

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

## CHAPTER NO. 146

## HOUSE BILL NO. 2033

By Mr. Speaker McWherter, Tanner

Substituted for: Senate Bill No. 2032

By Hamilton

AN ACT continuing the corporate existence of the City of Dresden, Tennessee, providing a new charter for such corporation, and repealing Chapter 399 of the Private Acts of 1943, Chapter 314 of the Private Acts of 1949, Chapter 150 of the Private Acts of 1955, Chapter 214 of the Private Acts of 1965, Chapter 142 of the Private Acts of 1973, Chapter 101 of the Private Acts of 1975, Chapter 209 of the Private Acts of 1978 and any other acts amendatory thereto.

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<sup>1</sup>Private Acts of Tennessee for 1986, Chapter 146 is the current basic charter act for the City of Dresden, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2006 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made in the charter except the addition of catchlines to introduce each section, the movement of section numbers from the beginning of each section to the head of the section catchlines, and the addition of a table of contents to facilitate the use of the charter. A list of all the private acts of which the charter is composed is contained at the end of the charter.

Reference should be made to all footnotes because they generally reflect important information, including problems, that have a bearing either upon the organization or the utilization of the charter.

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## SECTION 1

INCORPORATION

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the City of Dresden, Tennessee, shall continue as a body politic and corporate by the name and style of Dresden, Tennessee, and this Act shall constitute its complete Charter. The City of Dresden 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 and change it at pleasure.

## SECTION 2

DEFINITIONS

BE IT FURTHER ENACTED, That as used in this Charter the following words and terms shall have the following meanings:

(a) "Aldermen" shall mean a person elected to the office of Aldermen as provided in this Charter.

(b) "At large" shall mean the entire City, as distinguished from representative by wards or other districts.

(c) "Board of Mayor and Aldermen" and "Board" shall mean the legislative body of the City, which shall be composed of the Mayor and six Aldermen elected as provided in this Charter.

(d) "Elector" shall mean a qualified voter residing within the City or a qualified voter who has owned in fee simple lands within the City for a period of six months preceding an election.

(e) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any State or national political party or organization.

(f) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

## SECTION 3

CITY BOUNDARIES

BE IT FURTHER ENACTED, That the boundaries of the City shall be those fixed by Chapter 399, Private Acts of 1943, all Acts amendatory thereof, and annexations made pursuant to general law.

## SECTION 4

CORPORATE POWERS

BE IT FURTHER ENACTED, That the City shall have power:

(a) To assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation.

(b) To levy and collect privilege taxes on businesses, privileges, occupations, trades, and professions, and to levy and collect any other kind of tax not prohibited to cities by the Constitution or general law.

(c) To levy and collect registration fees on motor vehicles operated within the City. Such registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles.

(d) To appropriate and borrow money as authorized in this Charter, and to authorize the expenditure of money for any municipal purpose.

(e) To acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift or condemnation, for public use, for present or future use by the City, to reserve industrial sites, to provide open spaces, to encourage proper development of the community, or for the general welfare of the community. Such acquisitions may be within or outside the City.

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of 25 years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by the Tennessee Public Service Commission or other State or federal agency having jurisdiction in such matters.

(g) To provide for the acquisition, construction, building, operation, and maintenance of: public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and any other public improvements; inside or outside the City; and to regulate the use thereof; and for such purposes property may be either acquired or taken under applicable laws.

(h) To require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, including removal of snow, debris or other material.

(i) To make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The City shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including

finances, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made.

(j) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(k) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts.

(l) To define, regulate, and prohibit any act, practice, conduct, or use of property, that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the City.

(m) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the City, and to provide for the enforcement of such standards.

(n) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards.

(o) To regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance.

(p) To regulate and license vehicles operated for hire in the City, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(q) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by a civil penalty not to exceed five hundred dollars (\$500) and costs.

(r) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans.

