

CHARTER OF THE CITY OF DYER, TENNESSEE¹

CHAPTER 267.

House Bill No. 931.

AN ACT to incorporate the city of Dyer, Gibson county, Tennessee, to define its powers, and to provide for the taking of effect of same.

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¹Acts 1899, ch. 267, is the current basic charter act for the City of Dyer, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2007 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

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

ARTICLE I

CORPORATE NAME AND BOUNDARIES

Section 1. That the inhabitants of the city of Dyer, in the county of Gibson, State of Tennessee, be, and they are hereby, constituted a body politic and corporate by the name and style of the city of Dyer, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts of law and equity, and may have and use a common seal, and alter the same at pleasure. [As amended by Priv. Acts 1955, ch. 87]

Sec. 2. Be it further enacted, That the corporate limits¹ of the City of Dyer shall be as follows:

Beginning at an iron pipe in U. S. Highway 45-W 250 feet, more or less, from the south property line of the Poplar Grove Road, said pipe being set 2.6 feet east of the east edge of the pavement of said U. S. Highway 45-W and 21.5 feet west of Browder's west property line; thence south 52 degrees and 55 minutes west across said U. S. Highway 45-W, a distance of 40.6 feet to a stake; said stake being set 29.1 feet west of the center line of U. S. Highway 45-W and 11 feet south of the G. W. Bailey south property line; thence north 86 degrees 35 minutes west, a distance of 1116 feet to a stake set in the fence, which is the north property line of the J. W. McFarland property, said stake being 15 feet west of the west property line of the road commonly known as Beech Grove Road; thence north 88 degrees 38 minutes west a distance of 1680 feet to a stake on the north side of the road known as the Curry Road; thence north 1 degree 36 minutes east measured parallel to the west street of Hillcrest Addition 1083 feet to a stake, said stake being set in the west property line of the Hillcrest Addition; thence north 85 degrees 10 minutes west 525.4 feet to a stake in the Ewell property; thence north 3 degrees east a distance of 982 feet in a stake in the Ewell property, said stake being 460 feet south of Broad Street; thence north

¹The corporate boundaries as set out herein have been altered by annexation ordinances of record in the city recorder's office. See the following ordinances for reference: Ordinances passed and approved May 9, 1966; September 12, 1966; December 12, 1966; Ords. #88-31; 94-54; 97-88; 99-104; 99-105; 2002-0123; 2002-0124; and 2002-0125.

83 degrees 52 minutes west, a distance of 1927 feet to a stake, being 488 feet south of the south property line of Broad Street and 12 feet west of the east property line of Ransom Thornton; thence north 2 degrees 8 minutes east, a distance of 825 feet to a stake, said stake being 300 feet north of Broad Street on the property of W. B. Becton; thence north 45 degrees 14 minutes east a distance of 1661.3 feet to a point, said point being 15 feet southwest of the outlet of the City of Dyer sewer on the levee and approximately 20 feet south of the center line of the creek sometimes known as Sand Creek; thence north 32 degrees 54 minutes east a distance of 860 feet to a stake 334 feet west of the west property line of U. S. Highway 45-W and 3 feet north of the north property line of the gravel road leading west from U. S. Highway 45-W to the Mt. Olive Church; thence north 14 degrees 46 minutes west along a line parallel with and 334 feet west of the west property line of U. S. Highway 45-W, a distance of 1371 feet to a stake in James Barron's north property line, Mrs. J. W. Perkins' south property line, 334 feet west of the west property line of U. S. Highway 45-W; thence east to a stake 50 feet east of the center line of the G. M. & O. Railroad on the east property line of said Railroad; thence south along a line 50 feet east of the center line of the G. M. & O. Railroad and parallel to the center line of said railroad to a stake, said stake being 20 feet south of the center line of the creek sometimes known as Sand Creek; thence in an easterly direction following the meanders of the creek and 20 feet south of the center of said creek a distance of 4000 feet, more or less, to a point, said point being 255 feet north of College Street in the property now owned by R. L. Ingram and 177 feet northwest of the northwest corner of R. L. Ingram's house and 33 feet west from a blazed box elder tree on R. L. Ingram's property; thence north 60 degrees 13 minutes east a distance of 700 feet to a stake, said stake being set on the property of Howard Baker; thence south 83 degrees 48 minutes east a distance of 846 feet to a stake, said stake being 200 feet north of College Street on the Howard Baker property; thence south 6 degrees 9 minutes west a distance of 469 feet to a stake, said stake being 50 feet east and 135 feet south of the southwest corner of the Clint Thompson residence; thence north 87 degrees 23 minutes west, a distance of 332 feet to a stake, said stake being 300 feet east of the east property line of the first street east of High Street and located on the property of Clint Thompson; thence south 5 degrees 26 minutes west along a line measured 300 feet from and parallel to the east property line of the first street east of High Street 1165 feet to a stake, said stake being 300 feet south of the south property line of Beech Avenue extended; thence north 86 degrees 5 minutes west a distance of 480 feet to a stake 330 feet south of the south property line of Beech Street and being 300 feet east of the east property line of High Street; thence south 6 degrees 53 minutes west a distance of 709 feet to a stake, said stake being on the J. E. Hall property 4 feet south of the south property line of East Walnut extended and 317 feet east of the east property line of High Street; thence south 8 degrees 17 minutes west a distance of 870 feet to a stake on the C. C. Berry property, said stake being 300 feet east of the east property line of High Street; thence south 13 degrees 15 minutes west along a line measured 300 feet from and parallel to

the east property line of High Street, a distance of 1422 feet to a stake, said stake being set on the J. E. Hall property 239 feet south of the road known as Poplar Grove Road; thence north 87 degrees 3 minutes west a distance of 871 feet to an iron pipe, said pipe being the point of beginning. [As replaced by Acts 1905, ch. 324; Priv. Acts 1917, ch. 703; Priv. Acts 1949, ch. 480; and amended by Priv. Acts 1955, ch. 87]

