

CHARTER FOR THE CITY OF SEVIERVILLE, TENNESSEE¹TABLE OF CONTENTS

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¹On November 2, 1954, the voters of the City of Sevierville elected to become a home rule municipality pursuant to amendment number 7 to the Constitution of Tennessee (now art. 11, § 9). However, the City continued to operate under the charter that was in effect at that time, Priv. Acts 1901, ch. 291, as amended. Ordinance #346 was ratified in the general election held November 7, 1978 and became the complete charter for the City (Ordinance #346 stated that the election date was November 8, 1978, but the actual date of the general election was November 7, 1978).

Ordinance #346, and all amendments thereto, is set forth in its entirety on the following pages and is current through Ord. #O-2016-001, March 7, 2016.

ARTICLE I

INCORPORATION, NAME AND CORPORATE BOUNDARIES

Section 1. The City of Sevierville in the State of Tennessee and the County of Sevier and the inhabitants thereof within the boundaries hereinafter given be and are hereby constituted a corporation and a body politic under and by the name of the City of Sevierville. The boundaries of the City shall be fixed by Chapter 285 of the Private Acts of the General Assembly of the State of Tennessee for 1937 as amended by Chapter 261 of the Private Acts of 1947 and as further amended pursuant to the general law.¹

ARTICLE II

GENERAL POWERS

Section 1. General powers. The City of Sevierville shall have perpetual succession and may sue and be sued, implead and be impleaded in all courts above law and equity in all actions whatsoever, may grant, convey, purchase, receive gifts, take and hold property, both real and personal, and may purchase and exercise privileges and franchises not inconsistent with the laws of the state, and may receive by gift or purchase and hold and use both real and personal property and privileges, and franchises beyond the limits of said City,

¹The corporate boundaries have been amended pursuant to general law by the following annexation ordinances of record in the Recorder's Office: 263, 273, 278, 284, 291, 292, 298, 299, 321, 322, 330, 331, 332, 385, 395, 396, 401, 402, 419, 420, 423, 445, 449, 454, 460, 464, 469, 472, 485, 486, 487, 488, 489, 502, 527, 554, 569, 578, 581, 582, 583, 589, 592, 599, 600, 601, 602, 603, 609, 610, 618, 623, 624, 625, 629, 638, 649, 650, 651, 652, 656, 093-22, 094-31, 094-32, 094-33, 094-34, 094-39, 095-05, 095-10, 095-21, 096-02, 096-037, 096-038, 096-045, 096-048, 096-049, 097-005, 097-006, 097-008, 097-012, 097-019, 097-024, 097-027, 098-001, 098-002, 098-003, 098-008, 098-009, 098-010, 098-011, 098-012, 098-016, 098-017, 098-018, 098-019, 098-020, 098-023, 098-025, 098-026, 098-027, 098-029, 098-032, 0-1998-043, 0-1998-044, 0-1998-045, 0-1999-014, 0-1999-024, 0-1999-028, 0-2000-003, 0-2000-004, 0-2000-006, 0-2000-008, 0-2000-009, 0-2000-011, 0-2000-012, 0-2000-017, 0-2000-037, 0-2000-042, 0-2001-002, 0-2001-007, 0-2001-011, 0-2001-012, 0-2001-013, 0-2001-016, 0-2001-018, 0-2001-025, 0-2001-033, 0-2002-012, 0-2002-017, 0-2002-031, 0-2002-032, 0-2003-020, 0-2004-004, 0-2004-006, 0-2004-011, 0-2004-017, 0-2004-026, 0-2005-004, 0-2006-006, 0-2005-035, 0-2006-014, 0-2006-015, 0-2006-032, 0-2006-036, 0-2007-006, 0-2007-020, 0-2007-021, 0-2007-032, 0-2007-035, 0-2007-042, 0-2008-001, 0-2008-007, 0-2008-023, 0-2009-009, 0-2009-017, 0-2010-002, 0-2010-005, 0-2013-001, and 0-2013-006.

provided however, that property or franchise obtained and held as above provided, shall be for the use and benefit of said City. The City of Sevierville may have and use a corporate seal which may be changed at its pleasure.

