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July 16, 2010

FILED ELECTRONICALLY

filed electronically in docket office on 07/16/10

Ms. Sharla Dillon, Docket Manager
Dockets and Records Office
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

RE: Application of Morristown Utilities Commission for a Certificate of Convenience
and Necessity to Provide Competing Telecommunications Services
Docket No. 10-00084

Dear Ms. Dillon:

In response to the Authority's July 12, 2010 data request, I am submitting these responses for electronic filing in the captioned docket and will provide you with an original and four (4) copies via hand delivery.

We have enclosed a compilation of the private acts that specifically address the Morristown Utilities Commission (as it has been known since the 2001 Private Act) of the City of Morristown, Tennessee. The City of Morristown is a private act municipality, and its private act charter has been amended on numerous occasions. I have attached an unofficial compilation prepared by the University of Tennessee Municipal Technical Advisory Service (<http://www.mtas.utk.edu/public/web.nsf/Web/View+Codes>) should the Directors or Authority staff have interest in the charter in its entirety.

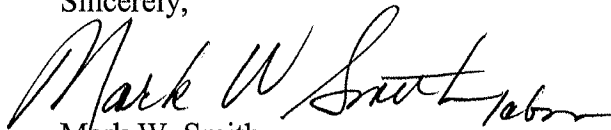
In response to Data Request Number 2, company management from time to time has utilized trade names in its operations under its general municipal and corporate authority. There is no specific documentation relating to these trade names other than the documents, web sites and other communications utilizing them in the ordinary course of the system's business.

In response to Data Request Number 3, I am forwarding an electronic copy of the rider to the previously filed bond. The rider lists each of the assumed names. We should have the original rider for filing on Monday.

Ms. Sharla Dillon, Docket Manager
July 16, 2010
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Please let us know if there are any further questions concerning these matters. Thank you.

Sincerely,



Mark W. Smith

MWS:cbm
Enclosures

1901 ACTS

**BOARD OF ELECTRIC LIGHT AND
WATER WORKS COMMISSIONERS**

MORRISTOWN, TENNESSEE

public nature of said municipality and published by the authority of the town council, are hereby declared to be laws and ordinances of said town upon the matters contained upon therein, excepting such as have been repealed, amended or amended since the publication thereof, and a true copy shall be received and read in evidence in all the Courts of this State.

SEC. 4. *Be it further enacted*, That all ordinances of said Mayor and Aldermen, heretofore passed and now in existence, providing for the levying, assessing, and collecting of taxes for municipal purposes, providing for the time when they shall become due and payable, and fixing penalties for the non-payment of the same when due, be and the same are hereby legalized and declared to be valid and binding until modified, changed, or repealed by said Mayor and Aldermen.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 6, 1901.

NEWTON H. WHITE,
Speaker of the Senate.

E. B. WILSON,
Speaker of the House of Representatives.

Approved February 8, 1901.

BENTON McMILLIN,
Governor.

CHAPTER 392.

SENATE BILL NO. 128.

AN ACT to create a Board of Electric Light and Water Works Commissioners for the municipal corporation of the Board of Mayor and Aldermen of the town of Morristown, Tennessee; to provide for their election, qualification and term of office; prescribe their duties and compensation, and to repeal so much and such parts of Chapter 88 of the Acts of the General Assembly of the State of Tennessee for the year 1893, entitled "An Act to authorize the Board of Mayor and Aldermen of the town of Morristown, in the County of Hamblen, State of Tennessee, to issue and sell coupon bonds of said town in a sum not exceeding forty thousand (\$40,000) dollars, the proceeds thereof to be applied to the construction and equipment of water works of said town, and to provide for the management of such water works," as creates and defines the duties and qualifications of the Board of Water Works Commissioners and the members thereof created by said Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Board of Electric Light and

Water Works Commissioners is hereby created for the municipal corporation of the Board of Mayor and Aldermen of the town of Morristown, Tennessee, for the management and control of the electric light and water works systems in said corporation, to consist of three persons to be elected by the Mayor and the Aldermen, the Mayor voting with the Aldermen, and whose several terms of office shall be three years from the time of their election and qualification, and until their successors are elected and qualified.

Qualifications.

Sec. 2. *Be it further enacted*, That said Commissioners shall be residents of said municipality, and reside within the corporate limits thereof, and be the owners, in their own right, of not less than one thousand (\$1,000) dollars' worth of taxable property. Said Commissioners shall be elected by the Mayor and Aldermen as hereinbefore provided, and all vacancies occurring in the Board of Commissioners, from any cause, shall likewise be filled by election, each Commissioner thus elected serving out the unexpired term only of him whom he succeeds. Said Commissioners, before entering upon their duties, shall make and subscribe an oath in writing to faithfully discharge their duties as such Commissioners, and each will give bond in such sum as the corporate authorities may require, payable to the State of Tennessee, conditioned for the careful and faithful performance of their duties as such Commissioners, and upon said bonds a right of action will be in the name of the State for the use of the party or parties aggrieved by any neglect of duty on the part of said Commissioners. Said Commissioners shall receive such compensation as the Board of Mayor and Aldermen may determine, and any and all of them may be removed from office by the Board of Mayor and Aldermen for malfeasance or misfeasance therein. No person holding any other office pertaining to said town shall be eligible for the office of Commissioner.

Chairman and Secretary of Board.

Sec. 3. *Be it further enacted*, That said Commissioners, upon their election and qualification, shall organize by electing one of their number Chairman and one Secretary. A majority of the Commissioners shall constitute a quorum for the transaction of business, and all matters to be determined by them shall be determined by a majority vote, and they shall keep a record of all their transactions in a well bound book, which shall be open, on demand, to the inspection of any and all citizens and taxpayers of the town of Morristown. Said Electric Light and Water Works Commissioners shall have charge and supervision of the electric light and water works

systems of the corporation, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employes, and shall fix all water and light rates and through their Secretary, collect the same, it being the intention hereby to make said Board of Electric Light and Water Works Commissioners a separate and independent body for the performance of the duties of the positions to which they are elected. The fees or proceeds arising for the use of water and lights, when collected, shall be turned over to the Treasurer of the town, and each shall be by him kept separate from the other as a separate fund to be applied to the operation of said electric light and water works systems, and any surplus remaining thereafter is to be applied to the principle and interest of the indebtedness of the municipality incurred in the purchase of said electric light system and said water works system, the proceeds of the electric light plant to be applied to the operation and payment of the indebtedness incurred in the erection and purchase thereof, and the proceeds of the water works likewise to the operation and payment of the indebtedness thereof. The net proceeds of each plant shall only be liable for the debts and liabilities of that particular plant hereafter occurring, but the property of each plant and the proceeds thereof shall be liable for the debts heretofore contracted. Said Commissioners will make quarterly reports to the Board of Mayor and Aldermen of the town of Morristown, setting out in said report separately the receipts and disbursements of each of said plants, and reciting therein all business transacted by them since the date of their last report.

Sec. 4. *Be it further enacted*, That as the terms of the present Water Works Commissioners of the town of Morristown expire, their successors shall be elected as herein provided, each to hold office for the term of the Commissioner whom he succeeds, and from the date of his election and qualification, and until his successor is elected and qualified, and the present Water Works Commissioners of the town of Morristown are hereby vested with all the powers conferred upon the Board of Electric Light and Water Works Commissioners created by this Act, and each Water Works Commissioner is to be deemed and held an Electric Light and Water Works Commissioner until his term expires and his successor is elected and qualified.

Sec. 5. *Be it further enacted*, That so much and such parts of Chapter 88 of the Acts of the General Assembly of

Terms of Commissioners and powers

the State of Tennessee, for the year 1893, entitled "An Act to authorize the Board of Mayor and Aldermen of the town of Morristown, in the County of Hamblen, State of Tennessee, to issue and sell coupon bonds of said town in a sum not exceeding forty thousand (\$40,000) dollars, the proceeds thereof to be applied to the construction and equipment of water works of said town, and to provide for the management of such water works," as creates and defines the duties and qualifications of the Water Works Commissioners and the members thereof created by said Act, be and the same is hereby repealed.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 6, 1901.

NEWTON H. WHITE,
Speaker of the Senate.

E. B. WILSON,
Speaker of the House of Representatives.

Approved February 7, 1901.

BENTON McMILLIN,
Governor.

CHAPTER 393

SENATE BILL No. 124

AN ACT to incorporate the town of Mossy Creek, Jefferson County, Tennessee, under the corporate name of Jefferson City, and to provide for the organization, powers, and government thereof, and to provide for the election of a Justice of the Peace of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Mossy Creek, in Jefferson County, and the inhabitants thereof be and are hereby incorporated a body politic and corporate under and by the style and name of "Jefferson City," and shall have perpetual succession by this corporate name; may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real and personal property and dispose of the same for the benefit of the said city, and may have and use a city seal.

SEC. 2. *Be it further enacted*, That the boundary and limits of said Jefferson City shall be as follows: Beginning in the center of the public road leading from Mrs. W. S. [illegible] across the hill toward the river, at a point in said

1929 ACTS

**BOARD OF ELECTRIC LIGHT AND
WATER WORKS COMMISSIONERS**

MORRISTOWN, TENNESSEE

~~Sec. 3. Be it further enacted, That said money, when borrowed, shall be used without any deductions therefrom for any purpose by said Board of Directors to pay the debts and operating expenses of said Huntingdon Special School District and used as a supplementary fund to the general school funds of said District, and said money, when borrowed, shall be paid out of the taxes assessed for the benefit of said Special School District under Chapter 374, Private Acts of 1919, or any other funds that may come unto their hands as such Board of Directors.~~

Sec. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 24, 1929.

CHAS. H. LOVE,
Speaker of the House of Representatives.

S. R. BRATTON,
Speaker of the Senate.

Approved January 30, 1929.

HENRY H. HORTON,
Governor.

CHAPTER 34

HOUSE BILL No. 74

(By Mr. Vance)

AN ACT entitled An Act to enlarge the powers of the Board of Electric Light and Water Works Commissioners of the Board of Mayor and Aldermen of the town of Morristown, so as to permit said board to carry insurance on the life of James F. Mathes, its superintendent.

WHEREAS, The Mayor and Aldermen of the town of Morristown, a municipal corporation in the State

of Tennessee, is the owner of its own Electric Light Plant and Water Works System, combined and operated for the benefit of said municipal corporation, under the management of an independent board known as, The Board of Electric Light and Water Works Commissioners, created by special act of the General Assembly of the State of Tennessee, being Chapter 392, Acts 1901;

AND WHEREAS, James F. Mathes, is the Superintendent of said Electric Light and Water Works System, employed by said Board of Electric Light and Water Works Commissioners, which position he has held for approximately twenty-five years, and under whose direction said plants have been made both serviceable and profitable to said corporation, and because of his great ability and his devotion to the duties of his office, his death would produce an irreparable loss to said corporation:

AND WHEREAS, It has been and is considered wise that said Board of Electric Light and Water Works Commissioners carry insurance on the life of said Mathes for the benefit of said corporation, the premiums for same to be paid by said commissioners out of the earnings of said plant and system.

AND WHEREAS, Believing it had authority so to do, said Board had heretofore taken out insurance on the life of said Mathes in the sum of Twenty Thousand Dollars (\$20,000.00), and has paid the premiums thereon, *therefore*:—

Be it enacted by the General Assembly of the State of Tennessee:

SECTION 1. That the Board of Electric Light and Water Works Commissioners of the Mayor and Aldermen of the town of Morristown, a municipal corporation, is hereby declared to have an insurable interest in the life of James F. Mathes, Superintendent of the Electric Light Plant and Water

Works System, in said town, and is hereby empowered, in the sound discretion of said Board, to carry insurance on the life of said Mathes in a sum not exceeding One Hundred Thousand Dollars (\$100,000.00), payable to said Board of Electric Light and Water Works Commissioners, for the use, benefit and protection of said municipal corporation, and to pay the premiums thereon out of any earnings from said Electric Light Plant and Water Works System, remaining after all operating expenses of same have been paid.

SEC. 2. *Be it further enacted*, That all insurance heretofore taken out and carried by said Board on the life of said Mathes, as Superintendent of said Electric Light and Water Works System, be and the same is hereby validated as fully as if authority to take out such insurance existed at the time same was issued.

SEC. 3. *Be it further enacted*, That this act take effect, from and after its passage, the public welfare requiring it.

Passed January 23, 1929.

CHAS. H. LOVE,
Speaker of the House of Representatives.

S. B. BRATTON,
Speaker of the Senate.

Approved January 30, 1929.

HENRY H. HORTON,
Governor.

1947 PRIVATE ACTS

**BOARD OF ELECTRIC LIGHT AND
WATER WORKS COMMISSIONERS**

MORRISTOWN, TENNESSEE

Passed: February 6, 1947.

GEORGE O. BENTON,
Speaker of the Senate.

W. B. LEWALLEN,
Speaker of the House of Representatives.

Approved: February 7, 1947.

JIM McCORD,
Governor

CHAPTER NO. 198

SENATE BILL No. 308

(By Smith)

AN ACT entitled: "AN ACT to amend Chapter 392 of the Private Acts of the General Assembly of the State of Tennessee for the year 1901, entitled 'AN ACT to create a Board of Electric Light and Water Works Commissioners for the Municipal Corporation of the Board of Mayor and Aldermen of the Town of Morristown, Tennessee; to provide for their election, qualification and term of office; prescribe their duties and compensation, and to repeal so much and such parts of Chapter 88 of the Acts of the General Assembly of the State of Tennessee for the year 1893, entitled 'AN ACT to authorize the Board of Mayor and Aldermen of the Town of Morristown, in the County of Hamblen, State of Tennessee, to issue and sell coupon bonds of said town in a sum not exceeding Forty Thousand (\$40,000.00) Dollars, the proceeds thereof to be applied to the construction and equipment of water works' as creates and defines the duties and qualifications of the Board of Water Works Commissioners and the members thereof created by said Act."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 392 of the Private Acts of the General Assembly of the State of Tennessee for 1901 be, and the same hereby is, amended by adding at the end of Section 3, Section 3(a) and 3(b), which shall read as follows:

SEC. 3(a). The Board of Electric Light and Water Commissioners of the Town of Morristown may expand, enlarge and extend the Municipal Water Works, Water Works System and Electric System to such point or points within or without the corporate limits of the Town of Morristown as in their discretion may be deemed necessary or desirable.

SEC. 3(b). That all Acts or parts of Acts in conflict with this Act be and the same hereby are repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 6, 1947.

GEORGE O. BENTON,
Speaker of the Senate.

W. B. LEWALLEN,
Speaker of the House of Representatives.

Approved: February 7, 1947.

JIM McCORD,
Governor.

2001 PRIVATE ACTS

**MORRISTOWN UTILITIES
COMMISSION**

MORRISTOWN, TENNESSEE

State of Tennessee

PRIVATE CHAPTER NO. 7

HOUSE BILL NO. 1338

By Representative Ford

Substituted for: Senate Bill No. 1613

By Senator Haun

AN ACT to amend Chapter 392 of the Acts of 1901; as amended by Chapter 34 of the Private Acts of 1929, Chapter 198 of the Private Acts of 1947, and any other acts amendatory thereto, to change the name of the Board of Electric Light and Waterworks Commissioners of the City of Morristown, Tennessee, to the Morristown Utilities Commission; and to expand the commission and its authority, change the terms of office, and provide for a method of appointment and a method to fill vacancies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION I. Section 1 of Chapter 392 of the Acts of 1901, as amended by Chapter 34 of the Private Acts of 1929, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting in lieu thereof the following new section:

NAME CHANGE; MEMBERSHIP; APPOINTMENT OF MEMBERS

Section 1.

(a) Name-Authority. The Board of Electric Light and Waterworks Commissioners is hereby designated the Morristown Utilities Commission. Said Utilities Commission shall have authority to manage and control the electric power and water utilities and, subject to city council approval, all other municipal utilities of the City of Morristown, Tennessee, except sewer, which are both within and without the corporate limits of the City, all in accordance with and subject to the requirements of state and federal laws, rules and regulations.

(b) Membership; Appointment; Term. The commission shall consist of five (5) persons to serve five (5) year terms. In order to facilitate an orderly transition with respect to expansion of membership and term of office, the present terms shall be modified in the following manner:

<u>Term Expiring</u>	<u>Modified to Expire</u>
July 31, 2001	July 31, 2006
July 31, 2002	July 31, 2005
July 31, 2003	July 31, 2004

In addition to the enumerated modifications, there shall be two (2) additional commissioners to be appointed to increase the commission to five (5) members.

Each of the additional commissioners shall be appointed in accordance with the procedures provided herein for nominations. The first new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2002. The second new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2003. All subsequent terms of all commissioners shall be for five (5) years.

Prior to the first day of July, 2001 and prior to the first day of July in each succeeding year, the commissioners shall submit to the mayor a list of three (3) nominees for the commission seat expiring as of July 31. The mayor shall within thirty (30) days of submission select one (1) name for nomination from the three (3) submitted.

A majority vote of the city council shall be necessary for the election of such nominee. Should the city council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the council, said nominee shall be deemed elected. In the event that a nominee is disapproved by a majority vote of the city council, or in the event a nominee fails to be approved by a majority vote of council, the nomination procedure shall be repeated, except that the commission shall have fourteen (14) days from notice of disapproval in which to submit the names of three (3) nominees, which may include the two (2) not previously selected by the mayor.

In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided herein for nominations, except that the commission shall make its nominations to the mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.