Sec. 3. Whenever any territory¹ within, abutting upon, or near to the city of Dyer shall have been platted by the owner or owners thereof into streets, alleys, blocks and lots conforming to and corresponding with the adjacent streets, alleys, blocks, and lots, and a map thereof made showing also the adjoining blocks and lots in the city, and the connecting alleys of the city, and the detailed topography of the platted territory, accompanied by a properly certified abstract of title to said territory, showing the title to be in the party or parties represented to be the owners of land which it is desired to annex to the city, the city council may, upon the petition of all such owners of said platted territory, by ordinance, upon such terms and conditions as it may deem for the best interests of the city, declare the same to be an addition to the city of Dyer, and from thenceforth such territory shall be and become a part of the said city, and within the jurisdiction thereof, as effectually as though the same had been annexed by act of the legislature; Provided, That this section shall not apply to any lands upon which any taxes assessed in any town or municipal corporation are due and unpaid, nor to the lands of any town or other municipal corporation having a funded debt. [As amended by Priv. Acts 1955, ch. 87]

Sec. 4. Deleted. (This section was deleted by Priv. Acts 1995, ch. 29, § 1.) [As amended by Priv. Acts 1955, ch. 87, and deleted by Priv. Acts 1995, ch. 29, § 1]

Sec. 5. The said city by the name and style aforesaid is hereby authorized to acquire and hold all real and personal property necessary for the public uses of the inhabitants thereof, both within and beyond the limits of the city, and when the same is no longer required for the public use, to sell and convey the same, as may be provided by ordinance, and the city council shall, by ordinance, make all needful rules and regulations for the use of such property. [As amended by Priv. Acts 1955, ch. 87]

¹State law reference

Tennessee Code Annotated, title 6, chapter 51, part 1.

ARTICLE II

LEGISLATIVE DEPARTMENT¹

Section 1. Legislative power vested in city council.¹ The legislative power of the City of Dyer shall be vested in City Council, consisting of a mayor and eight (8) aldermen to be elected from the city at large in accordance with the provision of Article 4 as hereinafter set out. [As amended by Priv. Acts 1955, ch. 87; replaced by Priv. Acts 1976, ch. 230, § 1; and Priv. Acts 1995, ch. 29, § 2]

Sec. 2. Any citizen of said City living within the corporate limits of same, and who is a qualified voter under the state election laws at the time of the election, shall be eligible to the office of mayor or aldermen respectively.² [As amended by Priv. Acts 1955, ch. 87, and replaced by Priv. Acts 1969, ch. 101, § 1]

Sec. 3. Be it further enacted, That the compensation of the Mayor and Aldermen of the City of Dyer shall be fixed by ordinance enacted by the City Council of the City of Dyer next preceding the biennial tenure of office of said officials.³ [As replaced by Acts 1903, ch. 256, § 1; Priv. Acts 1929, ch. 287, § 1; amended by Priv. Acts 1951, ch. 180, § 3; Priv. Acts 1955, ch. 87; and replaced by Priv. Acts 1955, ch. 178]

Sec. 4. The city council shall be sole judge of the qualification, election, and returns of its members, and shall have the power to determine and fix the rules of its own proceedings, punish its members for disorderly or other improper and unlawful conduct, and with the concurrence of two-thirds of all members expel a member. A majority of said city council shall be kept by the recorder hereinafter of business, but a smaller number may adjourn from time to time and compel the attendance of absent members, under such penalties and in such manner as the said city council may determine by ordinance. [As amended by Priv. Acts 1955, ch. 87]

¹Charter references

Election of mayor and aldermen: art. IV.

Legislative powers of city council: art. VI, §§ 4 and 5.

²Charter reference: art. II, § 4 and art. IV, § 7.

³Charter reference

Compensation of mayor: art. III, § 9.

Sec. 5. Recorder to keep minutes of council proceedings and votes.¹ A record of the proceedings of the city council shall be kept by the recorder, hereinafter provided for, and in the event of the recorder's sickness or absence the assistant recorder or some member of the city council may act as recorder for the purpose of recording the proceedings of such city council. All votes of the city council shall be by "Aye or No" and no ordinance shall be binding unless the record of the vote on same shall show that a majority of the votes cast were for same. [As amended by Priv. Acts 1955, ch. 87, and replaced by Priv. Acts 1995, ch. 29, § 3]

Sec. 6. The council shall hold monthly stated meetings on such day as may be fixed by ordinance, and called or special meetings at the pleasure of the mayor, or on the written demand of five aldermen presented to the mayor. Until further change be made by the council the stated meetings of the same shall be held upon the second (2nd) and fourth (4th) Monday of each month. [As amended by Priv. Acts 1995, ch. 29, § 4]

Sec. 7. The style of all ordinances shall be, "Be it enacted by the city council of the city of Dyer." [As amended by Priv. Acts 1955, ch. 87]

Sec. 8. The city council is hereby authorized to provide for the punishment of all offenders against the ordinances of the city by imprisonment not exceeding (90) ninety days in cases where said offenders shall fail or refuse to pay or secure the fines and forfeitures which may be recovered against them. And also to provide by ordinance for all offenders so fined to work out the cost and fines upon the streets of the city, or in such other way or manner as may be prescribed. All fines and forfeitures collected for offenses committed, or penalties incurred against said ordinances, shall be paid into the city treasury by the officers collecting same on or before each stated monthly meeting of the city council, and same shall be disposed of as a part of the general revenue of the city. [As amended by Priv. Acts 1955, ch. 87]

Sec. 9. The city council shall have the control and management of the city finances, and of all property of the city, real, personal, and mixed, and shall have power by ordinance --

- (1) To establish and maintain a system of sewerage.
- (2) To appropriate money and provide for payment of the debts and expenses of the city.
- (3) To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, lanes, alleys, sidewalks, drains, and sewers, and to provide for the planting and protecting of shade trees upon

¹Charter reference

Duties of recorder: art. III, § 14.

the streets, avenues, and parks, or other public grounds, and to regulate the same, and to let out any of said work or any other public work they may have done to the lowest responsible bidder under written contract and bond for the performance of same.