Section 2. Miscellaneous powers. The City of Sevierville shall have power:

- (1) To assess, levy and collect taxes for all general and special purposes on all subjects and objects of taxation, polls and privileges taxable by law for State, County, and City purposes.
- (2) To adopt such classifications of subjects and objects of taxation as may not be contrary to law.
- (3) To make special assessments for local improvements.
- (4) To contract and be contracted with.
- (5) To incur debts by borrowing money or otherwise and to give any appropriate evidence thereof in the manner hereinafter provided.
- (6) To issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest-bearing or non-interest bearing bonds, warrants, promissory notes or orders of the City upon the credit of the City or solely upon the credit of specific property owned by the City or solely upon the credit of income derived from any property used in connection with public utility owned or operated by the City or solely upon the credit of the proceeds of special assessments for local improvements or upon any two or more such credits.
- (7) To expend the money of the City for all lawful purposes.
- (8) To acquire or receive and hold, maintain, approve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein within or without the City or State.
- (9) To condemn property, real or personal, or any easement interest or state 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 Chapter 14 of Title 23, or in any such other manner as may be provided by general law.
- (10) To take and hold property within or without the City or State upon trust and to administer trusts for the public benefit.
- (11) To acquire, construct, own, operate, and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein or any other utility or service to the City, its inhabitants or any part thereof.
- (12) To grant any person, firm, association, or corporation, franchises for public utilities and public services to be furnished to the City and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred to grant exclusive franchises and whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the City itself. Franchises may be granted for the period of 25 years or less but not longer. The Board of

Mayor and Aldermen may prescribe in each grant of a franchise the rate, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may, by their terms, apply to the territory within the corporate limits of the City at the date the franchises and as such corporate limits thereafter may be enlarged and to the then existing streets, alleys, and other thoroughfares which may be opened.

(13) To make contracts with any person, firm, association or corporation for public utilities and public services to be furnished the City and those therein. Such power to make contracts shall embrace the power to make contracts expressly conferred to make exclusive contracts and when an exclusive contract is entered into, it shall be exclusive, not only against any other person, firm or association, or corporation, but also as against the City itself. Such contracts may be entered into for a period of 25 years or less, but not longer. The Board of Mayor and Aldermen may prescribe each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may, by their terms, apply to the territory within the corporate limits of the City at the date of the contract and as said corporate limits thereafter may be enlarged and to the then existing streets, alleys, and thoroughfares into any other streets, alleys and other thoroughfares that thereafter may be opened.

(14) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, in service of public utilities and compel from time to time reasonable extensions to facilities for such services, but nothing herein shall be constructed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subsection 12 and 13 of this section.

(15) 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, and squares, wards, bridges, viaducts, subways, tunnels, sewers, and drains, within or without the corporate limits. And to regulate the use thereof within the corporate limits and property may be taken and appropriated therefore under the provisions of section 6-1007 through 6-1011 and 23-1414 or in such other manner as may be provided by general law.

(16) To construct, improve, reconstruct, and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, or alleys under and as provided by Chapters 11 and 12 of TCA Title 6.

(17) To assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth; cutting and removing obnoxious weeds and rubbish, street

lighting, street sweeping, street sprinkling, street flushing, street oiling, and cleaning and rendering sanitary, or removal, abolishing, and prohibiting of closets in privies in such manner as may be provided by general law or by ordinance of the Board of Mayor and Aldermen.

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

(19) To collect and dispose of drainage, sewerage, offal, ashes, garbage, and refuse by discharging same into streams and rivers or otherwise, and to license and regulate such collections, disposal and user charges from such services.

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

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

(22) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct business, occupations, callings, trades, uses of property and all other things whatsoever detrimental or liable to be detrimental to health, morals, comfort, safety, convenience, or welfare of the inhabitants of the City and to exercise general police powers.

(23) To prescribe 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 be lawfully established, conducted or maintained.

(24) To inspect, test, measure and weigh any article for consumption, or use within the City and to charge reasonable fees therefore and to provide standards of weights, tests and measures.

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

(26) To establish, regulate, license, and inspect weights and measures.