(s) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or 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 Charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this 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 by the constitution or general laws of the State. [As amended by Priv. Acts 1993, ch. 68, § 1]

## SECTION 5

MUNICIPAL ELECTIONS

BE IT FURTHER ENACTED, That on the last Thursday in June of 1993, a nonpartisan, at-large, general municipal election, open to all registered voters, shall be conducted by the county election commission. The three (3) candidates receiving the highest number of votes shall be elected to a term to end after receiving the highest number of votes shall be elected to a term to end after the election to be held on the first Tuesday of November of 1996. On the last Thursday in June of 1995, a nonpartisan, at-large, general municipal election, open to all registered voters, shall be conducted by the county election commission. The three (3) candidates receiving the highest number of votes shall be elected to a term to end after the election to be held on the first Tuesday of November of 1998. The candidate for the office of Mayor receiving the highest number of votes in the election of June 1995 shall be elected to a term to end after the election to be held on the first Tuesday of November of 1998. Thereafter, elections shall be held every two years on the first Tuesday in November of even-numbered years so that the Aldermen shall serve four (4) year staggered terms, and the Mayor shall serve a four (4) year term. Present incumbents in the positions of Mayor and Aldermen shall continue to serve for the terms to which they were elected and until such time as their successors are elected and qualified.

The candidate for Mayor having received the highest number of votes at an election shall be declared elected and the three (3) candidates for Aldermen having received the highest number of votes shall be declared elected. In case of a tie vote, the incumbent Board of Aldermen shall decide which of the candidates shall serve.

The terms of office for the Mayor and for the Aldermen shall commence on the second Tuesday in November.

Any qualified voter who is at least twenty-one (21) years of age and who has been a resident of the city for at least one (1) year may be qualified as a candidate for the position of Mayor or Aldermen.

A person then holding the office of alderman shall resign such office upon qualification with the election commission as a candidate for election to the office of mayor. [As replaced by Priv. Acts 1993, ch. 69, § 1; and amended by Priv. Acts 2005, ch. 32]

## SECTION 6

RESTRICTIONS ON CANDIDATES

BE IT FURTHER ENACTED, That giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or



on behalf of any candidate, shall be deemed to be a misdemeanor, and any person convicted thereof shall be ineligible to hold an office or position of employment in the City government for a period of five years.

#### SECTION 7

#### BOARD OF MAYOR AND ALDERMEN

BE IT FURTHER ENACTED, That:

(a) The Mayor and six Aldermen elected under this Charter shall compose the Board of Mayor and Aldermen, in which is vested all corporate, legislative and other powers of the City, except as otherwise provided in this Charter.

(b) The compensation of the Mayor and Aldermen shall be set by Ordinance, but the salary of the Mayor or any Aldermen shall not be changed during their term of office. The Mayor and Aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The Board of Mayor and Aldermen shall meet regularly at least once every month at the times and places prescribed by ordinance. The Board shall meet in special session on written notice of the Mayor or any three Aldermen and served on the other members of the Board or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meeting.

(d) A majority of the Aldermen, excluding any vacancies, shall constitute a quorum. The ayes and nays of all votes shall be recorded in the journal. The Board may by ordinance adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

#### SECTION 8

#### MAYOR AS PRESIDING OFFICER

BE IT FURTHER ENACTED, That the Mayor shall preside at meetings of the Board, and shall not have a vote on any matters except in the case of a tie vote. He shall be recognized as the ceremonial head of the City. He shall be the officer to accept process against the City, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

SECTION 9. BE IT FURTHER ENACTED, That there shall be a Vice Mayor who shall be selected at the first meeting after each election by the Board from among their number. The term of office of the Vice Mayor shall be for a

period of two (2) years. The Vice Mayor shall perform the duties of the Mayor during the Mayor's temporary absences or inability to act. In case of a vacancy in the office of the Mayor, the Vice Mayor shall fill out the unexpired term, or until the next regular city election, whichever shall occur first. If the Vice Mayor is filling out a term in the office of Mayor, the Vice Mayor's position as Alderman shall become vacant and the Board shall fill the vacancy as provided in Section 10. The Board shall select another of their number to fill out the unexpired term of the Vice Mayor. In the event the Mayor and Vice Mayor are both temporarily absent or unable to perform their duties, the Board may select a Mayor Pro Tem from among their number and said Mayor Pro Tem shall perform the duties of Mayor until either the Mayor or the Vice Mayor returns to duty. [As replaced by Priv. Acts 2003, ch. 12]

## SECTION 10

### VACANCY ON BOARD

BE IT FURTHER ENACTED, That the Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves his residence from the City, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the board for a period of 90 days with no extenuating circumstances, or has been continuously disabled for a period of six months so as to prevent him from discharging the duties of his office.

The Board of Mayor and Aldermen shall, within a period of 30 days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term or until the next regular City election, whichever shall occur first. If the next regular City election occurs prior to the expiration of the term, a special election shall be held, at the same time as the regular City election, to fill the remainder of the unexpired term.

