

CHARTER OF THE CITY OF DYERSBURG, TENNESSEE¹

CHAPTER 410.

House Bill No. 780.

AN ACT to incorporate the City of Dyersburg, in Dyer County, Tennessee, establish the boundaries thereof, and define the powers of same to provide for a Board of Mayor and Aldermen of said City and the manner of their election, and to define the rights, powers and duties of said board, and for other purposes incident to the incorporation of said City. [As amended by Priv. Acts 1949, ch. 584, § 2]

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. Incorporation, name and corporate boundaries	C-4
2. General powers	C-4
3. Legislative body	C-5

¹Acts 1903, ch. 410, is the current basic charter act of the City of Dyersburg, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2001 session of the Tennessee General Assembly and is current with the laws from the 2024 Regular Session of the 113th Tennessee General Assembly. A list of all the private acts including the basic charter appears at the end of the charter. As set out here most of its general and permanent amendments to date have been incorporated. Several amendments to the charter do not expressly amend any specific sections of the charter. These have been added and arbitrarily designated by the compiler as §§ 4A, 6A, 7A, 7B, 13A, 13B, 13C, 13D, 13E, 33A, and 33B. 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.

The only acts which have not been included are those authorizing or validating bond issues, one ratifying a subscription for railroad stock, those providing for special assessments against abutting property for public improvements, two validating deeds and conveyances, and the one authorizing the purchase of the Dyersburg Air Base.

<u>SECTION</u>	<u>PAGE</u>
4. Elections	C-5
4A. Laws governing elections	C-6
5. Changing city administrations	C-6
6. Recorder, treasurer and other personnel	C-7
6A. Merit system for policemen and firemen	C-7
7. General provisions with respect to the board of mayor and aldermen	C-12
7A. Humane commission	C-13
7B. (Deleted).....	C-15
8. Mayor	C-15
9. City judge and city court clerks	C-15
10. (Deleted)	C-16
11. (Deleted).....	C-17
12. (Deleted).....	C-17
13. City recorder's duties, bond, etc.; taxes	C-17
13A. (Deleted).....	C-17
13B. Privilege tax on motor vehicles and operators	C-17
13C. (Deleted).....	C-18
13D. In lieu of tax payments on electric system	C-18
13E. Privilege tax on hotel-motel occupancy	C-19
14. Treasurer	C-24
15. Qualifications for voting	C-24

<u>SECTION</u>	<u>PAGE</u>
16. Miscellaneous ordinance powers enumerated	C-24
17. Contracts	C-30
18. Expenditure of corporate funds	C-30
18(a). Purchases by the City of Dyersburg using or encumbering municipal funds	C-30
19. Property conveyances	C-32
20. Taxes	C-33
21. Distress warrants	C-34
22. (Deleted)	C-34
23. Arrest warrants and appearance bonds	C-34
24. Appeals from city convictions	C-35
25. Bonds	C-35
26. Use of county jail	C-35
27. Compensation of officers	C-35
28. Police power	C-35
29. Tax equalization; omitted property	C-35
30. (Deleted).	C-35
31. (Deleted).	C-36
32. (Deleted).	C-36
33. Bond acts	C-36
33A. Bonds exempt from taxation	C-36
33B. (Deleted).	C-36

<u>SECTION</u>	<u>PAGE</u>
34. Assets of old corporation	C-36
35. Laws repealed	C-36
36. Date of effect	C-36

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the City of Dyersburg, in the County of Dyer, and the inhabitants thereof within the boundaries hereinafter specified are hereby constituted and declared a body politic and corporate by the name or style of "City of Dyersburg." The corporate limits of said City of Dyersburg shall be those fixed by Chapter 410 of the Acts of 1903 and all acts amendatory thereto and all annexations made pursuant to the general laws of the State of Tennessee. [Priv. Acts 1915, ch. 479; Priv. Acts 1917, ch. 782, § 1, Priv. Acts 1919, ch. 797; Priv. Acts 1929, ch. 705; Priv. Acts 1935, ch. 396; Priv. Acts 1947, ch. 362; Priv. Acts 1949, ch. 584; Priv. Acts 1949, ch. 585; Priv. Acts 1953, ch. 578; as amended by Priv. Acts 1959, ch. 42, § 1(1); and replaced by Priv. Acts 1993, ch. 61, § 1(1)]¹

Section 2. Be it further enacted, That said corporation by such name and style shall have perpetual succession, shall sue and be sued, plead and be impleaded in all courts of law and equity and in all actions whatever; may purchase, condemn or otherwise acquire, receive and hold both real and personal property for any corporate purpose, within or without the corporate limits, to be used for or in connection with the construction, erection, extension, improvement or operation of places for burial of the dead, airports, jails, workhouses or other houses of correction, schools, athletic stadiums and fields, hospitals, libraries, fire stations, water, gas, electric, sewer and other sanitary

¹The corporate limits as herein described have been further changed by annexation (or deannexation) ordinances of record in the city recorder's office and dated or numbered as follows: July 5, 1957; July 18, 1957; Dec. 5, 1957 (2 ords.); Mar. 20, 1958; July 3, 1958 (as amended Apr. 2, 1959); Oct. 16, 1958; Nov. 17, 1960; June 21, 1962; Sept. 5, 1963; Mar. 19, 1964; Apr. 2, 1964; May 6, 1965; Dec. 16, 1965; Apr. 10, 1967; Nov. 13, 1967; Sept. 22, 1969; June 22, 1970; Apr. 12, 1971; June 14, 1971; July 26, 1971; Sept. 11, 1972; June 10, 1974; June 16, 1975; Oct. 18, 1976; Mar. 21, 1977; July 10, 1978; Oct. 16, 1978; Nov. 20, 1978; B-209; B-213; B-214 (deannexation); B-221; B-244; B-263; B-273; B-280; B-284A; B-284B; B-285; B-287; B-297; B-302; B-303; B-307; B-310; B-314; B-349; B-351; B-357; B-358; BB-379; BB-411; BB-431; BB-439; BB-454; BB-462; BB-465; BB-479 (Aug. 1998); BB-485 (Sept. 1998); and BB-491 (Nov. 1998).

works, waterworks, levees, dams, pumping stations, flood control projects and any other municipal building, work or project undertaken by the corporation alone or in cooperation or conjunction with the County of Dyer, the State of Tennessee, the Federal Government, or any department or agency of said county, state, or federal government; may sell, lease, grant easements or rights-of-way over, or otherwise dispose of all said property for the benefit of the corporation and may do all other things with reference to such property as natural persons; may exercise and use all other powers granted to municipal corporations by various Public Acts enacted by the General Assembly as the same appear in Tennessee Code Annotated now or under future amendments thereto; and shall have and use a common seal, which may be changed at the pleasure of the Board of Mayor and Aldermen. [As amended by Priv. Acts 1949, ch. 584, § 3, and replaced by Priv. Acts 1959, ch. 42, § 1(2)]

Section 3. The legislative body of the corporation shall consist of a board of nine (9) aldermen, one each from five (5) aldermanic districts, three (3) at-large position members, and one who shall be elected and known as mayor. The three (3) aldermen-at-large and mayor shall be elected by a direct vote of the people and the remaining five (5) shall be elected by the voters within their respective numbered aldermanic districts. The candidates for the five (5) aldermanic positions who receive the highest number of votes for their respective numbered districts shall be declared elected. The three (3) candidates who receive the highest number of votes for their respective at-large positions shall be declared elected. The candidate for mayor receiving the highest number of votes shall be declared elected.

Members of the legislative body shall be citizens of and voters in said corporation, and as the legislative body of the city shall be known as the board of mayor and aldermen of Dyersburg. No person shall be eligible to hold the office of district alderman unless he resides in said district: Provided that in the event a district alderman's residence ceases to be within his district because of redistricting as provided herein, he shall nevertheless continue to serve as district alderman for the numbered district by which he was elected for the remainder of his term.

Should the mayor or any alderman-at-large move his residence beyond the corporate limits, the seat shall be vacant as a result thereof. Should a district alderman move his residence from his district, the aldermanic seat shall be vacant as a result thereof. The filling of the vacancy shall be in accordance with the procedure provided in this charter. [As amended by Priv. Acts 1949, ch. 584, § 2; replaced by Priv. Acts 1979, ch. 86, § 1; Priv. Acts 1982, ch. 364, § 1; and amended by Priv. Acts 1993, ch. 61, § 1(2)]

Section 4. The next election for mayor and aldermen shall be held at the same time as the general election to be held on the first Tuesday after the first Monday of November, 2002. Thereafter an election shall be held on the first

Tuesday after the first Monday of November every four (4) years and all persons elected to the Board of Mayor and Aldermen shall serve a term of four (4) years. The elections shall be held in accordance with the provisions of the general law of the State of Tennessee and such rules as may be prescribed by the Dyer County Election Commission.

There shall be five (5) wards, the boundaries of which shall be determined by geographical contiguity and census districts in accordance with the Voting Rights Act of 1964. A map of the boundaries of such wards shall be on file with the city recorder and mayor. [As amended by Priv. Acts 1917, ch. 782, § 3; Priv. Acts 1949, ch. 584, §§ 2 and 7; replaced by Priv. Acts 1967, ch. 157, § 2; amended by Priv. Acts 1967, ch. 157, § 4; Priv. Acts 1979, ch. 86, § 2; Priv. Acts 1982, ch. 364, § 2; and Priv. Acts 1988, ch. 129, § 1; and Priv. Acts 1998, ch. 116, § 1]

Section 4A¹. Be it enacted by the General Assembly of the State of Tennessee, That Chapter 410 of Acts of 1903, the caption of which is set out in full in the caption of this Act, be, and the same is hereby, amended so as to provide that all elections to be held in and for said City to select a Board of Mayor and Aldermen and any and all other officers and for other purposes coming under and falling within the scope of said Act be, and the same are hereby, directed to be held under and by authority of the general election laws of the State of Tennessee. [Acts 1907, ch. 319; as amended by Priv. Acts 1949, ch. 584, § 2, and Priv. Acts 1967, ch. 157, § 3]

Section 5. The person receiving the highest number of votes for mayor shall be declared mayor of the corporation, and shall be one of the aldermen. The candidates for the five (5) district aldermanic positions who receive the highest number of votes for their respective numbered districts shall be declared elected; and the three (3) candidates receiving the higher number of votes for the three (3) aldermen-at-large positions shall be declared elected; and it shall be the duty of the officer holding said election or elections to make out and deliver to the mayor and aldermen-elect, each, a certificate of their election in accordance with the general election laws of the State of Tennessee.