(27) To provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(28) To purchase or construct, maintain, and establish a penal facility for the confinement or detention of any person convicted in City court of offenses against the laws and ordinances of the City who fails to secure the fine and costs imposed upon him; or to contract with the county to keep said persons in the penal facility of said county and to provide by said contract and by ordinance for the commitment of such persons to the penal facility so provided until such fine and costs shall be fully paid.

(29) To enforce any ordinance, rule, or regulation by means of fines, penalties and imprisonment, 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 \$50 per violation and no imprisonment shall exceed 90 days.

(30) To regulate, tax, license or suppress keeping or going at-large of animals within the City, to impound the same and in default of redemption, to sell or dispose of the same.

(31) To call elections as hereinafter provided.

(32) To determine the boundaries of the City by appropriate survey or other acceptable method when necessary.

(33) To provide group insurance and retirement programs for City employees and such other benefits as are considered by the Board of Mayor and Aldermen to be needed for the welfare of City employees.

(34) To provide for the establishment and operation of all offices, boards, divisions, and departments not herein enumerated which may be deemed necessary or expedient in the interest of the City.

(35) To do all things necessary to provide the City sufficient and safe water; to provide for the regulation, construction and maintenance of water works, settling basins, pumping stations, water pipes and mains and rights-of-way for the same, reservoirs and all the pertinences, whether within or without the corporate limits of the City; to provide for rates and assessments for water service and to provide and fix liens or penalties and withdrawal of service for refusal or failure of the party served to pay for same.

(36) To provide for a sewerage collection, treatment and disposal facilities.

(37) To provide an electric power distribution system.

(38) To provide for and establish a planning commission and a Board of Zoning Appeals pursuant to and consistent with the general law and to invest such bodies with all the powers conferred by general law; and to act upon the plans, plats, decisions, and recommendations made by such bodies respectively, as in the general law provided.

(39) To establish the limits of street and alley rights-of-way when necessary.

(40) To have and exercise all powers which now or hereafter would be competent for this charter's specifically to enumerate as fully and completely as those said powers were specifically enumerated herein.

ARTICLE III

ELECTIONS

Section 1. A general City election shall be held on the 1st Thursday in May in each odd numbered year.

Section 2. Any person residing or real person owning real property within the corporate limits of the City of Sevierville for a period of time sufficient to qualify to vote in State elections and who otherwise qualifies to vote in State elections shall be eligible to vote in City elections provided he or she is properly registered in accordance with the applicable laws of the State of Tennessee.

ARTICLE IV

BOARD OF MAYOR AND ALDERMEN

Section 1. Composition of the Board. The governing body of the City of Sevierville shall consist of a Mayor and five (5) Aldermen, to be elected by the voters of the City at large. At the general City election held on the first Thursday in May, 1979, there shall be elected by the qualified voters of the City a Mayor and five Aldermen. The mayoral candidate and the five aldermanic candidates receiving the largest number of votes shall be declared to be elected; the three (3) aldermanic candidates receiving the highest number of votes shall hold office for a term of four (4) years; the two (2) candidates receiving the fourth (4th) and fifth (5th) highest number of votes shall hold office for two (2) years. At the general City election next preceding the expiration of the term of each Aldermen and of each Aldermen thereafter his successors shall be elected for a term of four (4) years. Any alderman shall be eligible for re-election. In the event that two or more Aldermen receive the same number of votes at any election for Aldermen, the outgoing Aldermen shall, at a regular or called meeting held prior to the beginning of the term of the newly elected Alderman or Aldermen, determine by lot which of said candidates shall take office, and in the event that two or more of said candidates are so elected by lot to take office, shall similarly determine which of said candidates so elected shall hold office for the longer term or terms.

Beginning with the general City Election held in May 2017, the two aldermanic posts up for election shall be designated Seat 2 and Seat 4. The aldermanic posts up for election in May 2019 will be designated Seat 1, Seat 3, and Seat 5. Any aldermanic candidate shall designate the particular seat that the candidate seeks, according to the requirements of general state law. In the general City election, all voters may vote for one (1) candidate for each designated seat. The candidate for each designated seat receiving the most votes shall be declared elected. [as amended by Ord. #0-2016-001, March 2016]

Section 2. Qualifications for the office of Mayor or Aldermen. Any citizen, who has resided in the City of Sevierville for at least one year shall be eligible to the office of Mayor or Alderman.

