

CHARTER OF THE CITY OF PORTLAND, TENNESSEE¹

CHAPTER NO. 568

House Bill No. 1377

(By Brown of Sumner.)

AN ACT to create a Municipal Corporation to be known as the City of Portland and to define its powers, duties, rights and obligations; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

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¹Priv. Acts 1939, ch. 568, is the current basic charter act for the City of Portland, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2013 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 to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

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ARTICLE I

INCORPORATION

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That that section of the county in Sumner County, Tennessee, situated in the Sixteenth Civil District and comprised and included within the limits and boundaries set out in Section 2 hereof, and the inhabitants thereof, are hereby incorporated and constituted a body politic and corporate by the name and style of "City of Portland," and shall have perpetual succession; that, by their corporate name may sue and be sued, contract and be contracted with, plead and be impleaded, grant, purchase, reserve, hold property, real, personal and mixed, within or beyond the corporate limits of the city and may sell, lease, or dispose of such property for the benefit of the city, and may do all other acts touching the same as natural persons, except those things herein forbidden; and may have and use a corporate seal, changeable at the pleasure of the City Council.

Section 2. Be it further enacted, That the boundaries¹ and corporate limits of the City of Portland, shall embrace and encompass the territory with the following boundaries, to-wit: Beginning at concrete marker No. 1 located on the North side of Country road opposite Venters Residence and approximately 200 feet east of Highway No. 109; thence with north side of county road South 88 degrees 44 feet west 478 feet to concrete marker No. 2; thence north 18 degrees 38 feet west 2517.5 feet with the back property line of the Wiseman Addition to concrete marker No. 3; thence North 79 degrees 54 feet west 1908.7 feet to concrete marker No. 4 in the east side of the White House Road; thence crossing said road south 85 degrees 30 feet west 1862 feet to concrete marker No. 5; southwest of Hester's residence; thence north 65 degrees 06 feet West 1329.7 feet to concrete marker No. 6 by large oak; thence north 4 degrees 20 feet east 1673.6 feet to concrete marker No. 7 near turn in county road; thence north 43 degrees 46 feet west 1945 feet to concrete marker No. 8 on the South side of road at corner of barn; thence with east side of road north 2 degrees 08 feet east 1823.7 feet to concrete marker No. 9 on south side of highway No. 52; thence north 27 degrees 30 feet east 3050 feet to concrete marker No. 10; in the west right of way of highway No. 109 near concrete bridge; thence north 49 degrees 52 feet east 1150 feet to concrete marker No. 11 in West right of way of L. & N. R. R., and crossing same a total of 4050 feet to concrete marker No. 12 on the north side of private road; thence south 85 degrees 44 feet east 1450.5 feet with county road to concrete marker No. 13, in power line; thence with power line south 40 degrees 52 feet east 1555 feet to concrete marker No. 14 at power pole on the south side of lake road; 45 feet from center of same; thence south 11 degrees 30 feet east 1485 feet to concrete marker No. 15 by farm road, McGlothin's north boundary; thence north 87 degrees 45 feet west 600 feet to concrete marker No. 16 at power pole at corner of Lake Road; thence with McGlothin's west boundary south 2 degrees west 1797 feet to corner of school property, concrete marker No. 17; thence with said property south 87 degrees east 385 feet to northeast corner of same, concrete marker No. 18 thence south 1 degree west 1650 feet to concrete marker No. 19, near the east boundary of

¹The boundaries of the city have been extended by ordinances of record in the city recorder's office, numbered as follows: 187, 190, 196, 201, 204, 206, 227, 237, 249, 250, 251, 256, 258, 259, 266, 306, 310, 311, 312, 326, 339, 344, 346, 351, 356, 357, 361, 368, 369, 373, 375, 381, 397, 403, 404, 405, 411, 413, 417, 419, 433, 443, 444, 448, 472, 481, 487, 496, 498, 501, 506, 510, 516, 518, 520, 521, 525, 532, 533, 539, 550, 551, 560, 561, 565, 568, 569, 570, 573, 574, 578, 582, 602, 607, 612, 99-1, 99-5, 99-7, 99-8, 00-3, 00-6, 00-12, 01-02, 01-04, 01-07, 01-10, 01-13, 01-16, 01-24, 01-27, 01-28, 02-02, 02-03, 02-04, 02-16, 02-17, 02-19, 02-33, 02-34, 03-20, 04-18, 06-13, 06-17, 16-18, 06-29, 06-30, 06-32, 06-42, 06-71, 07-03, 07-04, 07-18, 07-20, 07-31, 07-43, 09-76, 10-05, 11-12, 11-14, and 12-10.

negro Rippy's property; thence north 88 degrees east 2440 feet to concrete marker No. 20; thence south 4 degrees west 350 feet to concrete marker No. 21 in the north right of way Westmoreland Road; thence south 16 degrees 30 feet west 4100 feet to concrete marker No. 22 on the south side of Fountain Head Road; thence south 71 degrees west 1830 feet to concrete marker No. 23, 225 feet from the center line of highway No. 109; thence with east side of said highway south 19 degrees east 2415 feet to the beginning. [As replaced by Priv. Acts 1953, ch. 206, § 1]

Section 3. Be it further enacted, That the corporate authority of said City shall be vested in a Mayor, City Council, consisting of seven Aldermen, Recorder, and such other officers as the City Council may elect or appoint.

Section 4. [Deleted]. (This section was deleted by Priv. Acts 1981, ch. 107, § 1).

Section 5. Be it further enacted, That all ordinances, now in force or hereafter enacted, of a moral, criminal, quasi-criminal, sanitary or penal nature shall apply to any and all surrounding territory within one mile of said corporate limits. The City Council may by ordinance determine what constitutes a nuisance within the city limits and within said above mentioned mile limit, and regulate or abate said nuisance therein and within said mile limit. The jurisdiction of the City, City Court, and the police powers of the City shall include said one mile territory for the purpose of enforcing the above provisions and the police power shall be co-extensive with that of a sheriff or his deputies in the execution of any paper or process issued from said City Court, or in the enforcing of any of the city ordinances.

ARTICLE II

CORPORATE POWERS

Section 1. The corporation shall have full power within the corporate limits; and except for those powers specifically listed in Section 2, the City Council may choose to exercise the following powers by resolution or ordinance:

- (1) To make special assessments for municipal improvements;
- (2) To contract and be contracted with, if the amount is sixty thousand dollars (\$60,000) or less;
- (3) To borrow money;
- (4) To appropriate money and provide for the payment of the debts of the City, and to borrow money in accordance with appropriate general law;
- (5) To expend the money of the City for all lawful purposes;

(6) To acquire, receive, and hold, maintain, improve, sell, lease, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the City or State, except such as may hereinafter be prohibited;

(7) To condemn property, real or personal, or any easement, interest, estate or use therein, either within or without the City, for present or future public use, such condemnation to be made and effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapters 16 and 17, or in such other manner as may be provided by general law;

(8) To take and hold property within or without the City or State upon trust for the public benefit, and for the benefit and improvement of the City Cemetery and/or privilege therein;

(9) To acquire, construct, own, operate, and maintain public utilities or any estate or interest therein, or any other utility of service to the City, the inhabitants, or any part thereof, subject to conditions hereinafter provided;

(10) To grant to any person, firm, association or corporation, franchise for public utilities and public services to be furnished the City and the inhabitants thereof;

(11) To make contracts, subject to conditions hereinafter provided, with any person, firm, association or corporation, for public utilities and public service to be furnished the City and inhabitants thereof;

(12) To establish, open, re-locate, vacate, close or abandon, alter, widen, extend, grade, improve, repair, construct, re-construct, maintain, light, sprinkle and clean, public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public ground and squares, bridges, viaducts, subways, tunnels, sewers, privies, toilets, and drains within or without the corporate limits, and property may be taken and appropriated therefore under provisions of Tennessee Code Annotated, Title 29, Chapters 16 and 17 and Sections 7-31-107 through 7-31-111, or in such other manner as may be provided by law;

