charged with the preservation of the public peace and health, the safety of persons and properties, and the enforcement of the laws, ordinances, and franchises, and the development and utilization of the city's resources. He shall make such reports and recommendations as he may deem desirable and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the council not inconsistent with this charter. He shall have the right to take part in the discussion of all matters coming before the council, but not the right to vote.

Section 5.06.¹ Powers with respect to property and equipment. The management of all city property and equipment, except as otherwise provided, shall be the responsibility of the city manager who shall prepare for the approval of the council regulations governing the acquisition, custody, use and disposal of all such property and equipment. Such regulations shall provide for

¹Section No. 5.05 was not utilized, apparently due to oversight.

a regular inventory, appraisal and marking of all such property and shall require that the disposal of any city property and equipment shall be by sale, with sealed bids taken or public auction held on such property and equipment valued at more than five hundred dollars (\$500); provided, that any sale for more than one thousand dollars (\$1000), or any sale of real estate shall be subject to the approval of the city council.

Section 5.07. Powers with respect to purchasing and making public improvements. Except as otherwise provided, the manager shall be responsible for all city purchasing but he may delegate his duty to any subordinate appointed by him. Competitive prices for all purchases and public improvement shall be obtained whenever practicable and in accordance with regulations established by ordinance, and the purchase made from or the contract award to the lowest responsible bidder, provided that the City shall have the power to reject any and all bids. The Council shall, by ordinance, establish the amount which the manager may expend with regard to purchases or contracts for public improvements, provided said amount shall not exceed the bid limit required by general law. Formal sealed bids shall be obtained in all transactions involving an expenditure which exceeds the amount so set by the Council and the transaction shall be evidenced by written contract submitted to and approved by the Council; provided, that in cases where the Council indicates by formal resolution based upon the written recommendation of the manager, that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts. The Council may also authorize the making of public improvements or the performing of any other city work by a city department or agency without competitive bidding. Purchasing and contract procedures not prescribed by the Charter or other law may be established by ordinance. [as amended by priv. acts 1990, ch. 201, sec. 1; and Priv. Acts 2000, ch. 136]

ARTICLE VI

ADMINISTRATION

Section 6.01. Organization plan, amendment, administrative regulations, and departments. Within the framework established by this charter, the administrative organization of the city shall be organized into a department of finance and such other departments necessary to provide health, welfare, police, recreation, fire, library, public works, utilities and other municipal services as shall be provided in a plan of administrative organization to be developed by the city manager and submitted to the council for approval and adoption by ordinance. The council may by ordinance amend the plan of administrative organization only after receiving the written recommendations of the city manager. Administrative regulations governing the operations and

relationships of departments, agencies, and offices within the administrative organization shall be prepared and issued by the city manager, provided the authority to prepare and issue departmental rules and regulations may be delegated to designated subordinates. In order that the work and affairs of the city may be classified and arranged conveniently and conducted efficiently until the adoption of a plan of administrative organization, there are hereby established the following departments; (1) department of general government and finance, comprising the administrative functions within the jurisdiction of the city manager not included in other departments, (2) department of public welfare, (3) department of public works, and (4) department of safety, comprising the police and fire functions.

Section 6.02. Council to provide for personnel employed by manager; personnel employed under old charter.¹ The City Council shall provide for such officers, agents and employees as it may deem necessary, and shall fix the compensation of personnel appointed or employed by the city manager, being guided in such actions by the manager's recommendations. All officers, agents and employees of the city on the date this charter becomes operative shall continue as such under existing appointments and employment, and it shall not be necessary to re-appoint or re-employ them. The city council shall by ordinance adopt supplemental rules and regulations governing employment by the City, not inconsistent with the provisions of the Charter. [as amended by priv. acts 1990, ch. 201, sec. 2]

Section 6.03. Personnel required to take oath. The city manager and every officer and employee of the city holding a position upon an annual salary shall before entering upon his duties, take an oath before an officer authorized to administer oaths that he will discharge honestly and faithfully the duties of his office or position.