Section 3. Election of the Mayor. A Mayor shall be elected by the voters of the City at large at each general City election for a term of two years. The Mayor shall be eligible for re-election.

Section 4. Meeting schedule. The Board of Mayor and Aldermen shall by ordinance establish the time and location for their regular meetings. [as replaced by Ord. #0-2016-001, March 2016]

Section 5. Adjourned meetings. Any regular meetings may be adjourned to any time specified in the adjourning order with provision of public notice as provided in state law.

Section 6. Quorum. The presence of the Mayor or Vice-Mayor and three Aldermen shall constitute a quorum. In the absence of the Mayor and the Vice-Mayor, the presence of four Aldermen shall constitute a quorum with those Aldermen present authorized to appoint one of their number to be the presiding alderman. The Vice-Mayor or presiding alderman shall vote on questions like other members.

Section 7. Called meetings. The Mayor and any three Aldermen shall call a meeting with provision for public notice as provided in state law. The reason for the called meeting shall be stated in the notice delivered to all members of the Board of Mayor and Aldermen by an officer of the Sevierville Police Department or other designated law officer. Business not stated in the called meeting notice shall not be transacted unless all members of the Board of Mayor and Aldermen are present.

Section 8. Ordinance procedure. All ordinances passed herefore for the City of Sevierville are hereby declared valid and binding. Ordinances hereafter shall be passed in the following manner.

All ordinances appropriating money or levying taxes shall be passed three different days at the regular, adjourned, or called meeting of the Board of Mayor and Aldermen. All other Ordinances may be passed on three readings on two different days. Ordinances shall be signed by the Mayor or Vice-Mayor and posted for five days thereafter at the City Hall. Ordinances will take effect five days after passage of the last reading. But in emergencies the Board may declare the existence of emergency and provide for the Ordinance when it shall take effect.

Section 9. Oaths. The Mayor and Aldermen of the City of Sevierville shall, before entering upon the duties of their offices, take an oath before a Justice of the Peace or Notary Public of Sevier County, to faithfully, uprightly and honestly, conduct themselves as Mayor and Aldermen of the City of Sevierville.

Section 10. Duties of the Mayor. The Mayor shall preside at all meetings of the Board of Mayor and Aldermen; shall act as the ceremonial head of the City; and, shall have veto power over any action of the Board of Aldermen with four-fifths of the entire Board of Aldermen required to override such veto. The Mayor shall serve ex-officio on all commissions, boards and committees.

Section 11. Vice-Mayor. At the organizational meeting next following the election, the Board of Mayor and Aldermen shall elect, from their membership, a Vice-Mayor to serve for a term of two years.

Section 12. Vacancies. The Board of Mayor and Aldermen shall fill vacancy of an alderman position, the selected person to serve out the unexpired term. Vacancies beyond the first such instance shall be filled by special election and governed by state law.

ARTICLE V

CITY ADMINISTRATOR

Section 1. Appointment, salary, removal. Board of Mayor and Aldermen shall appoint and fix the salary of the City Administrator, who shall serve at the will of the Board. The Administrator shall be appointed by virtue of his experience and/or educational qualifications for this position.

Section 2. Absence of the Administrator. In the temporary absence or disability of the Administrator, the Assistant City Administrator, if such position be established, or other officer designated by the Board of Mayor and Aldermen, shall serve in his capacity.