## SECTION 11

### RESTRICTIONS ON ALDERMEN

BE IT FURTHER ENACTED, That the Aldermen shall act on all matters as a body, and no member shall seek individually to influence the official acts of any 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. The Board shall deal with the various agencies, officers and employees of the City, solely through the Mayor, and shall not give orders to any subordinate of the mayor, either publicly or privately. Nothing herein contained

shall prevent the Board from conducting such inquiries into the operation of the City government and the conduct of the City's affairs as it may deem necessary.

## SECTION 12

### ORDINANCES

BE IT FURTHER ENACTED, That any action of the Board having a regulatory or penal effect, awarding franchises, or required to be done by ordinance under this Charter or the general laws of the State, shall be done only by ordinance. Other actions may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the City of Dresden." Every ordinance must be approved on two (2) readings and there shall be no more than one (1) reading on any one (1) day. An ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading, adoption and being signed by the Mayor unless a different effective date is designated in the ordinance.

All ordinances shall be signed by the Mayor before they shall become effective. The Mayor shall affix his approval or disapproval within five days after adoption by the Board. If the Mayor withholds his signature for five days, exclusive of Sundays and holidays, the ordinance shall become effective for failure to veto. The Mayor shall state his reasons for vetoing an ordinance in writing and shall transmit his reasons and the ordinance back to the Board for its action. the Board may pass; the ordinance over the veto by a two-thirds vote of the full membership of the Board. [As amended by Priv. Acts 1993, ch. 70, § 1]

## SECTION 13

### ORGANIZATION OF CITY GOVERNMENT

BE IT FURTHER ENACTED, That the City government shall be organized into such departments and offices as shall be provided by ordinance. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board may establish, abolish, merge, or consolidate offices, positions of employment and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment and departments.

## SECTION 14

ADMINISTRATIVE DUTIES OF MAYOR

BE IT FURTHER ENACTED, That the Mayor shall have the powers of a business manager; he shall have supervision and control of all the administrative affairs of the City; he shall be its chief executive. He shall have access to all of the books, records, offices and papers of every kind pertaining to the City's business and require their proper and safekeeping. He shall present in writing or verbally to the Board his recommendations of the needs of the City at any time he deems advisable.

The Mayor shall have control over all municipal improvements and property and he shall have the exclusive power to make all expenditures within the budget after the same have been appropriated by the Board.

The Mayor shall take all proper measures for the preservation of public order and preservation of the peace and he may call upon the Governor for military aid.

The Mayor shall appoint, subject to confirmation by the Board, the City Recorder and any other employee who is designated a department head by ordinance.

He shall have authority to make appointments, promotions and transfers of employees; to make demotions, suspensions and removals of officers and employees for cause; and may delegate such authority as he deems advisable.

## SECTION 15

CITY RECORDER

BE IT FURTHER ENACTED, That the Mayor shall appoint, subject to confirmation by the Board, a City Recorder, who shall serve for an indefinite term.

The Recorder shall keep and preserve the City seal and all official records not required by law or ordinance to be filed elsewhere; to attend all meetings of the Board and to maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and to prepare and certify copies of official records.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected.

The Recorder may act as Treasurer and shall receive and keep safely all funds of the City and shall pay out the same upon warrants signed by the Mayor and the Recorder.

## SECTION 16

CITY ATTORNEY

BE IT FURTHER ENACTED, That the Mayor, subject to confirmation by the Board, shall appoint a City Attorney. The City Attorney shall be responsible for advising the Board and officers and employees concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board.

## SECTION 17

CITY JUDGE

BE IT FURTHER ENACTED, That a City Judge shall be appointed by the Mayor, subject to the confirmation of the Board. A person designated by the Mayor shall serve in the absence or incapacity of the judge.

The jurisdiction of the City Judge shall extend to the trial of all offenses against the ordinances of the City, and costs in such trials shall be fixed by ordinance. The City Judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order including the power which the court of general sessions have to fine for contempt. The sole compensation for serving as City Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the City and shall be paid into the City treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the City Judge shall be fixed by the City Judge, upon such security as in his discretion he deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the judge as provided by ordinance; such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in triplicate: the original to the depositor, duplicate and money to the Recorder, and triplicate to the City Judge within 24 hours after the arrest.

Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon willful failure to pay fines and costs or to furnish security, the City Judge shall commit the offender to the appropriate facility for incarceration until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no person shall be continuously confined in excess of 60 days. Receipts of the city court shall be deposited with the Recorder and the City Judge shall make monthly reports thereof to the Board.

The City Judge shall keep a docket of all cases handled by him.