(13) To construct, improve, reconstruct and reimprove, by opening, extending, widening, grading, curbing, guttering, paving, graveling, macademizing, 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 Tennessee Code Annotated, Title 7, Chapter 32, Part 1, or as may otherwise be provided by law, and said City may by ordinance or otherwise prohibit anyone from occupying, encroaching or trespassing upon any of the public lands, buildings, parks, streets, roads

and alleys, within said corporation, and remove any one from same who may have occupied or encroached on same;

(14) To provide for the construction and repair of sidewalks and curbs, and for the cleaning of same and all gutters and streets, at the expense of the owners of the ground fronting thereto; to provide for the removal of all encroachments into or upon any street, alley or other property of the City, and for the removal of all obstructions from sidewalks including snow, ice and earth, the cutting and removing of obnoxious weeds and rubbish, the cleaning and rendering sanitary, or the removal of closets and privies, pig pens, stables and slaughter houses at the expense of the owners of the property or the owner of the abutting property. The expense of all of the above shall be a debt against the owner or owners, and shall constitute a lien on the lot or lots of said owner or owners for eighteen (18) months from the date of payment by the City and said lien and debt may be enforced and recovered by the City in the Chancery Court of Sumner County, Tennessee, and said Court is hereby given jurisdiction of such liens and debts regardless of the amounts involved; provided, that suits now pending to enforce the collection of such debt may be prosecuted under the provisions of the present charter. Also to regulate and prevent the running at large and tying and fastening of cattle, hogs, horses, mules, stock and other animals of all kinds, and stationing, placing, or leaving of teams, wagons, or other vehicles on the street, or fast riding or driving on the streets;

(15) To acquire, purchase, provide for, construct, regulate and maintain, and to do all things relating to all market places, public buildings, bridges, market houses, sewers and other structures, works and improvements;

(16) To collect and dispose of drainage, sewage, offal, ashes, garbage, and refuse, and to license and regulate such collection and disposal;

(17) To license and regulate all persons, firms, and corporations, companies, and associations, engaged in any business, occupation, calling or profession or trade not forbidden by law;

(18) To impose a license tax upon any animal, vehicle, thing, business, vocation, pursuit, privilege, or calling not prohibited by law;

(19) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business occupations, callings, trades, uses or property, and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the City and to exercise general police powers, and to make and enforce regulations to secure the general health of the citizens and to remove and prevent nuisances;

(20) To prescribe the limits within which business 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;

(21) To inspect, test, measure and weigh, any article of consumption or use within the City, and to charge reasonable fees therefor, which fees shall go into the treasury of the City;

(22) To establish, regulate, license and inspect weights and measures, in such manner and way as provided by general law;

(23) To regulate the location, bulk, occupancy, area, lot, height, construction and materials, including plumbing and electrical wiring 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 the use thereof and require any alterations or changes necessary to make them healthful, clean or safe;

(24) To provide, construct, and maintain, or donate to charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services. To comply with state department of health rules regarding isolation or quarantine of diseases as required by general law; to create a Board of Health and a Health Department, and to establish, build and regulate hospitals;

(25) To regulate, fine and suppress all disorderly houses, assignation or bawdy houses, and gambling houses; to impose fines, forfeitures, and penalties for the breach of, or to enforce any ordinance, to provide for their recovery and appropriation; to provide for the arrest and confinement until trial of all persons violating any ordinance of the city; to prevent and punish by pecuniary penalties, fines, forfeitures or imprisonment all breaches of the peace, noises, disturbances, disorderly assemblies, or other misdemeanors in the city at any time;

(26) To 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 any one or more of such means and to impose costs as a part thereof but no fine, forfeiture or penalty, shall exceed fifty dollars (\$50.00);

(27) To regulate, tax, license, require vaccination or suppress the keeping or running at large of animals within the City; to impound the same, and in default of redemption to sell or kill the same;

(28) To provide the City with water and light by waterworks and light plants within and/or beyond the boundaries of the City;

(29) To erect, established, open, close and remove bridges, sewers, gutters, hydrants and cisterns;

(30) To establish, support, and regulate a police system, and to appoint special police when, in the opinion of the Mayor, it is necessary;

(31) To provide for the enclosing, improving and regulating the public grounds and buildings belonging to the City, within or without the corporate limits;

(32) To provide for the prevention and extinguishment of fires, to establish and equip a fire department, and to restrain or prohibit the erection of wooden or combustible buildings in any part of the City; to regulate and prevent the carrying on of any business dangerous in causing or producing fires; to regulate the storage of all combustible, inflammable or explosive materials, and the use of lights or fire in the City, or the cleansing, burning, and sweeping of chimneys or stove pipes and to regulate or prevent the discharging, firing, shooting, or carrying of guns, pistols and fireworks in the City;

(33) The City Council shall have the power to designate from time to time a depository or depositories in which all of the funds of the City shall be kept, and it shall be cause for removal from office for any City Official, to refuse to deposit the funds in his hands in the depository or depositories so designated;

(34) The City Council shall have full power to purchase fire equipment and to erect or purchase buildings for the housing of same, and to make all appropriations necessary for such purposes;

(35) The City of Portland shall have the right of eminent domain for all municipal purposes named in this charter and to that end shall have the right to condemn property, the proceedings of condemnation to be governed by Tennessee Code Annotated, Title 29, Chapters 16 and 17, or as may otherwise be provided by law;

(36) To have and exercise all powers which now or hereafter may be granted by general law and/or which it would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein;

(37) To impose such fees on persons or entities developing land within the service area of any city-owned utility within and without the corporate limits as the city deems appropriate to pay the cost of capital improvements and other expenses related to such developments including, but not limited to, improvements and expenses for street repair and construction, water and wastewater services and facilities, natural gas services and facilities, electric service and facilities, and other city-owned utility services and facilities, storm sewers and facilities, educational services and facilities, parks and recreational facilities, police protection, fire protection, garbage collection and disposal, and the providing of administrative services. The City may exempt new or old industries from the imposition of fees when needed to enhance growth or for the betterment of the community when such industries will employ regularly at least ten (10) persons;

(38) To impose such fees on persons or entities developing land within the corporate limits as the city deems appropriate to pay the cost of capital improvements and other expenses related to such developments including, but not limited to, improvements and expenses for street repair and construction, water services or facilities, storm sewers or facilities, educational services or facilities, parks and recreational facilities, police protection, fire protection, garbage collection or disposal, and the providing of administrative services. The City may exempt new or old industries from the imposition of fees when needed to enhance growth or for the betterment of the community when such industries will employ regularly at least ten persons; and

(39) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within corporate limits, and assess fees for the use of or impact upon such property and facilities. [As amended by Priv. Acts 1970, ch. 223, § 1(a); Priv. Acts 1981, ch. 107, §§ 2--11; and Priv. Acts 2003, ch. 31, and replaced by Priv. Acts of 2007, ch. 39, § 1]

Section 2. The following powers shall be done by ordinance:

(1) To levy, assess, and collect any and all taxes upon all property, and on all developments, and on all subjects or objects of taxation, and privileges, within said limits, taxable by law for municipal purposes;

(2) To contract or to be contracted with; when the amount exceeds sixty thousand dollars (\$60,000);

(3) To acquire, sell, give, or receive any real estate property or interest therein; whether it be through condemnation, payment, eminent domain or other;

(4) To acquire, construct, own, operate, and maintain public utilities or any estate or interest therein, or any other utility of service to the City, the inhabitants, or any part thereof, subject to conditions hereinafter provided;

(5) To grant or make contracts, to any person, firm, association or corporation, franchise for public utilities and public services to be furnished the City and the inhabitants thereof;