Section 3. Duties of the City Administrator. The City Administrator shall be the Chief Administrative Officer of the City. He shall: (1) see that all laws, provisions of this Charter and acts of the Board of Mayor and Aldermen, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed; (2) appoint and, when warranted, promote employees of the departments of the City under his jurisdiction after advising the Board of Mayor and Aldermen of his intentions; (3) suspend or otherwise discipline employees under his jurisdiction according to the guidelines established in personnel policies enacted by the Board of Mayor and Aldermen;

(4) remove for cause all employees of departments under his jurisdiction except that employees removed shall have the right to appeal the action to the Board of Mayor and Aldermen in accordance with an appeal procedure established in personnel policies enacted by the Board of Mayor and Aldermen; (5) attend meetings of the Board of Mayor and Aldermen, make recommendations concerning questions being considered, raise new points for consideration, but shall have no vote in any proceeding; (6) make recommendations to the Board concerning the conditions and needs of the City requiring immediate attention; (7) to act as purchasing agent for the City; (8) to manage and direct all administrative and operational functions of the City; (9) to maintain personnel files of City employees; (10) to prepare and submit the operating budget and capital budget to the Board of Mayor and Aldermen annually. He shall prepare and maintain a multi-year capital program to be up-dated annually by the capital budget; (11) to approve expenditures of \$1,000.00 or less, but only if funds are budgeted specifically for such expenditures; (12) to advise the Board of Mayor and Aldermen at least quarterly as to the financial condition of the City and to make an annual financial report; (13) to make recommendations to the Board of Mayor and Aldermen on appointments to boards, committees, and commissions; to perform such other duties as may be required of him by motion, resolution or ordinance.

ARTICLE VI

CITY RECORDER

Section 1. Appointment. The City Recorder shall be appointed by the Board of Mayor and Aldermen to serve with compensation as provided by the Board of Mayor and Aldermen, and be bonded as provided by appropriate ordinance. The Recorder shall be appointed by virtue of experience and/or educational qualifications for this position.

Section 2. Duties of the Recorder. The City Recorder shall: (1) Exercise general supervision over the fiscal affairs of the City, and general accounting supervision over all the City's property, assets, and claims. He shall be the general accountant and auditor of the City. He shall have custody of all papers, records, and vouchers relating to the fiscal affairs of the City, and the records in his office shall show the financial operations and conditions, property, assets, claims, and liabilities of the City; all expenditures authorized and all contracts in which the City is interested. (2) The City Recorder shall be the treasurer of the City. As such, it shall be his duty to collect, receive, and receipt for the taxes and all other revenues and bonds of the City, and the proceeds of its bond issues, and to disburse the same for operational expenses incurred by appropriations duly authorized by the Board of Mayor and Aldermen. (3) Keep full and accurate minutes of all meetings of the Board of Mayor and Aldermen. (4) Preserve and

maintain the City's seal, public records, ordinances, resolutions, minutes, contracts, bonds, and all other records and documents of value to the City. All records and documents shall be maintained such that they are easily accessible and available. When necessary the City Recorder shall provide certified copies of the City documents for fees as established by ordinance. (5) Perform other such duties as required by the Board of Mayor and Aldermen not inconsistent with other provisions of this Charter.

ARTICLE VII

CITY ATTORNEY

Section 1. Qualifications. The City Attorney shall be an attorney-at-law entitled to practice in the courts of the State of Tennessee. The City Attorney shall be appointed by the Board of Mayor and Aldermen, and shall direct management of all litigation in which the City is a party, including the function of prosecuting attorney in the City Court; represent the City in all legal matters and proceedings in which the City is a party or interested, or in which any of its officers is officially interested; attend meetings of the Board of Mayor and Aldermen as requested; and advise the Board and committees and members thereof, the City Administrator and heads of all departments and divisions as to all legal questions effecting the City interests; and approve as to form, all documents, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of, or made by, or with, the City. His compensation shall be fixed by the Board of Mayor and Aldermen, and he shall serve at the will of the Board.

ARTICLE VIII

ADMINISTRATION

Section 1. Departments, offices, and agencies generally. The Board of Mayor and Aldermen may establish City departments, offices or agencies in addition to those created by this Charter, and may prescribe the functions of all departments, offices and agencies not inconsistent with this Charter.

Departments, offices, and agencies created by the Board of Mayor and Aldermen may be abolished or combined.