The City Judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the City shall attempt to influence his decision except through pertinent facts presented in open court.

## SECTION 18

### OFFICERS AND EMPLOYEES

BE IT FURTHER ENACTED, That only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactory perform the work, and availability of persons having the qualifications desired.

## SECTION 19

### PERSONNEL ACTIONS

BE IT FURTHER ENACTED, That the appointment and promotion of employees of the City shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications.

Before removal, demotion, or suspension for more than 10 days, an employee shall be given a written notice of intention to suspend, remove, or demote him, containing a clear statement of the grounds for such proposed action.

## SECTION 20

### PERSONNEL RULES

BE IT FURTHER ENACTED, That the Board may adopt supplementary rules and regulations governing employment by the City, not inconsistent with the provisions of this Charter.

## SECTION 21

OATH OF OFFICE

BE IT FURTHER ENACTED, That before a person takes any office in the City government, he shall subscribe to the following oath or affirmation, administered by the Recorder or the Mayor:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Dresden, and that I will faithfully discharge the duties of the office of \_\_\_\_\_."

## SECTION 22

BONDS

BE IT FURTHER ENACTED, That the Mayor and every officer, agent, and employee of the City having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board with some surety company authorized to do business in the State of Tennessee, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board and the cost of such bonds shall be paid by the City.

## SECTION 23

POLITICAL ACTIVITY

BE IT FURTHER ENACTED, That no employee of the City shall continue in the employment of the City after becoming a candidate for nomination or election to any City office, but this provisions shall not apply to the Mayor, Aldermen, members of board or commissions, the City Attorney or the City Judge. no person shall directly or indirectly give, render or pay any money, service or the valuable consideration to any person for or on account of or in connection with employment by the City government. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee of the City in connection with any City election. Any person who by himself or with others willfully or corruptly violates any provision of his section shall be guilty of a misdemeanor, and upon conviction thereof he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or

position of employment in the City government for a period of five years thereafter.

SECTION 24

PROHIBITED ACTS

BE IT FURTHER ENACTED, That no officer or employee shall accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the City.

SECTION 25

FISCAL YEAR

BE IT FURTHER ENACTED, That the fiscal year of the City government shall begin on the 1st day of July and shall end on the 30th days of June of the succeeding year.

SECTION 26

ANNUAL BUDGET

BE IT FURTHER ENACTED, That prior to the beginning of each fiscal year, the Mayor shall submit to the Board a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following: (a) revenue and expenditures during the preceding year, (b) estimated revenue and expenditures for the next fiscal year, (c) estimated revenue and recommended expenditures for the next fiscal year, and (d) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the Mayor. A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Aldermen.

SECTION 27

PUBLIC HEARING ON BUDGET

BE IT FURTHER ENACTED, That after receiving the Mayor's proposed budget, the Board shall fix a time and place for a public hearing thereon. A notice of the hearing shall be published one time in a newspaper having general circulation in the City. The publication shall appear at least 10 days in advance of the date of the hearing.



## SECTION 28

ADOPTION OF BUDGET

BE IT FURTHER ENACTED, That after the public hearing the Board shall adopt the budget with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year after 10 days notice published in the newspaper and a public hearing before the Board.

## SECTION 29

CONTROL OF EXPENDITURES

BE IT FURTHER ENACTED, That the Mayor shall be responsible for controlling expenditures of the various agencies of the City government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

## SECTION 30

UNAUTHORIZED CONTRACT OR EXPENDITURES

BE IT FURTHER ENACTED, That any contract or agreement made in violation of the provisions of this Charter or ordinances of the City shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the City for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for his removal.

## SECTION 31

SALE OF PROPERTY

BE IT FURTHER ENACTED, That the Mayor may sell City property which is obsolete, surplus or unusable; provided, however, that any sale for more than \$500.00 or any sale of real estate shall be subject to approval by the Board.

## SECTION 32

BONDS ON CONTRACTS

BE IT FURTHER ENACTED, That each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to 100 percent of the contract price.

## SECTION 33

PROPERTY TAXES

BE IT FURTHER ENACTED, That all property subject to taxation shall be subject to the property tax levied by the City.

## SECTION 34

OMITTED PROPERTY

BE IT FURTHER ENACTED, That the City Recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the City.

## SECTION 35

TAX LEVY

BE IT FURTHER ENACTED, That the Board shall make a tax levy, expressed as a fixed rate per \$100 of assessed valuation, not later than 90 days prior to the tax due date. In event of Board's failure to do so, the prior year's tax rate shall continue in effect.

