

CHARTER FOR THE CITY OF EAST RIDGE, TENNESSEE¹

CHAPTER NO. 569

(Private Acts of 1921)

(By Hamilton Delegation)

AN ACT to establish the City of East Ridge, in the County of Hamilton, and to incorporate the inhabitants thereof, and provide for a city government therein.

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¹The Town of East Ridge, Tennessee, was incorporated under Priv. Acts 1921, ch. 569. On January 12, 1954, pursuant to Ord. #28, Nov. 1953, the voters of the city voted to become a home rule municipality. On November 3, 1970, pursuant to Ord. #129, Aug. 1970, voters elected to change the name of the municipality from Town of East Ridge to City of East Ridge.

Private acts and home rule amendments comprising the city charter have been set out herein and arranged into unofficial sections. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or ordinance constituting the amendment.

All private acts and home rule ordinances comprising the charter of the City of East Ridge are listed at the end of this unofficial compilation for reference purposes.

This charter was initially compiled in 1990 by William M. Foster, city attorney, who added amendments through 1992. A compilation of amendments was prepared in April 2002. On November 4, 2008, and November 4, 2014, a referendum was held on several charter changes. This compilation includes the charter changes adopted through Ordinance Number 974, July 2014. Only this footnote and the citation form of amending acts and ordinances appearing at the end of sections within the charter differ from the original compilation.

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CHARTER, BODY POLITIC, NAME AND BOUNDARIES

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the inhabitants of the Section hereinafter described, are hereby constituted a body politic, and corporate, by the name and style of the City of East Ridge, and, by that name, shall have perpetual succession, shall sue, and be sued, in all Courts of law and equity in all matters relative to its corporate action, may purchase, receive and hold real estate, personal and mixed property in said City, sell, lease, or dispose of the same, for the benefit of the City, and may purchase, receive and hold real, personal and mixed property beyond the limits of the City to be used for any corporate purpose. The corporate limits of said City shall embrace the territory within the following boundaries, to-wit: Beginning at a point on the Georgia State Line, where the southeast corner of the G. P. Class thirty-one (31) acre tract intersects said Georgia State Line; thence, northwardly, along the east line of said Clase tract, seventy-five (75) poles to the northeast corner of said tract; thence, with the north line of said tract, sixty-five (65) poles, more or less, to the east line of the Mission Mills Road; thence northeastwardly, along the Mission Mills Road to the southeast corner of the ten (10) acre tract of J. N. Brothbeck; thence, westwardly, along the south line of said Brothbeck tract, seven hundred four (704) feet more or less, to the east line of G. B. Clase seventeen (17) acre tract; thence northwardly along the east line of said seventeen (17) acre tract. One Hundred Seventy (170) feet, more or less to the intersection of J. A. Wordlaw's eighteen (18) acre tract; thence westwardly along the south line of the J. A. Wordlaw eighteen (18) acre tract and the north line of said G. P. Clase seventeen (17) acre tract, fourteen hundred fifty (1450) feet, more or less, to a point five hundred (500) feet east of the Government Crest Road; thence, northwardly, on a paralleled line with, and five hundred (500) feet east, of said Government Crest Road, to the intersection of the Dutch town Road; thence, eastwardly, along the Dutchtown Road to the center of the Germantown Road; thence, southwardly, along the center line of the Germantown Road to the center of the Anderson Road; thence, eastwardly along said Anderson Road and continuing in a straight line to a point where the Anderson Road extended, would intersect with the Spring Creek Road, thence southwardly, along the Spring Creek Road to a point where the Spring Creek Road intersects the Spring Creek; thence, along Spring Creek, to the point

where it intersects South Chickamauga Creek; thence, southwardly along the west bank of Chickamauga Creek to a point where said South Chickamauga Creek crosses the Georgia State line; thence westwardly, along the Georgia State line to the point of beginning.¹ [Priv. Acts 1921, ch. 569, § 1]

CORPORATE POWERS

SECTION 2.