SECTION 2. Section 2 of Chapter 392 of the Acts of 1901, as amended, is amended by deleting the section in its entirety and substituting in lieu thereof the following new section:

QUALIFICATIONS OF COMMISSIONERS; OATH AND BOND;

COMPENSATION; REMOVAL OF COMMISSIONERS;

COMMISSIONERS NOT TO HOLD OTHER OFFICE

Section 2. The commissioners shall be residents of said municipality, and reside within the corporate limits thereof. Said commissioners shall be elected by the city council as hereinbefore provided. Said commissioners, before entering upon their duties, shall make and subscribe an oath in writing to faithfully discharge their duties as such commissioners, and each will give bond in such sum as the corporate authorities may require, payable to the State of Tennessee, conditioned for the careful and faithful performance of their duties as such commissioners, and upon said bonds a right of action will be in the name of the State for the use of the party or parties aggrieved by any neglect of duty on the part of said commissioners. Said commissioners shall receive such compensation as the city council may determine, and any and all of them may be removed from office by the city council for malfeasance or misfeasance therein. No person holding any other office pertaining to said city shall be eligible for the office of commissioner.

SECTION 3. Section 3 of Chapter 392 of the Acts of 1901, as amended, is amended by deleting the section in its entirety and substituting in lieu thereof the following new section:

CHAIRMAN AND SECRETARY; QUORUM; RECORDS TO BE KEPT;

POWERS AND DUTIES GENERALLY

Section 3. The commissioners, upon their election and qualification, shall organize by selecting one (1) of their number chairman and one (1) secretary. A majority of the commissioners shall constitute a quorum for the transaction of business, and all matters to be determined by them shall be determined by a majority vote, and they shall keep a record of all their transactions in a well-bound book, which shall be open, on demand, to the inspection of any and all citizens and taxpayers of the City of Morristown. Said utilities commissioners shall have charge and supervision of the electric light and waterworks systems of the corporation, and with prior approval of city council, telecommunications, natural gas, ISP and CATV services and any other utility service, except sewer, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utilities commissioners a separate and independent body for the performance of the duties of the positions to which they are elected. The fees or proceeds arising for the use of the various utilities, when collected, shall be kept separate from the other as a separate enterprise fund to be applied to the operation of each particular utility. The net proceeds of each utility shall only be liable for the debts and liabilities of that particular utility hereafter occurring, but the property of commission and proceeds thereof shall be liable for any debts heretofore contracted.

Said commissioners will make reports at least annually to the city council, setting out in said report separately the receipts and disbursements of each of said utilities, and reciting therein all business transacted by them since the date of their last report.

SECTION 4. Section 3A and 3B of Chapter 392 of the Acts of 1901, as amended by Chapter 198 of the Private Acts of 1947, and any other act amendatory thereto, are amended by deleting the sections in their entirety and substituting in lieu thereof the following new language:

AUTHORITY TO EXTEND ELECTRIC AND WATERWORKS SYSTEMS

Section 3A. The utilities commissioners of the City of Morristown may create, expand, enlarge and extend the utilities authorized by them to create or operate by city council to such point or points within or without the corporate limits of the City of Morristown in conformity with general law and as in their discretion may be deemed necessary or desirable.

REPEAL OF CONFLICTING ACTS

Section 3B. That all Acts or parts of Acts in conflict with this Act be and the same hereby are repealed.

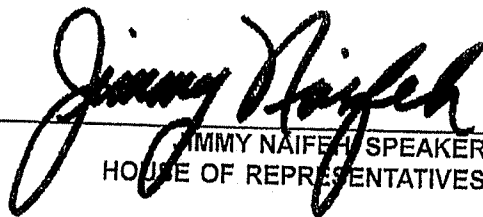
SECTION 5. Section 4 of Chapter 392 of the Acts of 1901, as amended, is amended by deleting the section in its entirety.


SECTION 6. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the City of Morristown voting in an election on the question of whether or not the act should be approved, said election to be held at the time of the city election on the first Tuesday in May, 2001. The ballots used in such election shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in city elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, as provided in Section 6, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes the provisions of the act shall be effective only upon being approved as provided in Section 6.

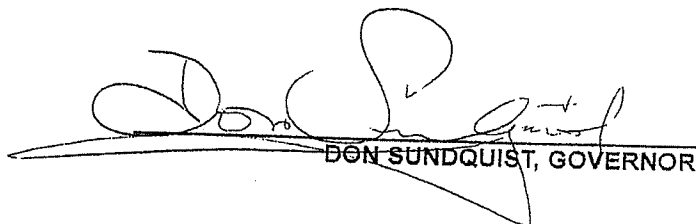
HOUSE BILL NO. 1338

PASSED: March 1, 2001


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 2nd day of March 2001


DON SUNDQUIST, GOVERNOR

CHARTER OF THE CITY OF MORRISTOWN, TENNESSEE¹

CHAPTER 103

Senate Bill No. 150

AN ACT to incorporate the City of Morristown in Hamblen County, Tennessee.

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¹Priv. Acts 1903, ch. 103 is the present basic charter act for the City of Morristown. This act has been amended on numerous occasions since 1903. Many of the amending acts revised or deleted specific sections of the 1903 act. They have been incorporated in to the 1903 act as set out here. Other acts, however, were general amendments which did not expressly or in effect amend any particular section or part of the 1903 act, but, in effect, supplemented it. These acts have been placed after the basic charter act as "Related Private Laws." These acts have also had their amendments incorporated. The basic charter act and related private laws should be considered together to determine what the current law is.

Bond authorization and validation acts, since of a temporary nature with no general or continuing application, have not been included in this compilation. All private acts through the 2009 session of the General Assembly which relate to the city and which have been passed since the granting of the present basic charter act (including one--Priv. Acts 1901, ch. 392--which was passed before the granting of the basic charter act) have been enumerated for reference purposes at the end of this compilation of the charter and related private laws.

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INCORPORATION

Section 1. The inhabitants of the City of Morristown, as the same extends and is laid out, are hereby constituted a corporation and body politic, by the name and style of the "City of Morristown," and by the same name shall have

perpetual succession; shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, may purchase, receive and hold property, real and personal in their said city, and may sell, lease or dispose of the same for the benefit of said city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead; and may sell, lease or dispose of such property for the city; and to do all other acts touching the same, as natural persons. They shall have and use a common seal and change it at pleasure. They may own and control a waterworks system, electric light plant, gas plant and public school buildings and equipment. [As amended by Priv. Acts 1967, ch. 487, § 1]

Section 2. City Council

There shall be a city council, which shall consist of a mayor and six (6) council members, who shall be elected by the qualified voters of the city to serve for a term of four (4) years, and until their successors are elected and qualified, except that the at-large council member receiving the lesser number of votes of the two (2) at-large council members shall serve one (1) term of two (2) years commencing the second Monday in May of 2003 and expiring the second Monday in May 2005, thereafter said term to be four (4) years.

No person shall be elected to the council unless they are a citizen of the State of Tennessee, and a bona fide resident of the city. One (1) council member shall be elected from each of the four (4) wards of the city, as said wards are modified by reapportionment, which reapportionment shall be accomplished by the governing body based upon the 2000 census and shall thereafter be accomplished as required by law, and such council member shall be a resident of that ward, and two (2) council members shall be elected at large and may reside in any city ward, but all of the council members shall be voted for and elected by the voters of all wards of the city.

Any person elected to the city council who removes from the city shall thereby vacate his office.

Before entering upon the duties of office, the mayor and council members shall take an oath to faithfully demean themselves in office, and perform the duties thereof. All vacancies in the council, including the office of mayor, shall be filled by a vote of a majority of the remaining members thereof, to serve until the second Monday of May following the next city election for members of council. [As amended by Priv. Acts 1907, ch. 502, § 1; Priv. Acts 1945, ch. 266, § 1; Priv. Acts 1947, ch. 206, § 1; Priv. Acts 1967, ch. 487, § 1; and Priv. Acts 1978, ch. 269, § 1; replaced by Priv. Acts 2000, ch. 138, § 1; and amended by Priv. Acts 2001, ch. 4, § 1]

Section 3. Biennial Elections; Qualifications of Electors; Qualifications and Duties of Mayor

Beginning in the year 2003, the council members representing the second and fourth wards, the mayor and two (2) at-large council members shall be elected at elections to be held on the first Tuesday in May for four (4) year terms which expire on the second Monday of May, 2007, and the second Monday of May of each fourth year thereafter, except that the at-large council member receiving the lesser number of votes of the two (2) at-large council members shall serve one (1) term of two (2) years commencing the second Monday in May of 2003 and expiring the second Monday in May of 2005, thereafter said term to be four (4) years.

Beginning in the year 2005, the two (2) council members representing the first and third wards and the at-large council member who served an initial two (2) year term shall be elected at elections to be held on the first Tuesday in May for four (4) year terms which expire on the second Monday of May, 2009 and the second Monday of May of each fourth year thereafter.

Every person entitled to vote for members of the General Assembly by the laws of the State and who shall have been a bona fide resident within the corporate limits for thirty (30) days next preceding the election shall be entitled to vote therein.

Nonresidents holding a freehold within the corporate limits of an assessed valuation of one hundred dollars (\$100) or other property subject to corporation taxes amounting to one hundred dollars (\$100) or over, shall be entitled to vote at said election. Said election shall be held as now provided by the laws of the State of Tennessee for such elections.

No person shall be elected mayor who is not at the time of his election a citizen of the State of Tennessee, and a bona fide resident of the city. When two (2) or more shall have an equal number of votes for the office of mayor, the election shall be decided by a majority of the votes of the council-elect. No council member whose term extends beyond the next mayoral election may qualify as a candidate for the office of mayor if such council member holds office as such thirty (30) days prior to the final day for qualification as a candidate for mayor. Such council member shall not be disqualified from being appointed by the council to serve as a council member until the second Monday of May following the next city election for members of council and mayor, to fill the vacancy created by his or her resignation from office. The mayor may fill all vacancies occurring in any offices, except that of council member, until the same be filled by election. It shall be the duty of the mayor to preside at all meetings of the council; to see that all the ordinances of the city are duly enforced,

respected and observed within the city; to take an oath of office before entering upon the duties of the same; and to call special sessions of the council when the mayor deems it expedient. The mayor shall be entitled to a vote upon all matters before the council the same as a council member, whether there be a tie or not, but shall not be entitled to vote as mayor and an additional vote as presiding officer. [As amended by Priv. Acts 1915, ch. 84, § 3; Priv. Acts 1917, ch. 640, § 1; Priv. Acts 1941, ch. 527, § 1; Priv. Acts 1963, ch. 112; Priv. Acts 1967, ch. 487, §§ 1, 2; and Priv. Acts 1978, ch. 269, § 2; replaced by Priv. Acts 2000, ch. 138, § 2; and amended by Priv. Acts 2001, ch. 4, § 2]

APPOINTMENT OF CITY OFFICERS, EMPLOYEES, ETC.:
CITY ADMINISTRATOR

Sec. 4. The city council shall have full power and authority to appoint all officers, servants and agents of the corporation, such as they may deem necessary and provide by ordinance. They shall also fix the compensation of such officers before their election, which shall not be increased or diminished during their continuance in office.

They shall also have power to dismiss any officer, servant or agent, by them appointed, three-fifths of said council concurring in such dismissal.

Or in the alternative, the council, by resolution, may appoint and fix the salary of the city administrator, who shall serve at the pleasure of the council, except that he may be removed during his first year in office only for incompetence or neglect of duty. He shall be appointed solely on basis of his executive and administrative qualifications, without regard to his political affiliations or place of residence, but during his tenure in office may reside outside the city only with the consent of the council. He shall give his full time to the office unless otherwise provided by resolution. The council may remove the city administrator only after adopting a preliminary resolution stating the reasons for his proposed removal, which shall be published once in the official city newspaper. If within five days after such publication the city administrator delivers to the mayor a written request for a hearing, a public hearing shall be held within ten to twenty days after publication of the preliminary resolution, to consider any written or oral statement he wishes to make, in person or through counsel. After following this procedure, and after the public hearing, if one be held, the council may adopt a final resolution of removal from which there shall be no appeal. The preliminary resolution may suspend the city administrator from duty, but in any event he shall be paid his regular salary until the time of adoption of the final resolution or removal. The council may, and if the council does not, the city administrator shall, designate a person to act as city administrator during his absence or inability to act. An acting city administrator may be appointed by the council to fill a vacancy in the office for not to exceed one year, who may be removed by the council at any time without

regard to the procedure prescribed in this section for removal of the city administrator.

The city administrator shall be the executive head of the city government, responsible to the council for the efficient, orderly and business-like administration of the city's affairs. He shall be responsible for the enforcement of laws, rules and regulations, ordinances and franchises of the city, and the city attorney shall take such legal actions as the city administrator may direct for such purposes. The city administrator shall have authority to appoint, promote, demote, transfer, suspend and remove all department heads and employees and to direct and control their work, except as otherwise provided in this Act. He shall attend all meetings of the council when possible to do so and may participate in the discussions of the council, but shall have no vote. He shall submit to the council annual budgets, reports and such other information as he may deem necessary or that the council may require. He shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without his approval. He shall act as purchasing agent for the city. He may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act. All acts performed by the city administrator pursuant to the authority granted by this section shall be subject to review by the city council, and any authority granted to the city administrator by this section 4 may be enlarged or diminished, three-fifths of said council concurring in such action.

Nothing herein is to be construed to affect or interfere with the changes in the City Charter wrought by Priv. Acts 1955, ch. 370, entitled "An Act to Create the Civil Service Commission for the Town of Morristown". [As amended by Priv. Acts 1961, ch. 41, § 1; Priv. Acts 1967, ch. 487, § 1; Priv. Acts 1971, ch. 128, §§ 1, 2; Priv. Acts 1972, ch. 207, § 1; and Priv. Acts 1984, ch. 214, § 2]

POWERS OF CITY GENERALLY

Sec. 5. (1) Assessment, collection, etc., of property taxes; tax assessor. Said city council shall have power within the corporation to levy, assess and collect taxes for municipal purposes upon property within said municipality, or otherwise liable therefor, taxable by law, for state purposes, and said assessments shall be made by corporation assessors, elected by the said city council.

For this purpose, the office of tax assessor of said municipality is hereby created, which said office shall be filled by a majority vote of the city council each year, and his term of office shall continue only until December thirty-first of the year during which he is elected.

Said tax assessor shall be twenty-one years of age. He shall receive for his services a sum not exceeding thirty-six hundred dollars, nor less than five

hundred dollars a term, the amount of such compensation, within said limits, and the time of its payment to be fixed by resolution of the city council.

Before entering upon his duties, the tax assessor shall execute a bond with solvent sureties payable to the municipality, in the penalty of five hundred dollars, conditioned that he will faithfully perform the duties of his office. Such bond shall be approved by the mayor and entered of record as all other bonds; and he shall take the same oath of office applicable to the municipality as does the county tax assessor under the laws of the state.

Said tax assessor shall assess the real estate, personal property, privileges, and polls subject to municipal taxation, as of January tenth of the year of his election. Immediately after said date, or as soon thereafter as he shall have been elected and shall have qualified, the tax assessor shall begin the assessment of property, and shall continue his work with all possible dispatch so as to complete said assessment, make out the assessment roll and file his report with city council at the earliest possible moment. The municipal taxes for the year for which the assessment is made shall be levied on the basis of such assessment, subject to review by the board of equalization, as now provided.

(2) Taxes on privileges and polls. To levy and collect taxes upon all privileges and polls, taxable by the laws of the state.

(3) Appropriations and expenditures. To appropriate money and provide for the payment of the debts and expenses of the city and to appropriate money for charitable uses and purposes, and provide by ordinance for the expenditure of the same, and, if necessary, to levy a special tax for such charitable uses and purposes. The fiscal year of the city shall begin on the first day of July and end on the last day of June.

(4) Contagious disease control. To make regulations to prevent the introduction of contagious diseases in the city; to make quarantine laws for the purpose, and to enforce the same within five miles of the city.

(5) Schools. To establish a system of free schools within the city and by proceedings accruing to the general law of the land condemn property within the municipality for school and corporate purposes.

(6) General health; nuisances; vagrancy. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to regulate and suppress vagrancy.

(7) Open, vacate, pave, etc., streets and sidewalks. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks, or to have the same done, and to grant privileges and franchises in the use of the same.¹

¹For further provisions as to construction and repair of sidewalks, see subsection (24) of this section. See also §§ 8 and 9 of this charter.

(8) Nightwatch and patrol. To establish, support and regulate a nightwatch and patrol.

(9) Market. To erect a market house, establish a market and regulate the same.

(10) Public buildings. To provide for the erection of all buildings necessary for the use of the city, including jail and calaboose.

(11) Licensing and regulation of occupations and vehicles for hire. To license, tax and regulate all occupations which are now or hereafter may be declared to be privileged occupations by the laws of the state; to license, tax and regulate automobiles, automobile trucks, automobile passenger busses, and taxicabs, carts, omnibuses, cabs, wagons, drays, motorcycles, and all other vehicles; to fix the rate to be charged for the carriage of persons and property by any vehicles held out to the public use for hire within the city, and to require indemnity bonds in surety companies or indemnity insurance policies to be filed with the city by the owner or operator of any such vehicle, for the protection of the city or any person against loss by injury to persons or property; to make all needful rules and regulations of the government of such conveyance, and to provide where such conveyances may be parked, and fix the starting and stopping point, within the city, of such vehicles, whether same are to be operated wholly within the city or from a point in the city to points outside, and whether the same be operated along fixed routes and according to fixed schedules or along different routes and without schedules; to designate the streets over and along which automobiles and other vehicles used for the purpose of affording street transportation may be operated, and to fix the rate to be charged for transportation of passengers.