(4) To establish, build and keep in repair bridges.

(5) To provide for lighting the streets and public grounds by gas, electricity, or other illuminating process or means, and to erect lamp posts, electric posts, or such other requirements and apparatus as may be necessary.

(6) To privilege all needful building for the use of the city by building, lease, rental, or purchase as may be thought best.

(7) To provide for inclosing, improving, and regulating all public grounds belonging to the city.

(8) To license, regulate, and tax any and all lawful occupations, privileges, business places, amusements, and places of amusement, declared to be a privilege by the state laws.

(9) To exclusively restrain, regulate, license, or prohibit billiard tables, bowling alleys, and other places of public resort; and to restrain, license, regulate or prohibit the selling or giving away of intoxicating liquors, spirituous, vinous, malt, or mixed, including but not limited to wine, ale, cider, beer, or vinous, spirituous, malt, mixed liquor, whiskey, or any adulteration or mixture of either of the same, and the City Council is hereby authorized to make all ordinances for the purpose of restraining, licensing, regulating or prohibiting such sales and to provide for the punishment of any and all violations of any such ordinances.

(10) To prohibit and suppress the sale or distribution of obscene books, papers, prints or pictures; the posting of obscene pictures, posters, or advertisements, dance houses, opium joints, gaming, gambling houses, dealing in lottery tickets, prize fighting, cock fighting, dog fighting, bawdy houses, disorderly houses, houses of ill fame, or assignation, or any place of resort for the practice of gaming, drunkenness, lewdness, or fornication, or notoriously reputed to be such, and to destroy instruments of gaming.

(11) To prohibit or regulate the use of firearms.

(12) To regulate and to restrain the running at large, within the corporate limits, of stock of any and every kind and dogs, fowls, etc. And to authorize the summary sale of all such stock and animals found running at large within the corporate limits.

(13) To provide for the enumeration of the inhabitants of the city.

(14) To prevent the building or construction of dangerous houses or buildings within the corporate limits, and to condemn and destroy same, or have same done. To prevent the construction of dangerous chimneys, flues, fire places, hearths, stoves, or other apparatus, and to cause such as are so to be removed or made safe and secure from fire.

(15) To prevent the deposit of ashes, cinders, garbage, or other refuse at any improper place.

(16) To regulate and suppress the use of fireworks of any and every kind.

(17) Deleted. (This section was deleted by Priv. Acts 1995, ch. 29, § 5.)

(18) To remove all obstructions from, and prevent encroachment upon any and all streets, lanes, alleys, walks, drains, etc. fire hydrant, over or by sewer line, etc.

(19) To provide for the protection, improvement, keeping, and ornamenting, opening, laying out and controlling of a cemetery or cemeteries for the burial of the dead, and to provide and sell lots for same, in such way and manner as may be deemed best.

(20) To regulate or prevent the ringing of bells, blowing of horns, or whistles, and all other noises, performances, or devices tending to collect a crowd upon any of the streets, alleys, or walks of the city.

(21) To regulate the use of locomotive engines; to require railroad companies to build and repair at their own expense, suitable crossings, bridges, etc., as may be deemed necessary and best for the city; to regulate the stops of trains upon crossings of streets, alleys, walks, etc., and to provide punishment for violations of ordinances regulating same.

(22) To prevent and restrain riot, noise, disturbances, or disorderly assemblages, loud, indecent, or profane language, or behavior in any street, house, or place within the city, breaches of the peace, fighting or disorderly conduct.

(23) To prevent horse racing, fast riding or driving, in the streets, and to punish and stop the abuse of animals; to compel persons to securely hitch or fasten any animal attached to vehicles of any kind while standing or remaining in the street.

(24) To provide for sprinkling the streets, avenues, and public grounds.

(25) To control, regulate, or prevent the use of steam whistles.

(26) To provide the city or any part thereof with water; to erect hydrants, and pumps; to construct cisterns and reservoirs; to erect, construct, and build; to rent, lease, or buy and own any kind of system of waterworks or bonds of the same and to contract for such system of waterworks; and to provide for the financing of same by the issuance of bonds or notes of the City of Dyer, or any other means as authorized by the General laws of the State of Tennessee, but in no event shall such indebtedness run for a longer period than twenty-five years, and the credit of the City of Dyer may be pledged by note or bonds or any other means as authorized by the general laws of the State of Tennessee, and to issue bonds or notes, in the same way, manner, and amount, if deemed necessary, to own, operate, control, construct, or purchase a system of lighting for the City, either gas, electricity, or any other system, the said bonds to be under the same restrictions as above set out for waterworks; and to provide for the redemption of said bonds by creating a sinking fund or otherwise.

(27) To establish and enforce such regulations and restrictions as regards quarantine laws, the cleansing of the city and private property, erection of slaughter houses, nuisances, stables, privies, stockyards, or pens, ponds,

sawdust piles, mud holes, dairies, and any and all other things, businesses and practices as may be regarded by the city council as conducive to the good health, pleasure, and convenience of the city within the corporate limits, or as near as one-half (1/2) mile of same, and to abate and suppress same, if desired.