(6) To establish schools, determine the necessary boards, officers and teachers required therefore and fix their compensation, to purchase or otherwise acquire land for school houses, play grounds and other purposes connected with the schools; to purchase or erect all necessary buildings and to do all other acts necessary to establish,

maintain and operate a complete educational system within the City. To establish and support a system of free schools and regulate same so as to secure the most efficient management and to prevent sectarian or denominational influence, and for that purpose may levy and collect a tax not exceeding thirty cents (30¢) on the one hundred dollars (\$100) of property, in addition to the ordinary revenue, to be collected as other revenue and appropriated in aid of the common schools of the City, or to such schools as the City Council may establish, and to be paid to the order of the City Board of Education by the treasurer of said corporation;

(7) For the purpose of promoting health, safety, morals or the general welfare the City Council may regulate and redistrict, within the corporate limits, the height, number of stores, and size of buildings and other structures, the percentage of lot that may be occupied, and size of yards, courts and other open space, the density of population, and the location and use of buildings, structures and land for trade, industry residence and other purposes. For any and all of said purposes the City Council may divide the municipality into districts or zones, of such number, shape and area as may be deemed best suited to carry out the purposes of this act, and within such districts it may regulate and redistrict the erection, construction, reconstruction, alteration repairs, or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations of one district may differ from those in other districts. Such regulations shall be made in accordance with a comprehensive plan and design to lessen congestion in the streets and to insure safety from fire, panic, and other dangers to promote health and the general welfare, to provide adequate light and air to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserve the value of buildings and encouraging the most appropriate use of land throughout such municipality, and shall provide a penalty for violations thereof;

(8) To construct or repair any facility where the cost exceeds twenty-five thousand dollars (\$25,000);

(9) To approve the City's yearly operating budget; and

(10) To set the salary of the Mayor and Alderman. [As added by Priv. Acts of 2007, ch.39, § 1]

Section 3. 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 powers in this charter, and whether powers,

objects, or purposes are expressed conjunctively or disjunctively, they shall be construed as to permit the City to exercise freely any one or more of such powers as to any one or more of such objects for any one or more of such purposes. [As added by Priv. Acts of 2007, ch. 39, § 1]

ARTICLE III

LEGISLATIVE BODY

Section 1. Be it further enacted, That the governing body of such municipality shall be know as the "City Council" and shall be composed of a mayor and seven (7) aldermen, who shall be elected by the qualified voters of the city. Beginning with the election held in the year 1981 the mayor and the three (3) aldermen receiving the highest vote totals shall serve a term of four (4) years. The four (4) aldermen receiving the next highest vote totals shall serve a term of one (1) year until the year 1983, thereafter the term shall be four (4) years. When one (1) or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the council-elect. The mayor and aldermen shall hold their office until their successor shall be elected and qualified. No person shall be eligible to the office of Mayor or Alderman who is an employee of the city of Portland. No one shall be elected mayor or alderman unless he is a bona fide resident and citizen of the city and unless he shall have been a bona fide resident and citizen thereof for not less than one (1) year previous to and next before his election.

That the election commission of Sumner County, Tennessee, or such other person or persons as may be authorized to hold state and county elections, shall hold an election at the voting place in the city on the first Tuesday in May, 1981,¹ and on the same day every one (1) year thereafter, except, as hereinafter provided, for the purpose of electing a mayor and aldermen where the terms of such offices have expired. The mayor and aldermen shall hold office until their successors are elected and qualified. The Mayor and Aldermen shall be elected by the qualified voters of the City, and the candidates receiving the highest number of votes shall be taken as elected.

The Election Commissioners shall deliver certificates of election to each of said persons so receiving the highest number of votes, and the said certificates

¹Pursuant to Tennessee Code Annotated, § 6-54-138, the City of Portland passed Ordinance #12-01 (codified in title 1, chapter 7) moving the election of mayor and city council members to coincide with the November general election. Tennessee Code Annotated, § 6-54-138 permits the legislative body of a private act municipality, notwithstanding any provision in the private act to the contrary, to modify the date of municipal elections to coincide with the August or November election.

shall entitle the persons holding them to be inducted into office. The persons elected shall be installed into office on the Twentieth day of May following, unless the same shall fall on Sunday, and then on the first day thereafter. The persons elected shall before assuming the duties of their respective offices, take an oath or affirmation before the Mayor in office, a Notary Public, or some Justice of the Peace of Sumner County, Tennessee, that they will support the Constitution of the United States and of the State of Tennessee and the charter and ordinances of the City, and to demean themselves in their official capacity faithfully, honestly, and with due regard to the welfare of the City, to the best of their ability. In case of a contest the mode of procedure shall be determined by the City Council. In case no election is held at the time specified, the authorities empowered to hold same shall call another election upon at least ten day's notice. [As amended by Priv. Acts 1979, ch. 170; Priv. Acts 1981, ch. 12, §§ 1 and 2; Priv. Acts 1981, ch. 107, § 12, and Priv. Acts of 2007, ch. 39, § 2]

Section 2. Be it further enacted, That the mayor shall appoint and remove for reasonable cause, subject to approval by the city council, promote, transfer, demote, suspend and discipline all officers and employees of the city including the following: recorder, city attorney, city judge, treasurer, chief of police, fire chief, superintendent of public works, and superintendent of parks and recreation; subject to the provisions of this charter, state law, and city ordinances. Such officers and employees shall be under the supervision and control of the mayor, and he may, at his discretion, authorize each department head to promote, transfer, demote, suspend, discipline, and recommend for appointment and removal for cause, employees under his or her supervision to provide for the orderly day-to-day operation of the city; subject to the provisions of this charter, state law, and city ordinances. [As amended by Priv. Acts 1970, ch. 223, § 1 (b); Priv. Acts 1975, ch. 151, § 1; replaced by Priv. Acts 1981, ch. 107, § 13; and Priv. Acts 1986, ch. 168, § 1]

Section 3. Be it further enacted, That the City Council shall have the power to call, regulate and provide for all municipal elections, including all elections respecting bond issues; that all elections held under this charter shall be held and supervised by the Election Commissioners of Sumner County, Tennessee, or such other person or persons as may be authorized to hold State and County elections. In any election under this charter all voters who are residents of the City and are qualified under State Law may vote in the City election. Additionally any voter who does not reside in the City but owns a taxable freehold in such city for a period of six (6) months previous to the day of the election shall be entitled to vote; however, no registration of voters shall be required in any City election. [As amended by Priv. Acts 1979, ch. 28, § 1, and Priv. Acts of 2007, ch. 39, § 3]

Section 4. Be it further enacted, That any person convicted of malfeasance in office, a felony, or crime involving moral turpitude shall be prohibited from holding office with the city for a period of ten (10) years thereafter. If the mayor or any alderman shall be convicted of any such offense, he shall forfeit his office. [As replaced by Priv. Acts 1981, ch. 107, § 14]

Section 5. Be it further enacted, (a) The compensation of all officers of the City of Portland shall be established annually in the ordinance adopting the annual budget and capital program of the city.

(b) All members of the board of mayor and aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties, provided such expenses are approved by the mayor and board of aldermen at one (1) of its regular meetings. [As amended by Priv. Acts 1949, ch. 716; Priv. Acts 1957, ch. 40; Priv. Acts 1971, ch. 60; Priv. Acts 1979, ch. 28, §§ 2 and 3; Priv. Acts 1981, ch. 107, § 15; Priv. Acts 1985, ch. 88; Priv. Acts 1988, ch. 156; and replaced by Priv. Acts 1992, ch. 176]

Section 6. Be it further enacted, That the legislative and other powers, except as otherwise provided by this charter, are hereby delegated to and vested in the City Council and the City Council may, by ordinance or resolution, not inconsistent with this charter, prescribe the manner in which all powers of the City shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the City or State to protect the rights of the City.