(1) Assess, levy, and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or

¹The corporate limits of the City of East Ridge have been extended by the following annexation ordinances of record in the city clerk's office:

<u>Ordinance Number</u>	<u>Date Adopted</u>
31	June 9, 1955
44	December 6, 1956
101	February 8, 1968
114	September 5, 1969
133	September 10, 1970

future public use; the condemnation shall be effected in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, title 9, chapter 21;

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

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

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean such real property, and appurtenances thereto, dedicated to, or otherwise owned by, the City or other governmental entity, including public highways, public streets, public boulevards, public parkways, public sidewalks, public alleys, public parks, public grounds, public facilities, public libraries, public squares, public wharves, public bridges, public viaducts, public subways, public tunnels, public sewers and public drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of, or impact upon, such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated §§ 7-31-107--7-31-111 and 29-16-114, or any other manner provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, title 7, chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate, maintain and do all things relating to such real property, and appurtenances thereto, dedicated to, or otherwise owned by, the City, or other governmental entity, including all marketplaces, public buildings, public bridges, public sewers and other structures, public works and public improvements;

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

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, tiling, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the

health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

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

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) To prevent and/or abate public or private nuisances.

(28) Have and exercise all powers that now or hereafter it would be competent for the Charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated. [Priv. Acts 1921, ch. 569, § 2; as amended by Priv. Acts 1933, ch. 189, § 1; and Ord. #67, Nov. 1962; Ord. #849, Nov. 2008, and Ord. #974, July 2014]

RIGHT TO VOTE

SECTION 3. All qualified voters residing within the limits of the City, and all qualified voters who own real estate in their individual name(s) within the limits of the City, are entitled to vote at any municipal election held under the authority of this Act; all officials shall be qualified voters and residents of the City. [Priv. Acts 1921, ch. 569, § 3; as replace by Ord. #974, July 2014]

BONDS, POWER TO ISSUE AND LIMITATIONS.

SECTION 4. The City is hereby authorized to contract indebtedness, by borrowing money, for the purposes delineated, and the procedures set out, under Title 9 of the Tennessee Code Annotated. [Priv. Acts 1921, ch. 569, § 4; as replaced by Ord. #974, July 2014]

CITY COUNCIL

SECTION 5. After having run for office pursuant to, and in conformity with, Section 5 of this Charter, as it existed prior to the charter referendum of August 6, 1992, (primary and general election, if necessary), the Mayor and four Commissioners who take office on December 21, 1992, shall be officially known and designated as the City Council of the City of East Ridge, Tennessee, and shall hold office until their successors are elected and qualified. The Council shall be composed of a Mayor and four (4) Councilmembers, who shall be elected by the voters of the City at large.

Commencing with the general City election held on the first Tuesday following the first Monday in November 1994, the Mayoral candidate and the two (2) candidates for Councilmember receiving the highest number of votes shall hold office for a term of four (4) years; the two (2) candidates for Councilmember receiving the third (3rd) and fourth (4th) highest number of votes, shall hold office for two (2) years. From and after the election of 1994, the candidates receiving the highest number of votes for the number of Councilmember positions subject to election shall be elected to those positions. However, at each and every City election thereafter, which shall always be held on the first Tuesday following the first Monday in November of each even-numbered year, the successors to the office of Mayor and Councilmember shall be elected for terms of four (4) years. The Mayor and Councilmembers shall be eligible for re-election, but following, and including, the general city election in 1994 no member of the Council shall serve more than a total of twelve (12) consecutive years as Mayor and/or Councilmember. Nothing in this Charter shall be construed as having the effect of removing an incumbent from office or abridging the term of any official prior to the end of the term for which the official was elected. The Mayor and the other four (4) Councilmembers shall be subject to removal from office for the same cause and in the same manner as provided for the ouster of public officers by Section 8-47-101 through 8-47-126 of the Tennessee Code Annotated (providing for ouster in cases of misconduct in office as set out therein), and for recall of elected officials, as provided for under Titles 2 and 6 of the Tennessee Code Annotated.

The Mayor elected in the general City election in 2010, and every general City election thereafter, shall be the candidate for Mayor receiving the highest number of votes.

