

TITLE 1

GENERAL ADMINISTRATION¹

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CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

SECTION

1-101. Agenda.

1-102. Ordinance procedures.

1-101. Agenda. Any item to be added to the agenda during a meeting of the City of Bartlett Board of Mayor and Aldermen must be approved by a unanimous vote of the aldermen present. (Ord. #88-12, May 1988)

1-102. Ordinance procedures. (1) No general ordinance, zoning ordinance, zoning amendment or appropriation of money, or order involving same, or levy of taxes, shall be made unless the ordinance authorizing same shall be read once on three (3) separate days, and passed on its third reading by a majority of the entire board, by calling the aye's and no's.

(2) Publication of ordinances. Each general ordinance, zoning ordinance, zoning amendment, appropriation of money, or order authorizing

¹Charter references

Board of mayor and aldermen: article IV.

City clerk: article VI.

Elections: article III.

Incorporation, etc.: article I.

Officers: article V.

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14, Appendix A.

Ordinances establishing salaries of elected officials are available in the office of the city clerk.

same, or levy of taxes shall be published once at least fifteen (15) days prior to the third and final reading of said action, in a newspaper of general circulation in the City of Bartlett.

(3) Public hearing on ordinance or amendment required--notice. Prior to the enactment of a general ordinance, a zoning ordinance, zoning amendment, appropriation of money, or order authorizing same, or levy of taxes the board of mayor and aldermen shall hold a public hearing thereon on the date and time scheduled for third and final reading, notice of the time and place for said public hearing to be published as hereinbefore provided.

(4) Change in, or departure from text of ordinance prohibited--exception. The board of mayor and aldermen in consideration of zoning ordinances or zoning amendments, shall make no change in or departure from the text or maps as certified by the planning commission, unless such change or departure be first submitted to the planning commission and approved by it, or if disapproved, receive the favorable vote of a majority of the entire board. In the consideration of general ordinances and appropriations of money, or order involving it, or the levy of taxes, the board shall have the power and authority of liberal amendment so long as the publication, public hearing and notice of same substantially conform to the action as amended.

(5) Yearly budget approval permitted. The board of mayor and aldermen shall be empowered to assemble, publish and enact an ordinance for the appropriation of money or order authorizing same in the form of a yearly budget ordinance, and all expenditures of money thereunder and within the scope of said budget shall not require further ordinance or board action, provided that the requirements of publication, public hearing and three (3) readings as hereinabove provided receive substantial compliance. The appropriation of money or order authorizing same, beyond the terms of scope of a yearly budget shall require ordinance approval as hereinbefore provided. (Ord. #77-7, Nov. 1977, modified)

CHAPTER 2

MAYOR¹

SECTION

1-201. Local emergency powers.

1-202. Powers provided.

1-201. Local emergency powers. (1) In the event that it is deemed necessary to declare the existence of an emergency without delay, the mayor, or if the mayor is unavailable, the vice-mayor, may declare an emergency. Such declaration shall be made when it is determined that a natural or manmade emergency has occurred or that the occurrence or threat of one is imminent and requires immediate expeditious action.

(2) "Emergency" shall mean the occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(3) Following declaration of a local emergency, such declaration shall continue until the mayor, or if the mayor is unavailable, the vice-mayor, finds that the threat or danger of emergency no longer exists or until a meeting of the board of mayor and aldermen takes place at which the declaration of the local emergency is terminated by proclamation.

(4) A proclamation declaring a local emergency will activate the emergency plan applicable to the specific incident and will be the authority for use or distribution of any supplies, equipment, materials, or facilities assembled or arranged to be made available pursuant to such plans.

(5) Upon the declaration of a local emergency pursuant to this chapter, emergency ordinances issued by the officials of this jurisdiction will be in effect during the period of such emergency to protect the public health, safety and welfare. (Ord. #01-21, Dec. 2001)

1-202. Powers provided. Pursuant to this chapter, the mayor, or if the mayor is unavailable, the vice-mayor, is hereby given the authority and enforcement powers including, but not limited to, those powers delineated below:

(1) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.

¹Charter references

Board of mayor and aldermen: article IV.

Elections: article III.

Officers: article V.

(2) Establish curfews including, but not limited to, the prohibition or restriction of people or vehicles on the streets except for the provision of designated essential services, such as fire, police, emergency medical services and hospital services, including the transportation of patients, utility emergency repairs and emergency calls by physicians.