(28) To amply and effectually pass all ordinances necessary to compel the owners of lots or ground to construct sidewalks or pavements and curbs and gutters in front of their property along any street or alley; and to prescribe where such sidewalks or pavements and curbs and gutters shall be constructed, and the width, thickness and kind thereof, and if the owner or owners of any lot shall fail to comply with any of the provisions of any ordinance requiring such owner or owners to build or repair such sidewalk pavement and curb and gutter, after due notice, the City may build the same, as the Board of Mayor and Aldermen orders, and the City of Dyer shall pay for the same and the amount so paid shall be a lien on the said lot or lots of land, and the improvements thereon, which may be enforced by any Court of competent jurisdiction, under the proper proceedings brought therefor. [As amended by Acts 1901, ch. 439, § 1; Acts 1903, ch. 256, § 2; Priv. Acts 1911, ch. 106; Priv. Acts 1915, ch. 195, § 1; Priv. Acts 1927, ch. 256; Priv. Acts 1955, ch. 87; Priv. Acts 1971, ch. 28, §§ 1 and 2; and Priv. Acts 1995, ch. 29, §§ 5 and 6]

Sec. 10. The city council shall have, and is hereby, given the power and authority to make all ordinances which it shall deem necessary and proper for carrying into execution the powers specified in this act, and to adequately and fully punish violations of said ordinances, and to make all ordinances it may deem necessary for the good order, health, good government, and general welfare of the city, and also for the protection and preservation of any city property, privileges, and franchises, and to enforce the same and all other ordinances by proper fine, imprisonment, or other penalty or penalties. [As amended by Priv. Acts 1955, ch. 87]

Sec. 11. Power of Mayor and Council to elect and/or terminate all city employees. That the Mayor and Council shall have and is hereby given the authority and power to elect all city employees. Such employees shall be elected by the Mayor and City Council when an opening, vacancies, or termination occurs. There shall be two (2) exceptions: volunteer firefighters, and part-time or temporary employment. Employment and termination of part-time or temporary employees shall be the responsibility of the Mayor and department head. [As amended by Priv. Acts 1955, ch. 87 and replaced by Priv. Acts 1995, ch. 29, § 7]

Sec. 12. All franchises and privileges granted by the city of Dyer, to corporations or individuals, shall be limited to twenty (20) years from the granting of the same. [As amended by Priv. Acts 1955, ch. 87]

Sec. 13. Power of council to elect police chief and police officers.¹ That the City Council shall have and is hereby given the authority and power to elect a Police Chief and police officers. Said officers shall be elected by the City Council when a vacancy or vacancies occur. Said officers shall be subject to disciplinary action or removal from employment from the City of Dyer by use of personnel policies. [As added by Acts 1901, ch. 439, § 2; amended by Priv. Acts 1955, ch. 87; and replaced by Priv. Acts 1995, ch. 29, § 8]

Sec. 14. That the City Council shall have and is hereby given power to fill all temporary or permanent vacancies which may occur in any of the offices except that of the Mayor.² [As added by Acts 1901, ch. 439, § 2, and amended by Priv. Acts 1955, ch. 87]

ARTICLE III

EXECUTIVE DEPARTMENT

Section 1. The executive power of the city shall be vested in a mayor³ and marshal, who may be the Recorder, one man filling both offices of Recorder and Marshal, if the council wish it, together with such other officers and police as the mayor may see fit to appoint from time to time. [As amended by Acts 1903, ch. 256, § 3, and Priv. Acts 1955, ch. 87]

Sec. 2. The mayor shall be the chief executive officer of the city. The mayor shall be the supervisor of all department heads. [As amended by Priv. Acts 1955, ch. 87, and Priv. Acts 1995, ch. 29, § 9]

Sec. 3. The mayor shall, from time to time, give the city council information relative to the condition of the corporation, and shall recommend to its consideration such measures as he may think expedient for the interest of the city. He shall take care that the laws of the state and the ordinances of the city are respected and enforced within the city, and may remit, either wholly or in part, fines, costs, forfeitures, and penalties imposed for the violation of any ordinance, but shall make a report of such remissions to the city council at the next session thereof. He shall preside at all meetings of the city council, and

¹Charter reference

Appointment of policemen: art. VIII, § 1.

²Charter references: art. III, § 7 and art. IV, § 6.

³Charter references

Executive powers and duties of the mayor: art. VII, §§ 4 and 6; art. VIII, § 1; and art. IX, § 2.

participate in all business coming before the same. [As amended by Priv. Acts 1955, ch. 87]

Sec. 4. The mayor is hereby empowered to call upon every male inhabitant of the city over the age of eighteen years, to aid in enforcing the laws and ordinances, in preventing and extinguishing fires, in preserving the peace and safety of the city. Any male inhabitant of the city over the age of eighteen years, who shall be called upon by the mayor for any of the purposes stated in this section, and shall refuse or wilfully neglect to obey such call or order, shall, on conviction thereof, be fined in a sum of not less than five dollars, nor more than one hundred dollars. [As amended by Priv. Acts 1955, ch. 87]

Sec. 5. The mayor shall have power, whenever he shall deem it necessary, to require any officer of the city to exhibit his books and papers, and refusal by any officer when so required to exhibit the books and papers of his office shall be deemed a forfeiture and abandonment of said office. [As amended by Priv. Acts 1955, ch. 87]

Sec. 6. The mayor shall have power, and it is hereby made his duty, to perform all acts that may be required of him by any ordinance duly enacted.

Sec. 7. In case of a temporary vacancy in the office of mayor¹, or in case the mayor shall, for any reason, be temporarily unable to perform the duties of the office, the city council shall elect one of their members to act as mayor. In case of a permanent vacancy in the office of mayor, the city council shall elect one of their members to act as mayor for the remainder of the unexpired term. Said election to be by majority vote of the city council. The official so elected shall serve until the next regularly scheduled election. A temporary vacancy in the office of mayor shall occur when the mayor is absent from any regularly scheduled meeting or from the city for a period in excess of three (3) months. A permanent vacancy shall occur on death, resignation or removal of residence from the City of Dyer. [As amended by Priv. Acts 1955, ch. 87; Priv. Acts 1984, ch. 236 § 1; and Priv. Acts 1995, ch. 29, § 10]

Sec. 8. All bonds, contracts, and other instruments requiring the assent of the city shall be signed by the mayor or acting mayor, and all legal process against the city shall be served upon the mayor or acting mayor.² [As amended by Priv. Acts 1955, ch. 87]

¹Charter references: art. II, § 14 and art. IV, § 6.

²Charter reference: art. IX, § 2.