Section 6.04. Manager's general powers with respect to personnel. The manager shall have the power to appoint, promote, suspend, transfer, and remove, or to take any other established personnel action with regard to all administrative officers and employees of the city responsible to him; or he may, at his discretion, authorize the head of a department or office responsible to him to take such actions regarding subordinates in such department or office. The manager shall appoint such heads of administrative offices, organization units, and activities as he may deem necessary. The manager may combine, or personally hold, any such administrative offices herein or otherwise established, but shall receive only the manager's salary, and he may delegate parts of the duties of the manager's office to designated subordinates.

¹See Article XI in this charter for transitional provisions.

Section 6.05. City clerk and deputies. The city manager shall appoint a city clerk, together with such deputy city clerks as may be authorized by ordinance. 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 proceedings at such meetings; preparing and certifying copies of official records in his office, for which fees may be prescribed by ordinance; and shall perform all other duties as are prescribed by the council or city manager.

Section 6.06. Administration of financial affairs. The city manager or an officer appointed by him shall have charge of the administration of the financial affairs of the city. There shall be maintained such accounting controls over the finances of the city, and such financial reports as may be required by this charter, by ordinance, or by the manager. The manager shall provide for the auditing, approving and payment of all claims against the city.

Section 6.07. Treasurer -- to collect taxes. The manager or such officer appointed by him shall serve a treasurer of the city, and it shall be his duty to collect, receive and receipt for the taxes and all other revenue of the city. He shall make use of every method provided by general law to insure the collection of taxes due the city, and for that purpose shall have all the powers vested by law in county officers whose duty it is to collect state and county taxes.

Section 6.08. All fees and commissions belong to city. The compensation of officers and employees as fixed by this charter or the council shall be the sole compensation of officers and employees, and all fees and commissions received in handling city business by any officer or employee shall belong to the city and shall be paid promptly into the city treasury.

Section 6.09. Personnel required to be bonded. All officers and employees receiving, disbursing, or responsible for city funds shall be bonded. The Council may require any officer or employee to give a bond approved by and in such amount as the Council shall determine. All such bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the City. All bonds shall be filed with the department of finance, except the bonds of the manager and head of that department which shall be kept by the Mayor.

Section 6.10. Utilities -- separate financial records required -- same personnel and equipment authorized. Separate financial and accounting records shall be maintained for each utility in accordance with accepted principles of utility accounting and as may be required by the city council, without impairing the authority of the city to manage and operate the utilities with the same personnel and equipment.

Section 6.11. Audits of city accounts. At the end of each fiscal year an audit shall be made of the accounts and funds of the city covering the operations of the past fiscal year, by a certified public accountant selected by the council. The council may employ certified public accountants to audit all or any of its accounts and funds at any time it may deem expedient to assure correctness thereof.

Section 6.12. Depositories for city funds. The council shall designate a commercial bank or banks as depository or depositories for city funds and shall provide for the regular deposit of all city moneys. The council shall require such security for city deposits as it deems necessary except that personal surety bonds, of themselves, shall not be deemed proper security.

Section 6.13. Status of existing administrative boards or commissions. Nothing contained in this charter shall be deemed as having the effect of abolishing existing administrative boards or commissions created by the governing body of the city, of vesting any of the powers and functions of such boards and commissions in the city manager or his subordinates, or of making such boards and commissions responsible to the city manager. Nor shall anything contained in this charter be deemed to affect the power of the council to abolish such boards and commissions or to withdraw or modify their powers and functions.

ARTICLE VII

BUDGET AND APPROPRIATIONS

Section 7.01. Fiscal year. The fiscal year of the city shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year, but another fiscal year may be fixed by ordinance.

Section 7.02. Manager to submit proposed budget annually. On or before a date fixed by the council but not later than ninety (90) days prior to the beginning of the fiscal year, the manager shall submit to the council a proposed budget for the next fiscal year. The budget shall present a complete financial plan for the ensuing year, including at least the following information:

- (a) Detailed estimates of all proposed expenditures for each department, board, office, or other agency of the city, showing in addition the expenditures for corresponding items for the last preceding fiscal year, appropriations and anticipated expenditures for the current fiscal year, and reasons for recommended departures from the current expenditure pattern.