On the first Monday in January following said election or elections, the retiring Board of Mayor and Aldermen shall hold their last meeting, or as soon thereafter as practicable, and pass all necessary resolutions and make all such rules and regulations as may be necessary to properly turn over their trusts to the incoming Board, and to secure the turning over of all books, papers, moneys and property in their possession or that of any of their officers, agents

¹The provisions in this section are taken from Acts 1907, ch. 319, as amended by Priv. Acts 1949, ch. 584, § 2, and Priv. Acts 1967, ch. 157, § 3. The compiler has arbitrarily added them at this point and unofficially designated them as § 4A.

or appointees to the proper officers of the new administration. At said meeting the Mayor and Aldermen elect, or so many as are present, shall present their certificates of election, and be sworn in before some Judge of a Court of Record, which facts shall appear on the minutes of the retiring Board, and then the term of the new Board shall begin. An officer elect not presenting his certificate at said meeting, may do so at the next regular or called meeting of the new Board and be sworn in, but on failure to do so, the Board may declare his office vacant and proceed to fill the same. [As amended by Priv. Acts 1967, ch. 157, § 5; Priv. Acts 1979, ch. 86, § 3; Priv. Acts 1982, ch. 364, § 3; and Priv. Acts 1993, ch. 61, § 1(3)]

Section 6. The Board of Mayor and Aldermen shall at the meeting when the term of the new board begins, or as soon thereafter as practicable, elect a recorder and treasurer, who shall serve as officers of the corporation. After the initial appointment, the recorder and treasurer shall serve in office until removed; such removal may be made by the board for neglect of duty or any other good cause with two-thirds (2/3) of the board concurring in such removal. The recorder and treasurer shall not be a member of the Board of Mayor and Aldermen of the City of Dyersburg.

The board may also elect at any time such other officers, agents and servants as they may deem necessary, and may provide by ordinance, and shall have the power to prescribe their duties and regulate the performance thereof.

The board shall also at one of its meetings in October preceding the election of such officials fix the salaries of the mayor and aldermen and city judge for the ensuing term.

The mayor, recorder and treasurer shall be considered employees of the City of Dyersburg only for purposes of participation in the city retirement plan, health and life insurance plans, sick leave, holidays and vactation leave as said benefits are governed by the City of Dyersburg Employee Manual. [As amended by Priv. Acts 1917, ch. 782; Priv. Acts 1949, ch. 584, § 2; Priv. Acts 1967, ch. 157, § 6; and replaced by Priv. Acts 1993, ch. 61, § 1(4)]

Section 6A¹. Be it enacted by the General Assembly of the State of Tennessee:

(1) Chapter 410 of the Acts of 1903, as amended, constituting the Charter of the City of Dyersburg, is amended by adding to the Charter the provisions following in this Act.

(2) As used in this Act, unless the context requires otherwise, the following words and terms shall have the following ascribed meanings:

¹The provisions in this section are taken from Priv. Acts 1967, ch. 452, as amended by Priv. Acts 1993, ch. 61, 1(5). The compiler has arbitrarily added them at this point and unofficially designated them as § 6A.

"Classified Service" includes all positions in the fire-fighting service and the law-enforcement service of the City; however, it shall not include part-time, seasonal, or auxiliary positions.

"Open competitive" means that original appointments or promotions will be made on the basis of qualifications, and such appointments or promotions shall not be limited to persons of the classified service.

"Provisional appointment" means a temporary appointment to fill a position in the classified service which is necessary because there are no acceptable applicants on the eligible list for the respective position.

"Appointing authority" means the Fire Chief when referring to Fire Department personnel matters and the Police Chief when referring to Police Department personnel matters.

"Board" means the Personnel Board of the City of Dyersburg.

(3) There is created a Personnel Merit System for policemen and firemen in the City of Dyersburg. A Board consisting of three members is hereby created to provide administrative services as provided in this Act. One member of the Board shall be elected by the Governing Body of the City of Dyersburg, one member shall be elected by the members of the Classified Service, i.e., members of the Fire Department, members of the Police Department, in a joint election, and the person receiving a majority of the votes of the members of the Classified Service shall become one member of the Board. The person selected by the Governing Body of the City of Dyersburg and the person selected by the majority vote of the Classified Service shall then select a third person within ten days after their appointment and selection and the person agreed upon by these two so appointed and elected shall constitute the third member of the Board. Provided, that if the two members appointed and selected shall fail to agree within ten days after their appointment, then, and in that event, the Governing Body of the City of Dyersburg shall appoint four citizens to meet and confer with four other citizens appointed by the members of the Classified Service. This Joint Committee of eight shall meet, within ten days, and appoint a person who shall constitute the third member of the Board.

The three members thus appointed to the Board shall serve as Board members for a period of three years, or until their successors are appointed and qualified. On or before the expiration of the term of each Board member, his successor shall be selected in the same manner as the prior selection of the said Board member whose term thus expires, to the end that the successor to the member appointed by the Town Governing Body shall likewise be appointed to said Body, the successor to the member elected by the Classified Service shall likewise be elected by said Classified Service, and the successor to the member appointed by the two other Board members shall likewise be appointed by the two other Board members. Persons appointed to the Board shall be qualified electors of the City, and they shall be of good moral character. No member of the Classified Service, or any member of the Board of Mayor and Aldermen of

the City of Dyersburg, may be a member of the Board, nor may a holder of any public office be a member of the Board.

Members of the Board shall select from their number a Chairman who shall preside at all meetings and conferences, represent the Board in its relations with governmental agencies and individuals and call non-scheduled meetings of the Board when necessary to handle grievances of persons in the classified service and to hold hearings. The Chairman shall be selected within ten days after appointment or reappointment of any member of the Board.

A quorum of the Board shall consist of two members. The secretary shall notify all members of regular or special meetings not less than one day or more than three days before such meetings. Either the Chairman or the two other Board members may call special meetings. Special meetings shall be held within ten days from the date of request from the aggrieved persons who have been suspended for more than thirty days or dismissed, from the Classified Service.

Any member of the Board may be removed from office by the Governing Body of Dyersburg for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Such removal shall not take effect until ten days after written charges have been submitted to the Board member proposed to be removed and after a public hearing has been held on his removal.

The members of the Board shall devote due time to recruitment, examination, and selection of the best candidates available for the Classified Service, to handling grievances of persons in the Classified Service, to grouping and classifying positions, and to related duties.

Members of the Board may be paid salaries not to exceed fifty dollars per quarter year. Such pay shall be established by the Mayor and Aldermen and expenditures for this purpose shall be made from the general fund of the City.

(4) A member of the merit board shall serve as secretary to the Board. He shall maintain a record of the minutes of all meetings of the Board, establish and maintain a suitable filing system of all records of the Board, notify applicants of examinations, accept applications for consideration by the Board, serve as correspondent, monitor examinations, and perform other related work as required by the Board.

(5) The provisions of this Act shall apply to all law enforcement personnel and fire fighting personnel employed on regular and full-time basis. All positions filled by such persons shall be considered a part of the Classified Service of the City of Dyersburg.

(6) All appointments to, except the appointment of the Chief of the Fire Department and the Chief of the Police Department, the Classified Service shall be made according to provisions herein stated. The discharge of a Fire Chief or Police Chief and all other discharges and promotion within the Classified Service shall be made according to provisions herein stated.

Such appointment shall be on the basis of merit, considering technical knowledge required to perform satisfactorily, the work, experience and demonstrated ability in the particular or similar lines of work, personality and character, and administrative or supervisory qualifications. In determining the weights to be given to these factors the Board shall consider examination scores, education, special training and experience in the field in which employment is sought, physical condition of the candidates, personality and character traits. Such weights shall be applied consistently and uniformly to groups of positions having comparable duties and responsibilities.

Any officer or employee in the Classified Service may be suspended or removed by the appointing authority for malfeasance, incompetency, dereliction of duty, indictment or conviction of any crime involving moral turpitude, for excessive number of violations of traffic and other non-felonious laws, or conduct which tends to disrupt decorum of the community or the department. Notice of such suspensions or removal from employment shall be in writing, and the reasons for such actions shall be listed in the notice.

Any person in the Classified Service who has been suspended for more than thirty days or removed, from employment by City of Dyersburg may appeal such action to the Board. The reasons for such suspension or removal from employment by a department head shall be provided to the effected person in writing, and the effected person shall have ten days in which to appeal such action to the Board. The appeal shall be made in written form setting forth the reasons given for his suspension or removal and his answers to such charges. The hearing on the appeal shall be open to the public, and the action of the Board on such appeals shall be considered final unless the decision of the Board is reversed by court action. Suspensions of not more than thirty days by the appointing authority are not subject to appeals.

The Board shall maintain a list of qualified applicants for positions in the Classified Service at all times. When the list becomes substantially depleted the Board shall recruit, examine and screen enough applicants to provide an adequate supply of qualified candidates for the Classified Service.

When positions become vacant in the Classified Service they shall be filled from the list of qualified candidates certified by the Board. If only one position is to be filled, three candidates shall be certified by the Board. When more than one position but less than five positions are to be filled, there shall be three more candidates certified than the number of positions available. If five or more positions are to be filled the number of certified candidates shall be twice as great as the number of positions to be filled.

Department heads are to select applicants from certified candidates as provided in the prior paragraph. If none of the applicants certified by the Board are acceptable to the appointing authority, he shall report in writing to the Board the reason for such rejections. The Board may certify additional candidates for employment to provide an adequate number for selection as provided above, provided the rejection by the department head is reasonable.

The filling of all positions of the Classified Service shall be by the open competitive method.

The appointing authorities shall cooperate with the Board in preparing and evaluating examinations, assigning weights to the different factors for certifying applicants, character investigations, and evaluating applicants' qualifications.

The appointing authorities shall prepare and maintain such records as may be desirable as to training experience, performance, evaluation, disciplinary actions and related information on Classified employees as may be needed or required by the Board.

(7) All appointments to the Classified Service shall be for a probationary period of six months, except as otherwise provided in this Act. At any time during the probationary period the person serving the probationary period may be removed from the position by the supervising department head, and such probationary period shall not have the right of appeal to the Board. At the end of the probationary period employment shall expire and the person shall cease to be an employee of City of Dyersburg unless the supervising department head requests that such employee be appointed to a permanent position with the City.