The council shall determine the functions and duties of all departments and offices. The council by ordinance may establish, abolish, merge or consolidate offices, positions of employment, departments and agencies of the city, 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, departments, and agencies of the city as the council may deem for the best interests of the city. The said City Council shall exercise its powers in session duly assembled and no member nor group of members thereof shall exercise or attempt to exercise the powers conferred upon the City Council except through proceedings adopted at some regular or special session. [As amended by Priv. Acts 1981, ch. 107, § 16, and Priv. Acts of 2007, ch. 39, § 4]

Section 7. Be it further enacted, That the city council shall, by ordinance, fix the time and place at which regular meetings of the city council shall be held. The meetings shall be held at least once each month.

Whenever, in the opinion of the Mayor, or of any three Aldermen, the welfare of the City demands it, the Mayor, or the Recorder shall call a special meeting of the City Council upon written notice to each Alderman, such notice to be served by a member of the Police force or left at their usual places of

residence. Each call for a special meeting shall set forth the character of the business to be transacted at such meeting, and no other business shall be considered at such meeting. Provided, however, that a special meeting of the City Council may be held at any time upon unanimous consent of the Mayor and Aldermen waiving call and notice thereof in writing. [As amended by Priv. Acts 1981, ch. 107, § 17]

Section 8. Be it further enacted, That the mayor shall preside at all meetings of the city council and shall vote only in the event of a tie vote. [As replaced by Priv. Acts 1981, ch. 107, § 18]

Section 9. Be it further enacted, That when any vacancy in the city council for the office of alderman shall occur, such council, as then composed, shall elect a person qualified to fill the vacancy until the next regular election. At the next regular election that person receiving the highest vote count after all offices for election to a four year term have been determined, shall be elected to fill out the vacancy. Should the mayor or any alderman cease to be a bona fide resident of the city at any time during his term of office, his office shall thereupon become vacant. [As amended by Priv. Acts 1981, ch. 12, § 3, and replaced by Priv. Acts 1986, ch. 168, § 2]

Section 10. Be it further enacted, That at the first meeting of the city council (after each regular biennial city election) at which newly elected members are installed, the city council shall choose from its memberships a mayor pro tem, to act in the absence, inability or failure to act of the mayor. Such member shall act as mayor during any temporary absence or inability of the mayor to act, and whenever a vacancy occurs in the office of mayor the mayor pro tem shall become mayor for the unexpired term of the mayor, provided that any portion of the unexpired term beyond the next regular biennial city election shall be filled by the voters at that election if such vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election. Upon assuming the duties as mayor, the mayor pro tem's office as alderman shall thereupon become vacant, and the vacancy shall be filled by the city council as herein provided. [As replaced by Priv. Acts 1981, ch. 107, § 19]

Section 11. Be it further enacted, That a majority of all the members of the City Council shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalty as the City Council may provide.

Section 12. Be it further enacted, That the City Council may determine the rules of their proceedings, subject to this charter, and may arrest and punish by fine any member or other person guilty of disorderly or contemptuous

behavior in its presence. It shall have power, and may delegate it to any committee, to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to call upon its officers or the policeman to execute its process, and may cause to be arrested and punished by fine any person refusing to obey such subpoena or order. No fine for any offense under this Section shall exceed Fifty Dollars.

The presiding officer of the City Council or the Chairman of any committee may administer oaths to witnesses. The City Council shall keep minutes of its proceedings, to be recorded in a well bound book suitable for the purpose.

The council shall deal with the various agencies, officers and employees of the city through the mayor.

Nothing herein contained shall prevent the council from conducting such inquiries into the operation of the city government and the conduct of the city's affairs as it may deem necessary. The council may organize itself into committees for the purposes of discussing programs and investigating problems in order to inform the council on desirable measures. [As amended by Priv. Acts 1981, ch. 107, § 20]

Section 13. Be it further enacted, That all sessions of the city council shall be public. [As replaced by Priv. Acts 1981, ch. 107, § 21]

Section 14. Be it further enacted, That the Mayor or any Alderman may be removed from office by the City Council for any crime or misdemeanor in office or for grave misconduct showing unfitness for public service, or for permanent disability, by a majority vote of the other members of the City Council voting for such removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be served upon the accused or of general circulation at least three times on three successive days in a daily newspaper published in the City. The hearing shall be public and the accused shall have the right to appear and defend in person or by counsel and have process of the City Council to compel the attendance of witnesses in his behalf. Such vote shall be determined by yeas and nays, and the names of the members voting for or against such removal shall be included in the minutes. Immediately upon the vote in favor of removal, the term of the accused shall expire and his official status, power and authority shall cease without further action. Any one removed hereunder shall have the right to appeal to the Circuit Court of Sumner County, Tennessee, by filing the customary appeal bond, but he shall not exercise any of the functions of said office during the time said appeal is pending, and his compensation shall be withheld pending final adjudication. The Circuit Court of Sumner County, Tennessee, is hereby given jurisdiction to hear and determine such cases. [As amended by Priv. Acts 1975, ch. 151, § 2]

Section 15. Be it further enacted, That the affirmative vote of a majority of all the members of the city council present shall be necessary to adopt any ordinance or resolution of the city. Each and every ordinance or resolution passed by the city council shall be signed by the presiding officer and the recorder, and shall be filed with the recorder. All elections by the city council shall be by an affirmative vote of a majority of all the members of the city council. [As replaced by Priv. Acts 1981, ch. 107, § 22]

Section 16. Be it further enacted, That the officers of the City, before entering upon their duties, shall take an oath or affirmation before the Recorder that they will support the Constitution of the United States and of the State of Tennessee and the charter and ordinances of the City, and they will faithfully discharge the duties of their offices to the best of their ability.

ARTICLE IV

ORDINANCES

Section 1. Be it further enacted, That all ordinances shall begin, "Be it ordained by the City of Portland."

Section 2. Be it further enacted, That all ordinances in force at the time of the taking effect of this Act, passed under authority of prior charters, shall remain in full force and effect until amended or repealed, except where they are in conflict with the provisions of this Act.

Section 3. Be it further enacted, That every ordinance shall be passed on two readings on two separate days in open session in the City Council before it shall become effective, and all ordinances shall take effect from and after their final passage, unless otherwise provided therein; provided, that resolutions may be passed on one reading; All ordinances and resolutions shall be signed by the Mayor and Recorder.

Section 4. Be it further enacted, That every ordinance, when filed with the Recorder, shall immediately be numbered and copied in an ordinance book and preserved in his office.

ARTICLE V

MAYOR

Section 1. Be it further enacted, That the mayor shall preside at all meetings of the city council, and shall have a seat, a voice, but no vote, except

for the purpose of breaking a tie, when he shall vote as other members of the city council.

When the exception of any committee appointed to hear grievances and appeals arising out of personnel actions, the mayor shall have the power to appoint all standing committees provided for by the city council and such special committees as he may deem proper. The mayor shall have authority to administer oaths and affirmations, and to take depositions. He shall sign all checks or orders on the treasurer, and shall sign the minutes of the city council and all ordinances and resolutions upon their final passage and shall execute all deeds, bonds and contracts made in the name of the city and his signature shall be attested by the recorder. He may introduce ordinances and resolutions in the city council. [As replaced by Priv. Acts 1981, ch. 107, § 23]

Section 2. Be it further enacted, That the mayor shall be the executive head of the city government, responsible for the efficient and orderly administration of the affairs of the city. He shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the city, and the city attorney shall take such legal actions as the mayor may direct for such purposes. He may conduct inquiries and investigations into the affairs of the city and shall have such other powers and duties as may be provided by ordinance not inconsistent with this charter. [As replaced by Priv. Acts 1981, ch. 107, § 24]

Section 3. Be it further enacted, That all legal process against the city shall be served upon the Mayor or the Recorder and it shall be their duty forthwith to transmit the process to the City Attorney after writing thereon the time and manner of service.