(12) Repealed by Priv. Acts 1925, ch. 598, § 1.

(13) Amusements, shows, exhibitions, etc. To license, tax and regulate and suppress theatrical and other exhibitions, shows or amusements.

(14) Disorderly houses and bawdy houses. To regulate or prohibit and suppress all disorderly houses and bawdyhouses.

(15) Fire protection. To regulate or prohibit the use of lights, candles and stove pipes in all stables, shops and other places.

(16) Weights and measures. To establish weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

(17) Inspection and weighing of stone, fuel and grain. To provide for the inspection and weighing or measuring of stone, coal, wood and other fuel, hay, corn and other grain.

(18) Inspection of food and drink. To provide for and regulate the inspection of beef, pork, flour, meal, oils, whiskey and other spirits, in barrels or hogsheds, and other vessels.

(19) Inspection of lard, butter, etc.; regulation of vending of meats and vegetables; suppression of hucksters. To regulate the inspection of lard, butter and other provisions; to regulate the vending of meats, poultry, fish and

vegetables; to restrain and punish the forestalling of provisions; and to suppress hucksters.

(20) Appointment of police; imposition of penalties for violations of ordinances; city judge; appeals from convictions. To appoint and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation and such recovery may be had before the mayor or before the city judge, who shall be appointed by the city council as hereinafter provided, and who shall be a citizen of the city and an attorney licensed to practice law in the State of Tennessee, with jurisdiction in either of said officers to issue warrants, render judgments, issue executions and such other process as may be necessary for the enforcement of fines, forfeitures and penalties for the violation of ordinances of said corporation; and any person against whom a judgment has been rendered by the mayor or city judge, for violation of any of the ordinances of the city, may within ten (10) days thereafter, appeal to the Circuit Court of Hamblen County, Tennessee, upon giving bond and security in the sum of two hundred fifty dollars (\$250.00) for his appearance at the next term of said court to be held thereafter, conditioned according to the terms of appearance bonds required by law in criminal cases.

The office of city judge is hereby created and said judge shall be appointed for such terms and paid such salary as established by the city council through ordinance.

(21) Riotous and disorderly persons. To provide for the arrest and confinement until trial of all riotous and disorderly persons within the corporation, by day or by night; to authorize the arrest of all suspicious persons found violating any ordinance of the city.

(22) Breach of the peace; disorderly assemblies. To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblies in any street, house or place in the city by day or by night.

(23) Encroachments on streets, etc. To prevent and remove all encroachments into and upon all streets, lanes, alleys and avenues established by law or ordinance.

(23a) Zoning. To regulate by ordinance the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, size of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residences, recreation, public activities, and other purposes, and to create and appoint a city planning commission in connection with said corporate power and authority, and to this end, said municipality is granted all the rights, powers, and authority which are granted to municipalities generally by Chapter 34 of the Public Acts of the General Assembly of the State of Tennessee for the

year 1935,¹ and by Chapter 44 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935,² and by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1945.³

(24) Obstructions on sidewalks; repair and cleaning of sidewalks and curbstones. To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleaning the same.⁴

(24a) Airport. To establish, operate and regulate a municipal airport, within or without the corporate limits of said municipal corporation, and to this end said municipality is granted all of the rights, powers, and authority as is granted to municipalities generally by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1931,⁵ as amended, being an Act entitled, "An Act to authorize Counties and Municipalities, jointly and separately, to establish and maintain airports, to authorize Counties and Municipalities to regulate such airports, and to confer upon the Counties and Municipalities the power to acquire by condemnation lands necessary for such airport".

(24b) Off-street parking facilities. To establish off-street parking facilities for vehicles within the corporate limits of the city; to regulate the operation of the same by ordinance expressly including the power to establish if deemed necessary, charges to be paid for the use thereof; to expend corporate funds for that purpose; and to exercise the power of eminent domain to carry out the intent and purpose of this subsection.

(25) Alcoholic beverages. To prohibit by ordinance the sale by retail for beverage purposes, or the giving away for beverage purposes, of intoxicating liquors, including ale, wine, and beer, within the limits of such corporation, and to provide by ordinance suitable penalties for the violation of such ordinance, and to prevent the sale or giving such liquors to minors, within the limits of such corporation, and to provide suitable penalties for violation of same.

(26) Ordinances generally; meetings of city council. To pass all ordinances not contrary to the Constitution and laws of the state that may be necessary to carry out the full intent and meaning of this Act, and to accomplish

¹See Tennessee Code Annotated, §§ 13-4-101 to 13-4-105, and 13-4-201 to 13-4-203.

²See Tennessee Code Annotated, §§ 13-7-201 to 13-7-210.

³See Tennessee Code Annotated, §§ 42-6-101 to 42-6-115.

⁴For further provisions as to construction and repair of sidewalks, see subsection (7) of this section. See also §§ 8 and 9 of this charter.

⁵See Tennessee Code Annotated, §§ 42-5-101 to 42-5-109.

the object of their incorporation. And this shall expressly include the power to fix, by ordinance, the date and hour of regular meetings of the city council; provided, that all such meetings shall be in the City Hall; and further provided, that there shall be two regular meetings each calendar month, the same to be two weeks apart.

(27) Sewer connections; authority to prohibit cesspools, privies, etc. That said city council is hereby empowered by ordinance to compel the owners of real estate fronting on, contiguous to, or bounded by any street or streets of said city, in which street or streets are lain water mains and sanitary sewers, to connect such surface closets or privies as may be maintained on said premises with said sanitary sewer, and to provide the flushing and cleansing of said closets and privies.

Said city council is further authorized and empowered to prohibit by ordinance, the maintenance of any cesspool, surface closet or privy on any premises fronting on, contiguous to, or bounded by any street or streets of said city in which street or streets are lain water mains and sanitary sewers.

Said city council is further authorized to fix by ordinance the time within which connections shall be made with sanitary sewers as above indicated, after notice so to do has been given, and shall have the right to determine and fix by ordinance the character of notice to be given and to prescribe the penalty for failure to observe and comply with said notice and are expressly authorized to take all necessary steps to enforce the discontinuance and removal of said cesspools, surface closets and privies within the limits and boundaries above set out.

Said city council is further authorized and empowered to declare the maintenance of cesspools, surface closets and privies within said districts above indicated, a public nuisance, and shall have the right to abate same in the manner provided by law, and particularly shall have the right to enjoin the continuance and maintenance of same.

(27a) Inoculation of dogs.¹ To pass ordinances requiring owners and other persons having the custody of dogs within the corporate limits of the city, to have such dogs inoculated so as to render them immune from rabies.

(28) Milk and dairy products.² That said city council is hereby authorized and empowered to pass such ordinances as may be necessary for the proper inspection and regulation of the sale of milk and dairy products within

¹This subsection was designated as "27" by Priv. Acts 1935, ch. 24. However, Priv. Acts 1917, ch. 543, had already added the preceding subsection as "27"; thus this subsection is set out herein as "27a."

²The first paragraph of this subsection was added by Priv. Acts 1917, ch. 543, § 2. The second paragraph is derived from an unnumbered amendment to the charter, added by Priv. Acts 1931, ch. 441, § 1, which has been included in this subsection due to its subject matter.

the corporate limits, and to this end shall have the right to pass all necessary ordinances for the inspection of said milk and testing of dairy cows, the milk from which is sold within the corporate limits of said city, and shall have the right, by ordinance, to make all necessary rules and regulations covering the proper inspection of said milk and dairy products.

To insure the inhabitants of said city against unclean, impure and/or unwholesome milk and milk products, the city council shall have full power and authority to make and enforce regulations relative to the production, handling and manner of sale of milk and milk products sold in said city, regardless of where same is produced; to provide for all necessary inspections and examinations, and to charge the producer or vendor an inspection fee or fees, for the use of said city.

(29) Tax collector, records custodian.¹ The office of tax collector and records custodian shall be filled by the city administrator, or in the event there be no city administrator, by the mayor. The city administrator or mayor, as the case may be, shall give a separate bond as records custodian, in an amount fixed by the city council, conditioned, to safely keep the records of the municipality, and to account for all monies received by said office as records custodian, and shall give another bond as tax collector of said municipality, the penalty thereof, to be fixed by the city council, which bond shall be conditioned to faithfully account for, and pay over to the proper parties, all monies received by him as tax collector for the municipality; said bond shall be approved by the city council and be entered of record in the minute book of the municipality.

Said officer shall collect all taxes of every kind and character due the municipality, and shall make reports to the city council as directed by it covering the receipt and disbursements of his office, showing the financial condition of the city.

He shall collect all taxes of every kind and character, due the said municipality, and shall make semiannual reports to the city council covering the receipt and disbursements of his office, showing the financial condition of the city. Said recorder and tax collector shall devote his time and attention to the performance of his duties, to the end that said duties shall be properly and efficiently performed. No other business of any kind, either public or private, except that pertaining to the municipality shall be carried on by him in said municipal building.²

¹This subsection was added by Priv. Acts 1921, ch. 616, § 3, "at the end of subsection 26" of this section. However, since subsections 27 and 28 had already been added, this subsection is set out herein as subsection 29. The subsection was amended by Priv. Acts 1967, ch 487, § 4; Priv. Acts 1978, ch. 256, § 1; and Priv. Acts 1984, ch. 214, § 4.

²There is a possibility that this paragraph was intended by Priv. Acts (continued...)

(30) [The provisions set forth in this unofficial subsection were repealed by Priv. Acts 1980, ch. 196, § 1]

(31) Payment of salaries of city officers.¹ The salaries of all officers of the municipality, whether herein provided for to be elected by the qualified voters of the municipality, or otherwise, shall be payable monthly, at the end of each month.

(32) Railroads--Construction of bridges, overpasses, etc.² To require and compel any steam railroad company operating within the corporate limits and crossing with its lines any of the streets of the city, to build, construct and maintain all necessary bridges, viaducts and passes over and under the tracks of the said steam railroad, wherever said track or tracks cross the public streets and thoroughfares of the city, when in the judgment of the legislative body of said city, such bridge, viaduct or underpass should be built or constructed for the preservation and protection of the public using such streets and thoroughfares. The entire cost of so constructing such bridge, viaduct or underpass, together with the proper and necessary approaches thereto, shall be borne and paid one-half by the persons, firm or corporation owning and maintaining and operating such steam railroad, and one-half by the city.

(33) Same--Watchmen or signals at crossings.³ To require and compel any steam railroad company operating within said city and crossing with its lines any of the streets of the city, to, at its own cost and expense, erect gates, or place and maintain watchmen, or install other proper and necessary warning signals at said railroad crossing, when in the judgment of the legislative body of said city such gates, watchmen or other warning signals should be built or constructed or established for the preservation and protection of the public using such streets and thoroughfares.

(...continued)

1984, ch. 214, § 4 to be deleted from subsection (29) along with the other language of subsection 29, deleted and replaced by that Act. However a review of the entire history of Section 5, subsection (29) shows that the last paragraph is still part of subsection (29).

¹This subsection was added by Priv. Acts 1921, ch. 616, § 6, without a number. It is set out herein as subsection 31.

²This subsection was added to the Charter by Priv. Acts 1925, ch. 598, § 2, without a number. It is set out herein as subsection 32.

³This subsection was added to the Charter by Priv. Acts 1925, ch. 598, § 2, without a number. It is set out herein as subsection 33.

(34) Parking spaces for vehicles for hire, emergency vehicles and merchants' vehicles.¹ It shall have power, in regulating the use of the streets of said city, to, by ordinance, designate and set apart parking space for taxicabs and other automobiles or vehicles used for hire; ambulances, automobiles, trucks or other vehicles of the police and fire departments, of said municipality, as well as trucks and vehicles used by merchants, and regulate the use thereof for certain specific purposes, for which use, in the discretion of the council, it may charge a reasonable fee. [As amended by Priv. Acts 1915, ch. 84, §§ 1, 2, 4; Priv. Acts 1917, ch. 543, § 2; Priv. Acts 1921, ch. 616, §§ 1, 2, 3, 5, 6; Priv. Acts 1925, ch. 598, §§ 1, 2; Priv. Acts 1927, ch. 792; Priv. Acts 1929, ch. 581, §§ 1, 2, 3; Priv. Acts 1929, ch. 718, § 1; Priv. Acts 1931, ch. 158, § 1; Priv. Acts 1931, ch. 296, §1; Priv. Acts 1935, ch. 24, § 2; Priv. Acts 1947, ch. 206, §§ 3, 4; Priv. Acts 1949, ch. 297, § 1; and Priv. Acts 1949 ch. 298, § 1; Priv. Acts 1953, ch. 72, § 1; Priv. Acts 1953, ch. 73, § 1; Priv. Acts 1953, ch. 74, § 1; Priv. Acts 1953, ch. 565, § 1; Priv. Acts 1959, ch. 247, § 1; Priv. Acts 1965, ch. 283, § 1; Priv. Acts 1967, ch. 487, §§ 1, 3, 4; Priv. Acts 1972, ch. 207, § 2; Priv. Acts 1977, ch. 7, § 1; Priv. Acts 1978, ch. 256, § 1; and Priv. Acts 1984, ch. 214, § 3]

WORKHOUSE; WORKING OF CITY PRISONERS

Sec. 6. The city council shall have power to erect and organize a workhouse within said corporation; and any person who shall fail or neglect to pay any fine or costs imposed upon him by any ordinance of the city, shall be committed to the workhouse until such fine and costs be fully paid, but said city council shall have, and is hereby vested with the power, if it so desires or deems it for the best interest of the municipality, to contract with the sheriff or workhouse commissioners or other proper authorities of Hamblen County, for the keeping of the corporation prisoners, and for working them on the public roads of the county or otherwise, as may be determined and agreed. Every person committed to the workhouse or other place of confinement, as provided by this act, shall be required to work for the city or for its benefit at such labor as his or her health and strength will permit within or without said workhouse, or other place of confinement, not exceeding ten hours per day, and for such work and labor the person employed shall be allowed, exclusive of his board, a credit of forty cents per day upon such fine and costs until the whole is discharged, when he or she shall be released.

Provided, that where corporation prisoners desire to work out their fine and costs and board themselves, and give bond with security for their appearance from day to day to work out their said fine and costs, they shall be allowed to do so, and shall be allowed a credit on their said fine and costs of

¹This subsection was added to the charter by Priv. Acts 1929, ch. 581, § 3, without a number. It is set out herein as subsection 34.

sixty cents per day, when they so board themselves. [As amended by Priv. Acts 1967, ch. 487, § 1]

AUTHORITY TO FIX DUE-DATE OF TAXES AND PENALTIES
FOR NONPAYMENT OF SAME

Sec. 7. Said city council is hereby empowered to fix by ordinance the time when taxes for municipal purposes shall be levied and assessed, when same shall be due and payable, the manner in which same shall be assessed and collected, and provide for interest and penalties on same for nonpayment when due. [As amended by Priv. Acts 1967, ch. 487, § 1]

SIDEWALKS--AUTHORITY TO COMPEL PROPERTY OWNERS
TO CONSTRUCT AND REPAIR¹

Sec. 8. Said council of the City of Morristown is hereby empowered by ordinance to compel owners of real estate fronting on, contiguous to, or bounded by any street or streets of said city to lay, and, when lain, to keep in repair, and to repair pavements already lain along such street or streets, so as to establish, maintain, and keep in repair sidewalks or pavements along the streets of said city; and said city council is hereby empowered by ordinance to prescribe the materials out of which said sidewalks shall be constructed, or with which same shall be repaired, in the different parts of city, and are empowered to prescribe the manner and details of construction and repair, respectively. [As amended by Acts 1907, ch. 203, § 1; and Priv. Acts 1967, ch. 487, § 1]

SAME--AUTHORITY OF CITY TO CONSTRUCT AND REPAIR
WHEN PROPERTY OWNER FAILS TO DO SO

Sec. 9. Upon failure of any such property holder, as is designated or contemplated in the foregoing section, to comply with such ordinance or ordinances as said city council is empowered to pass under same, said city council may, by ordinance, provide for notice to be given such real estate or property owner, requiring such sidewalks or pavements to be lain or repaired within such time as may be prescribed by ordinance, and if such property owner or holder fails to comply with same within the time prescribed by ordinance and notice, then said city council may lay or cause to be lain, repair or cause to be repaired, such pavement or sidewalk, and charge the expense of same to such property owner or holder, which shall be a lien upon such property, which may be enforced as may be provided by ordinance, and notice to the occupant of such

¹For further provisions relative to sidewalks, see § 5(7), (24) of this charter.

property or to any agent having control of same shall be deemed sufficient notice to such property owner or holder. [As amended by Priv. Acts 1967, ch. 487, § 1]

ORIGINAL MAYOR AND ALDERMEN

Sec. 10. From the date of the passage of this Act, until the first Monday in January, 1905, the city council of said City of Morristown, shall be and consist of Ed. M. Grant, Mayor; John A. Rhea, E. J. Bettis, W. S. Myers, John B. McCord, J. W. Richardson and M. A. Goodson, Aldermen, or any successors that may be elected under the provisions of this Act, to fill any vacancies that may occur in said board by reason of the death, resignation or removal of any one or more of said mayor or aldermen.