(b) Statements of the bonded and other indebtedness of the city, including the debt redemption and interest requirements, the debt authorized and unissued, and the condition of the sinking funds.

(c) Detailed estimates of all anticipated revenues of the city from all sources including current and delinquent taxes, nontax revenues and proceeds from the sale of any bonds, with a comparative statement of the amounts received by the city from each of such sources for the last preceding fiscal year, the current fiscal year, and the coming fiscal year.

(d) A statement of the estimated balance or deficit, as of the end of the current fiscal year.

(e) Such other supporting schedules as the council may request, or are otherwise required by law.

Section 7.03. Public hearing on budget. A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing shall be published ten (10) days in advance of the date of the hearing. All persons present shall be given a reasonable opportunity to be heard for or against the estimates of any item thereof. The budget and budget message and all supporting schedules shall be a public record in the office of the city clerk open to public inspection by anyone. The city manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons at least ten (10) days before the hearing.

Section 7.04. Appropriation and property tax levy ordinance. Before the beginning of the next fiscal year, the council shall adopt an appropriation and property tax levy ordinance, based on the city manager's budget with such modifications as the council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each fund. The council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city and declared by a unanimous vote of all members of the council present, when there is a quorum. Provided, however, that if for any reason an appropriation ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations for the last fiscal year shall become the appropriations for the next fiscal year, until the adoption of the new appropriation ordinance.

Section 7.05. Amendments to appropriation ordinance. Amendments may be made to the original appropriation at anytime during a current fiscal year after a public hearing before the council on five (5) days notice published once in the official city newspaper, provided that increased appropriations may be made only after the city manager has certified in writing that sufficient amount of unappropriated revenue will be available, except for emergency appropriations as provided above.

Section 7.06. Disposition of unexpended appropriations. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the general fund, except that any balance remaining in any other fund at the end of a fiscal year may remain to the credit of that fund and be subject to further appropriation.

Section 7.07. Financial reports; reduction of appropriations; allotment or transfer of funds. At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the manager shall submit to the council data showing the relations between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the council may reduce the appropriations, as prescribed in section 7.05 of this article, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the receipts. The manager may provide for monthly or quarterly allotments of appropriations to all departments, agencies, or activities within his jurisdiction under such rules as he shall prescribe, and make transfers between departments, agencies, or activities within each fund, and when authorized by the city council, from one fund to another.

ARTICLE VIII

TAXATION

Section 8.01. Property taxes -- when due and delinquent. Property taxes shall be due and payable on the first of October of each year, and shall be delinquent the first day of March following, but the Council may by ordinance provide other due and delinquent dates.

Section 8.02. Penalty and interest for delinquency. Delinquent property taxes shall bear interest at the rate of one-half percent per month until paid, and in addition, a penalty of one percent for each month such taxes are delinquent shall be added on the first day of each month, beginning with the delinquent date, until such penalty shall reach the sum of ten percent of the original tax.

Section 8.03. Discount for prepayment. The Council may by ordinance provide that if any taxpayer elects to pay his property taxes prior to the first of October or such other date fixed by ordinance when taxes shall be due and payable, he shall be entitled to a discount of two percent of his tax bill.

ARTICLE IX

CITY COURT

Section 9.01. Establishment -- judge's appointment, term, jurisdiction, qualifications, compensation, oath, bond, and absence. There shall be a city court for the City of Kingston presided over by a city judge who shall be appointed by and serve at the will of the Council. The city judge shall have jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the city. He shall have such qualifications and receive such compensation as the council may provide by ordinance. Before entering upon his duties, he shall take the oath required of the Mayor and Councilmen, and give bond as may be required under section 6.09 of this charter. During the disability or temporary absence of the city judge, the city manager may designate a qualified person to act as city judge pro tem.