Section 4. Be it further enacted, That the Mayor shall have the right to veto, within two whole days, Saturday and Sundays excluded, any ordinance or resolution passed by the City Council. He shall enter his reasons for such veto on the minutes of the proceedings. The veto of the Mayor shall render null and void any ordinance or resolution, unless the City Council shall, by an affirmative vote of five (5), reenact or repass such ordinance or resolution, which has been vetoed at the next regular meeting of the City Council, except that when a new City Council may be inaugurated in the meantime, and in that event the ordinance or resolution shall be void and of no effect. [As amended by Priv. Acts of 2007, ch. 39, § 5]

Section 5. Be it further enacted, That the Mayor shall have the right and authority to pardon or relieve any person convicted in the City Court of part or all fines, costs, and penalties imposed by the City Judge, if, in his opinion, justice would be best served by his actions. However, before said pardon or release becomes effective, the Mayor shall give his reasons in writing for his

actions and the Recorder shall copy the same on the minutes of the City. [As amended by Priv. Acts 1970, ch. 223, § 1(c)]

Section 6. Be it further enacted, That the Mayor shall have the right and authority to hire temporary employees as needed by each department, without council's approval. The Mayor is to inform the council of his decisions and to provide the council with any necessary additional information as requested. [As added by Priv. Acts of 2007, ch. 39, § 6]

ARTICLE VI

OFFICERS AND EMPLOYEES

Section 1. Be it further enacted, That the city council shall fix the salaries of the mayor and aldermen, and such salaries shall not be increased nor decreased during the term for which the mayor or an alderman may be elected or appointed.

The city council shall fix the salaries of the recorder, city judge, chief of police, and of all policemen, the chief of the fire department and all firemen, the treasurer, city attorney, superintendent of public works, and all other officers and employees of the city, and may define the duties of all city officials not inconsistent with the provisions of this Act. The City Council shall establish and make provisions in the appropriation ordinance for such officers, agents and employees as may be necessary, and may authorize the various officers to charge fees or commissions, but all fees or commissions collected by any employee of the City shall be paid into the general fund of the City and all officers authorized to charge fees or commissions shall make monthly reports of same to the City Council. [As amended by Priv. Acts 1970, ch. 223, § 1(d), Priv. Acts 1981, ch. 107, § 25, and Priv. Acts of 2007, ch. 39, § 7]

ARTICLE VII

RECORDER

Section 1. Be it further enacted, That no person shall be eligible for the office of recorder who holds any other public office or employment, except that of notary public or in the military reserve. The Recorder shall be removed from office for the violation of the same things as would subject the Mayor or Aldermen to removal and he shall be removed from office by the City Council, in the mode and manner as prescribed by this Charter for the removal of the Mayor or Aldermen.

The Recorder shall be under the authority of the City Council and he is to obey and carry out all reasonable orders, rules and regulations of the City Council. If he refuses, or willfully neglects to carry out or comply with any

reasonable order, rule or regulation of the City Council, he shall be removed from office in the mode and manner prescribed in this Charter for the removal of Mayor or Aldermen. That, if from any cause, the Recorder becomes unable to carry out the duties of his office in a businesslike and efficient manner, he shall forfeit his office and be removed by the City Council, as herein provided. [As replaced by Priv. Acts 1981, ch. 107, § 26]

Section 2. Be it further enacted, That the Recorder shall have charge of the financial affairs of the City, including the efficient keeping and supervising of all accounts and books of the City, including the books of water and light department; the supervision and disbursement of all funds and money and the collection of all money due the City, and shall sign all checks or orders on the Treasurer. He shall require proper fiscal accounts, records and reports to be made to his office by the heads of the several departments, officers and employees of the City. He shall at least monthly, and oftener if he deems it advisable, require settlements from the officers or employees charged with the collection of any revenue of the City. He shall approve for payment all bills and accounts against the City and perform such other duties as the City Council may by ordinance require. The Recorder shall, before entering upon his duties, enter into bond, to be approved by the City Council, payable to the City of Portland and its successors, in a sum to be fixed by the City Council, conditioned for the faithful performance of his duties and for regular monthly settlements with the Treasurer, and to faithfully account for and pay over all moneys by him collected or that shall come into his hands.

Section 3. Be it further enacted, That the Recorder shall keep the records of the City Council and perform such other duties as may be required of him by the City Council. He shall have a seat and voice in the City Council, but no vote. He shall receive a salary to be fixed by the City Council, and give bond as hereinbefore provided. He shall, by his signature and the seal of the City, which seal shall be in his keeping, attest all instruments signed in the name of the City and all official acts of the Mayor. He shall have authority to administer oaths and affirmation, and to take depositions and shall have power to accept service of process, and he shall be present at all meetings of the City Council and shall keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form. He shall have custody of and preserve in his office the seal of the City, the public records, original rolls and ordinances, ordinance books and minute books of the City Council; all contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds (except his own bond which shall be in the custody of the Mayor) and all other records, bonds, oaths and affirmations, papers and documents, not required by this charter or by ordinance to be deposited elsewhere, he shall provide, and when required by any officer or person, certify copies of records, papers, and documents, in his office and charge therefor, for the use of the City, such fees as

may be provided by ordinance, and have copies of ordinances printed as may be directed by the City Council. He shall be the general accountant and auditor of the City, shall have custody of all records, papers and vouchers relating to the fiscal affairs of the City, and the records in his office shall show the financial operation and conditions of the property, assets, claims and liabilities of the City, all expenditures authorized and all contracts in which the City is interested. He shall make a yearly report showing in full detail the financial condition of the City, which shall be published in pamphlet form in the number required by the City Council for distribution. He shall cause an efficient system of accounting to be installed and maintained. [As amended by Priv. Acts 1981, ch. 107, § 27]

ARTICLE VIII

SUPERINTENDENT OF PUBLIC WORKS

Section 1. Be it further enacted, That the office of superintendent of public works is hereby created, with such duties as are prescribed by ordinance of the city council, and by this charter. [As replaced by Priv. Acts 1981, ch. 107, § 28]

Section 2. Be it further enacted, That the superintendent of public works shall have supervision and control, subject to the general direction of the mayor, in the:

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

(2) Management of the municipal waterworks plant and system, electric light plant and system, sewage plant and system, gas plant and system, and the municipal garage.

(3) Management of market houses and the enforcement of all obligations of privately owned or operated public utilities enforceable by the City.

(4) Charge of making and the preservation of all surveys, maps, plans, drawings, and estimates of public works; the cleaning, sprinkling and lighting of streets and public places, and the preservation of public works contracts, papers, drawings, tools and appliances and buildings belonging to the City and placed under its supervision.

(5) The inspection and approving of the laying out of sub-divisions in and adjacent to the city, and the inspection of electric wiring, plumbing, building erections, and improvements, etc., unless such duties are under the jurisdiction

of other municipal or state officials. [As amended by Priv. Acts 1981, ch. 107, §§ 29--32]

ARTICLE IX

CITY ATTORNEY

SECTION 1. Be it further enacted that the City Attorney shall be an attorney -at- law, entitled to practice in the courts of the State of Tennessee and shall be appointed and approved in the manner specified in Article III with the first term to begin at the time of any vacancy occurring in this office after the final passage of this act as provided in Section 2, and ending on May 31 of the year when four (4) Aldermen are elected as provided in Article III, Section 1. Thereafter the term shall be a four-year period with the City Council determining the commencement date for future appointments and approvals. [As replaced by Priv. Acts 2003, ch. 32]

ARTICLE X

CITY COURT

Section 1. Be it further enacted, The City Judge shall be appointed by the Mayor and approved by the City Council, as provided in Article III, entitled LEGISLATIVE BODY, for a term of four (4) years with the first such terms to begin at the latter of the time of the election of the City Council in May 2003, or the date of the final approval of this act, and ending May 31, 2007. After the initial appointment and approval, the City Council shall determine the date for future appointments and approvals with subsequent terms to end on May 31 every four (4) years thereafter. The City Judge shall be at least thirty (30) years old, an attorney licensed to practice law in the courts of the State of Tennessee, and a resident of the State of Tennessee.