Provided, also, that said city council above designated, shall remain in office until their successors are duly elected and installed. [As amended by Priv. Acts 1967, ch. 487, § 1]

COLLECTION OF DELINQUENT TAXES, FINES, ETC., OWED TO PRIOR CORPORATION

Sec. 11. All past due and uncollected taxes, levied and assessed by board of mayor and aldermen of the late corporation of Morristown, or their legally authorized agents and officers, and all fines, penalties and other assets of said former corporation, are hereby declared to be the property of the municipality hereby created, and shall be collected by the city council of the municipality hereby created by their officers and agents, and applied to the use and benefit of said municipality under the ordinances and orders of said city council. [As amended by Priv. Acts 1967, ch. 487, § 1]

DATE OF ASSESSMENT OF PROPERTY; LEVY OF TAXES

Sec. 12. Said city council may cause an assessment of the property and polls within said municipality to be made as of January 10, 1903, and may levy such tax thereon as they may deem necessary for the purpose of sustaining the interests of said municipality. [As amended by Priv. Acts 1967, ch. 487, § 1]

BOUNDARIES OF CITY¹

Sec. 13. The corporate limits of said city shall be as follows:

Beginning at a point in the eastern margin of the Economy Road where it intersects with the northern margin of U. S. Highway 11-E, said point of beginning being between the properties of W. J. Keith and W. C. Pettigrew; thence with the eastern margin of said Economy Road, north 3 degrees 52 minutes east 337.9 feet to a stake at Keith's northwestern corner; thence still with the eastern margin of said road, north 4 degrees 34 minutes east 440.2 feet; north 7 degrees 40 minutes east 207.4 feet; north 4 degrees 53 minutes west 98.3 feet; north 27 degrees 52 minutes west 521 feet to a stake in the eastern margin of the said Economy Road at the point where the same turns westwardly; thence north 29 degrees 34 minutes east 1217.9 feet to an iron pin at the extreme northwest corner of the Lyn-Mar Hills Subdivision; thence with the northern boundary of said Lyn-Mar Hills Subdivision, north 79 degrees 06 minutes east 1183.0 feet to an iron pin at a large oak tree, the northeast corner of said subdivision, and being also in the line of Fairmont Avenue, if projected; thence with said avenue, if projected, south 12 degrees 54 minutes east (passing the northwest corner of Mack Long at 29 feet), running, in all, 408.5 feet to a stake in the southern property line of Mack Long; thence with the said Mack Long's southern property line north 67 degrees 02 minutes east 690.0 feet to a stake on top of the hill; thence north 41 degrees 23 minutes east 1645.2 feet to a stake in the present corporation line where the same corners with John Shipley and W. J. Barron; thence with the present corporation line north 17 degrees 00 minutes west 919.8 feet to a stake; north 35 degrees 00 minutes east 377.7 feet to a stake in the present corporation line in the center of the

¹The boundaries as herein set out have been extended by the following annexation ordinances: 2288, 2289, 2290, 2293, 2294, 2295, 2296, 2299, 2305, 2306, 2307, 2308, 2309, 2313, 2318, 2328, 2329, 2330, 2331, 2338, 2358, 2373, 2374, 2382, 2409, 2410, 2418, 2419, 2439, 2443, 2444, 2445, 2446, 2481, 2482, 2512, 2567, 2609, 2628, 2653, 2681, 2682, 2683, 2684, 2690, 2704, 2705, 2711, 2717, 2722, 2723, 2725, 2726, 2732, 2733, 2740, 2744, 2745, 2848, 2850, 2855, 2866, 2867, 2879, 2881, 2884, 2894, 2914, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2951, 2955, 2966, 2968, 2972, 2979, 2980, 2991, 2992, 2995, 2996, 2997, 3045, 3046, 3049, 3050, 3057, 3058, 3059, 3060, 3061, 3062, 3070, 3074, 3077, 3079, 3090, 3096, 3098, 3109, 3110, 3111, 3120, 3125, 3126, 3130, 3131, 3132, 3133, 3134, 3136, 3137, 3142, 3143, 3144, 3156, 3174, 3175, 3180, 3183, 3184, 3185, 3186, 3187, 3188, 3195, 3201, 3207, 3208, 3216, 3217, 3218, 3225, 3228, 3229, 3230, 3233, 3235, 3240, 3241, 3246, 3249, 3260, 3262, 3263, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3286, 3287, 3289, 3290, 3291, 3296, 3304, 3308, 3309, 3310, 3311, 3323, 3334, 3336, 3346, 3347, 3348, 3349, 3353, and 3354.

road west of and near the colored cemetery; thence with the center of said road north 45 degrees 01 minute west 1513.8 feet to a stake at the end of the road in the southern line of the Housley property (Boyd Ewing called in temporary description); thence with Housley's line north 13 degrees 23 minutes east 138.9 feet to a stake; thence with the line of a fence down the west side of a drain and running through the Housley property north 55 degrees 26 minutes west 496.3 feet to a stake by a large black oak; thence north 29 degrees 20 minutes west 295.8 feet to a stake in the southern margin of the Havely Springs Public Road; thence with the southern margin of said road north 9 degrees 27 minutes east 234.7 feet to a stake; thence north 16 degrees 08 minutes east 845.7 feet to a point at the intersection of the southern margin of said Havely Springs Road with the old Long's Ferry or Turley's Mill pike; thence crossing said pike and thence with the projected center line of Algonquin Drive and with the center line of said Drive, south 17 degrees 10 minutes east 520 feet to a stake in the center of same midway between Choctaw Street and Mohawk Street of said Cherokee Hills Addition; thence with the back lot lines between said streets south 68 degrees 30 minutes west 587.8 feet to a stake near the top of the hill; thence running through Cherokee Hills Addition, south 18 degrees 34 minutes east 711.4 feet to a stake 300 feet north of the northern property line of Mrs. Mollie Turley; thence south 56 degrees 21 minutes west 928.5 feet to a stake 500 feet east of U. S. Highway 25-E and 300 feet north of the northern property line of Mrs. Mollie Turley; thence parallel to and 500 feet east of said U. S. Highway 25-E, south 42 degrees 44 minutes east 762.0 feet; south 37 degrees 38 minutes east 265.0 feet; south 31 degrees 25 minutes east 265 feet; south 23 degrees 30 minutes east 295.0 feet; south 9 degrees 45 minutes east 489 feet to a stake 500 feet east of U. S. Highway 25-E; thence due west 446.0 feet to a large elm 54 feet east of said highway at the junction of Old Springvale Road with U. S. Highway 25-E; thence crossing said U. S. Highway 25-E, Turkey Creek, and the Ashville Division of the Southern Railway Company, south 81 degrees 25 minutes west 260 feet to a stake in the western right of way line of said Southern Railway Company; thence with said western right of way of said railway north 15 degrees 28 minutes west 260.0 feet; north 30 degrees 00 minutes west 295.0 feet; north 44 degrees 10 minutes west 299.0 feet; north 47 degrees 15 minutes west 452 feet; thence still with said right of way north 40 degrees 47 minutes west 301. feet; north 45 degrees 19 minutes west 367.0 feet to a stake in the west right of way line of said Southern Railway Company at the Cold Springs Lane; thence leaving said right of way south 56 degrees 45 minutes west 1684.0 feet to a stake in the eastern boundary line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850.0 feet

to a stake, corner of said Brown; thence north 87 degrees 30 minutes west 614.0 feet to a stake, corner of said Brown; thence north 87 degrees 00 minutes west 807.0 feet to a large poplar tree, corner to said Walter Brown, and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue, south 68 degrees 45 minutes west 801.0 feet to a point in the center of Sulphur Springs Road; thence south 44 degrees 27 minutes west 2787.7 feet to a stake in the center of Fairmont Avenue as extended, with the Jernigan Cemetery Road; thence with the northern side of said Jernigan Cemetery Road; south 89 degrees 30 minutes west 505.5 feet to a stake in the eastern edge of Valley Home Road or Old Dandridge Pike; thence north 40 degrees 30 minutes west 3859.0 feet to a stake in the eastern margin of the Economy Road in the south right of way line of the Knoxville Division of the Southern Railway Company; thence with the eastern margin of said Economy Road and crossing said Southern Railway and U. S. Highway 11-E, north 3 degrees 52 minutes east 1119.0 feet to the place of beginning.

Also, that property situated in the Fifth Civil District of Hamblen County, Tennessee, and more particularly described as follows:

Beginning at a stake in the eastern line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850 feet to a stake, corner to said Brown; thence north 87 degrees 30 minutes west 614 feet to a stake, corner to said Brown; thence north 87 degrees 00 minutes west 807 feet to a large poplar tree, corner to said Walter Brown and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue south 68 degrees 45 minutes west 801 feet to a point in the center of Sulphur Springs Road; thence leaving the present corporation line and running with the center of said Sulphur Springs Road and said Walter Brown's line south 24 degrees 30 minutes 1297 feet to a point in the center of said road; thence south 20 degrees 00 minutes east 221 feet to a point in the center of said road west of a large oak tree; thence running across said Walter Brown's farm north 65 degrees 00 minutes east 2285 feet to the place beginning. This survey embraces about seventy acres of land belonging to Walter Brown. [As amended by Priv. Acts 1903, ch. 506, § 1; Priv. Acts 1909, ch. 314, § 1; Priv. Acts 1917, ch. 543, § 1; Priv. Acts 1947, ch. 689, § 1; Priv. Acts 1949, ch 298, § 2; Priv. Acts 1951, ch. 473, § 1; and Priv. Acts 1967, ch. 487, § 1]

DEBTS AND LIABILITIES OF FORMER CORPORATION

Sec. 14. All and singular of the debts and liabilities of the former corporation of Morristown, Tennessee, whether evidenced by bonds, warrants or otherwise, are hereby declared to be valid and subsisting debts of the corporation of Morristown, created by this Act; and shall be provided for and paid according to the provisions of the laws and ordinances providing for the creation of such debts, and the city council herein provided for shall have full power and authority to carry out the provisions of this section. [As amended by Priv. Acts 1967, ch. 487, § 1]

CONTINUATION OF ORDINANCES AND RESOLUTIONS

Sec. 15. All ordinances and resolutions of the former corporation of Morristown which were in force at the date of the abolishing of the charter of said former corporation are hereby declared to be in full force and effect as the ordinances and resolutions of the corporation created by this Act, until such time as the same shall be repealed, altered or modified by the authority of the city council of the corporation created by this Act. [As amended by Priv. Acts 1967, ch. 487, § 1]

CONTINUATION OF FORMER OFFICERS

Sec. 16. The officers and agents of the former corporation of Morristown are hereby declared to be officers and agents of the corporation created by this Act, until such time as they may be discharged or superseded by authority of the city council appointed by this Act. [As amended by Priv. Acts 1967, ch. 487, § 1]

TRANSFER OF PROPERTY OF FORMER CORPORATION

Sec. 17. All property, both real, personal and mixed, belonging to the late corporation of Morristown, is hereby declared to be the property of the corporation created by this Act.

CODIFICATION OF ORDINANCES--REQUIRED EVERY FIVE YEARS; ADMISSIBILITY AS EVIDENCE

Sec. 18. There shall be prepared and published by the city council a digest or codification of all ordinances and resolutions of a public nature thereof every five years. Said digest or codification, when so published, shall show that it is published by authority of the corporate authorities, and it shall be received and read in all the courts of the state as evidence of the ordinances, resolutions

and facts pertaining to the municipality and contained therein. [As amended by Priv. Acts 1967, ch. 487, § 1]

SAME--CONTINUATION OF FORMER CODE¹

Sec. 19. The last and present digest or codification of the ordinances and resolutions of a public nature of said municipality and published by the authority of the city council, are hereby declared to be the laws and ordinances of said city upon the matters touched upon therein, excepting such as have been repealed, altered or amended, since the publication thereof, and as such shall be received and read in evidence in all the courts of the state. [As amended by Priv. Acts 1967, ch. 487, § 1]

ACTS SAVED FROM REPEAL

Sec. 20. Nothing in this act shall be construed to repeal any of the Acts of the General Assembly of the State of Tennessee in force at the time or the repeal of the former Charter of incorporation of Morristown, which related to the waterworks and electric light plants or systems of said former corporation, but the same with all their provisions are hereby declared to be in full force and effect and shall apply to the corporation of Morristown created by this Act.

ELECTRIC LIGHT AND WATERWORKS SYSTEM

Sec. 20A. Said municipality, "The City of Morristown", be, and hereby is given the power of eminent domain according to the law of the land and the laws and statutes of the State of Tennessee relative thereto, with full power, in accordance therewith, to condemn, for all municipal and corporate purposes, both within and outside the municipal boundaries, lands, and easements, including right of way for municipally owned electric light and waterworks system, either or both, grounds and sites for pumping stations and for the manufacture of electricity and for the manufacture and transmission of electricity either or both; water sites, springs, lands and grounds for the erection of all necessary plants for said purposes; also all necessary grounds and rights of way to and from streams, for water and manufacture of electric power, either or both; to erect, dig or prepare reservoirs for water; to build, enlarge and improve light and power stations alone or in connection with the waterworks system, and also, through itself, or its electric light and waterworks commissioners, according to existing laws, sell water and manufacture, transmit

¹The code referred to by this section was the code in effect at the time of the adoption of this charter in 1903.

and sell electricity for all water, electric power and light purposes, to patrons and purchasers thereof within and without the municipality.

For all the foregoing purposes and agreeable to the laws of the land and the statutes applicable thereto, the power of eminent domain is conferred upon said municipality. [As added by Priv. Acts 1925, ch. 23, § 1; and Priv. Acts 1967, ch. 487, § 1]

EFFECTIVE DATE; AUTHORITY TO EXTEND WATER AND
LIGHT FACILITIES

Sec. 21. This Act shall take effect from and after May 1, 1903, at 12 o'clock Noon, the public welfare requiring it.

The water and light commissioners of said city shall have the right, and are hereby given the authority, to extend the water and light facilities of the municipality beyond the corporate limits of the city to such points, and to such distances as, in the discretion of said commissioners, may be necessary and proper for the welfare, growth, and prosperity of the city, and to this end said water and light commissioners, and said municipal corporation are given the right and authority to acquire by purchase, or eminent domain proceedings, such land, right of way, or easements, as shall be necessary for the accomplishment of such extension; provided, no such extension shall be made until the city council has, by a majority vote, approved and ratified the plan of said commissioners to make said extension. [As amended by Priv. Acts 1947, ch. 206, § 2; and Priv. Acts 1967, ch. 487, § 1]

Passed February 12, 1903

Ed T. Seay,
Speaker of the Senate

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

Approved March 13, 1903

James B. Frazier,
Governor

RELATED PRIVATE LAWS¹Division A. Zoning

Private Acts 1927, Chapter 446

<u>SECTION</u>	<u>PAGE</u>
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2. Regulations of height and bulk of buildings and percentage of land to be devoted to open spaces	C-29
3. Amendment of zoning ordinance	C-30
4. Nonconforming buildings and uses	C-31
5. Severability of Act	C-31
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Division B. Civil Service for Fire and Police Departments

Private Acts 1955, Chapter 370

1. Civil service board created; membership; appointment, term of office, salary, qualifications and removal of members; notice of meetings; quorum	C-33
2. Persons subject to civil service	C-34
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5. [DELETED.]	C-37

¹The following "related private laws" consist of uncodified Private Laws of Tennessee applicable to Morristown. A table of contents for each of the acts has been placed here for the convenience of the user.

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Division D. Morristown Utilities Commission

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Division A. Zoning¹

Private Acts 1927, Chapter 446

AN ACT entitled an Act to amend Chapter 103 of the Acts of the General Assembly of the State of Tennessee for the year 1903 entitled "An Act to incorporate the Town of Morristown in Hamblen County, Tennessee."

LOCATION OF TRADES AND INDUSTRIES AND BUILDINGS
DESIGNED FOR SPECIAL USES

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Chapter 103 of the Acts of the General Assembly of the State of Tennessee, passed February 12th, 1903, approved March 13th, 1903, entitled, "An Act to incorporate the town of Morristown in Hamblen County, Tennessee," be so amended as to read as follows:

That the board of mayor and aldermen of the Town of Morristown may regulate and restrict by ordinance the location of trades and industries and the location of buildings designed for specified uses, and for said purposes, divide the municipality into districts or zones of such number, shape and area as may be deemed best suited to carry out the purposes of this section.

For each of such districts, regulations may be imposed by ordinance, designating the uses for which buildings may be or may not be erected or altered, and designating the trades and industries that shall be excluded or subjected to special regulations. Such regulations shall be in accordance with a place, designed to lessen congestion on public streets, to promote the public health, safety, convenience and general welfare, and shall be made with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values, and the direction of building development.

REGULATION OF HEIGHT AND BULK OF BUILDINGS AND
PERCENTAGE OF LAND TO BE DEVOTED TO OPEN SPACES

Sec. 2. Be it further enacted, That the board of mayor and aldermen may regulate by ordinance and limit the height and bulk of buildings hereafter erected or altered, and regulate and determine the percentage of land area to be devoted to yards, courts and other open spaces, and for said purposes, divide the municipality into districts of such number, shape and area as may be deemed

¹This Act purports to amend the charter of Morristown, but it does not fit within the framework of the charter; it is thus set out in full at this point.

best suited to carry out the purposes of this section. Such regulations shall be uniform for each class of buildings throughout each district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to lessen congestion on the public streets, to secure safety from fires and other dangers, to promote the public health and welfare, including provisions for adequate light air and convenience of access, and shall be made with reasonable regard to the character of buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations will promote the public health, safety and welfare, the most desirable use for which the land of each district may be adopted, and tend to conserve the value of buildings and to stabilize the value of land throughout such districts.