Provisional appointments may be made for not more than ninety days when the eligible list has been depleted. Such appointments shall be temporary appointments to classified positions. The Board shall attempt to avoid the necessity of having to make provisional appointments. Provisional reappointments shall not be made to any positions. No person on a provisional appointment shall be given preferential consideration for probationary or permanent appointment.

Temporary or seasonal appointments for not more than ninety days may be made when such action is in the best interest of the City. Persons receiving such appointments shall not be considered a part of the Classified Service.

The appointing authorities shall keep the Board informed on appointments, promotions, suspensions, dismissals, resignations, and vacancies which may occur in the Classified Service.

(8) It is unlawful for any person to use or attempt to use political influence for any applicant or person of the Classified Service.

(9) It is unlawful for any person to falsify applications for employment, to provide misleading information on applications or personnel records, or to intentionally destroy personnel records which continue to be useful.

(10) Any person in the Classified Service appointed on a permanent basis may receive up to twelve months leave of absence without pay from the Classified Service to further his education without affecting his tenure, seniority, or retirement rights.

(11) The Board, with the assistance of the appointing authorities shall prepare proposed rules and regulations for persons in the Classified Service. Such rules and regulations shall be submitted to the Mayor and Aldermen for

adoption, with or without modifications by the Mayor and Aldermen, and such rules and regulations shall be supplementary to the provisions of this Act. The proposed rules and regulations shall be prepared and submitted to the Governing Body within sixty days after appointment of the first members of the Board and the Mayor and Aldermen shall adopt such rules and regulations, with such modifications as this Body may provide, within forty-five days after they are received from the Board. Violation of such rules and regulations by persons in the Classified Service shall have the same effect as violation of this Act.

(12) Any person who wilfully violates any provisions of this Act shall be subject to a fine of not more than fifty dollars (\$50.00). In addition, any person in the Classified Service guilty of violating any provision of this Act shall be subject to dismissal from employment.

(13) If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect with the invalid provision or application, and to this end the provisions of this Act are declared to be severable. [Priv. Acts 1967, ch. 452, as amended by Priv. Acts 1993, ch. 61, § 1(5)]

Section 7. Be it further enacted, That a majority of the Board of Mayor and Aldermen shall be a quorum to do business, but no ordinance, resolution or other act of the Board shall be passed or become effective unless it receives a majority of the votes of the whole Board in its favor; Provided, however, that a smaller number than a quorum may adjourn from day to day, under a provision of an ordinance, and may compel the attendance of absent members by fines and penalties. The Board shall be the judge of the qualifications, elections and returns of its own members, and shall prescribe rules for the determination of contested elections, and in case of a tie vote or contest in the election for Aldermen, the Board shall determine who shall be seated. In case of a tie vote in the election for Mayor, the Aldermen elect shall meet and organize by electing one of their number Mayor pro tempore, who shall for the time being perform all the duties and be subject to all the liabilities of the regular Mayor, and the Board shall refer the election of a Mayor back to a vote of the people as soon as practicable. In case of contest in the election of Mayor on any other ground than that of a tie vote, the Board shall, after organizing and electing a Mayor pro tempore as above, decide as soon as practicable who is entitled to the office. The Board may determine its own rules of proceeding, and prescribe the punishment of its members for non-attendance, disorderly or other improper conduct, and enforce the same; two-thirds of the Board concurring may expel a member for such conduct. To enable the board to fully investigate charges against its own members or officers, or other proper matters, the Mayor or Recorder, at the request of the Board, is hereby empowered to issue subpoenas and compulsory process to compel the attendance of persons and production of books and papers before the Board or any committee of the same.

Any person may prefer charges against the Mayor for misfeasance, malfeasance or nonfeasance in office, and he may be tried by the remaining members of the Board, and two-thirds of them concurring, he may be removed from office. Vacancies in the office of Mayor or Aldermen, or other offices herein authorized, whether occurring by death, resignation, removal or otherwise, shall be filled by the Board. If the vacancy occurs prior to any next regular State General Election, a person with the qualifications provided herein may be appointed by a majority vote of the remaining members of the board to serve only until that election, or until his successor qualifies. If the vacancy occurs in an aldermanic district, the appointee shall come from the numbered district in which the vacancy occurred. If a vacancy occurs in the alderman-at-large positions, the appointee shall come from the corporate limits. No district seat shall be declared vacated where the alderman's residence ceases to be within his numbered district solely because of redistricting as provided herein. In the absence of the Mayor at any of its meetings, the Board may elect a Mayor or presiding officer pro tempore. No person shall be eligible to the office of Alderman who is not a resident of and legal voter in said corporation election. The regular state meeting of the Board shall be held at such times as it may determine, not exceeding two per month, but special meetings may be held at any time upon the call of the Mayor.

Before assuming to discharge the duties of their office they shall be sworn before some Judge of a Court of Record to faithfully discharge all the duties of the office, and to support the Constitution of Tennessee and of the United States, and that they have had no contract, agreement or understanding with anyone at any time, to vote for any particular person for Recorder or Treasurer, or other office to be filled by said Board, without which oath the office shall be vacant and shall be filled by the Board. A full and complete journal or minutes shall be kept of all the proceedings of said Board. It shall have power to appoint all necessary standing and special committees, and fix the number of each, the committeemen being appointed by the Mayor, unless done by direct order of the Board. The character and duties of such committees shall be designated by the Board, and their mode of procedure may be directed by it. [As amended by Priv. Acts 1967, ch. 157, § 7; Priv. Acts 1979, ch. 86, § 4; and Priv. Acts 1996, ch. 164, §§ 1 and 2]

Section 7A¹. Be it enacted, that there shall be a Humane Commission, composed of five (5) members, who shall have been bona fide residents and citizens of the City of Dyersburg, Tennessee, at least five (5) years prior to their appointment, and who shall serve without compensation. Members of the

¹The provisions in this section are taken from Priv. Acts 1915, ch. 338, as amended by Priv. Acts 1949, ch. 584, § 2. The compiler has arbitrarily added them at this point and unofficially designated them as § 7A.

Humane Commission may be nominated by any member of Board of Mayor and Aldermen of said City, but no persons shall be qualified to act as member of said Humane Commission unless elected by a majority vote of said Board of Mayor and Aldermen.

Said Humane Commission shall have power and authority to make all rules and regulations for its government, and to adopt by-laws to fulfill the purpose of its existence; but all such rules, regulations, and, by-laws shall not be effective until approved by the Board of Mayor and Aldermen of said City.

It shall be the duty of said Humane Commission diligently and vigilantly to observe the faithful execution of all ordinances, by-laws, and, measures of said City enacted by the Board of Mayor and Aldermen of said City or by said Humane Commission for the purpose of prohibiting and restraining and punishing the cruel and inhuman treatment of children and animals; and to the end that the work of the Humane Commission may be the more efficiently accomplished, upon request of the chairman of said Humane Commission it shall be the duty of the Mayor to assign for special work, under the control and direction of the Humane Commission, members of the police force.

All moneys derived from fines assessed on conviction for violations of ordinances, by-laws, and measures enacted and intended for the prevention of cruel and inhuman treatment of children and animals shall be paid directly to the Humane Commission, and shall be used exclusively for the purpose of said Commission. All property acquired by said Humane Commission by gift, device or otherwise, shall remain under its exclusive jurisdiction and control; and the Board of Mayor and Aldermen of said City is hereby authorized and empowered to make provision in its annual levy of taxes for meeting of financial needs of said Board, and raising revenue for such purposes is hereby declared an ordinary purpose within the meaning of this Act, and it shall be so considered by said Board of Mayor and Aldermen.

No money shall be drawn from the fund herein provided for said Humane Commission, except on vouchers drawn on said fund and signed by the President and Secretary of said Humane Commission and approved by the Mayor of said Board of Mayor and Aldermen; and all expenditures exceeding five hundred dollars (\$500) shall only be made upon an ordinance, signed by the Chairman of said Humane Commission and passed by the Board of Mayor and Aldermen of said City in the manner herein provided by law for the passage of other ordinances. It shall be the duty of said Humane Commission to make quarterly reports to the Mayor and Aldermen of said City which shall contain a full and detailed account of all their acts and doings, their recommendations for the enactment of such further ordinances as will further and advance the purposes for which said Board is created, together with a complete and itemized account of all receipts and disbursements. [Priv. Acts 1915, ch. 338, as amended by Priv. Acts 1949, ch. 584, § 2]

Section 7B. (Deleted.) [Priv. Acts 1917, ch. 782, § 5; as amended by Priv. Acts 1949, ch. 584, § 2; and deleted by Priv. Acts 1993, ch. 61, § 1(6)]

Section 8. Be it further enacted, No person shall be elected Mayor who is not a legal voter in all corporation elections.

A vacancy in the office of Mayor shall be filled as hereinbefore provided for. The Mayor may fill vacancies in any office except that of Aldermen until the same be filled by the Board, and in the absence of any officer, and there is business of said absentee's office deemed by the Mayor urgent, he may appoint a pro tempore officer to attend to said business, and especially in the absence of the Marshal he may verbally appoint pro tempore Marshals to execute all process, and with or without process to arrest offenders against the corporate laws, where the offense is committed in the Mayor's presence, or not in his presence, if the Mayor deems it necessary to prevent the escape of the party offending. It shall be the duty of the Mayor to preside at all meetings of the Board, and as a member thereof, take part in its deliberations and vote upon all questions coming up before the same; to take care that all the ordinances are duly enforced and observed; to call special sessions of the Board when he may deem it expedient, and perform such other duties as the Board may by ordinance or otherwise impose upon him.

The Mayor shall at least once in every six months cause to be presented to the Board a full and complete statement of the financial condition of the corporation, and shall from time to time communicate to the Board such information and recommend such measures as he may deem wise and proper. He shall have power to buy in property at tax and judicial sales, where the corporation is an interested party, and may buy property for corporation purposes at public or private sales; Provided, however, that the purchase, in any event, must be under a special or general ordinance or resolution of the Board. In case of the absence of the Mayor, or if for any reason he is not present to discharge any duty or business of his office, then the Recorder or any Justice of the Peace shall have the jurisdiction and power of said Mayor, and may perform all his duties, except duties as presiding officer of the Board and its meetings, which duties shall be performed by any Alderman the Board may elect pro tempore Mayor or presiding officer. [As amended by Priv. Acts 1996, ch. 164, § 3]

Section 9. There is hereby created the office of City Judge for the City of Dyersburg. Such City Judge shall be a resident of the City of Dyersburg, shall be a licensed attorney and shall be elected by popular vote at the same time that the Mayor and Board of Aldermen are elected. His term of office shall be for a period of four (4) years and his compensation shall be as fixed by the Board of Mayor and Aldermen under provisions of Section 6 of the Charter, payable monthly out of the Treasury of the City. He shall hold court daily at some hour to be fixed by him.