That the city judge shall preside over the city court and shall have jurisdiction in and over all cases for the violation of and offenses against and in all cases arising under the laws and ordinances of the City of Portland, and such other jurisdiction as is conferred by the general laws of the state. The city judge shall have authority to administer oaths and affirmations, and to take depositions. No person shall be eligible for the office of city judge unless he is of good moral standards. He does not have to be a resident of the City of Portland. The city judge shall be removed from office for the violation of the same things as would subject the mayor and aldermen to removal and he shall be removed from office by the city council, in the mode and manner as prescribed by this charter for the removal of the mayor or aldermen. The Mayor may designate a qualified person to serve as interim city judge during the absence or disability of the city judge. The interim city judge may begin serving

immediately upon appointment but the appointment must be placed on the agenda for the next meeting of the City Council to consider approval of the appointment. [As amended by Priv. Acts 1970, ch. 223, § 1(e); and Priv. Acts 1981, ch. 12, § 4; replaced by Priv. Acts 1981, ch. 207, § 33; and amended by Priv. Acts 2003, ch. 36, and Priv. Acts of 2007, §§ 8 and 9]

Section 2. Be it further enacted, That the city judge shall have power and authority to impose fines, costs, and forfeitures, and to punish by fine all violations of the city ordinances; to preserve and enforce order in his court, and to enforce the collection of all such fines, costs, and forfeitures imposed by him. Fines, forfeitures and penalties for the breach of the laws and ordinances of said city may be recovered before the city judge in the manner prescribed by Tennessee Code Annotated, sections 40-3201, 40-3204, and 40-3205, and the city judge shall have the power to issue process, either summons or capias or subpoena, render judgment, issue executions, demand bail, or fine for contempt.

Any person dissatisfied with the judgment of the city judge in any case or cases heard and determined by the city judge may within ten (10) entire days thereafter, Sundays exclusive, appeal to the next term of the circuit court of Sumner County, Tennessee, upon giving bond with good and sufficient security approved by the city judge for his appearance or faithful prosecution of the appeal, provided, however, that in prosecution for the violations of the city ordinances, the bond shall not exceed five hundred dollars (\$500.00).

Ordinances of the city imposing fines, penalties and forfeitures, shall be construed remedially, and all process issued by the mayor or city judge, or other officer of the corporation, may be directed to the police, who shall execute and return same as any other process, and may be amended from time to time to promote the attainment of justice. [As amended by Priv. Acts 1970, ch. 223, § 1(f), and replaced by Priv. Acts 1981, ch. 107, § 34]

Section 3. Be it further enacted, That only one warrant shall be issued for the same offense, such warrant to embrace all the parties charged with the same offense.

Section 4. Be it further enacted, That all fines imposed by the city judge for the violation of the city ordinances shall belong to the city and shall be collected by the city court clerk, to be reported by him in his monthly reports and paid over to the city recorder. [As amended by Priv. Acts 1970, ch. 223, § 1 (g), and replaced by Priv. Acts 1981, ch. 107, § 35]

Section 5. Be it further enacted, That the City Judge shall allow no fees to any arresting officer and that he shall certify to the Chief of Police for collection all fines, costs and forfeitures, imposed by him for offenses against the laws and ordinances of the City. Provided no fines, costs, or forfeitures shall be

collected by any officer until certified, as due the City by the City Judge. [As amended by Priv. Acts 1970, ch. 223, § 1(h)]

Section 6. Be it further enacted, That the City Judge shall keep or cause to be kept the City Court docket or dockets embodying complete detailed records of all cases tried and determined in his Court. [As amended by Priv. Acts 1970, ch. 223, § 1(h)]

Section 7. Be it enacted by the General Assembly of the State of Tennessee, That as a part of the justice system of the City of Portland, there is created the office of Committing Magistrate. Said office shall be filled by appointment of the Mayor, with advice and consent of a majority of the city council, and one so appointed shall serve at the pleasure of the Mayor. The duties of the Committing Magistrate are to determine if a warrant of arrest shall issue against one brought before him and if so what shall be the charge. The Committing Magistrate shall have no authority to try and determine lawsuits, which such power is specifically reserved to the City Court. The powers herein granted are reserved to the Committing Magistrate and may not be exercised by any other city official and the Mayor may appoint one or more persons to serve as Committing Magistrate at any one time, with due regard for the hours worked each day and the demands of the office. Compensation to be paid to a Committing Magistrate shall be fixed by the City Council. [As added by Priv. Acts 1976, ch. 271, § 1, and amended by Priv. Acts 1981, ch. 107, § 36]

ARTICLE XI

TAXATION AND REVENUE

Section 1. Be it further enacted, That the collection of all taxes, including privilege taxes, business taxes impact fees, adequate facilities taxes, development taxes and special assessments, shall be in charge of the Recorder, subject to the limitations of this charter. For the purpose of collecting any taxes or fees due the City, the Recorder shall have the same right and power to issue distress warrants as collectors of privilege taxes for State and County purposes, which warrants shall be directed to the Police Officers of the City, who are hereby authorized to execute and return same.

All property, real, personal and mixed, subject to State, County and City taxes, and all privileges taxable by law, shall be taxed and the taxes thereon collected by the City for municipal purposes as hereinafter provided.

It shall be the duty of the county tax assessor and of the public service commission to prepare a separate assessment book or roll, showing the real, personal and mixed property assessable by him or it lying within the limits of the City of Portland, or to allow the recorder access to his or its records for the purpose of preparing same. The city council may provide compensation to the

county tax assessor, state board of equalization, or public service commission for furnishing the same.

These records shall be certified to the recorder of the city following completion of the work of the state board of equalization.

The city council shall have full power to levy and collect taxes as of January first of each and every year. It shall also have power to assess such privileges as are authorized by state law. [As amended by Priv. Acts 1981, ch. 107, § 37, and Priv. Acts of 2007, ch. 39, § 10]

Section 2. Be it further enacted, That the first assessment of taxes made under this act shall be for the year 1939.

Section 3. Be it further enacted, That as soon as practicable in each year, after the assessment books for the county are complete (which shall be after equalization boards provided by the general law shall have finished their work) it shall be the duty of the recorder to prepare or cause to be prepared from said assessment books of the county and of the public service commission a tax book, similar in form to that required by the laws of the state to be made out for county trustees, but suitable for the needs of the city, embracing, however, only such property and persons as are liable for taxes within the city. Such tax books, when certified to be true, correct, and complete, shall be the assessment for taxes in the city for all municipal purposes; provided, that there may be an assessment by the city at any time of privileges, or any property submitted to taxation, found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city. The city council shall have power to levy and collect in each year a tax for general purposes, together with such special taxes as are now authorized by law or herein authorized, or shall hereafter be authorized by law. [As amended by Priv. Acts 1957, ch. 405; Priv. Acts 1965, ch. 17; and replaced by Priv. Acts 1981, ch. 107, § 38]

Section 4. Be it further enacted, That it shall be the duty of the Recorder, as soon as the assessment roll for the City is complete, to submit to the City Council a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the City limits, including assessments of all railroad, telephone, telegraph and other public utility property together with a certified statement of the revenue derived by the City from privilege taxes, fines for the preceding fiscal year and miscellaneous revenue, including the amounts in the Treasury of the City. Upon the presentation of such statement by said officer, the City Council shall proceed by ordinance to make the proper levy to meet the expenses of the City for the current fiscal year. [As amended by Priv. Acts 1981, ch. 107, § 39]

Section 5. Be it further enacted, That it shall be the duty of the Recorder immediately after the levy of taxes by the City Council to cause said levy to be

extended upon the tax books, in the same manner as extensions are made upon the tax books in the hands of the County Trustee, but according to the distribution of taxes by the City, and same shall be placed in the hands of the Recorder for collection.