AMENDMENT OF ZONING ORDINANCE

Sec. 3. Be it further enacted, That after the final adoption of regulations by ordinance setting out the boundaries of districts or zones and the regulations to be enforced therein, the mayor and aldermen may, from time to time, amend, supplement or change by ordinance the boundaries or regulations so adopted. Notice of the adoption of such amendment, supplement or change in the ordinance shall be given by publishing such notice three times in some daily newspaper of general circulation in such municipality. Such notice shall state the time and place, not earlier than ten days from the last date of publication, at which the mayor and aldermen of the Town of Morristown shall meet to hear remonstrances or protests against the making of such amendment, supplement or change. At the time and place thus appointed, the mayor and aldermen shall meet and all persons whose property will be affected by such amendment, supplement or change, may appear in person or by attorney or by petition, and protest against making of such amendment, supplement or change, and after hearing such protests, if any, said legislative body may confirm, modify, or rescind such ordinance in whole or in part. If, however, a protest against such amendment, supplement or change be presented in writing to city administrator or mayor within ten days from date of last publication, duly signed and acknowledged by the owners of twenty per cent or more of any frontage proposed to be altered, or by the owners of twenty per cent of the frontage immediately in the rear thereof, or by the owners of twenty per cent of the frontage directly opposite the frontage proposed to be altered, such amendment, supplement or change shall not be passed except by a four-fifths vote of the board of mayor and aldermen. [As amended by Priv. Acts 1984, ch. 214, § 1]

NONCONFORMING BUILDINGS AND USES

Sec. 4. Be it further enacted, That the lawful use of a building existing at the time of adoption of an ordinance under the provisions of this Act, although such use does not conform to the provisions of such ordinance, may be extended throughout the life of the building, provided no structural alterations except those required by law or ordinance are made therein.

Where no structural alterations are made in a building of a nonconforming use, such use may be changed to a use of a similar or higher classification, according to the provisions of ordinances and regulations adopted under the authority of this Act.

The lawful use of a premises existing at the time of adoption of an ordinance under the provisions of this Act, although such use does not conform to the provisions of such ordinance, may be continued; but if such nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of ordinances and regulations adopted under the authority this Act.

Where structural alterations are made in a building of nonconforming use, such building shall be changed in conformity with the provisions of ordinances and regulations adopted under the authority of this Act, for the district in which such building is located. When the boundary line of any such district divides a parcel of ground in common ownership, at the time of the adoption of the ordinance, under the provisions of this Act, nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of ground, to the entire parcel but for a distance of not greater than twenty-five feet.

Nothing in this Act shall be taken to prevent the restoration of a building destroyed to the extent of not more than seventy-five per cent of its reasonable value, by fire, explosion, an act of God or the public enemy, and the occupancy or use of such building or part thereof, if such use existed at the time of such partial destruction, or the restoration of a wall declared unsafe by the building inspector.

SEVERABILITY OF ACT

Sec. 5. Be it further enacted, That should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole or any part thereof, other than the part so held to be unconstitutional.

EFFECTIVE DATE

Sec. 6. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1927.

Approved by Governor April 22, 1927.

Division B. Civil Service for Fire
and Police Departments¹

Private Acts 1955, Chapter 370

AN ACT to amend Chapter 103 of the Private Acts of the General Assembly of the State of Tennessee for the year 1903 entitled: "AN ACT to incorporate the City of Morristown in Hamblen County, Tennessee", and to repeal all Acts or parts of Acts amendatory thereto in conflict herewith, so as to establish for the City of Morristown a merit basis for the appointment of city employees, to create a civil service board and to provide for appointment and removal of members thereof; to prescribe the powers and duties of such board; to authorize the adoption of rules by such board; to provide for classified and unclassified service; to provide means of promotion, suspension, demotion and removal of city employees in the classified service; to authorize the establishment of a pay and hours plan; to provide for penalties for violation hereof; and for other purposes. [As amended by Priv. Acts of 1996, ch. 143, § 10]

CIVIL SERVICE BOARD CREATED; MEMBERSHIP; APPOINTMENT,
TERM OF OFFICE, SALARY, QUALIFICATIONS AND
REMOVAL OF MEMBERS; NOTICE OF MEETINGS; QUORUM

Section 1(a). There is hereby created a system of civil service for the City of Morristown. A civil service board, shall consist of three members and shall administer the system of civil service. One (1) member of such board shall be elected by the governing body or the city or Morristown and one (1) 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. Such member shall receive a majority of the votes of the members of the classified service. The member selected by the governing body of the City of Morristown and the member selected by majority vote of the classified service shall then select the third member of the Board within ten (10) days after such members' appointment and selection. Provided, that if the two (2) members appointed and selected shall fail to agree relative to the third board member within ten (10) days after their appointment, the governing body of the City of Morristown shall appoint four (4) citizens to meet and confer with four (4) other citizens appointed by the members of the classified service. This joint committee of eight (8) shall meet, within ten (10) days, and appoint a person who shall serve as the third member of the Board.

¹This Act purports to amend the charter of Morristown, but it does not fit within the framework of the charter; it is thus set out in full at this point.

(b) The three (3) members of the Board shall serve as board members for a period of three (3) years, or until their successors are appointed and qualified. On or before the expiration of the term of each board member, such board member's successor shall be selected in the same manner as the prior selection of such board member whose term is expiring.

(c) The members of the Board shall receive the sum of twenty-five dollars (\$25) per diem for attendance at sessions of the Board. Such sum may be increased or decreased by the city council, in a manner that does not change the per diem amount during the term of any affected board member. Such per diem amounts shall be paid out of the general fund of the City of Morristown. No person shall be appointed a member of such board who is not a citizen of the United States, a resident of the City of Morristown, Tennessee, for at least one (1) year immediately preceding such appointment, and a registered voter of Hamblen County. No member of the classified service or any council member of the City of Morristown, may be a member of the Board.

(d) Any member of the Board may be removed from office by the governing body of Morristown for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the Board shall be removed until written charges shall have been made, with due notice, and a full public hearing shall have been conducted before the governing body of the City of Morristown.

(e) The members of the Board shall devote adequate time and attention to the performance of the duties of the Board. Two (2) members of the Board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Board under and by virtue of the provisions of the act.

(f) Provided, however, that due notice of all meetings shall be given so that all three (3) board members may have an opportunity to be present. Provided, further, that the Board shall transact no business and make no decisions until and except while all three (3) board members shall have taken office and remain qualified to act. Confirmation of original or succeeding board members by the legislature shall not be required. [As amended by Priv. Acts of 1967, ch. 487, § 1, and replaced by Priv. Acts of 1994, ch. 143, § 1]

PERSONS SUBJECT TO CIVIL SERVICE

Sec. 2. The provisions of this act shall apply to (a) all full-time law enforcement officers certified as such by the Peace Officers Standards and Training Commission and (b) all full-time fire department personnel holding the classification of firefighter driver, inspector, lieutenant, captain, battalion chief,

and assistant or deputy chief in the City of Morristown. The chiefs of the police and fire departments may be hired directly by the city governing body without approval of the Civil Service board. The chiefs shall not be members of the classified service except to the extent that a two-thirds (2/3) vote of the governing body shall be required to dismiss, suspend or demote the chief of either department, which action shall not be reviewable by the Board. All such persons shall be known as the classified service. All other city employees shall be known as the unclassified or civilian service. [As amended by Priv. Acts of 1967, ch. 487 § 1, and replaced by Priv. Acts of 1994, ch. 143, § 2]

APPOINTMENTS AND PROMOTIONS

Sec. 3. All future appointments to and promotions in such departments, except as otherwise provided in this act, shall be made on the basis of filling the position with the best qualified candidate, using the following methods:

Subject to the standards set forth in this act, the city governing body shall meet with the Board and formulate minimum requirements and weighted selection criteria for each position in the classified service. As soon as possible, but in no event later than sixty (60) days after the passage of this act, the city and the Board shall jointly adopt minimum requirements and weighted selection criteria, the latter of which shall include percentage allocations for at least the following: Seniority, experience, training, testing, education, record of conduct and recommendations of the chiefs of the respective departments. If the city governing body and the Board are unable to agree upon such minimum requirements and weighted selection criteria, the city administrator, chairman of the civil service board and a person designated by the director of the municipal technical advisory service shall adopt such requirements and criteria by affirmative vote of two (2) of the three (3) persons so designated, and certify such vote in writing to the city and board. Such requirements and selection criteria shall immediately become effective. Standards, when set, shall remain in effect until altered by joint action of the city and board. After the enunciation of such standards, a roster shall be kept by the board of all full-time personnel in the classified service indicating what job classifications within each respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of such standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the vacancy shall be offered first to that member of the such branch qualified on the roster who shall be the best qualified. In determining who is best qualified, the city governing body shall consider seniority, experience, training, testing, education, record of conduct, and recommendations of the chiefs of the respective

departments. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to the provisions of this act. [As amended by Priv. Acts of 1967, ch. 487, § 1, and replaced by Priv. Acts of 1994, ch. 143, § 3]

FUNCTIONS AND DUTIES OF CIVIL SERVICE BOARD;
OFFICERS OF BOARD; MEETINGS OF BOARD

Sec. 4. Be it further enacted. The board shall organize by forthwith electing one of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties, not to exceed three days in any one month.

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

(a) To make suitable rules and regulations not inconsistent with the provisions of this Act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or mimeographed for free public distribution.

(b) The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service, if such person leaves the classified service to enter the military service of the United States, provided that such person returns to the classified service within six months following his honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person.

(c) The board shall make investigations and report upon all matters touching the enforcement and effect of the provisions of this Act, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this Act, and ascertain whether the Act and all such rules and regulations are being obeyed. Such investigations shall be made by the board on its own motion and must also be made on petition of any citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any

person to comply with such subpoena or demand shall be a violation of this Act and be punishable as such.

(d) All hearings and investigations before the board shall be governed by this Act and by the rules of practice and procedure to be adopted by the board. The board, or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least two of the board members.

(e) To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishings of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this Act as may be referred to the board.

(f) To see that the job classifications, the standard for filling said classifications and the roster of eligible appointees for each classification are kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order by reason of seniority established by continuous service in the respective departments. Terms of leaves of absence granted by the board hereby created upon recommendation of the chief of each department shall not forfeit the rights of the member granted leave under this Act nor be charged against such member in his order of seniority.

(g) To make provisions that men laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last man, or men, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that men so laid off shall be reinstated before any new appointments to said department shall be made.

(h) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.

(i) To keep such records as maybe necessary for the proper administration of this Act. [As amended by Priv. Acts of 1967, ch. 487, § 1, and amended by Priv. Acts of 1994, ch. 143, §§ 4 and 5]

DELETED

Sec. 5. This section was deleted in its entirety by Priv. Acts of 1994, ch. 143, § 6.

QUALIFICATION OF APPLICANTS

Sec. 6. Be it further enacted.

(a) Citizenship. An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.

(b) Character and fitness. Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable.

TENURE OF OFFICE; GROUNDS FOR DEMOTION, SUSPENSION OR DISCHARGE

Sec. 7. Be it further enacted. The tenure of everyone holding office, place, position or employment under the provisions of this Act shall be for and only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

(a) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this Act or the rules and regulations to be adopted hereunder.

(b) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.

(c) Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service.

REMOVAL OF MEMBERS FROM CIVIL SERVICE

Sec. 8. (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the Board. The chief of the fire department or the chief of the police department may suspend a member of the department pending the confirmation of the suspension by the regular appointing power under this act which must be within twenty-one (21) days. Any person so removed, suspended

or discharged may within twenty (20) days from the time of his removal, suspension or discharge file with the Board a written demand for an investigation, whereupon the Board shall conduct such investigation.

(b) The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the Board shall deliberate and may affirm the action taken, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the Board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The findings of the Board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.

(c) All investigations made by the Board pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded the opportunity to appear in person with counsel or by counsel and to present a defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record shall be made of all proceedings. [As replaced by Priv. Acts of 1996, ch. 143, § 7]

DUTY OF CITY OFFICERS AND EMPLOYEES TO ASSIST BOARD

Sec. 9. (a) It shall be the duty of all officers and employees of the City of Morristown to carry out the provisions of this act, and such rules and regulations consistent with this act, as may, from time to time be prescribed by the board and to afford the Board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board. It shall be the duty of such officers and employees to attend and testify whenever required by the Board or any member thereof.

(b) The board shall not promulgate any rule or regulation under authority of the act or make any appointments or promotions which are inconsistent with any state or federal guidelines or standards, or inconsistent with any rules or regulations of the appropriate accreditation agencies which certify or accredit the police and fire departments of the city pursuant to state or federal law or the standards required of a nongovernmental agency which have been accepted by the city governing body. If a rule or regulation of the Board appears to the city governing body to be inconsistent with such standards, the city shall submit the question to the applicable agency, if any, promulgating

such standards for an opinion relative to the apparent inconsistency. Such opinion, if received within ninety (90) days of submission in writing from such agency shall be final and binding upon the city and board. Otherwise, the city governing body, in its sole discretion, shall determine if such rules or regulations are inconsistent with such standards, and in the event such determination is in the affirmative, the rule or regulation shall be void, upon duly adopted resolution of the city. [As amended by Priv. Acts of 1967, ch. 487, § 1, and replaced by Priv. Acts of 1994, ch. 143, § 8]

CERTIFICATION OF NAMES FOR VACANCIES; ELIGIBLE
LISTS; PROBATIONARY EMPLOYMENT

Sec. 10. (a) When a position in the classified service becomes vacant, whether entry level or promotional, the governing body of the City of Morristown shall make requisition upon the board for the names of three (3) persons eligible for appointment. The board shall certify the names of the three (3) persons highest on the eligible list willing to accept employment.

(b) In the event of two (2) or more promotional vacancies for the same position, two (2) additional names shall be certified for each such additional vacancy.

(c) Promotional appointees shall serve on probation during the first six (6) months of employment, and may be transferred back to such appointee's former position for good cause by the governing body, in its discretion. Such action shall not be reviewable by the Board. In such event, the employee shall re-qualify for the promotional roster before being eligible for promotion.

(d) Whenever a requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the governing body shall appoint a person from among the persons so certified for such position.

(e) Notwithstanding any provision of the Civil Service Act to the contrary, the chiefs of the respective departments, with the approval of the governing body, shall be empowered, upon proper certification by the board of the eligibility of a new (non-classified service) applicant for a position in the classified service, to appoint such person to such position for a period of six (6) months plus the required time for formal entry level training as defined by departmental policy, but not to exceed a total of fourteen (14) months, during which time the applicant shall be on probation and subject to removal for just cause shown at any time during the probationary period. If the governing body in its discretion deems such person on probation unfit and unsatisfactory for such position, such person on probation may be dismissed. Any action taken by such governing body with respect to the dismissed applicant or probationer shall not be reviewable by the Board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body of the city of Morristown, the board shall again certify the names of the persons on the eligible list as the same shall appear from the records of the board. Notwithstanding the foregoing, a departmental chief may request and the civil

service board may grant, at its sole discretion, an extension of the probationary period of up to sixty (60) additional days.

(f) The chiefs of the respective departments may make lateral assignments of personnel. A lateral assignment shall be an assignment which is not accompanied by changes in wages, clothing allowance, vacation accrual, sick leave accrual or incentive pay. [As amended by Priv. Acts of 1967, ch. 487, § 1, replaced by Priv. Acts 1994, ch. 143, § 9; and amended by Priv. Acts 2004, ch. 78]

LEAVE OF ABSENCE WITHOUT PAY

Sec. 11. Be it further enacted. Leave of absence, without pay, may be granted by the board upon the recommendation of the chief of the fire department or the chief of the police department, and the board shall give notice of such leave of absence to the governing body. All temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned.

FALSE MARKING, GRADING, ETC., OF EXAMINATIONS, ETC., PROHIBITED

Sec. 12. Be it further enacted. No board member or any other person, shall, by himself, or in cooperation with one or more persons, defeat or deceive any person in respect of his right of examination or registration according to the rules and regulations of this Act, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Act or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered.

POLITICAL ACTIVITIES; PROHIBITED; RELIGIOUS AND POLITICAL DISCRIMINATION PROHIBITED

Sec. 13. Be it further enacted.

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his political or religious opinions, but all employees must take an oath to support the Constitution of the United States.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.

(d) It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this Act and the rules made thereunder, and it shall be the duty of all persons under the provisions of this Act and in the service of the police and fire departments to comply with such rules and to aid in their endorsement.

BOARD MAY OBTAIN ASSISTANCE

Sec. 14. Be it further enacted. The board shall be authorized to employ such clerical or administrative help as is necessary in carrying out the duties assigned to it, and shall also be authorized to retain legal counsel and engage actuarial experts to the extent necessary in carrying out the functions assigned to the board.