The Mayor and Councilmembers elected in the general city election in 2010, and the candidates elected in every general city election thereafter, shall commence their terms on the second Monday of the month following the date of the City election, which terms shall end four (4) years thereafter, or when their successors are elected and qualified. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; replaced by Ord. #522, May 1992; and amended by Ord. #849, Nov. 2008; and Ord. #974, July 2014]

QUALIFICATIONS AND COMPENSATION OF LEGISLATIVE BODY

SECTION 5-A. Only citizens of the United States and of the State of Tennessee, who are bona fide residents and registered voters of the City for a least one year before their election, and who are twenty-one (21) years of age and have never suffered a conviction of any crime involving moral turpitude, shall be eligible for the office of Mayor or Councilmember. No person who has a direct personal interest in any contract with the City or any department or institution thereof, shall be qualified to be elected to the office of Mayor or Councilmember.

The Mayor and the other four (4) Councilmembers are to be compensated as follows: Effective on the 1st day of July, 2009, the Mayor shall receive a salary of Twelve Thousand Dollars per year and each of the other four (4) Councilmembers shall receive a salary of Seventy-two Hundred Dollars per year, said salaries to be paid in equal monthly installments. Following such effective date, the salary and/or all other benefits to be provided to the Mayor, and the salaries and/or all other benefits to be provided to the Councilmembers as a body, may be adjusted only by referendum. Compensation of the Mayor and Councilmembers shall not be adjusted during their current term of office. The Mayor and Councilmembers shall otherwise be entitled to their actual and necessary expenses incurred in the performance of their duties of office. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; replaced by Ord. #522, May 1992; and amended by Ord. #849, Nov. 2008, and Ord. #974, July 2014]

POWERS AND DUTIES OF THE MAYOR; VICE-MAYOR

SECTION 5-B. The Mayor shall preside at all meetings of the Council, and shall be recognized as the head of the city government for all ceremonial purposes, but shall have no administrative duties. The Mayor shall have no veto power and may vote on all questions. In case of a tie, the question shall go over as unfinished business until the next meeting.

The Vice-mayor, whom the Council shall elect from its membership at the first meeting next following each general city election, shall act as mayor during the absence or disability of the Mayor. The Vice-mayor shall serve as Mayor for the unexpired term, should there be a vacancy in the office of Mayor. The Council shall then proceed to fill the vacancy on the Council thus created. When the vacancy has been filled, a new Vice-mayor shall be elected by the Council as provided in this section. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; and replaced by Ord. #522, May 1992]

VACANCIES AND FILLING VACANCIES

SECTION 5-C. The office of Mayor and Councilmember shall become vacant upon the officeholder's death, removal from residency in the city, resignation, or removal from office in any manner authorized by law.

The Council shall fill the vacancy in the office of Councilmember within ninety (90) days from date of vacancy with a person who meets the qualifications of this charter for Councilmember, such person to serve until the next regular municipal election, at which time the voters shall elect someone to serve out the expired term. If the Council fails to do so within ninety (90) days following the occurrence of the vacancy, the Mayor shall fill the vacancy within an additional sixty (60) days. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; replaced by Ord. #522, May 1992; and as amended by Ord. #849, Nov. 2008]

MEETINGS AND QUORUM

SECTION 5-D. The Council shall hold a regular meeting at least once each month, with the time and place to be fixed by ordinance.

All citizens shall be entitled to address the Council, not to exceed five (5) minutes, at all regular and special meetings, other than those of closed or executive session, at the designated time, unless determined otherwise by majority vote of the Council.

Special meetings of the Council may be called and convened upon alternative provisions and procedures as follows:

(1) In cases of urgency or emergency, the Mayor, or the Vice-mayor when acting as Mayor, may call and convene a special meeting of the Council upon oral notice to each Councilmember available for such notice. In the event of the call of a special meeting hereunder, the minutes shall state the reasons of the urgency or emergency and shall show to which Councilmembers notice of the call had been given, and if notice was not given to all Councilmembers, the reason for the failure to give same shall be specifically stated in the minutes.

(2) The Mayor, or in his/her absence or inability or unwillingness to act, the Vice-Mayor or any two Councilmembers shall have the authority to call for a special or called meeting of the Council. Such call shall specify the time, place, and the general nature of the business to be considered. A call for a special or called meeting may be either oral or written, but shall be given at least twenty-four hours before the convening of such meeting.

Only matters specified in the notice of call of a special meeting may be considered and acted upon at such special meeting.

Three members of the Council, including the Mayor, shall constitute a quorum for the transaction of business at a regular meeting or called meeting, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as each Council may prescribe.