Section 6. Be it further enacted, That the recorder may back-assess property for three years by giving written notice to the parties interested, or to administrators, or executors, of deceased persons, said notices to be signed by the mayor. The city council may, by ordinance, fix the time for the payment of taxes, from which time they shall bear interest and may require privilege taxes to be paid in advance; they may, by ordinance, prescribe a penalty for the non-payment of taxes, which penalty shall be paid by each delinquent, and these penalties shall go into the general fund of the city. [As amended by Priv. Acts 1981, ch. 107, § 40]

Section 7. Be it further enacted, That the list of taxable property in the hands of the recorder shall be held and deemed a writ of fieri facias against the personal effects of the person therein named, and the recorder shall have such powers and authority under said list to collect taxes as are authorized in this charter or by general law. [As replaced by Priv. Acts 1981, ch. 107, § 41]

Section 8. Be it further enacted, That the City Council shall have the power and is hereby given authority to file bills in the Chancery Court in the name of the City for the collection of assessments and levies made for the improvements or services in said City, such as providing street paving, sidewalks, curbing, guttering and other improvements for which assessments may be made under this charter or by any other Acts of the Legislature and the costs of which is made a charge on the property abutting said improvement, and plan on the abutting property. The suit, commenced by said bills, to be conducted as other suits in Chancery for the enforcement of like liens and under the rules of law and practice provided for the same, provided, that the bills shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention hereof that all persons in the same improvement district or liable for portions of the same assessment and levy for improving a portion of the City as aforesaid and on whose property said assessment or levy is a lien, shall be made parties defendant to one bill.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 1. Be it further enacted, That from the date of the taking effect of this Act until the next election, as provided for in this Act and until their

successors are elected and qualified under this Act, the present officers of the City shall continue to serve until January 1, 1940.

Section 2. Be it further enacted,

(a) Regulation of Purchases. All purchases of equipment or materials in excess of five thousand dollars (\$5,000) shall be let to the lowest responsible bidder upon sealed bids, except in cases of emergency, caused by the break down or accident to some of the city property demanding immediate replacement, in which event the city may purchase said replacement without receiving bids.

(b) City purchase requirements. All purchases, leases or lease/purchase agreements, after the enactment of this charter revision by the City or Portland, Tennessee, shall be in conformity with the provisions hereof.

(c) Non-competitive purchases. Purchases not exceeding one thousand dollars (\$1,000) shall be determined to be purchases of a noncompetitive nature and no bids are required to be received for such purchased provided the amount of the purchase is within the budget category document of the city. Such purchases are authorized by purchase orders signed by the mayor or the city recorder.

(d) Purchases from \$1,000 to \$5,000. Purchases or leases from one thousand dollars (\$1,000) and not exceeding five thousand dollars (\$5,000), shall be made on a competitive bid basis. Bids shall be requested from at least two (2) suppliers of the goods or services to be purchased or leased; and these requests for bids shall be made by the mayor and/or city recorder, in the manner and form determined by the mayor to best facilitate the purchase. The purchase or lease under this section shall be authorized by written purchase order signed by the mayor and/or city recorder. These bids shall be confirmed by letter to be filed with the purchase order and invoice. In all events, the purchase or lease shall be made in conformity with the budget document of the City of Portland and within the budget category allowing for the purchase or lease.

(e) Purchased in excess of \$5,000. Purchased or leases in excess of five thousand dollars (\$5,000) shall be publicly advertised in a newspaper of general circulation within Sumner County, Tennessee, for a period of not less than two (2) weeks, and by such other advertisement, if any, as is deemed appropriate concerning such purchase. The mayor and/or city recorder shall be responsible to see that such advertisement is properly made. Bids under this section shall be in writing and shall be received as sealed bids at the mayor's office at the city hall in Portland, Tennessee, to be received no later than the date and time specified in the advertisement for the bids. Bids received under this section shall be opened by the mayor and/or city recorder at the time and place designated in the advertisement for the bids, and such bid opening shall

be open to the public and to those persons or companies submitting bids. The departmental manager or other city official involved in the purchase or lease shall make a recommendation to the entire city council for approval or one (1) or more of the bids submitted or shall make a recommendation that all of the bids received be rejected and the purchase be re-advertised. If a recommendation for purchase is made, the city official shall submit to the city council the appropriate resolution recommending the purchase based upon one (1) or more of the bids submitted and shall submit the actual bids for inspection by the city council and the city council shall take action as it deems appropriate upon the resolutions submitted by the city official.

(f) City council committee oversight requirements. For all purchases or leases in excess of five thousand dollars (\$5,000), where competitive bids are to be received, the specifications for the purchase or lease shall be prepared by the departmental manager or other appropriate official of the city department involved, in consultation with the mayor and/or city recorder. And those specifications may be submitted to the appropriate committee of the city council for approval as to the specifications before advertising for bids is accomplished or before the purchase or lease is made. If the appropriate committee of the city council cannot consent to the specifications, the purchase request and the specifications therefore shall be brought before the city council for consideration and appropriate action.

(g) Single source and proprietary product purchases. Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because the products are of a proprietary nature shall be exempt from advertising and bidding. A record of all such sole source or proprietary purchases shall be made by the person or city council authorizing such purchase and shall specify the amount paid, the items purchased or leased and from whom the purchase or lease was made. The purchase or lease shall be reported to the city council as soon as possible.

(h) Emergency purchases. Purchases or leases for immediate delivery in actual emergencies arising from unforeseen causes shall be exempt from bidding and advertising. A record of any emergency purchases or lease shall be made by the person authorizing such emergency purchase or lease and shall specify the amount paid, the item purchased or leased, from whom the purchase or lease was made, and the nature of the emergency. A report of any emergency purchase or lease shall be made to the city at its next regularly scheduled meeting.

(i) Exceptions. No competitive bidding or public advertisement is required for purchases, leases or lease/purchases from any federal, state, or local government unit of secondhand articles or equipment, but all such purchases or leases shall be reported to the city council at its

next regularly scheduled meeting if the amount is in excess of five thousand dollars (\$5,000). All such purchases, however, shall be within the budgetary constraints of the city budget document. [As replaced by Priv. Acts 1981, ch. 107, § 42; as replaced by Priv. Acts 2006 ch. 129 § 1]

Section 3. Be it further enacted, That all ordinances, resolutions, and contracts enacted and executed by the old corporation shall be deemed and treated as the laws, ordinances and contracts of this new corporation as if the same had been regularly passed or executed under the provision of this Act, until the same are repealed, amended, or altered by agreement of the parties thereto in case of contracts, unless such ordinances and resolutions are inconsistent with the provisions of this charter. [As replaced by Priv. Acts 1981, ch. 107, § 43]

Section 4. Be it further enacted, That the City Council is authorized and empowered to enforce all laws and ordinances now in force in said City, not repugnant to this charter, and to pass all ordinances and resolutions, and enforce same, necessary to carry out the foregoing or ensuing powers and objects of the new corporation, not contrary to the laws of the land.

Section 5. Be it further enacted, That this charter is hereby declared to be a public law, and may be read as evidence in all Courts without proof or special pleadings.