COMPLIANCE WITH ACT

Sec. 15. Be it further enacted. The failure on the part of the board, or any member thereof or on the part of the governing body of the City of Morristown, or any member thereof, to comply with the terms of this Act shall be considered a violation of this Act and shall be punishable as such. [As amended by Priv. Acts of 1967, ch. 487, § 1]

CITY TO FURNISH BOARD WITH ACCOMMODATIONS AND EQUIPMENT; EMPLOYMENT OR CLERICAL, ADMINISTRATIVE, ETC., ASSISTANCE

Sec. 16. Be it further enacted. The governing body of the City of Morristown shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board under the provision of section 14 of this Act; and the failure on the part of the governing body to do so shall be considered a violation of the Act and shall be punishable as such. [As amended by Priv. Acts of 1967, ch. 487, § 1]

APPROPRIATIONS BY CITY COUNCIL; APPOINTMENT OF
ORIGINAL BOARD

Sec. 17. Be it further enacted. The governing body of the City of Morristown shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this Act, and shall make such appropriation. Within thirty days after the effective date of this Act, it shall be the duty of the governing body of the City of Morristown, subject to the provisions of this Act, to appoint and create the board, as provided in section 1 hereof, and the failure upon the part of said governing body, or any member of it so to do, shall be deemed a violation of this Act and shall be punishable as such. [As amended by Priv. Acts of 1967, ch. 487, § 1]

ORGANIZATION OF ORIGINAL BOARD

Sec. 18. Be it further enacted. It shall be the duty of the board appointed subject to the provisions of this Act to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this Act and shall be punishable as such.

PENALTY FOR VIOLATION OF ACT

Sec. 19. Be it further enacted. Any person who shall willfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than twenty-five, or more than five hundred dollars, or by imprisonment in the county jail for not longer than eleven months and twenty-nine days or by both such fine and confinement in the county jail.

REPEAL OF CONFLICTING LAWS

Sec. 20. Be it further enacted. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SEVERABILITY OF ACT

Sec. 21. Be it further enacted. That the provisions of this Act are hereby declared to be joint and severable and the invalidating of any section shall not affect the validity of the remaining sections, which shall remain in full force and effect.

EFFECTIVE DATE

Sec. 22. Be it further enacted. That this Act shall take effect October 1st, 1955, provided, however, that it shall not be valid, or have any effect until it has been ratified and approved by a two-thirds majority of the governing body of the City of Morristown, after its final passage by the General Assembly. [As amended by Priv. Acts of 1967, ch. 487, § 1]

Passed March 17, 1955

Approved by Governor March 21, 1955

Division C. Sewerage System¹

Private Acts 1955, Chapter 371

AN ACT to amend Chapter 103 of the Published Acts of the General Assembly of the State of Tennessee, for the year 1903, entitled "AN ACT to incorporate the Town of Morristown, in Hamblen County, Tennessee, and all Acts amendatory thereof".

CHARTER AMENDED

Section 1. Be it enacted by the General Assembly of the State of Tennessee. That Chapter 103 of the published Acts of the General Assembly of the State of Tennessee for the year 1903, the title of which is fully set forth in the caption hereof, and all Acts amendatory thereof, be, and the same are, hereby amended so as to confer upon said municipality the powers and authority hereinafter set out.

DEFINITIONS

Sec. 2. Be it further enacted. That the following terms, wherever used or referred to in this Act, shall have the following meaning, unless a different meaning appears from the context:

- (a) The term "city" shall mean "City of Morristown."
- (b) The term "board" shall mean "the city council of the City of Morristown, Tennessee."
- (c) The term "federal agency" shall include the United States of America, the President of the United States of America, the Reconstruction Finance Corporation, or any other agency, instrumentality or corporation of the United States of America which has heretofore been or may hereafter be designated, created or authorized by or pursuant to any Act of Congress of the United States of America to make allowances or grants to municipalities.
- (d) The term "sewerage system" shall be construed to include all or any part of the following: The collecting system, intercepting and out-fall sewers, pumping facilities and treatment, purification and disposal plants, the disposition of sewage and industrial waste. [As amended by Priv. Acts of 1967, ch. 487, § 1]

¹This Act purports to amend the charter of Morristown, but it does not fit within the framework of the charter; it is thus set out in full at this point.

POWERS OF CITY RELATIVE TO SEWERAGE
SYSTEM GENERALLY

Sec. 3. Be it further enacted. That the city acting by and through its board, shall have power and is hereby authorized to:

(a) Construct, enlarge, expand, repair, maintain and operate a sewerage system partially within or partially without the corporate limits of the city;

(b) Operate and maintain a sewerage system for its own purposes or for the benefit and use of its inhabitants, and also to operate and maintain such sewerage system for the benefit and use of persons, firms and corporations within the corporate limits of the city, and persons, firms and corporations, including municipal corporations, which are situated or whose residence or places of business are situated outside the corporate limits of the city but within Hamblen County, Tennessee, and within a radius of ten miles from the corporate limits of the city.

(c) Contract with Hamblen County, Tennessee, for the furnishing of sewerage service to the county or to the inhabitants thereof where, by furnishing such service, the public health of the city will be protected and stream pollution eliminated.

(d) Accept from any federal agency or from the State of Tennessee or any agency of said state grants for or aid of the construction of a sewerage system.

(e) Contract debts for the construction, repair, replacement, extension, expansion and maintenance of a sewerage system; to borrow money and to issue its bonds to finance such construction, repair, replacement, extension, expansion and maintenance, and to provide for the rights of the holders of the bonds, and to secure the bonds as hereinafter provided.

(f) Fix, levy and collect fees, rents, tolls, or other charges for connecting to and for the use of the sewerage system, including the use for industrial waste.

(g) Acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage system whether such property be within or without the city or partially within and partially without the city.

(h) Make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the Legislature of Tennessee; to make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction of the sewerage system.

(i) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of a sewerage system.

(j) Require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter.

(k) Require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the service furnished by the sewerage system to make a reasonable deposit in advance to insure the payment of such charges.

(l) The board may discontinue all services of the system to any owner, tenant, or occupant obligated to pay the charges made for the service furnished by the sewerage system in the event of failing to pay for any services of the system or for any other services rendered by the city, or its agencies, the charges for which other services are collected by the board or its agencies.

(m) Contract with the board of electric light and waterworks commission, or other person, firm or corporation: (1) to bill and collect fees, tolls, rents or other charges for the use of the sewerage system, as an added designated item on its water service bills, or otherwise, (2) to discontinue water service to sewer users who fail or refuse to pay sewer service charges, (3) not to accept payment of water service charges from any customer without receiving at the same time payment for any sewer service charges owed by such customer, (4) not to re-establish water service for any customer until such time as all past due sewer service charges owed by such customer have been paid, and (5) to make contracts on behalf of the city with customers desiring sewer service, and to require reasonable deposits as security for the payment of any charges under such contracts. The board is hereby authorized to perform all acts and discharge all obligations required by the provisions of any such contract. Any such contract may specify the manner of determining the amount of the electric light and waterworks commission's compensation for its services in connection therewith. The compensation for the electric light and waterworks commission's services in connection with sewer charges shall be fixed by the contract in keeping with the following general principles: (1) Such compensation shall be so fixed as to reimburse the electric light and waterworks commission for all expenses in connection therewith, including a fair and equitable portion of all joint expenses incurred by electric light and waterworks commission in handling its work in connection with sewer charges and in connection with other functions of the electric light and waterworks commission. (2) Such work shall be handled by the electric light and waterworks commission on a nonprofit basis, it being the intention that the compensation shall fully reimburse the electric light and waterworks commission for all of its expenses, both direct and indirect, in connection therewith, but shall not be so fixed that the electric light

and waterworks commission will intentionally derive a profit therefrom. (3) A stated amount for each monthly bill rendered, or for other units of work performed by the electric light and waterworks commission thereunder, may be included in the contract as compensation for such work but any such stated amount shall be revised as soon as is reasonably practical after the end of each full calendar year of performance under said contract and such revised amount shall be then put in effect and shall continue in effect until the next annual revision, each such revised amount to be based upon the electric light and waterworks commission's actual operating expenses during the next preceding calendar year. Any such contract may contain such other additional provisions as the parties thereto may deem necessary or desirable to assure the collection on behalf of the city by the electric light and waterworks commission of the sewer charges imposed by the city.

(n) Perform any acts authorized under this act through or by means of its own officers, agents and employees or by contracts with the electric light and waterworks commission or private corporations, firms or individuals.

(o) Do all acts and things necessary or convenient to carry out the powers expressly given in this Act.

MONEY RECEIVED TO BE PAID TO RECORDER AND DEPOSITED IN BANK

Sec. 4. Be it further enacted. That all proceeds received from the sale of bonds issued under this Act and all fees, rents, tolls or other charges received by the city from the operation of sewerage system, and all monies received from any federal agency of the State of Tennessee or state agency shall be paid to the city administrator, or in the absence of the office of the city administrator, the mayor, who shall not commingle any money so received with any other monies of the city, but the monies received shall be deposited in a separate bank account or accounts, in the name of the city. [As amended by Priv. Acts 1984, ch. 214, § 5]

BONDS--ELECTION ON ISSUANCE

Sec. 5. Be it further enacted. That the bonds herein authorized shall not be issued nor sold unless there first shall have been held an election to ascertain the will of the voters of the city respecting the issuance of said bonds and a majority of the legal votes cast at such election shall be in favor of the issuance of the bonds proposed to be issued. The board may, at any time after the passage and approval of this Act, adopt a resolution fixing the amount of bonds to be issued, and the date for such election, and on such date the election commissioners of Hamblen County shall hold an election at the regular voting precincts in the city, and shall name and designate the officials of said election, and shall call said election in the way and manner general municipal elections

are called. All persons qualified to vote for the mayor and aldermen of the city who are otherwise qualified may vote at such election. The election commissioners shall prepare ballots for each ward and precinct, on which shall be printed the words:

"FOR THE ISSUANCE OF SEWER
REVENUE BONDS"

"AGAINST THE ISSUANCE OF SEWER
REVENUE BONDS"

and voters shall indicate their desire by putting a cross (x) mark opposite their choice. The result of said election shall be certified by the officers thereof to the election commissioners of Hamblen County, Tennessee, within five days after such election is held, and the said county election commissioners shall then canvass and declare and certify the result of such election to the board.

SAME--ADOPTION OF RESOLUTION; INTEREST; REGISTRATION
PRIVILEGES; EXECUTION; TERMS, COVENANTS
AND CONDITIONS; MATURITY DATES; MINIMUM SALE
PRICE; SIGNATURES; MANNER OF SALE; EXEMPT FROM
CERTAIN TAXES

Sec. 6. Be it further enacted. That the revenue bonds provided for under the provisions of this Act may be authorized by resolution or resolutions of the board, which resolution or resolutions may be adopted at the same meeting at which they are introduced and may be adopted by a majority vote of the members of said board, and shall take effect immediately upon adoption. Such bonds shall bear interest at such rate or rates, not to exceed five per centum per annum, payable semiannually, may be issued all at one time or from time to time, may be payable at such place or places, may carry such registration privileges, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form (either coupon or registered) as such resolution or subsequent resolutions may provide. Said bonds shall bear such date or dates, may mature at such time or times, not less than three years (3) nor more than thirty (30) years, from their respective dates as the board may direct. Said bonds shall not be sold for less than par and accrued interest, and shall be signed by the mayor, and if coupon bonds are issued such coupons may bear the printed or lithographed facsimile signature of the mayor. Unless the bonds are sold to a federal agency, the bonds authorized to be issued by the provisions of this Act shall be sold at public sale in accordance with the

provisions of Section 3707, Code of Tennessee of 1932.¹ The bonds may be sold at private sale without any public advertisement to any federal agency. The bonds shall be fully negotiable for all purposes, and said bonds and the income therefrom shall be exempt from all state, county and municipal taxation except inheritance, transfer and estate taxes. [As amended by Priv. Acts 1984, ch. 214 § 6]

SAME--NOT AFFECTED BY OTHER DEBT LIMITATIONS

Sec. 7. Be it further enacted. That bonds maybe issued under the provisions of this Act notwithstanding and without regard to any limit on indebtedness of the city provided by the provisions of the Charter or other law.

SAME--CONTENTS OF RESOLUTION AUTHORIZING ISSUANCE

Sec. 8. Be it further enacted. That any resolution authorizing the issuance of revenue bonds under the provisions of this Act may contain covenants as to:

- (a) The issuance of other or additional bonds payable from the revenues of said sewerage system;
- (b) The operation and maintenance of such sewerage system;
- (c) The insurance to be carried on the sewerage system and the use and disposition of insurance monies.
- (d) The terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the chancery court of Hamblen County, Tennessee, which court shall have jurisdiction in such proceeds and which receiver may enter and take possession of said sewerage system, operate and maintain the same, fix, levy and collect fees, rents, tolls or other charges, receive and apply all revenue thereafter arising therefrom, in the same manner as the city itself might do. The provisions of this Act and any such resolution or resolutions shall be a contract with the holder or others of said bonds, and the duties of the city and board under this Act and any such resolution or resolutions shall be enforceable by any bondholder by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.

¹Priv. Acts 1984 ch. 214, purported to amended Priv. Acts of 1903, ch. 371. Research indicated that the year 1903 was an error and the acts actually amended Priv. Acts of 1955 ch. 371.

SAME--NOT INVALIDATED WHEN OFFICERS WHO SIGNED
BONDS LEAVE OFFICE; NOT AFFECTED BY PROCEEDINGS
RELATING TO ACQUISITION, ETC., OF SEWERAGE SYSTEM

Sec. 9. Be it further enacted. That said bonds bearing the signature of officers in office on the date of signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all persons whose signatures appear thereon shall have ceased to be officers of the city. The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition, construction, reconstruction, extension or enlargement of the sewer system for which said bonds are issued. The resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and the regularity of their issuance.

SAME--CONSTITUTE LIEN OF REVENUE FROM SEWERAGE SYSTEM

Sec. 10. Be it further enacted. That all bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligation, have a prior and paramount lien on the revenue of the sewerage system over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued, and over and ahead of any claims or obligations of any nature against said revenue subsequently arising or subsequently incurred. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, or sale, or execution or of delivery by a lien on said revenue in accordance with the provisions of this Act and the resolution or resolutions authorizing said bonds.

SAME--AUTHORITY TO SECURE PAYMENT

Sec. 11. Be it further enacted. That in order to secure the payment of the bonds issued pursuant to this Act and interest thereon, the city shall have power as to such bonds:

(a) To pledge all or any part of the fees, rents, tolls or other charges received or receivable by the city from the operation of the sewerage system to the punctual payment of bonds issued therefor and interest thereon, and to covenant against thereafter pledging any such fees, rents, tolls or other charges to any other bonds or any other obligations of the city for any other purpose.

(b) To provide for the term, forms, registration, exchange and execution of such bonds.

(c) To provide for the replacement of lost, destroyed or mutilated bonds.

(d) To covenant as to the use and disposition of the proceeds from the sale of such bonds.

(e) To covenant as to the fees, rents or tolls to be charged in connection with the sewerage system for which such bonds are to be issued and as to the use and disposition to be made thereof.

(f) To covenant to set aside or pay over reserves and sinking funds for such bonds, and as to the disposition thereof.

(h)¹ To covenant as to its books of account and as to the inspection and audit thereof, and as to the accounting methods.

(i) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived,

(j) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(k) To vest in any trustee or trustees the right to receive all or any part of the income pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay in relation to bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and remedies available to such trustee or trustees, and limiting the liabilities thereof and prescribing what occurrences shall constitute default, and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all of such covenants and resort to such remedies as may be appropriate.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties.

SAME--RIGHTS OF HOLDERS

Sec. 12. Be it further enacted. That any holder or holders of the bonds, including a trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the city and board and any officer, agent or employee of the city, including, but not limited to, the right to require the city and the board to fix and collect fees, rents, tolls or other charges, and to require the city and board and any officer, agent or employee of

¹There was no subsection number (g) in this section as the act was adopted by the state legislature.

the city to carry out any other covenants and agreements and to perform its and their duties under this Act.

(b) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such holder or holders of bonds.

(c) By suit, action or proceedings in the chancery court to require the board to account as if it were the trustee of an express trust.

SAME--USE OF PROCEEDS FROM SALE

Sec. 13. Be it further enacted. That the proceeds derived from the sale of said bonds shall be used for the purpose of paying all the costs of the city of or incident to the construction by it, without being limited to, sewerage treatment and disposal plant or plants, sanitary sewers, storm sewers, combination sewers, the cost of lands, easements, rights of way and other properties needed in connection with such system and any and all cost and expense of any and every character in connection with or incident to said sewerage system, which cost shall include, among other things, the payment of any and all indebtedness incurred prior to the issuance of said bonds, including cost of engineering and planning, and all engineering, legal and other expenses, and the expense of issuing and selling bonds, and the interest on the outstanding bonds during construction of the sewerage system and for a period of six months after the completion of such construction.

ACTION OF BOARD MAY BE BY RESOLUTION

Sec. 14. Be it further enacted. That any and all action required or authorized to be taken under this Act by the board may be by resolution, which resolution may be adopted at the meeting of the board at which such resolution is introduced, and shall take effect immediately upon adoption.

POWERS GRANTED BY ACT ARE SUPPLEMENTARY

Sec. 15. Be it further enacted. That power to issue bonds and construct a sewerage system under the provisions of this Act is hereby declared to be supplementary to and not in derogation of the right and power to issue bonds for and to construct a sewerage system under any existing law or laws.

SEVERABILITY OF ACT

Sec. 16. Be it further enacted. That should any section or part or parts of this Act be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not invalidate any other part of this Act.

APPROVAL OF ACT BY BOARD

Sec. 17. Be it further enacted. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the city council of the City of Morristown on or before the next regular meeting of such board occurring more than thirty days after its approval by the chief executive of this state. Its approval or nonapproval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the secretary of state.¹ [As amended by Priv. Acts of 1967, ch. 487, § 1]

EFFECTIVE DATE

Sec. 18. Be it further enacted. That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 17, 1955.