(3) Utilize all available resources of the City of Bartlett as may be reasonably necessary to cope with the emergency including emergency expenditures not to exceed two hundred fifty thousand dollars (\$250,000.00); and if it is anticipated that the cost of emergency expenditures shall exceed two hundred fifty thousand dollars (\$250,000.00), the mayor, or if the mayor is unavailable, the vice-mayor, shall have the power to call a special meeting of the board of mayor and aldermen to consider authorization for additional emergency expenditures.

(4) Declare certain areas off limits.

(5) Make provisions for the availability and use of temporary emergency housing and emergency warehousing of materials.

(6) Establish emergency operating centers and shelters.

(7) Declare that during an emergency it will be unlawful and an offense against the City of Bartlett for any person, firm or corporation to use the fresh water supplied by the City of Bartlett, except as may be necessary to be used by emergency workers, for any purpose other than cooking, drinking or bathing.

(8) Declare that during an emergency it shall be unlawful and an offense against the City of Bartlett for any person, firm or corporation operating within the city to charge more than average retail price for any merchandise, goods or services sold during the emergency. The average retail price as used herein is defined to be that price at which similar merchandise, goods or services were being sold during the ninety (90) days immediately preceding the emergency or a mark-up which is not a larger percentage over wholesale cost than was being charged prior to the emergency.

(9) Confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency. Reimbursement shall be made within sixty (60) days and customary value paid as was charged for the item during the ninety (90) days prior to the emergency.

(10) Allow the Mayor of the City of Bartlett, or if the mayor is unavailable, the vice-mayor, to request the National Guard of the Army, Coast Guard or other law enforcement divisions, if necessary, to assist in the mitigation of the emergency or to help maintain law and order, rescue efforts, and traffic control.

(11) Nothing in this chapter shall be construed to limit the authority of the board of mayor and aldermen to declare or terminate a local emergency and to take any action authorized by law when in regular or special session.

(12) Any person, firm or corporation who refuses to comply with or violates any section of this chapter, or the emergency measures which may be

made effective pursuant to this chapter, shall be punished by a fine not to exceed fifty dollars (\$50.00) and/or incarcerated as permitted by the laws of the State of Tennessee. Each day of non-compliance or each violation shall constitute a separate offense. In addition to the foregoing, any licensee of the City of Bartlett found guilty of violating any provision of this chapter, or the emergency measures which may be made effective pursuant to this chapter, may have his license suspended or revoked by the board of mayor and aldermen.

(13) Nothing herein shall prevent the City of Bartlett from taking such other lawful actions in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with or violation of this chapter or the emergency measures, which may be effective pursuant to this chapter. Such other lawful action shall include, but shall not be limited to, an equitable action for injunctive relief or any action of law for damages. (Ord. #01-21, Dec. 2001, modified)

CHAPTER 3

CODE OF ETHICS¹

SECTION

- 1-301. Applicability.
- 1-302. Definition of "personal interest."
- 1-303. Disclosure of personal interest by official with vote.
- 1-304. Disclosure of personal interest in non-voting matters.
- 1-305. Acceptance of gratuities, etc.
- 1-306. Use of information.
- 1-307. Use of municipal time, facilities, etc.
- 1-308. Use of position or authority.
- 1-309. Outside employment.
- 1-310. Ethics complaints.
- 1-311. Violations.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

1-301. Applicability. This chapter is the code of ethics for elected and appointed officials of the City of Bartlett. It applies to all full-time and part-time officials, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #06-26, Dec. 2006)

1-302. Definition of "personal interest." (1) For purposes of §§ 1-303 and 1-304, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's immediate family member of which the official has knowledge.

(2) The words "employment interest" include a situation in which an official has knowledge of a family member negotiating possible employment with a person or organization that is subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #06-26, Dec. 2006)

1-303. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #06-26, Dec. 2006)

1-304. Disclosure of personal interest in non-voting matters. An official who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city clerk. In addition, the official may, to

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #06-26, Dec. 2006)

1-305. Acceptance of gratuities, etc. If an official accepts, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality that a reasonable person would infer to affect the official's vote or actions or reward him for past action in executing municipal business, then the official must disclose this gratuity in writing on a form provided by and filed with the city clerk. (as added by Ord. #06-26, Dec. 2006)

1-306. Use of information. An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law. (as added by Ord. #06-26, Dec. 2006)

1-307. Use of municipal time, facilities, etc. (1) An official may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #06-26, Dec. 2006)

1-308. Use of position or authority. (1) An official may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, except as allowed by the city's charter, ordinances or resolutions.

(2) An official may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #06-26, Dec. 2006)

1-309. Outside employment. An official may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #06-26, Dec. 2006)

1-310. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official charging any violation in this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics. (as added by Ord. #06-26, Dec. 2006)

1-311. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #06-26, Dec. 2006)