Section 6. Be it further enacted, That the Portland, Tennessee, created by this Act shall succeed to all the property, rights and privileges, of every sort and description, owned, enjoyed, managed and controlled by the old corporation of the same name, including real estate, waterworks, City Hall, school buildings, cemeteries, fire equipment and department buildings, rock quarries, tools, taxes, fines, forfeitures, judgments, and liens, especially liens upon abutting property for street paving and improvement under Chapter 18 of the Public Acts of the General Assembly of Tennessee of 1913, First Extra Session, now due or hereafter to become due, and all other property or rights under contracts now in force or hereafter made or executed, streets, pavements, alleys, squares, public grounds, easements, etc., and the title to same is hereby divested out of the old corporation and vested in the Portland, Tennessee, under this Act, and said Portland, Tennessee, created under this Act, shall succeed to and be charged with all the debts and liabilities of every sort and description contracted by or with any which are outstanding against the old corporation at the time of the enacting of this charter and the time of its taking effect. The corporation created by this Act is hereby authorized, and it shall be its duty to levy for the payment of said outstanding debts and liabilities, and it shall hold, collect, receive and use the property and rights herein vested in it, including the rights to enforce all liens and collect all the debts now due or that way be due the old

corporation at the time of the passage of this Act and its taking effect in the same manner as if the same had been purchased and acquired by it under the powers and rights of this Act in the regular way or course of business. No suit in any Court to which the Portland is a party either as plaintiff, complainant or defendant, which is or may be pending at the time this Act takes effect shall abate by the passage of this Act, but same may be prosecuted to final judgment or decree without revivor, as if instituted after the time this Act takes effect. It is the purpose of this Act that the new corporation created shall succeed the old corporation and shall be vested with all of its property and charged with all of its liabilities.

Section 7. Be it further enacted, That nothing in this Act shall be construed in any manner to affect the validity of any bonds, notes, warrants, or evidences of indebtedness of said City, or any indebtedness due from or owing by said City, nor of any indebtedness that may be due or owing to said City in the way of taxes, fines, forfeitures, license, or otherwise, and the passage of this Act shall not in any manner affect the title of any property owned, operated, or controlled by said City, or the rights or interests of any of the inhabitants of said City thereto or therein, it being the purpose of this Act to vest in the new corporation all the property and rights of every kind and character of the old corporation and to charge it with all of the liabilities and indebtedness of the old corporation. No enabling Act passed for the old corporation shall be affected in any manner so as to interfere with the rights of any creditor of the old corporation or the inhabitants thereof.

Section 8. Be it further enacted, That the various police power agencies, and all other agencies created or established by the old corporation, not inconsistent with the provisions of this Act, which shall be in existence at the time this Act takes effect, shall continue until they are changed or discontinued by the City Council.

Section 9. Be it further enacted, That the city council may establish a pension plan for city employees, including contracting with the Tennessee consolidated retirement system. [As replaced by Priv. Acts 1981, ch. 107, § 44]

Section 10. Be it further enacted, That the City Council be authorized to construct, purchase and own and operate, an electric light or water plant, or both, for the purpose of lighting and furnishing water to public buildings, streets, and all other public places and uses within the corporate limits of the City, and for the sale of electric current and water to all persons, firms and corporations desiring to purchase the same, either within or beyond the corporate limits of the City, for lighting, heating or power, or for other purpose whatsoever, and it shall not be required that the City shall generate electric current, but the City may purchase the current and distribute the same.

Section 11. Be it further enacted, That the City Council of said City is hereby forbidden to sell, lease, dispose of, dismantle or to turn over to others, for operation said City's water and light plant or either of them, without the consent of three-fourths majority of the qualified voters of said City obtained at an election held for that purpose. And should said City Council deem it proper to do any of said things, it shall be its duty to submit said propositions to the voters for approval, setting forth the terms, conditions, provisions and details of the proposed transaction in an ordinance duly passed by the City Council at least 30 days before certification and cause the same to be certified to the Election Commissioners of Sumner County, Tennessee, or any other authority authorized to hold elections in said County, whose duty it shall be to call said election) advertising the same for at least thirty days after certification by advertisements in a newspaper published in the City of Portland stating the purpose of said election, and to hold said election at the regular voting places in said City. On the ballots used in said election shall be written or printed the words "For Sale," "For Lease," and "Against Sale," or "Against Lease," or for or against whatever the proposition may be, and the voter shall indicate his vote or choice by making a cross mark before or after the appropriate words. All persons qualified to vote in other City elections shall be qualified to vote in this election. The result of said election shall be certified by the Election Commissioners holding the same to the City Council of said City.

Section 12. Be it further enacted, That if any one or more of the Sections or Sub-Sections, or parts thereof, or any sentence or clause, or phrase of this Act of Charter should for any reason be proven or held to be invalid or unconstitutional such decision or holding shall not affect the validity or constitutionality, nor invalidate or impair the validity, force or effect of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more Sections, Sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 13. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 8, 1939.

JOHN ED O'DELL,
Speaker of the House of Representatives.

BLAN R. MAXWELL,
Speaker of the Senate.

Approved March 10, 1939.

PRENTICE COOPER,
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY
OF PORTLAND, TENNESSEE

YEAR	CHAPTER	SUBJECT
1939	568	Basic charter act.
1945	105 ¹	\$50,000 sewer bond authorization.
1945	571 ¹	\$50,000 water bond authorization.
1947	577 ¹	\$75,000 gas bond authorization.
1947	578 ¹	\$123,000 waterworks bond authorization.
1949	713 ¹	\$225,000 gas bond authorization.
1949	716	Amended art. III, § 5, Mayor's salary.
1953	206	Replaced art. I, § 2, Boundaries.
1957	40	Amended art. III, § 5, Mayor's salary.
1957	405	Amended art. XI, § 3, Tax rate.
1965	17	Amended art. XI, § 3, Tax rate.
1967	245	(Rejected or disapproved.)
1970	223	Amended art. II, § 1(26), Corporate powers; art. III, § 2, Legislative body; art. V, § 3, Mayor; art. VI, § 1, Officers and employees; and art. X, City court.
1971	60	Amended art. III, § 5, Salary for aldermen.

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1975	151	Replaced art. III, § 2, Legislative body, and amended art. III, § 14, Legislative body.
1976	271	Added art. X, § 7, Committing magistrates.
1978	310	(Not ratified or did not receive local approval.)
1979	28	Amended art. III, § 3, Legislative body-eligibility of voters and art. III, § 5, Legislative body-salaries of mayor and aldermen.
1979	170	Amended art. III, § 1, Legislative body-qualifications of mayor and aldermen.
1980	252	(Not ratified or did not receive local approval.)
1981	12	Amended art. III, §§ 1 and 9, Legislative body and article X, § 1, City court.
1981	107	Deleted art. I, § 4; amended art. II, §§ 1(1), 1(5), 1(8), 1(13), 1(14), 1(26), 1(27), 1(28), 1(38), 1(39), Corporate powers; art. III, §§ 1, 5, 6, 7, 8, 12, Legislative body; art. VI, § 1, Officers and employees; art. VII, § 3, Recorder; art. VIII, § 2, Public works superintendent; art. XI, §§ 1, 4, 6, and 7, Taxation and revenue; art. XII, § 3, Miscellaneous provisions; replaced art. III, § 2, 4, 10, 13, 15, Legislative body; art. V, §§ 1 and 2, Mayor; art. VII, § 1, Recorder; art. VIII, § 1, Public works superintendent; art. X, §§ 1, 2, 4, and 7,

YEAR	CHAPTER	SUBJECT
		City court; art. XI, § 3, Taxation and revenue; art. XII, §§ 2 and 9, Miscellaneous provisions.
1985	88	Amended art. III, § 5, Salary of mayor and aldermen.
1986	168	Replaced art. III, §§ 2 and 9, Legislative body.
1986	193	Not ratified locally.
1987	81	Not ratified locally.
1988	156	Amended art. III, § 5, Salary of mayor and aldermen.
1989	92	Not ratified locally.
1992	176	Amended art. III, § 5, Salary of mayor and aldermen.
1992	247	Amended art. III, § 5, Salary of mayor and aldermen.
2003	31	Amended art. II, § 1, Ordinance powers enumerated.
2003	32	Replaced art. IX, § 1, City attorney.
2003	33	Not ratified locally.
2003	36	Amended art. X, § 1, City judge.
2006	129	Replaced art. XII § 2, purchases of equipment.

YEAR	CHAPTER	SUBJECT
2007	39	Replaced art. II § 1 and 2, adds § 3; amended art. III § 1, 3 and 6; amended art. V, § 4 and adds § 6, amended art. VI, § 1; amends art. X § 1; amended art. XI, § 1.