Sec. 9. The first mayor elected hereunder shall receive as compensation¹ for his services twenty-five dollars per year during his first term. Thereafter, the mayor shall receive such salary as the city council, immediately preceding his election, shall fix by ordinance, as hereinafter provided. [As amended by Priv. Acts 1955, ch. 87]

Sec. 10. It shall be the duty of the recorder to receive, receipt for, and keep the money of the city, and to deposit it in the depository selected by the city council as a depository for said funds, and pay out the same only on warrants drawn by order of the city council, signed by the mayor under the seal of the corporation. [As amended by Priv. Acts 1955, ch. 87]

Sec. 11. Depository for municipal funds. The Board of Mayor and Aldermen shall designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the board. [As amended by Priv. Acts 1955, ch. 87, and replaced by Priv. Acts 1995, ch. 29, § 11]

Sec. 12. The recorder shall give bond to the city in a sum fixed by the city council, with sufficient sureties to be approved by the same, conditioned for the faithful performance of the duties of his office, and to pay over to his successor in office all such sums of money belonging to the city as shall be in his hands, and to account for and turn over to such successor all city property which may come into his hands. [As amended by Priv. Acts 1955, ch. 87]

Sec. 13. The Recorder shall receive such salary as shall be fixed by the City Council in lieu of all other compensation, and all fees collected by the Recorder as authorized by law shall accrue to the benefit of the City of Dyer and placed in the General Fund for use and disposition as the Council may direct. [As replaced by Acts 1903, ch. 254, § 4; amended by Priv. Acts 1929, ch. 287, § 2; Priv. Acts 1945, ch. 152; Priv. Acts 1951, ch. 180, § 2; and replaced by Priv. Acts 1967, ch. 123, § 1]

Sec. 14. The recorder², in addition to the duties hereinbefore provided, shall attend all meetings of the city council, and keep a true, full and complete record of the proceedings of such meetings. The recorder shall have the custody of the corporate seal, the public records, the original rolls of ordinances of the city council, all original contracts, deeds, and certificates relative to the title of

¹Charter reference: art. II, § 3.

²Charter references

Duties and powers of the recorder: art. II, § 5; art. IV, § 7; and art. VII.

any property of the city, all official, indemnity, or security bonds except his own bond, and such other records, papers, and documents of value as are not required to be deposited with any other officer; he shall attest all public instruments or official acts of the mayor by his signature, and the seal of the city, and shall also certify under his hand and the seal of the city all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees for the use of the city as may be provided by ordinance. [As amended by Priv. Acts 1955, ch. 87]

Sec. 15. The recorder and all officers charged with the collection and custody of money, shall, on the first (1) Wednesday in June, September, December, and March, in each year, make to the city council a full and detailed statement under oath of all their accounts, which shall show all money received from whatever source, and from whom and what for, and all moneys paid out, to whom, and when, and for what purpose; and the recorder shall, in his regular quarterly report on the first (1) Wednesday in June, each year, make a statement of all moneys received and expended, and from what sources received, and for what expended, for the year then ending, and a copy or summary of said report shall be published in a newspaper of the city which the city council may select. [As amended by Priv. Acts 1955, ch. 87]

ARTICLE IV

ELECTIONS AND APPOINTMENTS

Section 1. Elections; terms of office.¹ The four aldermanic positions and the mayor that were elected at large in the regular municipal election in June of 1995 shall hold office until the next municipal election, which shall be held on the first Tuesday after the first Monday in November, 2000 and every four (4) years thereafter. Those aldermen elected in the regular municipal election of June, 1997, shall hold office until the municipal election, which shall be held on the first Tuesday after the first Monday in November, 2002. All incumbent aldermen and the mayor shall hold office until their successors have been elected, qualified and sworn in. [As amended by Priv. Acts 1955, ch. 87; Priv. Acts 1955, ch. 177, § 1; and replaced by Priv. Acts 1976, ch. 230, § 2; Priv. Acts 1995, ch. 29, § 12; and Priv. Acts 1998, ch. 111, § 2]

Sec. 2. The first election held hereunder shall be held by the sheriff of Gibson county, Tennessee, or his legally appointed deputy, who may call to his

¹Charter references

Election of mayor: art. II, § 1.

Election of marshal: art. II, § 13.

assistance five (5) citizens of the city of Dyer, three (3) for judges, and two (2) for clerks, and said election shall be held under the laws in force for holding the elections of state officers, so far as the same is applicable, and after said vote is canvassed by the judges, the sheriff shall issue certificate of election to such officers as a majority of said judges shall declare elected to the respective offices. The manner of holding the subsequent elections after the first hereunder shall be determined by the city council, as well as the manner of issuing certificates of election, etc. [As amended by Priv. Acts 1955, ch. 87]

Sec. 3. "Voter" shall mean a qualified voter under the laws of the State of Tennessee residing within the city and has so resided within the corporate limits for six (6) or more months or a qualified voter who owns not less than an undivided one-half (1/2) interest in taxable real estate located within the city. [As amended by Priv. Acts 1955, ch. 87; and replaced Priv. Acts 1998, ch. 111, § 1]

Sec. 4. The general election laws of the state, together with all the requirements, restrictions, and punishments for violations of same shall apply and govern in all elections held in the city of Dyer. [As amended by Priv. Acts 1955, ch. 87]

Sec. 5. Should there be a tie vote for the candidates for any office to be voted for hereunder, the same may be decided by such means as the city council may determine by resolution. [As amended by Priv. Acts 1955, ch. 87]

Sec. 6. Vacancies in office.¹ Should a temporary vacancy occur in any office provided for herein, except that of mayor, the alderman of the city council may fill the same by election of a citizen by majority vote, to serve the unexpired term or until the regularly elected alderman shall return to serve the remainder of his term. Should a permanent vacancy occur in any elective office provided for herein, the same shall be filled by nominations from the members of the board of citizens until such time there is another municipal election. The three (3) members shall be appointed by the Mayor and approved by the Board of Aldermen. The nominee(s) shall be elected by majority vote to serve until the next regularly scheduled city election. A temporary vacancy shall occur when any member does not report for regularly scheduled meetings for three (3) months. A permanent vacancy shall occur on removal of residence from the City of Dyer, death, or resignation. [As amended by Priv. Acts 1955, ch. 87; replaced by Priv. Acts 1984, ch. 236, § 2; and Priv. Acts 1995, ch. 29, § 13]