Minutes of the proceedings of the Council shall be kept by the City Manager or his/her designee, upon which shall be entered each vote taken by the Council by yeas and nays, and no action of the Council, except to adjourn, shall have any force or validity, unless a majority of the members present shall have voted in favor thereof. [Priv. Acts 1921, ch. 569; as amended by Ord.#498, Sept. 1990; and replaced by Ord. #522, May 1992; and Ord. #974, July 2014]

STYLE AND PASSAGE OF ORDINANCE

SECTION 5-E. The style of all City ordinances shall be: "Be it ordained by the City Council of the City of East Ridge." Each ordinance shall be passed at two (2) separate meetings on two (2) separate days before the same is operative. However, at least thirteen (13) days shall have lapsed between the first and final passage of any ordinance. A reasonable number of written copies of ordinances shall be available to the public at the meetings and at City Hall before the second and final passage by the Council.

A Committee to review the City's Charter may be established at any time by majority vote of the Council. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept.1990; replaced by Ord. #522, May 1992; and amended by Ord. #849, Nov. 2008; and Ord. #974, July 2014]

CITY MANAGER APPOINTMENT, SALARY, REMOVAL

SECTION 5-F. The Council shall appoint and fix the salary of the City Manager, who shall serve at the will of the Council. The City Manager shall be appointed by virtue of the City Manager's qualifications for this position, which shall be as follows: the minimum of a Bachelor's Degree, at least three (3) years of direct supervisory experience in government, and such other qualifications as the Council may require. No member of the Council shall be eligible for appointment as City Manager until two years have elapsed after such member shall have ceased to be a member of the Council.

The Council shall appoint and fix the salary of the City Manager, who shall serve at the will of the Council; provided, however, that the City Manager may not be removed within twelve (12) months from the date on which the City Manager assumed his/her duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. In case of the removal of the City Manager within that period, the City Manager may demand written charges and a public hearing thereon before the Council prior to the date on which final removal shall take effect; but the decision and action of the Council on such hearing shall be final, and, pending such hearing, the Council may suspend the City Manager from duty. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; replaced by Ord. #522, May 1992; and amended by Ord. #851, Nov. 2008; and Ord. #974, July 2014]

RESIDENCE

SECTION 5-G. If the City Manager, at the time of appointment, is a resident of Hamilton County, the City Manager shall not be required to move into the City during his/her employment. However, if the City Manager resides outside of Hamilton County at the time of his/her appointment, the City Manager must become a resident of the City within ninety (90) days of his/her acceptance of employment. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; and replaced by Ord. #522, May 1992; and Ord. #974, July 2014]

ABSENCE OF THE CITY MANAGER

SECTION 5-H. In the temporary absence or disability of the City Manager, the assistant City Manager, if such position be established, or other officer designated by the City Manager and approved by the Council, shall serve in this capacity. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; and replaced by Ord. #522, May 1992]

POWERS AND DUTIES OF THE CITY MANAGER

SECTION 5-I. The City Manager shall be the chief administrative officer of the City, and shall be responsible to the Council for the administration of all City affairs placed in his/her charge by or under this Charter. The City Manager shall have the following powers and duties:

(1) to appoint, and, when deemed necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter, and authorize any administrative officer who is subject to the direction and supervision of the City Manager to exercise these powers with respect to subordinates in that officer's department, office or agency.

(2) to direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(3) to attend all Council meetings, with the right to take part in discussion, but not to vote.

(4) to ensure that all laws, provisions of this Charter and acts of the Council, subject to enforcement by the City Manager or by officers subject to his/her direction and supervision, are faithfully executed.

(5) to prepare and submit the annual budget and capital program to the Council within sixty (60) days prior to the end of each fiscal year.

(6) to prepare and submit to the Council, with copies available to the public, a complete report on the finances and administrative activities of the City.

(7) to prepare such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to the direction and supervision of the City Manager.

(8) to inform the Council on a monthly basis as to the financial condition and future needs of the City, and to make recommendations to the Council concerning the affairs of the City.

(9) to function as purchasing agent for the City.