Said City Judge shall have power and jurisdiction to hear and determine all charges of violations of the City Ordinances and shall render judgment upon such charge. He shall have power to issue warrants for the arrest of persons alleged to have violated such City Ordinances and all other necessary process. He shall likewise have power to commit to the City Jail persons fined by him for such violations who do not pay or secure such fine. Appeals from the judgment of said City Judge shall lie to the Circuit Court of Dyer County and shall be perfected in the same manner as are appeals from judgments of the Court of General Sessions except that the person so appealing shall execute bail or appearance bond.

Such City Judge likewise shall have jurisdiction to hear and determine all charges of violations of the State law occurring within the corporate limits of the City of Dyersburg to the same extent as a Judge of the Court of General Sessions now possesses and may bind offenders to the grand jury. To fill the vacancy occasioned by the creation of the office of City Judge, Rodgers Menzies is hereby designated and appointed to hold the same until the next regular City election. The Recorder shall act as clerk for the City Judge.

Where the Judge finds it necessary to be absent from holding Court, he may designate in a writing, to be filed with the Clerk of the Court, the name of a Special Judge to hold Court in his place and stead; such person shall be a person who has the qualifications of such a Judge and who shall have the same authority as a regular Judge to hold Court for the occasion.

In all matters involving charges of violations of the State law the costs and fees of said Court shall be the same as provided by State law for Courts of General Sessions. In all matters involving charges of violations of the City Ordinances the costs and fees of said Court shall be as determined and established by ordinance or resolution of the Board of Mayor and Aldermen of the City of Dyersburg.

There is hereby created the office of City Court Clerk. The City Court Clerk shall be elected by the Board of Mayor and Aldermen. The Board may elect such assistant City Court Clerks as it deems necessary. The City Court Clerk and assistant City Court Clerks shall have the same authority and jurisdiction with the City Court of Dyersburg as the Clerk of General Sessions Court has been vested by law with the Court of General Sessions.

The Board of Mayor and Aldermen shall fix the compensation of the City Court Clerk and the assistant Court Clerks and may by ordinance prescribe additional duties to such clerk or the assistant clerks and regulate the performance thereof. [As amended by Priv. Acts 1949, ch. 584, § 2; replaced by Priv. Acts 1951, ch. 244, § 1; amended by Priv. Acts 1967, ch. 157, § 8; Priv. Acts 1969, ch. 191, § 2; Priv. Acts 1976, ch. 285, § 2; and Priv. Acts 1988, ch. 129, § 2]

Section 10. (Deleted.) [As deleted by Priv. Acts 1951, ch. 244, § 1]

Section 11. (Deleted.) [As amended by Priv. Acts 1915, ch. 524; Priv. Acts 1949, ch. 584, § 2; and deleted by Priv. Acts 1993, ch. 61, § 1(7)]

Section 12. (Deleted.) [As amended by Priv. Acts 1915, ch. 255, §§ 1 and 2, and deleted by Priv. Acts 1993, ch. 61, § 1(8)]

Section 13. The recorder of the City of Dyersburg shall keep and preserve the city seal and all official records not required by law or ordinance to be filed elsewhere; to attend all meetings of the board and to maintain a minute book showing the proceedings of all such meetings, the aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the results of the vote on each question; and to prepare and certify copies of official records.

The recorder shall act as the tax collector and shall collect such taxes as authorized by the general laws of the State of Tennessee, the city charter and by ordinance. The recorder shall collect the taxes and any delinquencies, penalties or fines for non-payment thereof in such manner as may be authorized by the general laws of the State of Tennessee, the city charter or by ordinance. The recorder shall issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected. [As amended by Priv. Acts 1915, ch. 255, §§ 3 and 4; Priv. Acts 1949, ch. 584, § 4; and replaced by Priv. Acts 1993, ch. 61, § 1(9)]

Section 13A. (Deleted.) [Priv. Acts 1917, ch. 782, § 4; as amended by Priv. Acts 1929, ch. 704; Priv. Acts 1949, ch. 584, §§ 2 and 8; and deleted by Priv. Acts 1993, ch. 61, § 1(10)]

Section 13B¹. Be it further enacted, That the said Board of Mayor and Aldermen of Dyersburg, Tennessee, shall, also, have the power and authority, by ordinance, to fix a privilege tax or license upon all automobiles, trucks, busses, motorcycles, and all other motor-driven vehicles, for whatever purposes the same may be run and operated in the said City of Dyersburg, Tennessee, whether for pleasure, hire, or otherwise, not to exceed Fifteen Dollars (\$15.00) per annum each. Said license shall be renewable annually, and for said license and each renewal thereof, a fee, fixed by ordinance, not to exceed Fifteen Dollars (\$15.00) may be charged annually. Said Board shall also have the authority to levy a privilege tax or license upon the running of automobiles and motorcycles, for pleasure and not to exceed Five Dollars (\$5.00) per annum on automobiles

¹The provisions in this section are taken from Priv. Acts 1925, ch. 742, as amended by Priv. Acts 1931, ch. 242, and Priv. Acts 1949, ch. 584, § 2. The compiler has arbitrarily added them at this point and unofficially designated them as § 13B.

and Two Dollars (\$2.00) per annum on motorcycles; and to regulate the operation of motor-driven vehicles and all other vehicles on the streets, avenues, alleys or other thoroughfares within the corporate limits of said City. Full authority is hereby given to said Board to appoint a person or persons to examine the applicants for license and to determine their efficiency. Said license shall be renewable annually, and for said license and each renewal thereof, a fee fixed by ordinance not to exceed Five Dollars (\$5.00) per annum, may be charged.

Be it further enacted, That the said Board shall have the power by ordinance to charge a privilege tax or license on drays or other commercial wagons or vehicles operated for hire, not to exceed Five Dollars (\$5.00) per annum, each, and to require each owner of such vehicle to obtain a license to operate same within the corporate limits of said City. Said license shall be renewable annually and for said license and each renewal thereof, a fee fixed by ordinance, not to exceed Five Dollars (\$5.00) per annum may be charged.

Be it further enacted, That said Board of Mayor and Aldermen of the City of Dyersburg are hereby empowered to pass and enforce such ordinances as may be necessary for the carrying out of the full intent of this Act. And the said Board is hereby given full authority to levy said privilege taxes or licenses as herein provided, for the year 1925 and each and every year thereafter. [Priv. Acts 1925, ch. 742; as amended by Priv. Acts 1931, ch. 242; and Priv. Acts 1949, ch. 584, § 2]

Section 13C. (Deleted.) [Priv. Acts 1937, ch. 723, as deleted by Priv. Acts 1993, ch. 61, § 1(11)]

Section 13D¹. Be it enacted by the General Assembly of the State of Tennessee: (1) In the interpretation of this Act, the following definitions of terms shall apply:

(a) Electric System. The electric system of the City of Dyersburg, Tennessee, including all tangible and intangible property and resources of every kind and description used or held for use in the purchase, transmission, distribution and sale, but not the generation, of electric energy.

(b) Electric Operations. All activities associated with the establishment, development and administration of the electric system, and the business of supplying electricity and associated services to the public, including without limitation, the generation, purchase and sale of

¹The provisions in this section are taken from Priv. Acts 1969, ch. 130. The compiler has arbitrarily added them at this point and unofficially designated them as § 13D.

electric energy and the purchase, use and consumption thereof by ultimate consumers.

(c) Net Plant Value. The depreciated original cost of the tangible property, as shown on the books of the electric system, including materials and supplies, used and held for use in the transmission and distribution of electric energy.

(d) Tax Equivalent. The amount transferred to the general fund of the City of Dyersburg from the revenues of its electric system as payments in lieu of taxes or other charges on the electric system and electric operations.

(e) Fiscal Year. Twelve months beginning July 1 and ending June 30.

(2) Not later than thirty days after a tax equivalent is transferred to the general fund of the City, the Board of Mayor and Aldermen shall distribute to the County in which the city's electric system is located the followed amount: \$15,000.00 per annum, or that annual amount which is the product of the net plant value of that part of the electric system which is located in the unincorporated area of the County times the County tax rate, whichever is greater. After determining the respective shares, there shall be deducted from any county share, and not distributed, any taxes or other charges imposed in the fiscal year on the electric system or electric operations by that County. [Priv. Acts 1969, by ch. 130]¹

Section 13E². Be it enacted by the General Assembly of the State of Tennessee: (1) For the purposes of this act:

(a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, recorder, syndicate, or any other group or combination acting as a unit.

(b) Hotel. "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

¹Compilers note: The provisions of § 13D took effect on July 1, 1969.

²The provisions in this section are taken from Priv. Acts 1982, ch. 370, as amended by Priv. Acts 1986, ch. 196, Priv. Acts 1991, ch. 114, and Priv. Acts 1993, ch. 61, § 1(12). The compiler has arbitrarily added them at this point and unofficially designated them as § 13E.

(c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

(e) Consideration. "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(f) City. "City" means Dyersburg, Tennessee.

(g) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(h) "Tourist & Economic Development Commission" means a five (5) person body established as hereinafter provided for in this act.

(2) The city is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of five percent (5%) of the consideration charged by the operator. Said tax so levied is a privilege tax upon the transient occupying said room and is to be collected as hereinafter provided.

(3) Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the city.

When a person has maintained occupancy for thirty (30) continuous days, he shall receive from the operator refund or credit for any tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the city.

(4)(a) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels, as heretofore defined, within the city, to the city trustee, said tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for the remitting of tax authorized by this act, said operator shall be

allowed two percent (2%) of the amount of tax due and accounted for and remitted to the recorder in the form of a deduction in submitting his report and paying the amount due by him; providing the amount due was not delinquent at the time of payment.

(5) The recorder or other authorized collector of the tax authorized by this act shall be responsible for the collection of said tax. A monthly tax return under oath shall be filed with the recorder by the operator with such number of copies thereof as the recorder may reasonably require for the collection of said tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the recorder and approved by the board of aldermen prior to use. The recorder shall audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the board of aldermen. The board of aldermen is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this Act.

