

CHAPTER 2. POWERS OF MUNICIPALITIES WITH MAYOR-ALDERMANIC CHARTER

PART 1. ORDINANCES

Sec. 6-2-101. Publication of ordinances--Codification.

Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published.

(Acts 1991, ch. 154, § 1)

Sec. 6-2-102. Ordinance procedure.

An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded.

(Acts 1991, ch. 154, § 1; Acts 1998, ch. 621, § 1)

Sec. 6-2-103. Annual operating budget; publication; budgetary comparison [effective January 1, 1993].

(a) Notwithstanding the provisions of any other law to the contrary, the governing body shall publish the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) which information shall include the following:

(1) Revenues and expenditures for the following governmental funds: general, streets/public works, general purpose school and debt service.

(2) Revenues for each fund shall be listed separately by local taxes, State of Tennessee, federal government and other sources.

(3) Expenditures for each fund shall be listed separately by salaries and other costs.

(4) Beginning and ending fund balances shall be shown for each fund.

(5) The number of full-time equivalent employee positions shall be shown for each fund.

(b) The publication shall be in a newspaper of general circulation and shall be published not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget.

(Acts 1991, ch. 484, § 8; Acts 1992, ch. 760, § 2)

Sec. 6-2-104. [Repealed.]

Sec. 6-2-105. Ordinances ratified and confirmed.

All ordinances adopted on or prior to June 30, 1991, are hereby ratified and confirmed.

Acts 1992, ch. 612, § 2)

PART 2. MUNICIPAL AUTHORITY GENERALLY

Sec. 6-2-201. General powers.

Every municipality incorporated under this charter may:

- (1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;
- (2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;
- (3) Make special assessments for local improvements;
- (4) Contract and be contracted with;
- (5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;
- (6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;
- (7) Expend the money of the municipality for all lawful purposes;
- (8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;
- (9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law;
- (10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;
- (11) 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 of service

to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, title 9, chapter 21;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed 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 subsections (12) and (13);

(15) 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 the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of sections 7-31-107 through 7-31-111 and 29-16-114, or any other manner provided by general laws;

(16) 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 assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, title 7, chapters 32 and 33;

This subsection may not be construed to prohibit a municipality with a population of not less than seven hundred (700) nor more than seven hundred five (705) according to the 1990 federal census or any subsequent federal census from installing and maintaining a traffic control signal within its corporate limits, and any such municipality is expressly so authorized; provided, however, no device shall be installed to control traffic on a state highway without the approval of the Commissioner of Transportation.

(17) 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, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

- (20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;
- (21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;
- (22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of 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 municipality, and exercise general police powers;
- (23) 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 lawfully be established, conducted or maintained;
- (24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures;
- (25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;
- (26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;
- (27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the municipality who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;
- (28) (A) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction.
- (B) Provide by ordinance for court costs;
- (29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or

impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(31) Call elections as herein provided; and

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

(Acts 1991, ch. 154, § 1; Acts 1995, ch. 13, § 4; Acts 1998, ch. 621, § 2; Acts 1998, ch. 1126, § 1)

Secs. 6-2-202--6-2-204. [Repealed.]

Sec. 6-2-205. Special court cost.

(a) It is the intent and purpose of this section to authorize the collection of a special court cost for each summons, warrant, citation, presentment, or indictment which:

- (1) Is filed and heard in a criminal court, general sessions court or municipal court;
- (2) Involves behavior occurring within the corporate limits of any municipality to which this section applies that leads to the filing of charges for a traffic or criminal offense; and
- (3) Involves enforcement by a municipal law enforcement officer.

(b) The special court cost is ten dollars (\$10.00) and shall be charged and collected in addition to other authorized court costs by the appropriate court clerk.

(c) The special court cost funds shall be collected by the clerks for each traffic or criminal offense which:

- (1) Is enforced by a municipal law enforcement officer; and
- (2) Involves conduct occurring within the corporate limits of any municipality to which this section may apply.

(d) The funds collected from this special court cost by the clerks shall be transferred to the city treasurer on an annual basis, and the treasurer shall establish a special fund for municipal traffic regulation and enforcement.

(e) All funds collected under this section shall be used for the sole purpose of traffic regulation and enforcement within the municipality.

(f) The provisions of this section shall in no manner modify or repeal other requirements to collect court costs under any other public or private act applicable to the county where such municipality is located.

(g) (1) The provisions of this section shall be applicable to any municipality having a population of not less than five thousand three hundred eighty dollars (5,380) nor more than five thousand three hundred ninety dollars (5,390) according to the 1990 federal census or any subsequent federal census.

(2) This section shall have no effect unless it is approved by a two-thirds (2/3) vote of any municipal legislative body to which it may apply.

(Acts 1997, ch. 213)

PART 3. EXPENDITURES AND TAXATION

Secs. 6-2-301--6-2-308. [Repealed.]

PART 4. OFFICERS

Secs. 6-2-401--6-2-404. [Repealed.]

PART 5. ABOLITION OF CHARTER

Secs. 6-2-501--6-2-506. [Transferred.]