Section 9.02. City judge's general power and authority with respect to fines, costs, forfeitures, process, workhouse, etc. The city judge shall have power and authority to impose fines, costs and forfeitures; to preserve and enforce order in his court; to issue all necessary process, including process which may be issued by mayors' and recorders' courts, which shall be executed by police officers of the city; and enforce the collection of such fines, costs and forfeitures imposed by him. In default of the payment or of good and sufficient security given for the payment of fines or forfeitures imposed by him, he shall have the power and it shall be his duty, to commit the offender, except indigents, to the workhouse or other place provided for such purpose, and to such labor as may be provided by ordinance until such fines or forfeitures shall be fully paid. For each day the person is confined, he shall be credited with two dollars (\$2.00) or such larger amount which the council may provide by ordinance toward payment of fines or forfeitures; provided no confinement for failure to pay shall exceed thirty (30) days for any one (1) offense, and provided further, that no civil penalty shall exceed one hundred dollars (\$100.00).

Fines and costs may be paid in installments in such manner as may be provided by ordinance. The city judge may remit with or without condition, fines and costs imposed by him. [as amended by Priv. Acts 2000, ch. 137]

Section 9.03. Court docket to be kept. The city judge shall keep or cause to be kept a court docket embodying complete detailed records of all cases handled by him.

Section 9.04. Court costs; collection of fines and costs; reports to council; audits. The city judge in all cases heard or determined by him for offenses against the corporate laws and ordinances shall tax in the bill of costs the same amounts and for the same items allowed in general sessions courts for similar

work in state cases. Costs in favor of any officer or employee of the city shall belong to the city and be paid into its treasury. It shall be the duty of the city judge to collect and receipt for all fines, forfeitures and costs imposed by him, and no officer or employee other than the city judge shall collect or receipt for fines, forfeitures and costs unless authorized by the city judge. The city judge shall make such reports to the council as may be required by ordinance. The provisions of section 6.11 of this charter shall apply to the auditing of accounts and funds of the city court.

ARTICLE X

CITY ATTORNEY

Section 10.01. Appointment, term, qualifications, compensation, and duties. The council shall appoint a city attorney to serve at the will of the council who shall be an attorney at law entitled to practice in the courts of the state. He shall receive such compensation as the council may provide by ordinance. He shall direct the management of all litigation in which the city is a party of interest, or in which any of its officers are officially interested, approve as to form all contracts, deeds, bonds, ordinances, resolutions as these documents to be signed in the name of, made by or with the City, and advise the council, boards or members thereof, the city manager and heads of all departments, as to legal questions affecting the city's interest. [as amended by priv. acts 1990, ch. 201, sec. 3]

ARTICLE XI

TRANSITIONAL AND OTHER PROVISIONS¹

Section 11.01. No incumbents to be removed, etc. Nothing herein contained shall be deemed as having the effect of removing an incumbent from any office or abridging the term or altering the salary prior to the end of the term for which such officer was selected.

Section 11.02. Recorder (until July 1, 1973). The office of Recorder is continued as long as the incumbent shall continue to hold that office, but not longer than July 1, 1973, and during such time he shall have the rights, powers and duties of the Recorder provided by the charter existing at the time of his appointment, and shall not be subject to removal except in the manner provided by the charter existing at the time of his appointment, or except as may be provided by general law, notwithstanding anything in this Act to the contrary.

¹See section 4.11 and 6.02 in this charter.

SECTION 2.¹ Certain acts expressly repealed; corporate existence, boundaries, assets, liabilities, ordinances, appointments, etc., generally continued. When this Act becomes operative the following Acts shall be repealed: Chapter 306, Private Acts of 1923; Chapter 725, Private Acts of 1925; Chapter 581, Private Acts of 1927; Chapter 244, Private Acts of 1935; Chapter 722, Private Acts of 1935; Chapter 526, Private Acts of 1939; Chapter 641, Private Acts of 1949; Chapter 371, Private Acts of 1953; Chapter 293, Private Acts 1961; and Chapter 411, Private Acts of 1967-68; and the charter herein provided substituted therefor; provided, nothing herein shall affect the continued corporate existence of the city nor the boundaries of the city as they now exist. Nothing herein shall affect the City's right, title, and ownership of property, its uncollected taxes, dues claims, judgments, choses in action, and all of its rights of every kind; nor its liability for debts, contracts, and obligations and rights and remedies of creditors under existing law. All ordinances, resolutions, motions or other actions including the appointment and employment of present officers, agents and employees of the City, duly adopted and in force and not inconsistent with this Act shall remain in full force and effect until repealed, modified, or amended in the manner herein provided.