(6) No operator of a hotel should advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

(7) Taxes collected by an operator which are not remitted to the city recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become part of the tax herein required to be remitted. Each occurrence of willful refusal by an operator to collect or remit the tax or willful refusal by a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the city recorder.

(8) It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the city recorder shall have the right to inspect at all reasonable times.

(9) The city recorder in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the city clerks.

For his services in administering and enforcing the provisions of this act, the city recorder shall be entitled to retain as a commission one percent (1%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated Section 67-3033, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected under the authority of this act; provided further, the city recorder shall possess those powers and duties as provided in Section 67-2301, Tennessee Code Annotated, for the city clerks with respect to the adjustment and settlement with taxpayers, all errors of city taxes collected by him under authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the city recorder and the resolution authorizing levy of the tax shall designate a city officer against whom suit may be brought for recovery.

(10) For the purpose of promoting tourist and economic development activity, authorization is granted to the City of Dyersburg to establish a Tourist and Economic Development Commission for the City of Dyersburg. The commission shall be composed of five (5) persons selected by and with the approval of the Mayor and the Board of Aldermen. One member of the commission shall be a person affiliated with the hotel-motel business and the remaining members shall be selected from a list of nine (9) persons submitted by the area Chamber of Commerce. Upon this act becoming effective, the initial term of office for such commissioners shall be staggered so that one (1) such appointee shall serve an initial term of one (1) year, two (2) such appointees shall serve an initial term of two (2) years, and two (2) such appointees shall serve an initial term of three (3) years. Thereafter, all commissioners shall be appointed for terms of three (3) years. Vacancies shall be filled in the same manner that original appointments are made with the area Chamber of Commerce submitting three (3) names for each vacancy, but vacancies shall be filled for the duration of the unexpired term only. There shall be no prohibition upon a commissioner succeeding himself or herself subject, however, to being reappointed in accordance with the previous provisions of this section. The Mayor of the City of Dyersburg and the Executive Director of the area Chamber of Commerce shall serve as exofficio members of the Commission.

The area Chamber of Commerce shall enter into a contractual agreement with the City of Dyersburg, through the Tourist and Economic Development Commission, whereby the Chamber will administer and provide the Government with a comprehensive tourist and economic development promotion program, hereafter referred to as the "program."

It is understood that the Chamber shall work closely with the Office of Mayor and the Tourist and Economic Development Commission in the expenditure of the funds, which funding shall not exceed one hundred thousand dollars (\$100,000.00). In the event additional revenue is generated from future construction of lodging accommodations, the City shall have the option to

determine if additional "program" funding is needed, taking into consideration the recommendation and request of the Tourist and Economic Development Commission and other persons and organizations engaged in tourist and economic development related businesses pertaining to the utilization of such funds.

As relates to budgetary and fiscal matters and expenditures, the commission shall be subject to the same provisions of law as other boards and commissions established by the City of Dyersburg and said commission shall be responsible for preparing and submitting a programmed budget for all funds to be expended pursuant to the provisions of Section 11 of this act for approval by the Board of Aldermen. The Tourist and Economic Development Commission shall be responsible for the expenditure of all funds, through the contractual agreement with the area Chamber of Commerce, derived from the tax authorized by this act and allocated for direct promotion of tourism and economic development.

(11) The proceeds of the tax authorized by this act shall be appropriated and distributed by the Board of Aldermen as follows: All proceeds shall be placed in the Tourist and Economic Development Commission established by this act, and shall be used for the promotion of tourism and economic development in Dyersburg. In the event that the tax revenue shall exceed one hundred thousand dollars (\$100,000.00), all revenue over and above one hundred thousand dollars (\$100,000.00) shall be placed in the general fund of the City of Dyersburg.

It is the intent of this legislation to provide a source of tax revenues to be used for the development and promotion of tourism and economic development in Dyersburg., Tennessee, and, therefore, that portion of the tax revenues going into the general fund of the City of Dyersburg shall be utilized for tourist and economic development related activity as the respective body of the City of Dyersburg shall determine is reasonably needed, taking into consideration the recommendation and request of the Tourist and Economic Development Commission and other persons and organizations engaged in tourist and economic development related businesses pertaining to the utilization of such funds. The proceeds of the tax authorized by this act shall not be used to provide a subsidy in any form to any hotel.

(12) On June 1st of every year the Board of Mayor and Aldermen of the city shall review the Tourist and Economic Development Commission and make recommendations as to any changes that need to be made in such commission or the tax imposed by this act. Such Board may also recommend that the commission and/or the tax be abolished or continued.

(13) The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this act shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included

herein. [Priv. Acts 1982, ch. 370; as amended by Priv. Acts 1986, ch. 196; Priv. Acts 1991, ch. 114; and Priv. Acts 1993, ch. 61, § 1(12); and Priv. Acts 2001, ch. 42, § 1]

Section 14. Be it further enacted, That the Treasurer shall receive from the Recorder or other collector of corporate funds, and receipt for, take care of, and keep a proper and true account of all such funds of whatever nature that may come into his hands, and for such purposes he shall keep such books as the Board of Mayor and Aldermen may direct. He shall make out and present as many and such reports and statements of the finances of his office and of the corporation as the Board may order. Before entering upon the discharge of his duties the Treasurer shall give bond with good securities, payable to the Mayor and Aldermen of Dyersburg, and in such an amount as the Board may prescribe, and conditioned to be void only if he shall fully and truly account for and pay over, as may be provided by law and by the Board, all corporation funds that may come into his hands from any source whatever, and to faithfully discharge all the duties required of him by law and by said Board. The Treasurer shall perform such other duties as the Mayor and Aldermen may prescribe.

The city treasurer shall pay moneys out of the treasury for all purchases and expenditures of the municipality which have been approved by the corporation in accordance with the provisions of this charter and the general laws of the state. [As amended by Priv. Acts 1993, ch. 61, § 1(13)]

Section 15. No person shall be qualified to vote in any general, special or primary election held for the purpose of electing any one or more of the officials of the City of Dyersburg, consisting of the Board of Mayor and Aldermen, judge of the city court, and any other official whose office is to be filled by the vote of the people, or for any unexpired term or terms thereof, unless and until such voter shall have resided within the corporate limits of the City of Dyersburg, Tennessee, for a period of thirty (30) days next preceding such election, and shall be eligible to vote for members of the General Assembly of the State of Tennessee; provided, however, any person who is a bona fide owner of real estate located within the corporate limits of the City of Dyersburg, and who does not reside within the corporate limits of said City of Dyersburg, shall have the right to vote in any and all of the city elections. [As amended by Priv. Acts 1949, ch. 584, § 5; replaced by Priv. Acts 1951, ch. 639, § 1; and Priv. Acts 1993, ch. 61, § 1(14)]

Section 16. Be it further enacted, That the Mayor and Aldermen of Dyersburg, shall, within the limitations of this Act, have powers by ordinance;

1. To levy and collect taxes for general corporation purposes upon all property taxable by the laws of the State, the rate of taxation on property to be such amount as the Mayor and Aldermen may provide for, but under no circumstances or event shall the Board of Mayor and Aldermen of the City of

Dyersburg have the power or the authority to assess, levy or collect a tax on the polls of the City of Dyersburg, it being the intention of this Act to prohibit the levy, assessment and collection of poll taxes by or for the use and benefit of the Board of Mayor and Aldermen of the City of Dyersburg, Tennessee.

2. To levy and collect taxes for general corporate purposes upon merchants, and on one or all the privileges taxable by the laws of the state. The rate upon merchants and privileges to be such as the mayor and aldermen may provide for.

3. To appropriate money and to provide for the payment of the debts and expenses of the corporation.

4. (Deleted.)

5. To construct, erect, extend, improve, establish and operate, within or without the corporate limits, places for burial of the dead, airports, jails, workhouses or other houses of correction, school, athletic stadiums and fields, hospitals, libraries, fire stations, water, gas, electric, sewer and other sanitary works, waterworks, levees, dams, pumping stations, flood control projects, and any other municipal building, work or project undertaken by said municipality alone or in cooperation or in conjunction with the County of Dyer, the State of Tennessee, the Federal Government, or any department or agency of said county, state or federal government, and to make regulations for the operation, government, improvement and maintenance of the same.

6. To establish, finance and regulate a system of free schools as may be authorized by the general laws of the State of Tennessee.

7. In the event a school system is not established for the town under the provisions of the preceding subsection, then the board of mayor and aldermen is hereby authorized to establish by ordinance and maintain a system of high grade public schools for the town, to be run, operated and controlled by an elected board of education comprised of seven (7) resident citizens of the town as follows: one (1) each from the five (5) existing aldermanic districts of the town, one (1) at-large position 1 member, and one (1) as at-large position 2 member. All seven (7) members shall be elected for terms of four (4) years. Candidates for the five (5) school board positions representing the aldermanic districts of the town who receive the highest number of votes for their respective numbered districts shall be declared elected. The candidate for at-large position 1 receiving the highest number of votes for that at-large position shall be declared elected. The candidate for at-large position 2 receiving the highest number of votes for said at-large position shall be declared elected. Provided, however, that the first seven (7) members elected to the board of education pursuant to this act shall serve as the town's board of education together with the remaining elected members of the previous board of education and shall so serve together until the resignation or expiration of term of office of the remaining elected members of the previous board.

The seven (7) members of the board of education shall be first elected at the first regular August election for state and county officers after passage of

this act and thereafter at the regular August election every four (4) years. The election of the board of education shall be held by the election commission or other authorized officers for the conducting of regular elections.

Members of the board of education shall be resident citizens of the town who possess the qualifications for such office posed by state law. No person shall be eligible to hold the office of a board of education member representing one (1) of the five (5) aldermanic districts unless such person resides in that district; provided, however, that in the event the residence of a board of education member representing an aldermanic district ceases to be within such aldermanic district because of redistricting as provided for by this charter, such board of education member shall nevertheless continue to serve upon the board as the representative of such aldermanic district for the remainder of his term.

The board of education shall meet and organize by electing one of their members as president and shall elect a secretary and treasurer, and shall have the power to fill all vacancies, to hire all teachers, to appoint a city superintendent and to hire all necessary officers and agents as are usual and necessary to operate schools. The city superintendent shall not be a member of the board, a member of the board of mayor and aldermen, the county superintendent, but may be a teacher in the city schools, and shall exercise the same authority in reference to city schools as county superintendents exercise in county schools.