(10) to perform such other duties as are specified in this Charter or which may be required by the Council. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; replaced by Ord. #522, May 1992, and Ord. #974, July 2014]

BOARD-ADMINISTRATIVE RELATIONS

SECTION 5-J. The Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purposes of inquiry, and neither the Council nor any member thereof shall give orders or instructions to any subordinates of the City Manager. The City Manager shall take his/her orders and instructions from the Council only when sitting in a duly convened meeting of the Council and no individual member shall give any orders or instructions to the City Manager. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; and replaced by Ord. #522, May 1992]

REMOVAL OF CITY MANAGER

SECTION 5-K. The City Manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general municipal election held in the City at which election a new member of the Council is elected, or when a new member is appointed. The purpose of this provision is to allow any newly elected or appointed member of the Council to observe the actions and ability of the City Manager in the performance of the powers and duties of his/her office. After the expiration of the ninety (90) day period, the City Manager may be removed only by a supermajority vote of the Council as then constituted. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; replaced by Ord. #522, May 1992; and amended by Ord. #974, July 2014]

CITY ATTORNEY

SECTION 5-L. The City Attorney shall be an attorney at law entitled to practice in the courts of the State of Tennessee. The City Attorney shall be appointed by the Council, and shall directly manage all litigation in which the City is a party or interested, or in which any of its officers are officially

interested; attend meetings of the Council as requested, and advise the Council and committees and members thereof, the City Manager and heads of all departments and divisions as to all legal questions affecting the City's interests; and shall approve as to form, all documents, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of, or made by, or with, the City. Compensation for the City Attorney shall be fixed by the Council. The City Attorney may be removed from his/her position only with the supermajority vote of the Council. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; replaced by Ord. #522, May 1992; and amended by Ord. #974, July 2014]

DEPARTMENTS, OFFICES AND AGENCIES GENERALLY

SECTION 5-M. The Council may establish City departments, offices or agencies in addition to those created by this charter, and may prescribe the functions of all departments, offices and agencies not inconsistent with this charter.

Departments, offices, and agencies created by the Council may by it be abolished or combined. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; and replaced by Ord. #522, May 1992]

DIRECTION AND SUPERVISION OF DEPARTMENTS, OFFICES OR AGENCIES

SECTION 5-N. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager. The City Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them. [Priv. Acts 1921, ch. 569; as amended by Ord. #498, Sept. 1990; and replaced by Ord. #522, May 1992]

CITY COURT

POWERS UNDER GENERAL STATUE

SECTION 6-A. The City Court of the City of East Ridge shall have all powers and authority enumerated in Section 40-1-109(a)¹ in the Tennessee Code Annotated, which is incorporated in this Charter by reference. Said City Court shall also be vested with concurrent jurisdiction with justice of the peace and the

¹This citation (T.C.A. § 40-1-109(a)) reflects the current numbering system of the Code.

court of General Sessions of Hamilton County, Tennessee, relating to matters arising within the corporate limits of said City exclusive of civil jurisdiction.

Amendment of the aforesaid Section of the Code shall in no way change such powers as applied to the City Court of East Ridge, but such powers shall be increased, decreased, or changed only by amendment of this Home Rule Charter in the manner provided in Article XI, Sec. 9 of the Constitution.

CITY JUDGE, CLERK AND EMPLOYEES OF CITY COURT

SECTION 6-B(1). The City Judge shall be at least thirty (30) years of age and a person licensed to practice law in the State of Tennessee, and shall, before his/her election, have been a resident of the State of Tennessee for five (5) years and of the City of East Ridge for at least one (1) year prior to his/her qualification for office. He/She shall not have been convicted of a crime involving moral turpitude, shall hold no other elected office, either Federal, State, County or Municipal, shall be elected by majority popular vote in the same manner as Councilmembers of the City, and shall remain a resident of the City as long as he/she shall serve. He/She shall be elected in the same month and year as provided for election of the Hamilton County, Tennessee General Sessions Court Judges, and in the same manner as provided for the election of a Councilmember, and shall be elected for a term of eight (8) years.

After his/her election, he/she shall assume the duties of his/her office at the time that the Judges of the Hamilton County General Sessions Court assume their duties, and shall be certified by the Hamilton County Election Commission and, after taking the following oath:

I do hereby solemnly swear or affirm that I will defend and support the Constitutions of the United States and of Tennessee, and will without partiality or favoritism well and truly enforce and administer the laws of the State of Tennessee and ordinances of East Ridge to the best of my ability, so help me God.