## SECTION 36

TAX DUE DATES AND TAX BILLS

BE IT FURTHER ENACTED, That the due dates of property taxes shall be fixed by ordinance and provisions may be made for equal semi-annual installments. The City shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information is to

delinquency dates and tax, penalty, or interest thereon. Property taxes which become delinquent shall be subject to penalty and interest which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a court or record.

#### SECTION 37

##### COLLECTION OF DELINQUENT TAXES

BE IT FURTHER ENACTED, That the Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor for the sale of goods and chattels to be executed by any police officer of the City under the laws governing execution of such process from a justice of the peace; or by the county trustee as provided by general law; or by the City attorney acting in accordance with general laws providing for the collection of delinquent city or county taxes; by garnishment; by suits in chancery; or by any two or more of the foregoing methods, or by the use of any other available legal processes and remedies.

#### SECTION 38

##### COUNTY MAY COLLECT TAXES

BE IT FURTHER ENACTED, That the City may contract with the county for the collection of City taxes. The contract may provided for reasonable fees to be paid to the county for this service.

#### SECTION 39

##### TAXES NOT TO BE EXCUSED

BE IT FURTHER ENACTED, That no officer or employee of the City shall have the authority to excuse taxes, penalties interest, special assessments, or other charges due the City, but errors may be corrected when authorized by the Board.

#### SECTION 40

##### DISBURSEMENT BY CHECK

BE IT FURTHER ENACTED, That all disbursements except for any agency of the City administered by a board or commissioner, shall be made by checks signed by the City Recorder and countersigned by the Mayor. The Board

may designate other officers to sign such checks in the absence or disability of the Mayor or City Recorder.

SECTION 41

OFFICIAL DEPOSITORY

BE IT FURTHER ENACTED, That the Board shall designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the Board.

SECTION 42

COOPERATIVE AGREEMENTS AND CONTRACTS

BE IT FURTHER ENACTED, That in addition to other powers granted in this Charter, the Board shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or State government, for the exercises of any power or function which the City is authorized to undertake by this Charter.

SECTION 43

OTHER GENERAL LAWS

BE IT FURTHER ENACTED, That notwithstanding any provision of this Charter, the Board may elect to operate under or adopt any general law or public act available to municipalities of the State, in lieu of or in addition to provisions of this Charter.

SECTION 44

PENALTIES

BE IT FURTHER ENACTED, That the violation of any provision of this Charter, for which a penalty is not specifically provided herein, is hereby declared to be a civil violation, and persons who commit such violations shall be assessed a penalty of not more than five hundred dollars (\$500). [As replaced by Priv. Acts 1993, ch. 68, § 2]

## SECTION 45

REPEAL OF OTHER ACTS

BE IT FURTHER ENACTED, That when this Act becomes applicable as the Charter of the City of Dresden, Tennessee, the following acts are hereby repealed: Chapter 399, Private Acts of 1943; Chapter 314, Private Acts of 1949; Chapter 150, Private Acts of 1955; Chapter 214, Private Acts of 1965; Chapter 142, Private Acts of 1973; Chapter 101, Private Acts of 1975; Chapter 209, Private Acts of 1978.

## SECTION 46

SEVERABILITY

BE IT FURTHER ENACTED, That if any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

## SECTION 47

APPLICABILITY

BE IT FURTHER ENACTED, That to be applicable as the Charter of the City of Dresden, this Act must be approved by a two-thirds vote of the governing body, said vote to be taken not more than 120 days after passage of this Act. The Secretary of State the results of said vote.

## SECTION 48

EFFECTIVE DATE

For the purpose of approving or rejecting the provisions of this Act, it shall take effect on becoming a law, the public welfare requiring it. for all other purposes, it shall become effect upon being approved by as provided in Section 47.

PASSED: March 31, 1986

Ned McWherter,  
Speaker of the house of Representatives

John S. Wilder,  
Speaker of the Senate

APPROVED this 8th day of April 1986

Lamar Alexander,  
Governor

ACTS COMPRISING THE CHARTER OF THE  
CITY OF DRESDEN, TENNESSEE

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YEAR	CHAPTER	SUBJECT
1986	146	Basic charter.
1993	68	Amended section 4(q), the civil penalty for ordinance, rule, regulation or rule violations.
1993	69	Amends section 5, the election process for mayor and alderman.
1993	70	Amends section 12, ordinance approval.
2003	12	Replaced section 9, vice mayor.
2005	32	Amends section 5, municipal elections.