The county trustee of Dyer County is required to pay over according to the scholastic population of the city to the city treasurer for such purpose the pro rata of the common or public school fund that shall come into his hands from the State of Tennessee, and also from Dyer County. All funds shall be used in conjunction with the funds raised by city taxation in the operation of the schools. In the event the schools are established, the board of mayor and aldermen of Dyersburg shall have power to levy and collect taxes as provided for herein for their operation and maintenance. The board of education in the management and operation of the schools, shall not incur any liabilities binding on the town beyond the current city school taxes and the school fund above provided for. To such schools all pupils within the free school age within the city limits shall be admitted free of charge, and other pupils outside the city limits may be admitted under such rules, regulations and contracts as the board of education may provide.

8. To make regulations to promote and secure the general health, safety and welfare of the inhabitants and prevent and remove nuisances, including the power by specific provisions of such ordinances to create, fix and enforce by court action, liens on real estate of its inhabitants, which shall have the same force, effect and validity as liens on real estate for unpaid municipal taxes and assessments.

9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean, keep in repair streets, alleys and sidewalks, and to compel lot owners to make and keep in repair safe and proper sidewalks or

pavements of plank, brick, stone, granolith, or concrete adjoining their lots; and if the owner or owners of any lot or lots shall fail to comply with the provisions of any ordinance which may be passed for the construction of such walk or pavement within such time as may be prescribed by said ordinance, the City Council, through its proper officer or committee, may contract for the construction of sidewalk or pavement and pay for the same, and the amount so paid shall be a lien upon said lot, and may be enforced by attachment in law or equity, or the amount may be recovered against said owner by suit before any court of competent jurisdiction.

10. To erect, establish and keep in repair bridges, culverts, sewers and gutters.

11. To provide for lighting the streets.

12. To provide for the erection and improvement of all buildings necessary for the use of the corporation.

13. To provide for the inclosing, improving and regulation of all public grounds and buildings belonging to or under the control of the corporation within or beyond the corporate limits.

14. To license, tax and regulate merchants, peddlers and all privileges taxable by the State.

15. To regulate or prohibit and suppress all gambling or gambling houses, bawdy houses, and all disorderly houses and obscene pictures and literature.

16. To provide for the prevention and extinguishment of fires, to organize and establish fire companies and to regulate the carrying on of manufactures dangerous in causing or producing fires.

17. (Deleted.)

18. To regulate the storage of gun-powder, tar, pitch, resin, saltpetre, gun-cotton, coal oil and all other combustible, explosive or inflammable material, and the use of lights, candles, lamps, stove pipes, steam pipes and chimneys in all store houses, dwellings, out-houses, shops, stables or other places, and to regulate or suppress the use and sale of firecrackers or fireworks of all kinds.

19. (Deleted.)

20. (Deleted.)

21. To provide for and regulate the inspection, weighing, measuring and vending of all kinds of fuel, provender or feed, provisions, oils, whiskies and other spirits, milk, butter, lard and all kinds of provisions, meats, poultry, fish and vegetables.

22. To establish and regulate markets, market-houses and meat houses.

23. To impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

24. To provide for the arrest, imprisonment and punishment of all rioters and disorderly persons within the city, by day or night, and for the

punishment of all breaches of the peace, noise, disturbance, or disorderly assemblies.

25. To impose fines or penalties upon the owner or owners, occupants or agents of any house, wall or sidewalk or other structure which may be considered dangerous or detrimental to the citizens, unless the same be removed or repaired after such notice be given as the Board may fix by ordinance.

26. To regulate, tax, license or suppress the running at large of all animals within the corporate limits; to take and impound the same, and in default of redemption in pursuance of ordinance to sell or kill the same.

27. To provide for the arrest and the confinement, or release on appearance bond under trial, of all persons violating any of the corporate ordinances.

28. To erect and maintain a work-house in or near the city.

29. To provide for any person who may fail to pay or secure at once any fine or costs that may be imposed upon him or her under any ordinance, to be committed to said work-house, if one is erected, and if not, to the county jail, until such fine and costs be fully paid or secured. Every person so committed shall be required to work for the corporation at such labor as his health and strength will permit, within or without said jail or work-house, not exceeding ten hours each day, and for such work the person doing the same shall be allowed, exclusive of board, a credit upon such fine and costs of sixty cents a day until the whole is discharged, when he shall be released; Provided, that no person shall be compelled to work or be confined longer than three months for any one offense.

30. To provide for inclosing, improving and regulating all public grounds belonging to the corporation in or out of the corporate limits.

31. To provide for the appointment of a special police force at such times and on such occasions as the Board may determine by ordinance.

32. To grant the right of way through or over the streets, alleys, avenues and squares of the city to street or other railroad companies or persons.

33. To take and appropriate grounds for widening streets or parts thereof, or for laying out new streets, avenues, squares or parks when the public convenience requires it, pursuant to the general laws of the State of Tennessee.

34. To pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full intent and meaning of this Act and to accomplish the object of this incorporation.

35. To levy a privilege tax on traveling tent shows, street carnivals and street shows (other than circuses and chautauquas) in addition to the tax levied by the State and County, not to exceed \$100.00 per day, and to provide for the collection of the same.

36. To purchase, acquire, lease, maintain and operate gasoline or electric or other self-propelled coaches, buses, automobiles and vehicles for transportation of passengers within the corporate limits of the municipality and

within its environs within a radius of one mile from said corporate limits into the county and to charge reasonable fares therefor.

37. To regulate and to have complete and entire control of the streets, alleys, ways and sidewalks and of that area between the inside of the sidewalks and the streets, ways or alleys within the corporate limits of the City of Dyersburg, Tennessee, and to impose reasonable and proper charges upon buses, taxicabs, and others for their fair contribution for the costs of constructing, maintaining, keeping in repair and policing said streets, ways and alleys within the corporate limits of the City of Dyersburg.

38. To regulate the use of the streets, ways and alleys within the corporate limits of the City of Dyersburg by motor carriers for hire.

39. To regulate traffic on the streets, ways and alleys within the corporate limits of the City of Dyersburg by requiring inspections of vehicles and license tags and to make reasonable charges therefor.

40. (Deleted.)

41. To appropriate money and provide for the payment of the debts of the city and to borrow money evidenced by note executed by the mayor and recorder on behalf of the mayor and aldermen of Dyersburg, a municipal corporation, in strict accordance with the general laws of the state.

42. To acquire, receive, and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interests therein within or without the City or State except the water and light plant of Dyersburg, which is governed by Chapter 12 of the Private Acts of the General Assembly of the State of Tennessee for the year 1927.

43. To grant to any person, firm, association or corporation, exclusive or non-exclusive franchises for public utilities and public services to be furnished the City and the inhabitants thereof, provided that the City shall have the right to purchase, acquire, lease, own and operate public utilities and public services to be furnished the City and the inhabitants thereof, and to make reasonable charges for the granting of said franchises.

44. To make reasonable and proper charges and to levy reasonable and proper taxes on and against any firm, person, association or corporation owning or operating without a valid franchise public utilities and public services furnished the City and the inhabitants thereof and on and against any person, firm, association or corporation acquiring a franchise for said services in the future.

45. To provide for and make regulations for the prevention and extinguishment of fire and to regulate the carrying on of any business dangerous in causing or producing fires; to regulate all combustible, inflammable or explosive materials, provided such regulations or ordinances do not conflict with the regulations promulgated by the Tennessee Commission of Labor and State Fire Marshal, and to regulate the cleansing, burning and sweeping of chimneys or stove pipes, and to regulate or prevent the discharging, firing, shooting, selling or possessing or carrying of guns, pistols and fireworks in the City.

46. To provide for and make regulations for garbage collections and garbage disposal and to make reasonable charges therefor and to provide for and make regulations for the disposal of sewerage and to make reasonable charges therefor.

47. To appropriate from year to year from its general revenues, in the same manner as other revenues of the City of Dyersburg are appropriated, such sum or sums of money as may be necessary for the payment of the premiums for group insurance covering city employees. The sum or sums to be paid for said premiums shall be determined by the Mayor and Aldermen, if and whenever a general group insurance plan for city employees is approved and adopted.

48. To provide for the reimbursement of all reasonable and necessary expenses incurred by the mayor, recorder, treasurer and board of aldermen in the service of an at the behest of the city including, but not limited to, travel, lodging, use of personal vehicle and meals. [As amended by Acts 1905, ch. 448, § 1; Priv. Acts 1911, ch. 223; Priv. Acts 1919, ch. 588, §§ 1 and 2; Priv. Acts 1925, ch. 228; Priv. Acts 1929, ch. 512; Priv. Acts 1933, ch. 476; Priv. Acts 1949, ch. 584, §§ 2 and 9; Priv. Acts 1951, 639, § 2; Priv. Acts 1959, ch. 42, § 1(3); Priv. Acts 1959, ch. 370; Priv. Acts 1967, ch. 157, § 9; Priv. Acts 1988, ch. 197; Priv. Acts 1993, ch. 61, §§ 1(15), 1(16), 1(17), 1(18), 1(19), 1(20), 1(21), 1(22), 1(23), 1(24), 1(25) and 1(26)]

Section 17. Be it further enacted, That the Board of Mayor and Aldermen may make all necessary and proper contracts for corporate purposes and uses, which shall be made in the name of the corporation and signed by the Mayor and Recorder, and no person shall have power to create any liability against the corporation except by express authority of the Board conferred at a meeting duly and regularly convened.

Section 18. No money shall be drawn from the treasury by anyone except for purchases and expenditures of the municipality which have been approved by the corporation in accordance with the provision of this charter and the general state laws. The treasurer shall maintain records of the finances of the municiplaity including statements of income and disubusements of corporate funds in accordance with generally accepted accounting principles. [As replaced by Priv. Acts 1993, ch. 61, § 1(27)]

Section 18(a). (1) Application of Section. This section shall apply to all purchases by authorized officials in the City of Dyersburg using or encumbering municipal funds except as follows:

(A) This section shall not apply to purchases made under the provisions of Tennessee Code Annotated, Section 12-3-1001;

(B) This section shall not apply to investments in or purchases from the pooled investment fund established pursuant to Tennessee Code Annotated, Title 9, Chapter 4, Part 7;

(C) This section shall not apply to purchases from instrumentalities created by the City of Dyersburg and one (1) or more other cooperating governments such as, but not limited to, those established pursuant to the Interlocal Cooperation Act, compiled in Tennessee Code Annotated, Title 12, Chapter 9; and

(D) This section shall not apply to purchases from nonprofit corporations such as, but not limited to, the Local Government Data Processing Corporation, whose purpose or one of whose purposes is to provide goods or services specifically to municipalities.