The Council shall by ordinance provide for the compensation of the City Judge and other employees of the Court, except said compensation of the City Judge shall not be less than \$1500.00 per month nor increased or decreased during a single term of office.

The City Judge to issue all warrants and other legal process from City Court, and may also designate the Clerk and Deputy Clerk to issue all such legal process at his/her direction. [As amended by Ord. #458, Nov. 1988 and as amended by Ord. #849, Nov. 2008; and Ord. #974, July 2014]

CITY COURT CLERK

SECTION 6-B(2). The City Court Clerk must be a citizen of the United States and of the State of Tennessee, who is a bona fide resident and registered voter of the City, for at least one year before his/her election, is at least 21 years

of age, and has never suffered a conviction for any crime involving moral turpitude.

Following the initial election of the Clerk, in August 2014, subsequent elections for the position of Clerk shall be held every four years, in November of the year of each such election.

The City Court Clerk shall comply with all existing policies and procedures of the City concerning the hiring, firing and oversight of personnel employed in the City Court Clerk's office.

After his/her election, he/she shall assume the duties of Court Clerk, after being duly certified by the Hamilton County Election Commission, and after taking the following oath:

I do solemnly swear to support the Constitutions of Tennessee and the United States. I do solemnly swear that I will execute the duties of the office of Clerk of the Municipal Court of East Ridge, Tennessee, without prejudice, partiality, or favor, to the best of my skill and ability; that I have neither given nor will give any person any gratuity, gift, fee or reward in consideration of support for this office and I have neither sold nor offered to sell, nor will sell, my interest in this office. (Tennessee Code Annotated § 18-1-103).

The City Court Clerk shall carry out such duties and responsibilities as are designated under Title 18 of the Tennessee Code Annotated, which include, but are not limited to, the following:

1. Attending each court session with all documents necessary with regard to cases on the docket;
2. Administering oaths to parties and witnesses who testify;
3. Maintaining minutes of the Court in a well-bound book or electronic format, so long as certain rules relating to the safekeeping of Court records are followed;
4. Maintaining the rule docket and an execution docket, in which all Court judgments or decrees are entered in order of rendition, and all receipts and disbursements in each case are entered; and
5. Maintaining indexes for all books and dockets maintained by the office, and investing such funds as may be necessary, pursuant to Tennessee Code Annotated § 18-5-105. [As added by Ord. #974, July 2014]

CITY COURT ADMINISTRATION

SECTION 6-C. The City shall hold at least one regular court session during each calendar week to be designated by the Judge of said court and such other sessions as the workload of said court requires. The Judge of said court shall have exclusive jurisdiction in and over all cases arising under the laws of the State of Tennessee, and shall have exclusive jurisdiction in and over all cases for the violation of City Ordinances, except for those cases over which the

Administrative Hearing Officer (AHO) has jurisdiction, pursuant to Section 20, Chapter 5 of the East Ridge Municipal Code, and the Judge of the City Court shall have the power to levy fines in terms of imprisonment as prescribed by said laws or ordinances; however, in no event shall any fine in any single case involving a City Ordinance exceed Fifty (\$50.00) Dollars.

In all such cases, the City Judge is authorized to tax a bill of costs in the same amounts and for the same items allowed in courts of General Sessions of Hamilton County, Tennessee, for similar work in State cases provided the Council may provide for smaller costs. The City Judge shall be vested with concurrent jurisdiction with justices of peace and Court of General Sessions of Hamilton County, Tennessee, in all cases of violation of the criminal laws of the State within the limits of the City. Warrants, subpoenas, orders, and other processes of the Court shall be executed by the police officers for the City who, for such purposes, shall have the same powers and authorities of a sheriff in the execution of process of a Circuit Court. The Council may authorize any officer or employee of the Court to accept pleas of guilty and accept fines in cases of minor traffic violations. The Court Clerk, Deputy Clerk, or ranking Police Officer on duty shall have the power to set and accept bail bonds or bail, provided, however, that the City Judge shall have the supervisory power in this matter and further shall have the power to exclude any professional bondsman from writing bonds in cases where it has been made to appear that said bondsman is guilty of unprofessional conduct or has violated any law in connection with their regulation.