SECTION 3. Severability clause. If any section or part of this Act is held to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part, it being the legislative intent to have passed the remainder of this Act notwithstanding the part held to be invalid if any.

SECTION 4. Local approval required--when effective. This Act shall not become operative unless it is approved by the majority of the qualified voters of the City of Kingston voting in an election to be held for such purpose. Such election shall be called by the Commissioners of Elections of Roane County, and shall be held concurrently with the Presidential Preference Primary on May 4, 1972. The votes cast at such election shall be canvassed by said Commissioners upon the first Monday occurring five days or more next after the date of such election, and the results shall be proclaimed and certified by the chairman to the Secretary of State. If approved by the voters in said election, this Act shall become operative on July 1, 1972.

SECTION 5. Effective upon becoming a law. This Act shall take effect upon becoming a law, the public welfare requiring it.

¹All the foregoing articles and sections are a part of section 1 which began on page 6.

PASSED: March 16, 1972

James R. McKinney,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

John S. Wilder,
SPEAKER OF THE SENATE

APPROVED: March 22, 1972

Winfield Dunn,
GOVERNOR

This is to certify that according to the official records in this office, House Bill No. 2403, which is Chapter No. 298 of the Private Acts of 1972 was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

Joe C. Carr
SECRETARY OF STATE

PRIVATE ACTS COMPRISING THE CHARTER OF
THE CITY OF KINGSTON, TENNESSEE.¹

YEAR	CHAPTER	SUBJECT
1972	298	Charter for the City of Kingston, Tennessee.
1975	188	NOT APPROVED LOCALLY
1984	175	NOT APPROVED LOCALLY
1987	73	Replaced section 3.02 of the charter.
1987	74	Created new section 4.14 of the charter.
1987	75	Replaced section 4.01 of the charter.
1987	76	Replaced section 4.04 of the charter.
1987	77	Replaced section 3.03 of the charter.
1987	78	Created new section 4.15 of the charter.
1987	79	Created new section 4.13 of the charter.
1987	80	Replaced section 4.03 of the charter.
1988	226	Repealed priv. acts 1987, ch. 77 and replaced section 3.03 of the charter.
1990	201	Amended sections 5.07, 6.02 and 10.01 of the charter.

¹A total revision of the charter by priv. acts 1984, ch. 175 was disapproved locally.

YEAR	CHAPTER	SUBJECT
1992	141 ¹	Amended Art. IV, section 4.01 of the charter.
1996	178	Amended Art. IV, § 4.12, creation of advisory board.
1996	184	Amended Art. III, § 3.03, election of Mayor or Councilmen.
2000	132	Amended Art. IV, § 4.03, vice-mayor.
2000	133	Amended Art. IV, § 4.05, compensation of mayor and councilmen.
2000	134	Amended Art. III, § 3.02, qualifications for voting.
2000	135	Replaced Art. IV, § 4.15, allowing city officials to run for office.
2000	136	Amended Art. V, § 5.07, powers with respect to purchasing and making public improvements.
2000	137	Amended Art. IX, § 9.02, city judge's general power and authority with respect to fines, costs, forfeitures, process, workhouse, etc.
2007	57	Amended Art. IV, § 4.09, ordinance adoption procedures.
2011	28	Replaced Art. III, § 3.03, elections for, and terms of, mayor and councilmen; and replaced Art. III, § 3.04, when terms begin.

¹This act was not locally approved and therefore not included in this charter compilation.