Sec. 7. That the Mayor, together with the Aldermen of the respective wards, they being officials elected by vote of the residents of the City who are

¹Charter references: art. II, § 14 and art. III, § 7.

qualified voters in elections held for the purpose, shall have been residents of the City for ninety (90) days prior to the election in which they may be voted for as such Mayor or Aldermen, and shall reside in the City during the term of office, and in case of an Alderman, if elected from a particular ward, shall reside in said ward during the term of office, and removal from the City or Ward shall vacate the office, and same shall be filled as provided in such cases. There shall be two aldermen from each ward, but the Mayor and Aldermen shall be elected by vote of the city at large.¹

Provided, however, that the requirements that all officers, elective and appointive, shall have been a resident of the City for ninety (90) days prior to the election or appointment, shall not apply to the chief-of-police and policemen of the City whether they be elected by the qualified voters of the City or be appointed by the City Council.

Be it further enacted, That the recorder of said City shall be elected by the City Council of the City of Dyer, provided, however, that nothing in this Act shall effect the present tenure of office of the incumbent recorder. [As replaced by Priv. Acts 1929, ch. 286; amended by Priv. Acts 1933, ch. 269; Priv. Acts 1955, ch. 177, §§ 2 and 3; Priv. Acts 1955, ch. 87; and Priv. Acts 1995, ch. 29, § 14]

ARTICLE V

OFFICIAL OATHS, PENALTIES AND BONDS

Section 1. Each officer elected or appointed shall before assuming the duties of the office, take and subscribe before some justice of the peace for the State of Tennessee and Gibson county, an oath to support the constitution of the United States, and of the State of Tennessee, and to faithfully perform all the duties imposed upon him by law and by this charter and the ordinances of the city of Dyer, and the person taking said oath falsely, or violating the same, shall be guilty of perjury, and may be punished for same, as provided by the general laws of the state for the punishment of the crime of perjury. [As amended by Priv. Acts 1955, ch. 87]

Sec. 2. Each officer of the city of Dyer, except the mayor, whose official bond is not prescribed by this act, may be required by the city council to give such official bonds with such conditions, penalties, and sureties as the said council may deem necessary, and from time to time, declare by ordinance or resolution. [As amended by Priv. Acts 1955, ch. 87]

¹Charter reference

Qualifications required for candidates for mayor and aldermen: art. II, §§ 2 and 4.

ARTICLE VI

FINANCE AND TAXATION

Section 1. The City Council shall have, and is hereby given, the power and authority to levy taxes for corporate purposes upon all taxable property, real, personal, and mixed, within the limits of the City for all general purposes, and the City Council shall have the authority to fix the tax rate. [As amended by Acts 1903, ch. 256, § 5; Priv. Acts 1955, ch. 87; and replaced by Priv. Acts 1967, ch. 123, § 2]

Sec. 2. The property within the limits of said city may be assessed by such person or persons, and in such way and manner as may be determined by the city council, and when the said assessment of same is made and ratified by the city council in stated session, the city council shall fix the rate of taxation for the various purposes, and prepare the tax roll. [As amended by Priv. Acts 1955, ch. 87, and Priv. Acts 1995, ch. 29, §15]

Sec. 3. The recorder is hereby made the collector of city taxes, and for the purpose of collecting taxes assessed by the city council, the recorder is hereby given all the powers and charged with all the duties of the county trustee for the collection of state and county revenue, and all laws of this state for the assessment and collection of general taxes exceeding the laws for the sale of property for taxes and the redemption of same, shall apply to and have as full effect for the collection of taxes for and of the city of Dyer as for such general taxes, except as modified by this act. The recorder shall also collect all privilege and license taxes, at such time and in such manner as may be fixed by the city council. [As amended by Priv. Acts 1939, ch. 565; Priv. Acts 1951, ch. 180, § 1; and Priv. Acts 1955, ch. 87]

Sec. 4. The city council is hereby authorized to contract any indebtedness on behalf of the city, and upon the credit thereof, by borrowing money and issuing bonds or notes of the city at a rate of interest for the purpose of erecting public buildings, constructing sewers, sidewalks, streets, curbing, guttering, and other improvements, and keeping same in repair, and for any other improvement or convenience deemed necessary by said council, provided the aggregate indebtedness to be incurred shall not exceed fifteen (15) per cent of the assessed valuation of the taxable property of the city, as shown by the assessment of the year previous to issuing said bonds, and no bonds shall be issued except by ordinance passed by a majority of the city council entitled to vote, and said ordinance shall not be repealed till said bonds shall have been paid, and said ordinance shall specify the purpose for which said bonds were issued, and shall also provide for a levy upon the taxable property in the city sufficient to pay the annual interest thereon, and to pay the bonds within the time at which they become due, which shall not be for a longer period than

twenty (20) years, and no ordinance shall be passed issuing bonds for individuals until there shall have been held an election by the qualified voters of the city, and after due notice by publication in a newspaper published in the city for thirty (30) days, and two-thirds (2/3) of those voting shall vote in favor of such issuance of bonds for said indebtedness. [As amended by Priv. Acts 1915, ch. 195, § 2; Priv. Acts 1955, ch. 87; Priv. Acts 1971, ch. 28, § 3; and Priv. Acts 1995, ch. 29, § 16]

Sec. 5. Whenever the city council shall, by ordinance, establish, open, widen, or alter any street, lane, or alley, or sidewalk, or other public grounds, and it becomes necessary to take private property for same, the agreement can be made with the owner thereof, the city of Dyer shall make just compensation therefor to the person from whom such property is taken, the amount to be ascertained in the manner prescribed by general law. [As amended by Priv. Acts 1955, ch. 87]