All fines, penalties, forfeitures, and monies collected by the Court by officers and employees thereof shall be promptly turned over to the City Treasury, after which such funds shall be distributed and utilized in accordance with state law. The Council shall require an audit of the accounts of the court at least annually.

The Court shall have the power to preserve order therein and to accomplish this end, the said City Court shall be vested with the same power of a court of record to punish for contempt. [As replaced by Ord. #974, July 2014]

REMOVAL OF CITY JUDGE AND CITY COURT CLERK

SECTION 6-D(1). The City Judge shall be subject to removal from his office for the same cause and in the same manner as provided for the removal of public officers by Sections 8-47-101 to 8-47-127 of the Tennessee Code Annotated (providing for ouster in case of misconduct in office, as set out therein).

In case of resignation, ouster or death of the elected Judge, the Council shall appoint a successor to serve until the next regular City election, and he/she shall meet the qualifications set out in Section 6-B(1), and shall receive the same compensation.

SECTION 6-D(2). The City Court Clerk shall be subject to removal from office for the same cause and in the same manner as provided for removal of public officers under Tennessee Code Annotated §§ 8-47-101 to 8-47-126 (providing for ouster in case of misconduct in office, as set out therein). In the case of an extended absence or an inability of the City Court Clerk to serve, including resignation, ouster or death, the Deputy Clerk shall perform the duties of the City Court Clerk until the next regularly-scheduled City election. [As replaced by Ord. #974, July 2014]

APPEALS

SECTION 6-E. Any judgment of the City Court is subject to appeal to the Hamilton County Criminal Court, provided that said appeal is taken within ten days following said judgment, and provided further that an appropriate appeal bond is posted, as provided by the general law, and, in the case of a City ordinance, the said appeal bond shall be in the sum of Two Hundred Fifty (\$250.00) Dollars. [As added by Resolution 253, Nov. 1968; and replaced by Ord. #974, July 2014]

ANNEXATION

SECTION 6-F. The Charter of the City of East Ridge, Tennessee, is hereby amended to delete therefrom the Private Acts of 1929 of the Legislature of Tennessee (Chapter 651, Section IV which provides for annexation of the City of East Ridge, to the City of Chattanooga by joint resolution of their respective governing bodies) and hereafter requiring a majority vote of the people of the City of East Ridge before annexation to the City of Chattanooga can take place, as such procedure is set out at Tennessee Code Annotated § 6-41-109. [As added by Ord. #974, July 2014]

CONTROL ROADS, STREETS AND HIGHWAYS

SECTION 7.¹ That the control and management of the public roads, streets and highways, within the City herein incorporated, is hereby vested in the City with full authority to appropriate funds and to enter into all necessary contracts and commitments for such purposes as may be deemed necessary by the Council, provided, that the sewers may be laid in the public roads and highways by the appropriate authorities, and in such event, the appropriate authorities shall be responsible for replacing such roads and highways in as good condition as before such work was done. [Priv. Acts 1921, ch. 569, § 6; as amended by Ord. #28-A, § 2, Nov. 1954; and as amended by Ord. #849, Nov. 2008]

FORM AND DURATION OF BONDS

SECTION 8. When any bond issue is authorized under the provisions of this Charter, the Councilmembers shall have authority to adopt the form of bonds and coupons, and to fix the time of the maturity of said bonds at not less than five years, nor longer than thirty years, and to provide for the levy of a tax each year, for the purpose of paying the interest on said bonds, and providing a sinking fund sufficient to retire said bonds within the period of their maturity.

¹Ord. #522, § 4, May 1992, renumbered §§ 6, 7, 8, and 9 of this charter §§ 7, 8, 9, and 10 respectively.

Amendment to section 6 of the basic charter was made by sections 1 and 2, ordinance 28-A approved by referendum November 2, 1954. Section 2 of ordinance 28-A does not change the contents of section 6 but adds additional power to it; therefore section 2 of ordinance 28-A is added at the end of section 6 of this charter.