Approved by Governor March 21, 1955.

¹This Act was approved by the board of mayor and aldermen, as required by this section, which approval has been certified to the secretary of state.

Division D. Morristown Utilities Commission

Acts 1901, Chapter 392

AN ACT to create a board of electric light and waterworks commissioners for the municipal corporation of the board of mayor and aldermen of the Town of Morristown, Tennessee; to provide for their election, qualification and term of office; prescribe their duties and compensation, and to repeal so much and such parts of Chapter 88 of the Acts of the General Assembly of the State of Tennessee for the year 1893, entitled "An Act to authorize the board of mayor and aldermen of the Town of Morristown, in the County of Hamblen, State of Tennessee, to issue and sell coupon bonds of said town in a sum not exceeding forty thousand dollars, the proceeds thereof to be applied to the construction and equipment of waterworks of said town, and to provide for the management of such waterworks," as creates and defines the duties and qualifications of the board of waterworks commissioners and members thereof created by said Act.

NAME CHANGE; MEMBERSHIP; APPOINTMENT OF MEMBERS

Section 1.

(a) Name-Authority. The Board of Electric Light and Waterworks Commissioners is hereby designated the Morristown Utilities Commission. Said Utilities Commission shall have authority to manage and control the electric power and water utilities and, subject to city council approval, all other municipal utilities of the City of Morristown, Tennessee, except sewer, which are both within and without the corporate limits of the City, all in accordance with and subject to the requirements of state and federal laws, rules and regulations.

(b) Membership; Appointment; Term. The commission shall consist of five (5) persons to serve five (5) year terms. In order to facilitate an orderly transition with respect to expansion of membership and term of office, the present terms shall be modified in the following manner:

<u>Term Expiring</u>	<u>Modified to Expire</u>
July 31, 2001	July 31, 2006
July 31, 2002	July 31, 2005
July 31, 2003	July 31, 2004

In addition to the enumerated modifications, there shall be two (2) additional commissioners to be appointed to increase the commission to five (5) members.

Each of the additional commissioners shall be appointed in accordance with the procedures provided herein for nominations. The first new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2002. The second new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2003. All subsequent terms of all commissioners shall be for five (5) years.

Prior to the first day of July, 2001 and prior to the first day of July in each succeeding year, the commissioners shall submit to the mayor a list of three (3) nominees for the commission seat expiring as of July 31. The mayor shall within thirty (30) days of submission select one (1) name for nomination from the three (3) submitted. A majority vote of the city council shall be necessary for the election of such nominee. Should the city council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the council, said nominee shall be deemed elected. In the event that a nominee is disapproved by a majority vote of the city council, or in the event a nominee fails to be approved by a majority vote of council, the nomination procedure shall be repeated, except that the commission shall have fourteen (14) days from notice of disapproval in which to submit the names of three (3) nominees, which may include the two (2) not previously selected by the mayor.

In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided herein for nominations, except that the commission shall make its nominations to the mayor within thirty (30) days of the occurrence of the vacancy to commence the election process. [As replaced by Priv. Acts 2001, ch. 7, § 1]

QUALIFICATIONS OF COMMISSIONERS; OATH AND BOND;
COMPENSATION; REMOVAL OF COMMISSIONERS;
COMMISSIONERS NOT TO HOLD OTHER OFFICE

Section. 2. The commissioners shall be residents of said municipality, and reside within the corporate limits thereof. Said commissioners shall be elected by the city council as hereinbefore provided. Said commissioners, before entering upon their duties, shall make and subscribe an oath in writing to faithfully discharge their duties as such commissioners, and each will give bond in such sum as the corporate authorities may require, payable to the State of Tennessee, conditioned for the careful and faithful performance of their duties as such commissioners, and upon said bonds a right of action will be in the name

of the State for the use of the party or parties aggrieved by any neglect of duty on the part of said commissioners. Said commissioners shall receive such compensation as the city council may determine, and any and all of them may be removed from office by the city council for malfeasance or misfeasance therein. No person holding any other office pertaining to said city shall be eligible for the office of commissioner. [As replaced by Priv. Acts 2001, ch. 7, § 2]

CHAIRMAN AND SECRETARY; QUORUM; RECORDS TO BE KEPT;

POWERS AND DUTIES GENERALLY

Section. 3. The commissioners, upon their election and qualification, shall organize by selecting one (1) of their number chairman and one (1) secretary. A majority of the commissioners shall constitute a quorum for the transaction of business, and all matters to be determined by them shall be determined by a majority vote, and they shall keep a record of all their transactions in a well-bound book, which shall be open, on demand, to the inspection of any and all citizens and taxpayers of the City of Morristown. Said utilities commissioners shall have charge and supervision of the electric light and waterworks systems of the corporation, and with prior approval of the city council, telecommunications, natural gas, ISP and CATV services and any other utility service, except sewer, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utilities commissioners a separate and independent body for the performance of the duties of the positions to which they are elected. The fees or proceeds arising for the use of the various utilities, when collected, shall be kept separate from the other as a separate enterprise fund to be applied to the operation of each particular utility. The net proceeds of each utility shall only be liable for the debts and liabilities of that particular utility hereafter occurring, but the property of commission and proceeds thereof shall be liable for any debts heretofore contracted. Said commissioners will make reports at least annually to the city council, setting out in said report separately the receipts and disbursements of each of said utilities, and reciting therein all business transacted by them since the date of their last report. [As replaced by Priv. Acts 2001, ch. 7, § 3]

AUTHORITY TO EXTEND ELECTRIC AND WATERWORKS SYSTEMS

Section 3A. The utilities commissioners of the City of Morristown may create, expand, enlarge and extend the utilities authorized by them to create or operate by city council to such point or points within or without the corporate limits of the City of Morristown in conformity with general law and as in their

discretion may be deemed necessary or desirable. [As added by Priv. Acts 1947, ch. 198, § 1; and replaced by Priv. Acts 2001, ch. 7, § 4]

REPEAL OF CONFLICTING ACTS

Section 3B. That all Acts or parts of Acts in conflict with this Act be and the same hereby are repealed. [As added by Priv. Acts 1947, ch. 198, § 1; and replaced by Priv. Acts 2001, ch. 7, § 4]

Sec. 4. Deleted. [As deleted by Priv. Acts 2001, ch. 7, § 5]

REPEAL OF PORTIONS OF CERTAIN ACT

Sec. 5. Be it further enacted. That so much and such parts of Chapter 88, of the Acts of the General Assembly of the State of Tennessee, for the year 1893, entitled "An Act to authorize the board of mayor and aldermen of the Town of Morristown, in the County of Hamblen, State of Tennessee, to issue and sell coupon bonds of said town in a sum not exceeding forty thousand dollars, the proceeds thereof to be applied to the construction and equipment of waterworks of said town, and to provide for the management of such waterworks," as creates and defines the duties and qualifications of the waterworks commissioners and the members thereof created by said Act, be and the same is hereby repealed.

EFFECTIVE DATE

Sec. 6. Be it further enacted. That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 6, 1901.

Approved by Governor February 7, 1901.

Division E. Extension of Waterworks System

Acts 1907, Chapter 255

AN ACT to authorize the mayor and aldermen of the Town of Morristown, in Hamblen County, Tenn., to extend the system of waterworks, to increase the efficiency and capacity thereof; and for this purpose to acquire additional real estate, springs of water, rights of way, pumping stations, and all other things necessary outside the corporate limits as well as within.

AUTHORITY TO EXTEND SYSTEM; POWER OF CONDEMNATION

Section 1. Be it enacted by the General Assembly of the State of Tennessee. That the city council of the City of Morristown, in Hamblen County, Tenn., be, and the same is hereby, authorized and empowered to extend its system of waterworks and increase the capacity and efficiency thereof, and for this purpose to acquire either by purchase or condemnation all real estate necessary or proper and spring or springs of water, pump stations, rights of ways to and from such springs or pump stations, and for necessary pipe lines for conveying water either outside or within the corporate limits of said city; and it may take and appropriate such lands and grounds upon which are located springs of water, together with such quantity of land surrounding said watering places, as may be necessary or proper for the proper protection of such springs of water and for the location of pump stations and for rights of way for water mains, pipes, and other devices that may be necessary or proper for conveying currents of water in the operation of said waterworks system, and the city council of the City of Morristown is hereby vested with full power and authority to acquire by purchase or condemnation proceedings the riparian rights of lower landowners along any stream, the spring or upper portion of which is acquired or the water from which is used under the provisions of this Act. [As amended by Priv. Acts of 1967, ch. 487, § 1]

MANNER OF CONDUCTING CONDEMNATION PROCEEDINGS

Sec. 2. Be it further enacted. That if it shall become necessary to condemn any private property for the use set out in section 1 of this Act, the city council of said municipality shall first, by ordinance, determine the property necessary or proper for such uses, and shall direct the mayor or some other officer designated in the ordinance to proceed in the name of the City of Morristown to have said property or right of way appropriated as provided for taking private property for works of internal improvements by sections 1325 to

1347 of the Code of Tennessee, being Sections 1844 to 1866 of Shannon's Code.¹
[As amended by Priv. Acts of 1967, ch. 487, § 1]

EFFECT OF ACT ON PRIOR ACTS

Sec. 3. Be it further enacted. That nothing in this Act shall be so construed as to deprive the electric light and waterworks commissioners of this municipality of any of the power or jurisdiction which they now possess under the existing laws.

EFFECTIVE DATE

Sec. 4. Be it further enacted. That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 4, 1907.

Approved by Governor April 8, 1907.

¹State law reference

Eminent domain: Tennessee Code Annotated, §§ 29-16-101 through 29-16-126.

Division F. Funding and Refunding Bonds

Private Acts 1933, Chapter 277

AN ACT to authorize the mayor and aldermen of the Town of Morristown to issue bonds to fund or refund bonds, notes and other indebtedness and to levy a tax upon all taxable property in the municipality for the payment of such funding or refunding bonds and the interest thereon, and to provide a depository or depositories for moneys collected for the payment of such funding or refunding bonds and interests and to validate such outstanding bonds and notes.

AUTHORITY TO ISSUE BONDS AND PLEDGE FULL FAITH
AND CREDIT OF CITY

Section 1. Be it enacted by the General Assembly of the State of Tennessee. That the city council of the City of Morristown is hereby authorized to issue bonds of said municipality for the purpose of funding or refunding any or all bonds, notes and other indebtedness of said municipality now outstanding, and all bonds or notes hereafter issued in renewal or extension thereof, and to pledge the full faith and credit of the city council of the City of Morristown to the payment of such funding or refunding bonds and interest. [As amended by Priv. Acts of 1967, ch. 487, § 1]

ACTION TO BE BY RESOLUTION; REFERENDUM NOT REQUIRED

Sec. 2. Be it further enacted. That the city council of the City of Morristown, shall have full authority by resolution to carry out all powers conferred by this Act without submitting to electors or taxpayers the question of issuing such bonds or the resolution authorizing the same; such resolutions may be finally passed at any regular meeting of the board not earlier than four days after its introduction and first reading, and shall be in force from and after its final passage. [As amended by Priv. Acts of 1967, ch. 487, § 1]

DETERMINATION OF RATE OF INTEREST AND DATE OF
MATURITY; OFFICERS' SIGNATURES NOT INVALIDATED WHEN
PERSONS LEAVE OFFICE; RIGHT OF REDEMPTION BEFORE
MATURITY

Sec. 3. Be it further enacted. That the city council of the City of Morristown, shall by resolution determine the rate or rates of interest to be paid, not exceeding six per centum per annum, and the time or times of payment of such interest, and the maturity or maturities of the bonds, which shall be at a time or times not exceeding twenty years from the date of the bonds, and shall

likewise determine the form of the bonds, the officers by whom they shall be executed and the medium of payment and the place or places in Tennessee at which the principal and interest shall be payable. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. The bonds may be made registerable as to principal alone and as to both principal and interest, under such terms and conditions as may be determined by the board. In the discretion of the board, the right to redeem all or any of the bonds before maturity may be reserved upon terms and conditions to be fixed by resolution, including the payment of a premium not exceeding five per centum of the par value of bonds redeemed before maturity. [As amended by Priv. Acts of 1967, ch. 487, § 1]

EXCHANGE OF BONDS FOR OTHER INDEBTEDNESS

Sec. 4. Be it further enacted. That such bonds may be exchanged for not less than an equal amount of indebtedness to be retired thereby, including indebtedness not matured if the unmatured indebtedness be then redeemable or if the holders thereof be willing to surrender the same for retirement. Any of such bonds not so exchanged may be sold and the proceeds thereof shall be applied to the payment of such indebtedness due or redeemable or which may be so surrendered. But no funding or refunding bonds shall be sold except in the amount necessary to secure moneys for (a) the payment of matured or redeemable indebtedness or (b) the payment of unmatured indebtedness, the evidences of which shall then be on deposit with a bank or trust company in Tennessee, or in the City of New York for surrender to the city upon receipt therefor of a sum not exceeding the amount of such indebtedness. No sale or exchange of any such bonds shall be made for less than par and accrued interest unless the bonds sold bear interest at a lower rate than six per centum per annum, and in such cases they shall be sold for a price lower than that upon which the return to the purchaser, computed with relation to the absolute maturity of the bonds in accordance with the standard tables of bond values, is six per centum per annum.

ANNUAL AD VALOREM TAX

Sec. 5. Be it further enacted. That in each fiscal year while any of such bonds shall be outstanding there shall be levied upon all taxable property in the municipality, and ad valorem tax sufficient to pay the interest thereon as it falls due and the principal of such bonds shall then have matured in accordance with their terms or by declaration of earlier maturity as in this Act provided, or which shall mature within the same fiscal year, and any sinking fund payments which may be provided for by the bonds or by the resolution authorizing the

same, as well as all deficits in said interest, principal and sinking fund requirements arising by failure to comply with the provisions hereof or by failure to collect the taxes levied or otherwise; provided, however, that the board, in its discretion, may levy in any fiscal year a tax sufficient to pay, in addition to the interest or principal which shall fall due in such fiscal year, any portion of the interest or principal which shall fall due in the succeeding fiscal year, and may also levy in any fiscal year a tax for sinking fund payments in addition to the tax required by such payments by the resolution authorizing any of such bonds.

BOARD MAY PROVIDE THAT SINKING FUND BE USED ONLY
FOR PURCHASE AND REDEMPTION OF BONDS AUTHORIZED BY
RESOLUTION

Sec. 6. Be it further enacted. That the board may provide in the resolution authorizing the issuance of any such funding or refunding bonds, that the sinking fund provided for such bonds shall be used solely for the purchase or redemption of the bonds authorized by such resolution, and all bonds so purchased or redeemed shall be cancelled and shall not be reissued.

DEPOSITORIES

Sec. 7. Be it further enacted. That the board may provide in the resolution authorizing the issuance of any such funding or refunding bonds, that one or more trust companies or banks, either in Tennessee or in any other state, shall act as a depository or depositories of moneys provided for the payment of such bonds, interest or sinking fund, and that such moneys shall be paid to such depository or depositories by the collecting officer or agent of the municipality, as and when the same shall be collected, and may also provide in such resolution the manner and conditions under which such moneys shall be secured and paid out; provided, however, that unless otherwise provided in any such resolution, no such moneys shall be deposited in any depository in excess of five per centum of its combined surplus unless such depository shall have given as security therefor a surety bond approved by the board in the amount of such deposit, executed by a surety company qualified to transact business in Tennessee and acceptable to the United States government as surety for deposits in the amount of such deposit, or unless, in lieu of such surety bond as to all or any part of such deposit, the depository shall have lodged with the municipality or an agent thereof as collateral security an amount of bonds or other securities acceptable as security for postal savings deposits whose market value shall equal the amount of such deposit or such part thereof.

PAYMENT OF EXPENSES UNDER ACT

Sec. 8. Be it further enacted. That the city council of the City of Morristown, is hereby authorized to pay such expenses as the board may deem reasonable and proper for carrying out the provisions of this Act. [As amended by Priv. Acts of 1967, ch. 487, § 1]

BONDS NOT SUBJECT TO OTHER LIMITATIONS OF INDEBTEDNESS

Sec. 9. Be it further enacted. That no bonds issued under the authority of this Act shall be subject to any limitations of indebtedness prescribed by any laws, general or special.

ACT SUPPLEMENTAL

Sec. 10. Be it further enacted. That this Act is intended as a supplemental and additional grant of power to the municipality and shall not supplant or repeal any existing powers for the issuance of funding or refunding bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of moneys provided for such payment.

ACT CONSTITUTES FULL AUTHORITY

Sec. 11. Be it further enacted. That this Act constitutes full authority for the things herein authorized, and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized except such as are herein prescribed and required.

WHEN BONDS MAY BE ISSUED; DIFFERENT SERIES OR
CLASSES MAY DIFFER IN TERMS, PROVISIONS AND
INTEREST RATES

Sec. 12. Be it further enacted. That the authority conferred by this Act may be exercised at any time or from time to time, and the authorization of funding or refunding bonds by one resolution shall not prevent the authorization of additional funding or refunding bonds by subsequent resolution or resolutions. One resolution may provide for the issuance of two or more separate series or classes of funding or refunding bonds and each series or class may have different terms and provisions from the others, and the bonds of each series or class may bear interest at different rates.

BONDS EXEMPT FROM TAXATION

Sec. 13. Be it further enacted. That no bonds issued under authority of this Act shall be subject to taxation by the State of Tennessee or by any county or municipality thereof, and said bonds shall so state in the face thereof.