ARTICLE VII

CITY COURT OF DYER

Section 1. The Mayor and the Board of Aldermen of the City of Dyer, Tennessee, shall have the authority to appoint a City Judge or designate the City Recorder to serve in such capacity and to fix fees, salaries or compensation for such services by appropriate ordinances or resolution of the City Council. [As amended by Priv. Acts 1955, ch. 87, and replaced by Priv. Acts 1971, ch. 165]

Sec. 2. The City Judge shall have the power, and is hereby vested with full authority, to try all offenses for the violation of the ordinances and by-laws of said City of Dyer, and he is hereby vested with concurrent jurisdiction with justices of the peace or General Sessions Courts in all criminal cases arising under the laws of Tennessee and such Court. [As amended by Priv. Acts 1955, ch. 87, and replaced by Priv. Acts 1971, ch. 165]

Sec. 3. The practice and proceedings before said City Judge in criminal cases arising under the laws of the State shall be those prescribed by justice of the peace or General Sessions Court and for all actions arising under the ordinances of the City, such rules of practice may obtain as may be prescribed by ordinance, or resolution, and in the event no such rules are so prescribed, than the rules of practice in criminal cases under the general laws of the State shall obtain and control. [As replaced by Priv. Acts 1971, ch. 165]

Sec. 4. In the event of disqualification or inability from whatever cases brought or to be brought before him, the Mayor may try said causes, and for said purpose he is hereby clothed with all the necessary powers and authority to

fully, legally, and completely perform said duties as could the City Judge if he were not disqualified; shall charge the same fees etc. The City Judge shall keep a suitable and well bound docket, such as is required by law to be kept by justices of the peace or General Sessions Court, and shall truly and duly record in same all the cases tried by him, and his judgement therein, together with dates, parties, returns or proceeds, officers, and such other items as may be necessary to give a full history of the cause and its determination. [As amended by Priv. Acts 1955, ch. 87, and replaced by Priv. Acts 1971, ch. 165]

Sec. 5. In all cases tried by the City Judge or other persons within the City of Dyer, either party shall have the right of appeal from the decision of said case or cases to a Court of appellate jurisdiction by perfecting his or her appeal by executing a bond with solvent security in such sum as is now fixed by the general law of the State in cases of appeal or such appellant may appeal on the pauper's oath. [As amended by Priv. Acts 1955, ch. 87, and replaced by Priv. Acts 1971, ch. 165]

Sec. 6. In all cases wherein the City of Dyer is a party in any of the Courts of the City, or of the State, or elsewhere, the mayor shall have the power, and he is hereby given the authority to employ counsel or lawyers to attend to the interests of the City, and any contract so made by the mayor shall be good and binding upon the corporation. [As added by Priv. Acts 1971, ch. 165]

ARTICLE VIII

POLICE DEPARTMENT

Section 1. Appointment of chief of police and other policemen.¹ The Police Department shall consist of a Chief of Police, and as many policemen as it is necessary to have from time to time to execute the ordinances of the City council, preserve the peace and health of the City. Said Chief of Police and policemen are to be employed by the City Council; however, the Mayor shall have the power to appoint other policemen when exigencies or occasions require the same, and who shall serve at the pleasure of the Mayor and whose compensation shall be fixed by the Mayor, but in no event in excess of that currently being paid to other policemen. [As amended by Priv. Acts 1955, ch. 87; replaced by Priv. Acts 1971, ch. 28, § 4; and amended by Priv. Acts 1995, ch. 29, § 17]

Sec. 2. Compensation of chief-of-police and policemen. Be it further enacted, That the salary of the Chief-of-Police and other Policemen of the City of Dyer, in Gibson County, Tennessee, shall be regulated by a majority vote of

¹Charter references: art. II, §§ 11 and 13; art. III, § 1; and art. IV, § 7.

the City Council of the City of Dyer, and neither the Chief-of-Police nor any other Policeman shall be entitled to any other compensation for their services rendered the city during his employment on the police force. [As replaced by Acts 1903, ch. 256, § 6; Acts 1905, ch. 325; amended by Priv. Acts 1955, ch. 87; and replaced by Priv. Acts 1995, ch. 29, § 18]

Sec. 3. The duties of the chief-of-police and policemen, which shall be under the direction of the mayor, are to suppress all riots, disturbances, and breaches of the peace; to apprehend any and all persons in the act of committing an offense against the laws of the state and the ordinances of the city, and to arrest such party or parties and bring same before the recorder for examination, and said chief-of-police or policeman may upon view arrest any person or persons without warrant who may be guilty of a breach of the ordinances of the city or the laws of the state, and are hereby empowered to serve all process issued by the recorder or by any justice of the peace in criminal matters within the limits of the city. [As amended by Priv. Acts 1955, ch. 87, and Priv. Acts 1995, ch. 29, § 19]

Sec. 4. The chief-of-police and all policemen are hereby authorized, either within or outside the city of Dyer, to serve any and all processes which may be issued by any court in any proceedings instituted for the enforcement of any city ordinance or punishment for violation thereof or for the collection of any fine or forfeiture which may be incurred under the provisions of this act or the city ordinances; and said chief-of-police shall be fully clothed with power and authority to perform all duties pertaining to his office, and he is hereby clothed and vested with all the power, authority, rights, privileges, and immunities of a constable of Gibson county, Tenn., duly elected under the general laws of the state. [As amended by Priv. Acts 1955, ch. 87, and Priv. Acts 1995, ch. 29, § 20]

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 1. The city of Dyer shall not be liable to anyone for damages for personal injuries unless the person injured, or some one for him, shall, within (30) thirty days after receiving said injury, notify the mayor in writing of such injury, when, how, and where said injury was received and occurred, and the extent of same. [As amended by Priv. Acts 1955, ch. 87]

Sec. 2. All bonds, contracts, and agreements of the corporation shall be signed by the mayor, and attested by the recorder with the seal of the corporation, and shall be taken in all courts as a full compliance with the law in

such cases. All acts and parts of acts inconsistent with this act are hereby repealed.¹

Sec. 3. This act is hereby declared to be a public act, and may be read as evidence in all courts of the state without proof.