Section 1 of ordinance 28-A does not specifically amend section 6 of the charter but withdraws certain powers by use of general terms; therefore, in order not to paraphrase section 6 by integration, the essence of section 1 of ordinance 28-A is set out in this footnote as follows:

"Strike from section 6 of said Act (basic charter) all the provisions giving the control and management of the public roads and streets within the City to Hamilton County. That this section be further amended so as to provide that the control, management, construction and maintenance of the roads and streets within the City be vested in the City with full authority to appropriate funds and to enter into all necessary contracts and commitments for such purposes as may be deemed necessary by the City Council."

The specific purpose of any bond issue, shall be stated in the resolution authorizing such issue, and the money derived therefrom shall be used only for such purpose. [Priv. Acts 1921, ch. 569, § 7]¹

OATH OF OFFICE, PERFORMANCE BONDS AND FINANCES

SECTION 9. All officials of said City shall, before assuming the performance of any official duty, take an oath, before some authorized authority, that they will perform the duties imposed upon them honestly, fearlessly, and to the best of their ability. Every official of said City, who at any time shall be designated as the custodian of any public funds, shall before taking over any such funds, execute a bond with proper security to be approved by the Mayor and Councilmembers, with the amount of such bonds to be fixed by the Councilmembers when authorizing the handling of such funds, until such time as the Councilmembers shall, by ordinance, otherwise direct. All taxes levied for said City shall be collected by the Trustee of Hamilton County, may be kept by said Trustee, and paid out on warrants signed by the Mayor and Clerk of the City. All monies realized from the sale of bonds shall be likewise paid to the Trustee of Hamilton County, and held and paid out by him in the same manner. The said Trustee shall be entitled to receive the same commission as now provided by law for the collection of taxes, but shall receive no commission on any money handled from bonds issued. [Priv. Acts 1921, ch. 569, § 8]

EASTERN BOUNDARY OF MISSIONARY RIDGE TAXING DISTRICT IN ACCORDANCE WITH ACT

SECTION 10. Be it further enacted, that Chapter 107, of the Private Acts of 1909, being Senate Bill No. 117, and entitled "An Act to incorporate the Mission Ridge taxing districts in Hamilton County, Tennessee," be, and the same is hereby amended, as to the corporate limits of said taxing district, so as to make the eastern boundary of said "Mission Ridge taxing district" in accordance with the provisions of this Act. [Priv. Acts 1921, ch. 569, § 9]

ESTABLISHMENT OF A SPECIAL SCHOOL DISTRICT

SECTION 11. The City shall be authorized to establish and maintain a special school district or system within the geographical limits of the City, as provided for under the provisions of applicable Tennessee law. [As added by Ord. #974, July 2014]

¹This provision has been modified by general state law. See footnote 1 to Section 4 of this charter.

SECTION 12. Be it further enacted, that this Act, take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1921.

Andrew L. Todd,
Speaker of the House of Representatives.

W. W. Bond
Speaker of the Senate.

Approved April 4, 1921.

A. A. Taylor,
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF
EAST RIDGE, TENNESSEE

Chapter	Year	Subject
569	1921	Basic Charter Act.
168	1949	Powers by ordinance, etc. (Voters of East Ridge rejected Chapter 168 by referendum)
189	1933	Tax levy.
651	1929	Annexation to Chattanooga.

AMENDMENTS UNDER HOME RULE CHARTER

Ordinance No.	Adopted	Subject
28	11/24/53	Home Rule Amendment
28-A	11/2/54	Schools and Roads.
67	8/4/62	Provide for penalties, police, etc.
108	8/29/68	Repeal annexation to Chattanooga.
129	8/31/70	Town changed to City.
458	8/2/88	Removal of Commissioners, majority election, Judge's qualifications, expense reimbursement.
498	9/4/90	Amends section 5, to eliminate reading in full the minutes of the City commission meetings; to change employment status and method of appointment for the city court clerk and deputy clerk in section C; and to provide of four year term for commissioners.
522	5/28/92	Replaced section 5 in its entirety; providing for a city council and a city manager; duties and responsibilities and operation of the mayor, the council, the city manager; and the passage of ordinances on two readings; and renumber sections 6, 7, 8, and 9
849	8/28/2008	Revised and/or replaced various sections.
974	7/10/2014	Revised and/or replaced various sections.

Resolution No.	Adopted	Subject
253	8/30/68	Elections, etc.
602	8/2/84	November election and 12 year service limit (other proposals failed).