(2) Office of Purchasing Agent. The office of purchasing agent is hereby created and the city treasurer shall faithfully discharge the duties of said office or appoint an individual to make purchases for the City pursuant to the terms of this section.

(3) Limits on Purchases. All purchases made from funds subject to the authority of this section shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made.

(4) Advertising and Bidding--Exceptions. Except as hereinafter provided, all purchases and leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid, except as follows:

(A) Purchases costing less than ten thousand dollars (\$10,000); provided, however, this exemption shall not apply to purchases of like items which individually cost less than ten thousand dollars (\$10,000), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed ten thousand dollars (\$10,000) during any fiscal year;

(B) Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product. A record of all such sole source or proprietary purchases shall be made by the Purchasing Agent and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the Board of Mayor and Aldermen and shall include all items of information as required for the record;

(C) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the Purchasing Agent and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be

made as soon as possible to the Board of Mayor and Aldermen and shall include all items of information as required for the record;

(D) Leases or lease-purchase agreements requiring total payments of less than ten thousand dollars (\$10,000) in each fiscal year the agreement is in effect, provided this exemption shall not apply to leases of like or related items which individually may be leased or lease-purchased with total payments of less than ten thousand dollars (\$10,000) in any fiscal year, but which are customarily leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would be ten thousand dollars (\$10,000) or more in any fiscal year;

(E) Purchases, leases, or lease-purchases of real property;

(F) Purchases, leases, or lease-purchases from any federal, state, or local governmental unit or agency of secondhand articles or equipment or other materials, supplies, commodities, and equipment; and

(G) Perishable commodities are exempted from the requirements of public advertisement and competitive bidding when such items are purchased in the open market. A record of all such purchases shall be made by the Purchasing Agent and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such purchases shall be made, at least monthly, to the Board of Mayor and Aldermen and shall include all items of information as required in the record. Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services' contract where available.

(5) Advertising and Bidding--Expenditures of Less than Ten Thousand Dollars (\$10,000). All purchases, leases, or lease-purchase arrangements with expenditures of less than ten thousand dollars (\$10,000) but more than one thousand dollars (\$1,000) in any fiscal year may be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids. Purchases, leases, or lease-purchases of one thousand dollars (\$1,000) or less in any fiscal year shall not require any public advertisement or competitive bidding.

(6) Supplementary Regulations. The Board of Mayor and Aldermen is specifically authorized to adopt regulations providing procedures for implementing the provisions of this section. [As added by Priv. Acts 1990, ch. 214]

Section 19. Be it further enacted, That the title to all property, real or personal, purchased by the corporation, shall be conveyed to the Mayor and Recorder by name in their official capacity for the use and benefit of the Mayor and Aldermen of Dyersburg, and by them on behalf of the corporation, shall the title to property sold by the corporation be conveyed, the said Mayor and

Recorder signing the deed or writings in their official capacity and under the seal of the corporation. [As amended by Priv. Acts 1927, ch. 12, and Priv. Acts 1957, ch. 188]

Section 20. Be it further enacted, That property subject to taxation shall be assessed and listed for taxation in the name of the owner or reputed owner, alphabetically or by ledger sheets containing the entire assessment information and record for each parcel of property and on tax receipt slips filed alphabetically, made and compiled each year on each parcel of property, which tax receipt slips shall contain all the assessment information for the entire City, and if real estate, giving the number of the lot or some description that will be sufficient to identify it. In estimating the value of the property, the Assessor shall be guided by the assessment laws of the State. Merchants and privileges shall be taxed, and taxes on same collected as may be provided, by corporate ordinances. The assessment book or ledger sheets and tax receipt slips as herein provided shall be made out and completed by the first day of April of the year for which the assessment is made and delivered by said time to the Recorder, who shall proceed at once to make out the tax book or ledger sheets and tax receipt slips as herein provided and complete and deliver the same to the Recorder or collector by the first day of May of said year, at which time said taxes shall become due and payable, but the Recorder shall not enforce collection until the 15th day of November following, unless ordered to do so by the Board. All persons who have not paid their taxes by this time shall become delinquents, and the Recorder shall, at once, make out a complete list of all such, showing the amount of taxes due from each, and on what due, and affix such penalty as the Board may prescribe by ordinance. When said list is made out, the Recorder shall make affidavit thereon before the Mayor or some Justice of the Peace, that it contains a full and complete list of the delinquents and the true amount of taxes due by each to the best of his information and belief. Said list as to each delinquent shall be equivalent to an execution in the hands of said Recorder, and with it he shall have the power to seize and take the goods and chattel rights and credits of said delinquents sufficient to satisfy the amount due by each, and to do all other things authorized to be done by any officer under an execution levied on such property until the money is made. If the Recorder neglects to make out said list in such time as the Board may prescribe, or fails to promptly enforce the collection of said taxes, some other officer or person may be elected by the Board to discharge said duties. The Recorder or other person shall keep said lists until such time as the Board may prescribe for him to return it and make final settlement. Accounts may be made out against delinquents at any time after return of said list for the amount of their taxes and suits brought against them in the nature of an ordinary action of debt before any Justice of the Peace, in the name of the Mayor and Aldermen of Dyersburg. If the taxes are on real estate, the warrant may show what lot or lots and that the taxes are a lien thereon, and the lien may be then enforced by judgment and

execution or attachment may issue showing same facts upon affidavit of Recorder, stating any of the causes mentioned in the Code for issuance of attachments at law. Assessed taxes on realty shall be and remain a lien thereon, until paid, from and after the tenth day of January of the year the assessment is made. For the year 1903 the Board may extend the time in which the assessment and tax books are to be made out and completed, if necessary. If any officer fail to discharge any of his duties in regard to making out the assessment book or tax book or ledger sheets and tax receipt slips as herein provided, the Board may appoint some other person to perform said duties as soon thereafter as practicable.

In case of any delinquent tax assessment of any kind or character, where the penalty and costs of collection is not already especially provided for by law and especially whenever any street improvement assessment or tax shall become delinquent, there shall be added to any and all such tax or assessment as a penalty of such delinquency the sum of one per cent per month for each month's delinquency and the further sum of ten per cent of the whole amount due whenever any such tax or assessment is placed in the hands of an attorney or attorneys for collection, which said penalties and attorneys' fees shall be included in any judgment that may be rendered against such delinquent in the collection of such delinquent tax or assessment. [As amended by Priv. Acts 1919, ch. 588, § 3; Priv. Acts 1949, ch. 584, §§ 2 and 6; and Priv. Acts 1993, ch. 61, § 1(28)]

Section 21. Be it further enacted, That the Recorder may issue and sign distress warrants and alias and pluries distress warrants to collect taxes on merchants and privileges, directed to the Recorder, or he may sue for and recover the same, in the nature of an action of debt, before some Justice of the Peace. The tax shall become due and payable on the day the party commences business, and shall be for twelve months, unless the party elects to take out license for a less time. The Mayor may also issue distress warrants against delinquents to collect taxes, upon application of the Recorder, and against parties who are not delinquents who may be about to move out of the corporation or county, or are fraudulently or are about fraudulently to dispose of their property, upon the affidavit of the Recorder, and said warrants shall be directed to the City Recorder and executed by him. Said distress warrants in the hands of said officer will give him the same power and subject them to the same liabilities as in the case of execution. [As amended by Priv. Acts 1949, ch. 584, § 2, and Priv. Acts 1993, ch. 61, § 1(29)]

Section 22. (Deleted.) [As deleted by Priv. Acts 1951, ch. 244, § 2]

Section 23. When any person is arrested by an officer of the city police department without a warrant, the officer shall proceed to have a warrant issued and served in accordance with the general laws of Tennessee. The

mayor, city judge and city recorder may set and take the bond of the arrested person. The bond shall be payable to the city, conditioned to be void only if the person makes a personal appearance at the time and place fixed for trial and does not depart without leave of court. [As amended by Priv. Acts 1919, ch. 588, § 4, and replaced by Priv. Acts 1993, ch. 61, § 1(30)]

Section 24. Any person tried and fined for violating any corporate ordinance in the city court shall have all the appeal rights to the state courts of record as are provided by the general laws of the state. [As replaced by Priv. Acts 1993, ch. 61, § 1(31)]

Section 25. Be it further enacted, That the obligations of the official bonds and the appearance bonds herein mentioned shall be joint and several, and anyone or all of the parties to any one of said bonds may be sued for breach thereof before any Justice of the Peace having jurisdiction of the amount claimed or sued for, or before the Circuit Court.

Section 26. Be it further enacted, That it shall be the duty of the Jailer of Dyer County to receive and keep in jail any person who may be committed to his keeping for a breach of any corporate ordinance, or on a charge of having violated the same, for which he shall receive the same fees or compensation allowed by the State for keeping other prisoners.