SEVERABILITY OF ACT

Sec. 14. Be it further enacted. That the several clauses and parts of this Act are mutually independent of each other, and if any part of this Act should be unconstitutional or void or invalid no other part of this Act shall be affected thereby.

PRIOR DEBTS OF CITY VALIDATED

Sec. 15. Be it further enacted. That all bonds and notes now outstanding which have heretofore been issued by said municipality, are hereby validated and legalized and declared to be valid obligations of said municipality.

EFFECTIVE DATE

Sec. 16. Be it further enacted. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1933.

Approved by Governor April 5, 1933.

Division G. Deed for Park Lands

Private Acts 1917, Chapter 797

AN ACT entitled "An Act to authorize and empower the trustees, J. F. Goodson, C. H. Darlington, John R. King, John B. Holloway, L. M. King, John A. Stubblefield and A. J. Bruner, or their successors in office, to convey certain lands to the mayor and aldermen of the Town of Morristown, Tennessee, for park purposes."

Whereas, on the twenty-third day of April, 1892, the Montvue Land Improvement Imigration & Labor Company did, by deed which is registered in the Register's office in Morristown, Tennessee, in Deed Book No. 11, page 278, donate and convey to J. F. Goodson, C. H. Darlington, John R. King, John B. Holloway, L. M. King, John A. Stubblefield, and A. J. Bruner, and to their successors in office in trust, a certain parcel of land in Montvue addition to the Town of Morristown, Tennessee, described as follows, to-wit:

Beginning at the northeast corner of Montvue Avenue and Merwin street, thence crossing Merwin Street and including it S. 30 east with the eastern margin of Montvue Avenue 340 feet to the side of an alley, thence with said alley N. 60 E. 312 feet to the side of Cleveland Avenue; thence with Cleveland Avenue N. 30 W. 340 feet to the northwest corner of Cleveland Avenue and Merwin Street; thence with the north side of Merwin Street S. 60 W. 312 feet to the beginning.

And Whereas, on the same date, to-wit, April 23, 1892, O. C. King did, by deed which is registered in the Register's office in Morristown, Tennessee, in Deed Book 11, page 280 donate and convey to the same parties, to-wit: J. F. Goodson, C. H. Darlington, John R. King, John B. Holloway, L. M. King, John A. Stubblefield and A. J. Bruner, or their successors in office, in trust, a certain parcel of land in Montvue addition to the Town of Morristown, Tennessee, north of and adjoining the tract conveyed on the same day to them by said Montvue Land Improvement Imigration & Labor Company, described as follows, to-wit:

Beginning at the northeast corner of Montvue Avenue and Merwin Street, thence with the north side of Merwin Street N. 60 E. 312 feet to the west side of Cleveland Avenue, thence with said Avenue N. 30 W. 60 feet to the corner of Lot 81; thence with the line of Lots 81 and 53 S. 60 W. 312 feet to the east side of Montvue Avenue; thence with said Avenue S. 30 E. 60 feet to the beginning;

And Whereas, the object and purpose of both of said donations and conveyances was to consolidate said two tracts into one boundary and establish same as a public park or pleasure resort for the citizens of said Montvue Addition and the public generally, same however to be laid out, graded and improved for public park purposes by the citizens of Montvue Addition and the public generally, but to be controlled and governed by said grantees in trust and their successors in office;

And Whereas, the object and purpose of said donation and conveyance have not been attained owing to lack of means in the hands of said trustees and no improvements have been made on said land;

And Whereas, no power to convey said lands was lodged in said trustees by said two deeds of conveyance;

And Whereas, the mayor and aldermen of the Town of Morristown have proposed to lay out, grade and improve said lands for public park purposes and to keep and maintain same forever as a public park or pleasure resort in the manner contemplated by the donors in said town deeds of conveyance; upon the condition and in consideration of the title to said lands being vested in said mayor and aldermen;

Now therefore, be it enacted by the General Assembly of the State of Tennessee:

TRUSTEES AUTHORIZED TO CONVEY PROPERTY TO CITY

Section 1. That J. F. Goodson, C. H. Darlington, John R. King, John B. Holloway, L. M. King, John A. Stubblefield, and A. J. Bruner, trustees, or their successors in trust, under said two deeds of conveyance above referred to, be, and they are hereby authorized and empowered to convey by quit claim deeds, said two parcels of land to the mayor and aldermen of the Town of Morristown, Tennessee, upon the condition and for the consideration that said mayor and aldermen of said town will lay out said lands into a public park and will grade and improve same in a proper and respectable manner, and will forever keep and maintain same as a public park and pleasure resort for its citizens and the public generally, as contemplated by the donors in the two deeds aforesaid.

EFFECTIVE DATE

Sec. 2. Be it further enacted. That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1917.

Approved by Governor April 6, 1917.

Division H. Hotel Occupancy Tax

CHAPTER NO. 354

HOUSE BILL NO. 2217

By Shockley

Substituted for: Senate Bill No. 2301

By Hooper

AN ACT relative to the levy of a privilege tax by the city of Morristown on the occupancy in any hotel by transients.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

DEFINITIONS

SECTION 1. As used in this Act, unless a different meaning clearly appears from the context, the following definitions shall apply:

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

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

(c) "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" means any person who exercises occupancy or is entitled to occupancy for any room, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days.

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

TAX LEVIED

SECTION 2. The City of Morristown is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient up to a maximum rate of five percent (5%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinunder provided. [As amended by Priv. Acts 2002, ch. 150]

OPERATOR'S RESPONSIBLE FOR COLLECTING TAX

SECTION 3. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the City Recorder of the City of Morristown.

TAX DUE DATE

SECTION 4. The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the City Recorder of the City of Morristown, to be remitted to such officer not later than the 20th day of each month next following collection from the transient.

OCCUPANT RESPONSIBLE FOR PAYING TAX

SECTION 5. No operator of a hotel shall 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 be added to the rent, or that, if added, any part will be refunded.

DELINQUENT TAXES

SECTION 6. 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-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of 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 less than twenty-five dollars (\$25) nor in excess of fifty dollars (\$50). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the City Recorder.

OPERATORS DUTIES

SECTION 7. It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the City Recorder shall have the right to inspect at all reasonable times.

ILLEGAL ASSESSMENT AND COLLECTION

SECTION 8. In administering and enforcing the provisions of this Act, the City Recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-2313, it being the intent of this Act that the provisions of law concerning the recovery of erroneous tax payments to municipalities shall apply to the tax collected under the authority of this Act; provided, the City Recorder shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under the authority of this Act and to direct the funding of the same. Notice of any tax paid under protest shall be given to the City Recorder, and suit for recovery shall be brought against him.

USE'S OF COLLECTED TAXES

SECTION 9. The proceeds from the tax levied herein shall be retained by the municipality and deposited in the general funds of the municipality; however, twenty-five percent (25%) of the tax levied may be used to promote the development of tourism in the municipality. Proceeds of this tax may not be used to provide a subsidy of any form to any hotel or motel.

OCCUPANCY TAX TO BE IN ADDITION TO OTHER TAXES AND FEES

SECTION 10. The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

CITY RECORDER TO ENFORCE

SECTION 11. The City Recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this Act or other laws, for the enforcement of the provisions of this Act and the and the collection of revenues hereunder. Further the City Recorder shall design, prepare, print and make available to all persons who are subject to this Act, all necessary forms for filing returns and instructions to insure full compliance with the provisions of this Act.

RATIFICATION

SECTION 12. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Morristown. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Morristown and certified by him to the Secretary of State.

EFFECTIVE DATE

SECTION 13. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other proposes, it shall become effective upon being approved as provided in Section 12.

PASSED: April 8, 1982

SPEAKER OF THE HOUSE OF REPRESENTATIVES

SPEAKER OF THE SENATE

APPROVED this 28 day of April 1982

GOVERNOR

This is to certify that according to the official records in this office, House Bill No. 2217, which is Chapter No. 354 of the Private Acts of 1982, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

GENTRY CROWELL
Secretary of State

PRIVATE ACTS COMPRISING THE CHARTER OF THE
CITY OF MORRISTOWN, TENNESSEE*

YEAR	CHAPTER	SUBJECT
<hr/>		
1901	392	Board of Waterworks Commissioners.
1903	103	Basic charter act.
1903	506	Amended § 13 of Priv. Acts 1903, ch. 103 by changing the boundaries.
1907	203	Amended § 8 of Priv. Act 1903, ch. 103.
1907	502	Amended § 2 of Priv. Acts 1903, ch. 103.
1909	314	Amended § 13 of Priv. Acts 1903, ch. 103, by changing the boundaries.
1911	501**	Abutting property law.
1915	84	Amended §§ 3 and 5, of Priv. Acts 1903, ch. 103.
1917	94**	Amended Priv. Acts of 1911, ch. 501.
1917	543	Amended § 5 of Priv. Acts 1903, ch. 103 by changing the boundaries.
1917	640	Amended § 3 of Priv. Acts 1903, ch. 103.
1917	797	Deed for park lands.

*Bond authorization and validation acts, since of a temporary nature with no general and continuing application, have not been included in the following compilation.

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

YEAR	CHAPTER	SUBJECT
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1919	600	Authorized bond issue for high school purposes.
1921	489	Authorized bond issue for schools.
1921	616	Amended § 5 of Priv. Acts 1903, ch. 103.
1921	649*	Amended Priv. Acts of 1911, ch. 501.
1921	851	Authorized bond issuance for sewers.
1921	899**	Extensively revised charter.
1923	320	Authorized issuance of bonds for high school purposes.
1923	368	Authorized issuance of \$100,000.00 in bonds to fund floating indebtedness.
1925	23	Added § 20A of Priv. Acts 1903, ch. 103.
1925	598	Amended § 5 of Priv. Acts 1903, ch. 103.
1927	446	Zoning.
1927	792	Amended § 5 of Priv. Acts 1903, ch. 103.

*This private act was not given local approval as required in the act and is therefore not contained in the foregoing compilation.

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

YEAR	CHAPTER	SUBJECT
1929	34	Authorized insurance of life of superintendent of waterworks.
1929	327	Validated funding bonds.
1929	581	Amended § 5 of Priv. Acts 1903, ch. 103.
1929	718	Amended § 5 of Priv. Acts 1903, ch. 103.
1929	864	Authorized issuance of \$30,000.00 in bonds to finance school building.
1931	157	Authorized issuance of bonds to build city hall.
1931	158	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1931	296	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1931	441	Amended § 5 of Priv. Acts 1903, ch. 103.
1933	277	Funding and refunding bonds.
1933	695	Authorized issuance of \$1,240,100.00 in refunding bonds.
1935	24	Amended § 5 of Priv. Acts 1903, ch. 103.
1935	326	Authorized issuance of \$60,000.00 in bonds to improve real estate.
1941	527	Amended § 3 of Priv. Acts 1903, ch. 103.
1945	125	Amended § 13 of Priv. Acts 1903, ch. 103 by changing the corporate boundaries.
1945	266	Amended § 2 of Priv. Acts 1903, ch. 103.

YEAR	CHAPTER	SUBJECT
1947	198	Amended Priv. Acts of 1901, ch. 392.
1947	200	Authorized issuance of \$250,000.00 in bonds for waterworks system.
1947	203	Authorized issuance of \$75,000.00 in bonds to acquire land for airport.
1947	204	Authorized issuance of \$350,000.00 in bonds to repair streets and sewers.
1947	206	Amended §§ 2, 5, and 21 of Priv. Acts 1903, ch. 103.
1947	689	Amended § 13 of Priv. Acts 1903, ch. 103, by changing the corporate boundaries.
1949	296	Validated waterworks bonds.
1949	297	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1949	298	Amended § 5 of Priv. Acts 1903, ch. 103.
1949	520	Authorized issuance of \$750,000.00 in bonds for school purposes.
1951	471	Authorized issuance of \$25,000.00 in bonds to buy garage building.
1951	472	Authorized issuance of \$475,000.00 in bonds for general school improvements.
1951	473	Amended § 13 of Priv. Acts 1903, ch. 103, by changing the boundaries.
1953	72	Amended § 5 of Priv. Acts 1903, ch. 103.

YEAR	CHAPTER	SUBJECT
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1953	73	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1953	74	Amended § 5 of Priv. Acts 1903, ch. 103.
1953	565	Amended § 5 of Priv. Acts 1903, ch. 103.
1955	361*	Amended §§ 4 and 20 of Priv. Acts 1903, ch. 103.
1955	370	Civil service system for fire and police departments.
1955	371	Sewage system.
1959	247	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1961	41	Amended § 4 of Priv. Acts 1903, ch. 103.
1963	112	Amended Priv. Acts of 1947, ch. 206.
1963	254	Authorized issuance of refunding bonds.
1965	283	Repealed § 5 of Priv. Acts 1931, ch. 158; Priv. Acts 1931, ch. 296; Priv. Acts 1949, ch. 297; and Priv. Acts 1959, ch. 247.
1967	143*	Extensively amended Priv. Acts 1903, ch. 103.

*This private act was not given local approval as required in the act and is therefore not contained in the foregoing compilation.

YEAR	CHAPTER	SUBJECT
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1967	487	Amended §§ 3 and 5 of Priv. Acts 1903, ch. 103, by changing the style of corporation to "City of Morristown" and governing body to "City Council".
1971	128	Amended § 4 of Priv. Acts 1903, ch. 103.
1972	207	Amended §§ 4 and 5 of Priv. Acts 1903, ch. 103.
1976	247*	Amended § 5 of Priv. Acts 1903, ch. 103.
1977	7	Amended § 5 of Priv. Acts 1903, ch. 103, with regard to recorder's salary.
1978	256	Amended § 5 of Priv. Acts 1903, ch. 103, with regard to recorder's term of office.
1978	269	Amended § 2 and 3 of Priv. Acts 1903, ch. 103, with regard to terms of councilmen.
1980	196	Repealed subsection (30) of § 5 in Priv. Acts of 1903, ch. 103, which was added by Priv. Acts 1929, ch. 718.
1982	354	Levied hotel occupancy tax.
1984	214	Amended Priv. Acts 1903, ch. 103 with regard to eliminating city recorder position, appointment of police and recorder's duties.
1994	143	Amended Priv. Acts 1903, ch. 103, as amended by Priv. Acts 1955, ch. 370, relative to the Civil Service Act for the City of Morristown.

*This private act was not given local approval as required in the act and is therefore not contained in the foregoing compilation.

YEAR	CHAPTER	SUBJECT
2000	138	Replaced § 2, city council and § 3, biennial elections; qualifications of electors; qualifications and duties of mayor.
2001	4	Amended § 2, city council and § 3, biennial elections; qualifications of electors; qualifications and duties of mayor.
2001	7	Replaced Priv. Acts 1901, ch. 392, §§ 1, 2, 3, 3A, and 3B and deleted § 4 all relative to the board of electric light and waterworks commissioners.
2002	150	Amended § 2 of related Act relative to the privilege tax levied on occupancy in any hotel by transients.
2004	78	Amended § 10 of related Act relative to the Civil Service Act for the City of Morristown.

**NORTH AMERICAN
SPECIALTY INSURANCE COMPANY**
1200 Arlington Heights Road, Suite 400
Itasca, Illinois 60143-2625

RIDER

Rider to be attached to and form part of Bond No: 2105032 effective
April 27, 2010 on behalf of Morristown Utilities Commission executed by
NORTH AMERICAN SPECIALTY INSURANCE COMPANY and in favor of Tennessee
Regulatory Authority

It is hereby agreed that:

The following d/b/a names have been added as Principal

**Morristown Utility Systems, MUS, Morristown Utility Systems
FiberNet and MUS FiberNet**

Nothing herein contained shall vary, alter, extend any of the terms and conditions of the attached bond and the attached bond as amended by this rider except as noted above, and it is expressly understood and agreed that the liability of the attached bond as amended by this rider shall not be cumulative.

This rider is effective on 27th day of April, 2010.

Signed, sealed and dated this 16th day of July, 2010.

Morristown Utilities Commission

By: C. H. Red

**NORTH AMERICAN SPECIALTY
INSURANCE COMPANY**

By: Tina Kennedy
Tina Kennedy, Attorney-in-Fact.

NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois, each does hereby make, constitute and appoint:

TINA KENNEDY, CHRISTOPHER SLACK, STEVEN L. SWORDS,
JANICE W. BRICKNER, ANNETTE WISONG and JOSEPH R. WILLIAMS

jointly or severally

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:


TEN MILLION (\$10,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 24th of March, 2000:

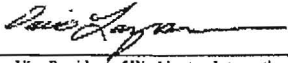
"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By 
Steven P. Anderson, President & Chief Executive Officer of Washington International Insurance Company
& Senior Vice President of North American Specialty Insurance Company



By 
David M. Layman, Senior Vice President of Washington International Insurance Company
& Vice President of North American Specialty Insurance Company

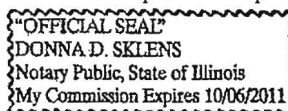
IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 20th day of May, 2010.

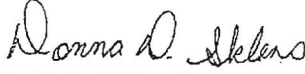
North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Cook

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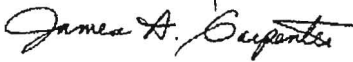
On this 20th day of May, 2010, before me, a Notary Public personally appeared Steven P. Anderson, President and CEO of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, Senior Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.




Donna D. Sklens, Notary Public

I, James A. Carpenter, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 16th day of July, 2010.



James A. Carpenter, Vice President & Assistant Secretary of Washington International Insurance Company & North American Specialty Insurance Company