Section 2. Direction and supervision of departments, offices, or agencies. All Departments, Offices and Agencies under the direction and supervision of the City Administrator shall be administered by an officer appointed by and subject to the direction and supervision of the City Administrator. The administrator may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

Section 3. Personnel rules. The Board of Mayor and Aldermen shall adopt personnel rules which shall include but not be limited to:

- (1) A job classification plan;
- (2) A pay plan;
- (3) The hours of work, attendance regulations and provisions for sick and vacation leave.

Section 4. Officers, employees, etc., who handle money shall be bonded. The City Administrator and every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a surety bond with some surety company authorized to do business in the State of Tennessee, as surety, in such amount as shall be prescribed by Ordinance or this Charter. All such bonds and sureties shall be subject to the approval of the Board of Mayor and Aldermen, and the Board of Mayor and Aldermen may provide for blanket bonds. The cost of all bonds shall be an expense of the City.

ARTICLE IX

FINANCE

Section 1. Fiscal year. The fiscal year of the City shall begin on the first day of July and end on the last day of June.

Section 2. Annual departmental budgets required. The adoption of an annual budget for all departments shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

Section 3. Administrator required to prepare and submit annual budget and explanatory message. At least 60 days before the beginning of the fiscal year the Administrator shall prepare and submit to the Board of Mayor and Aldermen a budget for the ensuing fiscal year and an accompanying message. The City Administrator's message shall explain the budget both in fiscal terms and in term of work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the Administrator deems desirable.

Section 4. Required content and organization of budget. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, excepting funds of the Board of Utilities, and, except as required by

law or this Charter, shall be in such form as the Administrator deems desirable or the Board of Mayor and Aldermen may require.

Section 5. Amendments to budget, when budget must be adopted, and effect of adoption. After the first reading the Board of Mayor and Aldermen may adopt the budget with or without amendment, but no amendment shall decrease expenditures required by law for debt service. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 6. Supplemental appropriations. If during the fiscal year the Administrator certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Board of Mayor and Aldermen by Ordinance may make supplemental appropriations for the year up to the amount of such excess.

Section 7. Emergency appropriations. Upon a declaration by the Board of Mayor and Aldermen that there exists a public emergency affecting life, health, property or the public peace, the Board of Mayor and Aldermen may make emergency appropriations by Ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations the Board of Mayor and Aldermen is authorized to borrow funds sufficient to meet said emergency by issuing negotiable notes. Provisions shall be made in the budget for the succeeding fiscal year for the payment of such notes.

Section 8. Deficits. If at any time during the fiscal year it appears probable to the Administrator that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Board of Mayor and Aldermen without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Board of Mayor and Aldermen shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by Ordinance reduce appropriations.

Section 9. Transfer of unencumbered appropriations. At any time during the fiscal year the Administrator may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency, and, upon written request by the Administrator, the Board may by Ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

Section 10. Lapsing of appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

Section 11. Incurrence and discharge of obligations. No payment shall be made or obligation incurred against any appropriation unless the Administrator or an officer designated by him first certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to make an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 12. Borrowing. The Board, for the sole purpose of meeting the necessary expenses within appropriations, is authorized to borrow money in the amount not to exceed 50 percent of the anticipated revenues for the current fiscal year. Such notes shall mature during the current fiscal year and shall be paid from budgeted revenues.

Section 13. Accounting records and audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the City shall be required by action of the Board and same be made after the end of each fiscal year by a public accountant skilled in such work. Any taxpayer may file a bill in Chancery Court to compel the Board to have the audit made if such accountant has not been employed within one month after the end of the fiscal year.

Section 14. Competitive bidding and purchasing procedures. Purchasing and bidding procedures shall be established by Ordinance.

ARTICLE X

TAXATION

Section 1. Assessment and levy. All property within the City not exempt by general law shall be assessed for taxation upon the same principles established in regard to state and county taxation. Assessments made by the County Tax Assessor may be adopted by the City.

Section 2. Due and delinquent dates; penalties and interest. Property taxes shall be payable on and after October 1 in the year for which assessed and shall become delinquent on March 1 following. The Board by Ordinance shall fix penalties and interest on delinquent taxes.

Section 3. Collection of delinquent taxes. All taxes delinquent for 30 days may be collected by distress warrants and sale of personal property, and the delinquent tax list in the hands of the collector shall have the force and effect of a judgment and execution from a court of record.