Section 27. Compensation of officers created by this act and authorized to be created shall be paid such fees and salaries, or compensation, as the board of mayor and aldermen may provide by official action, unless otherwise provided for by this act. [As replaced by Priv. Acts 1993, ch. 61, § 1(32)]

Section 28. Pursuant to the general laws of the State of Tennessee, the police authority of the corporation and its officers shall extend one mile in all directions beyond the corporate limits in order to suppress disorderly conduct and enforce the general laws of the State of Tennessee. [As replaced by Priv. Acts 1993, ch. 61, § 1(33)]

Section 29. Be it further enacted, That the Board of Mayor and Aldermen shall have power upon application of any taxpayer, to reduce or equalize and to correct any illegal assessment; the Recorder shall assess for taxation all omitted property and polls that may come to his knowledge for the then existing year, and collect the tax thereon; he shall also assess all omitted property for any previous year and proceed to collect the same by suit or otherwise as the Board may provide for. [As amended by Priv. Acts 1993, ch. 61, § 1(34)]

Section 30. (Deleted.) [As deleted by Priv. Acts 1993, ch. 61, § 1(35)]

Section 31. (Deleted.) [As amended by Priv. Acts 1949, ch. 584, § 2, and deleted by Priv. Acts 1993, ch. 61, § 1(36)]

Section 32. (Deleted.) [As deleted by Priv. Acts 1993, ch. 61, § 1(37)]

Section 33. The City of Dyersburg, Tennessee, acting by and through the board of mayor and aldermen in regular or special session, is hereby authorized to issue and sell bonds of said city pursuant to the general laws of the State of Tennessee governing such issuance or sale. [As amended by Priv. Acts 1949, ch. 584, § 2, and replaced by Priv. Acts 1993, ch. 61, § 1(38)]

Section 33A¹. Be it further enacted, That all bonds of said Municipality of Dyersburg, Tennessee, issued under any authority shall be and the same are hereby declared to be exempt as to both principal and interests from taxation by the State of Tennessee or by any county or municipality thereof. [Priv. Acts 1949, ch. 323]

Section 33B. (Deleted.) [Priv. Acts 1915, ch. 55, as deleted by Priv. Acts 1993, ch. 61, § 1(39)]

Section 34. Be it further enacted, That all the public buildings and all the property of every kind and class, which may belong to the present municipal corporation of the City of Dyersburg, Tennessee, at noon on the first day of July, 1903, and all streets, squares, promenades, highways and, alleys in said City, and all taxes accruing to its benefit, and all debts owing to it at said date are hereby transferred to, and the title to the same is vested in, the municipal corporation of said City of Dyersburg created by this Act. [As amended by Priv. Acts 1949, ch. 584, § 2]

Section 35. Be it further enacted, That all laws and parts of laws which are not included in this Act, in reference to the former incorporation of the City of Dyersburg, be and the same are hereby repealed. [As amended by Priv. Acts 1949, ch. 584, § 2]

Section 36. Be it further enacted, That this Act take effect from and after 12 o'clock noon on the 1st day of July, 1903, A.D., the public welfare requiring it.

¹The provisions in this section are taken from Priv. Acts 1949, ch. 323. The compiler has arbitrarily added them at this point and unofficially designated them as § 33A.

PASSED: April 1, 1903.

L. D. Tyson,
Speaker of the House of Representatives.

Ed. T. Seay,
Speaker of the Senate.

APPROVED: April 10, 1903.

James B. Frazier,
Governor.

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

YEAR	CHAPTER	SUBJECT
1903	410	Basic charter act.
1905	448	Amended § 16 regarding miscellaneous ordinance powers.
1907	319	Amended charter with respect to elections.
1909	36 ¹	Authorized \$15,000 school bond refunding issue.
1911	220 ¹	Authorized \$30,000 bond issue for water and lights.
1911	222 ¹	Ratified subscription for \$50,000 of railroad stock.
1911	223	Amended § 16 regarding miscellaneous ordinance powers.
1911	541	Amended Priv. Acts 1911, ch. 222.
1913	161 ¹	Authorized \$25,000 school bond issue.
1915	55	Authority for issuing short term revenue bonds.
1915	255	Amended §§ 12 and 13 regarding marshal's duties and powers and recorder's duties and powers, respectively.

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

YEAR	CHAPTER	SUBJECT
1915	338	Amended charter so as to create a humane commission.
1915	367	Amended Priv. Acts 1915, ch. 255.
1915	479	Extended the corporate limits.
1915	524	Amended § 11 regarding city marshal.
1915	634 ¹	Abutting property law for construction of sidewalks.
1917	535 ²	Authorized \$25,000 refunding bond issue.
1917	606 ²	Authorized \$20,000 bond issue to retire street improvement bonds.
1917	607 ²	Authorized \$20,000 water bond issue.
1917	782	Extended the corporate limits; amended the charter with respect to the recorder, primary elections, taxes, and a board of health.
1919	588	Amended §§ 16, 20, and 23 regarding miscellaneous ordinance powers, taxes, and arrest warrants, respectively.
1919	771 ²	Authorized \$25,000 bond issue for water, lights, and sewers.

¹Abutting property laws have not been included in the foregoing compilation because they are now general laws with substantially the same provisions available for use by all municipalities.

²This act has not be included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1919	797	Extended the corporate limits.
1919	802 ¹	Abutting property law for construction of streets, etc.
1920 E.S.	46 ²	Authorized \$20,000 bond issue to retire street improvement bonds.
1921	526 ¹	Amended abutting property law (Priv. Acts 1913, ch. 18, 1st E.S.).
1921	861 ¹	Amended abutting property law (Priv. Acts 1913, ch. 18, 1st E.S.).
1921	941 ¹	Amended abutting property law (Priv. Acts 1913, ch. 18, 1st E.S.).
1923	282 ²	Authorized \$25,000 bond issue to retire street improvement bonds.
1923	622 ²	Authorized \$25,000 bond issue for water and lights.
1925	228	Amended § 16 regarding miscellaneous ordinance powers.
1925	229 ²	Authorized \$120,000 industrial bond issue.
1925	373 ²	Authorized \$35,000 sewer bond issue.

¹Abutting property laws have not been included in the foregoing compilation because they are now general laws with substantially the same provisions available for use by all municipalities.

²This act has not be included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1925	374 ¹	Authorized, \$50,000 school bond issue.
1925	375 ¹	Authorized \$16,900 bond issue to retire general improvement bonds.
1925	376 ¹	Authorized \$2,500 general improvement and \$5,000 street improvement bond issues.
1925	377 ¹	Authorized \$25,000 bond issue for school gymnasium.
1925	742	Amended charter with respect to motor vehicles.
1927	12	Amended § 19 regarding property conveyances.
1927	250 ¹	Authorized \$65,000 park bond issue.
1927	326 ¹	Authorized \$15,000 school bond issue.
1929	85 ¹	Validated \$100,000 funding bond issue.
1929	512	Amended § 16 regarding miscellaneous ordinance powers.
1929	702 ¹	Authorized \$25,000 swimming pool bond issue.
1929	703 ¹	Authorized \$60,000 ice plant bond issue.
1929	704	Amended Priv. Acts 1914, ch. 782.

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

YEAR	CHAPTER	SUBJECT
1929	705	Extended the corporate limits.
1929 E.S.	72 ¹	Authorized \$12,000 park bond issue.
1931	242	Amended Priv. Acts 1915, ch. 742.
1933	476	Amended § 16 regarding miscellaneous ordinance powers.
1935	396	Extended the corporate limits.
1937	204 ¹	Validated \$98,000 refunding bond issue.
1937	723	Amended charter with respect to privilege taxes.
1939	32 ¹	Validated \$867,000 refunding bond issue.
1947	361 ¹	Validated deeds and conveyances.
1947	362	Extended the corporate limits.
1947	447 ¹	Authorized purchase of the Dyersburg Air Base.
1947	591 ¹	Authorized \$650,000 bond issue for water, lights, sewers and streets.
1949	303 ¹	Validated deeds and conveyances.
1949	323	Exempts city's bonds from state taxation.

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

YEAR	CHAPTER	SUBJECT
1949	584	Changed, "town" to "city" throughout entire charter, and amended §§ 2, 13, 15, 16, and 20 of the charter regarding general powers, city recorder's duties, qualifications for voting, miscellaneous ordinance powers, and taxes, respectively. Also amended Priv. Acts 1917, ch. 782.
1949	585	Extended the corporate limits.
1951	244	Replaced § 9 regarding city judge and city court clerks; deleted § 10; and repealed § 22.
1951	639	Replaced § 15 regarding qualifications for voting, and amended § 16 regarding miscellaneous ordinance powers.
1953	578	Extended the corporate limits.
1955	182 ¹	Amended charter with respect to construction of sidewalks and pavements. (New abutting property law)
1955	230 ²	Authorized \$400,000 bond issue for water and lights.
1957	188	Repealed Priv. Acts 1927, ch. 12.

¹Abutting property laws have not been included in the foregoing compilation because they are now general laws with substantially the same provisions available for use by all municipalities.

²This act has not be included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1959	42	Amended §§ 1 and 16 regarding incorporation and miscellaneous ordinance powers, and replaced § 2 regarding general powers.
1959	370	Amended § 16 regarding miscellaneous ordinance powers.
1967	157	Amended §§ 5, 6, 7, 9, and 16(7) regarding city administrations, recorder, treasurer and other personnel, board of mayor and aldermen, city judge and city court clerks, and miscellaneous ordinance powers, respectively; replaced § 4 regarding elections; also amended Acts 1907, ch. 319 and repealed Priv. Acts 1917, ch. 782, § 3.
1967	229	(Rejected Locally.)
1967	452	Amended charter to provide a merit system for policemen and firemen.
1969	130	Provided for in lieu of tax payments to county on electric system.
1969	191	Amended § 9 regarding city judge and city court clerks.
1975	174	(Rejected Locally.)
1976	285	Amended § 9 regarding city judge and city court clerks.

YEAR	CHAPTER	SUBJECT
1979	86	Amended §§ 4, 5, and 7 regarding elections, city administrations, and board of mayor and aldermen, respectively; and replaced § 3 regarding legislative body.
1982	364	Amended §§ 4 and 5 regarding elections and changing city administrations; and replaced § 3 regarding legislative body.
1982	370	Authorized hotel-motel tax.
1984	194	(Rejected Locally.)
1986	196	Amended Priv. Acts 1982, ch. 370, to authorize increase in hotel-motel tax.
1988	129	Amended § 4 and 9 regarding elections and city judge and city court clerks, respectively.
1988	197	Amended § 16(7) regarding miscellaneous ordinance powers.
1990	214	Added § 18(a) regarding purchases by the city.
1991	114	Amended Priv. Acts 1982, ch. 370, § 2.

YEAR	CHAPTER	SUBJECT
1993	61	Replaced §§ 1, 6, 13, 15, 18, 23, 24, 27, 28, and 33 regarding incorporation, recorder, treasurer and other personnel, city recorder's duties, qualifications for voting, corporate funds, arrest warrants, appeals from city convictions, compensation of officers, police power, and bond acts, respectively; amended §§ 3, 5, 6A, 13E, 14, 16, 20, 21, and 29, regarding legislative body, city administrations, merit system for policemen and firemen, privilege tax on hotel-motel, treasurer, miscellaneous ordinance powers, taxes, distress warrants, and tax equalization, respectively; deleted §§ 11, 12, 13A, 13C, 30, 31, 32 and 33(B).
1996	164	Amended §§ 7 and 8 regarding board of mayor and aldermen and mayor.
1998	116	Replaced § 4 regarding elections and wards.
2001	42	Replaced § 13E (2) regarding increase of hotel and motel tax.