Sec. 4. This act shall take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

¹Charter reference: art. III, § 8.

ACTS COMPRISING THE CHARTER OF THE
CITY OF DYER, TENNESSEE

YEAR	CHAPTER	SUBJECT
1899	267	Basic charter act
1901	439	Amended art. II, § 9, powers by ordinance; added art. II, § 13, power of council to elect marshal, and art. II, § 14, power of council to fill vacancies.
1903	256	Replaced art. II, § 3, compensation of mayor and aldermen; art. III, § 13, compensation of recorder; art. VIII, § 2, compensation of marshal and policemen; amended art. II, § 9, powers by ordinance; art. III, § 1, executive power of mayor; art. VI, § 1, taxes.
1905	324	Replaced art. I, § 2, corporate boundaries.
1905	325	Amended Acts 1903, ch. 256, § 6, compensation of marshal and policemen.
1905	361 ¹	Amended Acts 1899, ch. 267, to permit the issuance of bonds for general school purposes.
1911	106	Amended art. II, § 9, powers by ordinance.
1915	195	Amended art. II, § 9, powers by ordinance, and art. VI, § 4, power to borrow money.

¹This act was not included in the foregoing unofficial compilation because there are similar provisions in the general law available for use by all municipalities.

YEAR	CHAPTER	SUBJECT
1915	349 ¹	Abutting property law.
1917	341 ²	Authorized \$22,000 bond issue.
1917	703	Amended Acts 1905, ch. 324, corporate boundaries.
1919	683 ¹	Abutting property law.
1921	142 ¹	Amended Priv. Acts 1919, ch. 683.
1921	264 ¹	Amended Priv. Acts 1915, ch. 349.
1923	640 ¹	Amended Priv. Acts 1919, ch. 683.
1925	9 ²	Authorized \$38,000 bond issue.
1925	61 ²	Amended Priv. Acts 1925, ch. 9.
1927	208 ²	Authorized \$35,000 bond issue.
1927	256	Amended Priv. Acts 1915, ch. 195, powers by ordinance.
1927	772 ¹	Amended Priv. Acts 1919, ch. 683.
1929	286	Replaced art. IV, § 7, qualifications required of elective officers.

¹This act was not included in the foregoing unofficial compilation because there are similar provisions in the general law available for use by all municipalities.

²Bond authorization and validation acts, since they are of a temporary nature, have not been included in the foregoing compilation of the city's charter.

YEAR	CHAPTER	SUBJECT
1929	287	Amended Acts 1903, ch. 256, § 1, compensation of mayor and aldermen, and § 4, compensation of recorder.
1931	233 ¹	Validated \$40,000 bond issue.
1931	364 ¹	Amended Priv. Acts 1931, ch. 233,
1933	269	Amended art. IV, § 7, qualifications required for officers.
1935	708	Validated \$50,000 bond issue.
1939	226 ¹	Authorized \$10,000 bond issue.
1939	228 ¹	Authorized \$50,000 bond issue.
1939	565 ²	Amended Acts 1899, ch. 267.
1941	34 ¹	Validated \$70,000 bond issue.
1945	87 ¹	Validated \$30,000 bond issue.
1945	152	Amended Priv. Acts 1929, ch. 287, § 2, compensation of recorder.
1949	480	Amended art. I § 2, corporate boundaries.
1949	624 ¹	Authorized \$35,000 bond issue.

¹Bond authorization and validation acts, since they are of a temporary nature, have not been included in the foregoing compilation of the city's charter.

²The provisions of this act were superseded by Priv. Acts 1951, ch. 180.

YEAR	CHAPTER	SUBJECT
1951	180	Amended Priv. Acts 1929, ch. 287, § 1, compensation of mayor and aldermen, and Priv. Acts 1945, ch. 152, § 1, compensation of recorder.
1955	87	Amended Acts 1899, ch. 267, generally by changing "town" to "city".
1955	177	Amended art. IV, § 1, elections.
1955	178	Amended Priv. Acts 1951, ch. 180, § 3, compensation of mayor and aldermen.
1965	185	Rejected.
1967	123	Replaced art. III, § 13, compensation of recorder, and art. VI, § 1, elections.
1969	101	Amended art. II, § 2, with regard to qualifications for city officers.
1971	28	Amended art. II, §§ 9(9) and 9(26), powers by ordinance; art. VI, § 4, power of council to borrow money; and replaced art. VIII, § 1, appointment of chief of police and policemen.
1971	165	Replaced art. VII, city court.
1976	230	Replaced art. II, § 1, legislative power, and art. IV, § 1, elections.
1984	236	Amended art. III, § 7, vacancy in office of mayor, and replaced art. IV, § 6, vacancies in office.

YEAR	CHAPTER	SUBJECT
1995	29	Deleted art. I, § 4, wards; art. II, § 9(17), powers by ordinance; replaced art. II, § 1, legislative power vested in city council; art. II, § 5, recorder to keep minutes; art. II, § 11, power of council to hire employees; art. II, § 13, power of council to elect marshal; art. III, § 11, depository for city funds; art. IV, § 1, elections and term of office; art. IV, § 6, vacancy in office; art. VIII, § 2, compensation of chief of police and policemen; amended art. II, § 6, date of meetings; art. III, § 2, mayor's duties; art. III, § 10, recorder to receive money; art. IV, § 7, qualifications required for office; art. VI, § 2, assessment of taxes; art. VI, § 4, power of council to borrow money; art. VIII, § 1, appointment of chief of police; amended art. VIII, § 3, duties of chief of police and policemen; art. VIII, § 4, chief of police to serve legal process.
1995	32	Rejected.
1998	111	Replaced art. IV, § 1, elections; terms of office; and art. IV, § 3, qualifications required of voters.