Section 4. Institution of suits to enforce tax liens. Before March 1 of the second year following the year for which assessed, the Recorder shall certify to the City Attorney the list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes and assessments, and said Attorney shall proceed at once to file suits in the Chancery Court for the collection of said taxes, assessments, penalties and interest and enforcement of tax liens. Upon the filing of a suit an additional penalty of ten percent shall accrue upon all delinquent taxes as attorney's fees. Suits may be filed, prosecuted and the land sold in the same manner as for the enforcement of tax liens for delinquent county taxes, or as otherwise provided by general law.

Section 5. Statutory lien. All municipal taxes on real estate in the City of Sevierville, and all penalties and cost accruing thereon are hereby declared to be a lien on said real estate from and after February 28 after the year for which the same are assessed.

ARTICLE XI

CITY COURT

Section 1. Appointment, oath, compensation, and restrictions on office of City Judge. A City Judge who shall constitute the City Court shall be appointed by the Board of Mayor and Aldermen to serve at the will of the Board or for a term to be fixed by Ordinance. He shall take the same oath required of the Mayor and Aldermen. He shall receive such compensation as may be provided by Ordinance. Nothing herein is to be construed as prohibiting the City Judge from also serving in administrative duties under this Charter.

Section 2. Absence or disability of City Judge. The Board of Mayor and Aldermen shall designate a qualified person to serve in the absence or disability of the City Judge.

Section 3. Term of office of City Judge may be provided by Ordinance. In the event a term of office is provided by Ordinance, there shall also be

provided the conditions which will create a vacancy in the office, how the vacancy shall be filled, and such other matters as the Board deems necessary.

Section 4. Duties and powers of City Judge. The City Judge shall try all persons charged with violation of the Ordinances of the City. He shall have the power to levy fines, penalties and forfeitures not exceeding \$50 for each offense and to impose such costs as the Board may by Ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt by fine not exceeding \$10.

Section 5. Imposition of bail, fines, costs, and sentences. The bail of persons arrested and awaiting trial and persons appealing the decision of the City Judge shall be fixed by the City Judge and upon such security as in his direction he deems necessary or as otherwise provided by Ordinance. Cash bail of persons arrested may be accepted at such times and by officials other than the City Judge as provided by Ordinance, but no officer shall accept cash bail unless the person arrested shall be given a receipt which shall explain the nature of the deposit. The receipt shall be in duplicate and a copy with the money deposited shall be filed with the City Judge. Fines and costs may be paid by installments to be fixed and security determined as provided by Ordinance. Upon failure to pay fines or to furnish security, the City Judge may commit the offender to the jail or workhouse until such fines have been paid. For each day's confinement he shall be credited \$5.00 toward the fine.

Section 6. Maintenance of docket and other court rules. The City Judge shall keep a docket. The Board may by Ordinance require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as deemed necessary.

Section 7. Rehearings. Whenever any person convicted of the violation of an Ordinance of the City shall show to the satisfaction of the City Judge that new evidence of his innocence not available to him at the trial which evidence, if true, could result in acquittal, the City Judge may grant a rehearing if petitioned within nine days of the trial.

Section 8. City Judge to be exclusive judge of law and facts. The City Judge shall be the exclusive judge of the law and facts in every case before him, and no official or employee of the City shall attempt to influence his decision except through pertinent facts presented in court.

Section 9. Appeals. Appeals shall be in accordance with current state law governing same.

ARTICLE XIIMISCELLANEOUS

Section 1. Severability. 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 2. Gender. Wherever, in this Charter, "man, men, him, his" or their related pronouns may appear, either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense (i.e., to include all human-kind, both female and male sexes).

ACTS AND ORDINANCES CONTAINED IN THE CHARTER OF
THE CITY OF SEVIERVILLE

| YEAR | ORD. # | SUBJECT |
|-------|------------|--|
| <hr/> | | |
| 1978 | 346 | Basic charter. |
| 2016 | O-2016-001 | Art. IV, § 1, Art. IV, § 2, Art. IV, § 4. |