

TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
  
3. COMMISSIONER OF FINANCE AND REVENUE.
4. CIVIL EMERGENCIES.
5. WARDS.
6. REORGANIZATION, REDEFINITION OR CREATION OF CERTAIN POSITIONS.
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8. DEPARTMENT OF PUBLIC SAFETY.
9. DEPARTMENT OF COMMUNITY SERVICES.
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CHAPTER 1

CITY COUNCIL<sup>2</sup>

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

**1-101. Time and place of regular meetings.** The regular meetings of the City Council of Lebanon, Tennessee, shall be held on the first and third Tuesday of each month at 6:00 P.M. Any meeting, in addition to these, to conduct business, other than the regular meeting, shall be called a special meeting pursuant to the provisions of Article III, Section 7 of the Lebanon City Charter.

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<sup>1</sup>Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

<sup>2</sup>Charter references

Election, qualifications, etc., of the mayor and council members:  
Art. III, § 1.

Ordinance powers of the city: Art. II.

Enactment and preservation of ordinances: Art. IV.

The regular meetings and any special called meetings shall be held in the town hall meeting room in the City of Lebanon Administration Building, 200 Castle Heights Avenue North, Lebanon, Tennessee, unless otherwise announced by notice to the city council.

All meetings shall be announced to the press media and notice of the meetings and any work sessions shall be posted on the bulletin board at the city administration building. (1968 code, sec. 1-101; as replaced by Ord. #98-1763, Mar. 1998; and amended by Ord. #99-2041, Dec. 1999, and Ord. #01-2228, June 5, 2001)

**1-102. Order of business.** At each meeting of the city council, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call.
- (3) Reading of minutes of the previous meeting and approval and correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1968 code, sec. 1-102)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1968 code, sec. 1-103)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises city's affairs.

**1-201. Generally supervises city's affairs.** The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1968 code, § 1-201)

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<sup>1</sup>Charter references: Particularly Arts. III and V.

Municipal code reference

Special powers of the mayor during civil emergencies: this title, chapter 4.

## CHAPTER 3

COMMISSIONER OF FINANCE AND REVENUE<sup>1</sup>

## SECTION

1-301. To perform general administrative duties, etc.

**1-301. To perform general administrative duties, etc.** The commissioner of finance and revenue shall perform all administrative duties for the city council and for the city which are not assigned by the charter, this code, or the city council to another corporate officer. He shall also have custody of, and be responsible for maintaining, all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1968 code, § 1-301)

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<sup>1</sup>Charter reference: Art. VII.

## CHAPTER 4

CIVIL EMERGENCIES<sup>1</sup>

## SECTION

- 1-401. Definitions.
- 1-402. Proclamation of civil emergency.
- 1-403. Curfew authorized.
- 1-404. Powers of mayor during civil emergency.
- 1-405. Violations.
- 1-406. No intent to limit peaceful demonstrations, etc.
- 1-407. Exceptions to curfew.

**1-401. Definitions.** (1) A civil emergency is hereby defined to be:

(a) A riot or unlawful assembly characterized by the use of actual force or violence or threat to use force if accompanied by the immediate power to execute by three or more persons acting together without authority by law.

(b) Any natural disaster or man-made calamity including but not limited to flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of Lebanon, Tennessee, resulting in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(c) The destruction of property, or the death or injury of persons brought about by the deliberate acts of one or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(2) A curfew is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of Lebanon, Tennessee, except persons officially designated to duty with reference to the civil emergency or those lawfully on the streets as defined hereinafter. (1968 code, § 1-1501)

**1-402. Proclamation of civil emergency.** When, in the judgment of the mayor, a civil emergency as defined herein is deemed to exist, he shall forthwith proclaim in writing the existence of same, a copy of which

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<sup>1</sup>Charter references: Particularly Art. II, § 1(24) and Art. V, § 2.

Municipal code reference

Civil defense: title 2, chapter 5.

proclamation will be filed with the commissioner of finance and revenue. (1968 code, § 1-1502)

**1-403. Curfew authorized.** After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographic areas of the city or to the city as a whole as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. The proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the mayor, but not to exceed fifteen (15) days. (1968 code, § 1-1503)

**1-404. Powers of mayor during civil emergency.** After proclamation of a civil emergency, the mayor of Lebanon, Tennessee, may at his discretion, in the interest of the public safety and welfare, make any of the following orders:

- (1) Order the closing of all retail liquor stores.
- (2) Order the closing of all establishments wherein beer or alcoholic beverages are served.
- (3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer, or both, is permitted.
- (4) Order the discontinuance of the sale of beer.
- (5) Order the discontinuance of selling, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (6) Order the closing of gasoline stations, and other establishments, the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products.
- (7) Order the discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever.
- (8) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms or ammunition, or both.
- (9) Issue such other orders as are necessary for the protection of life and property. (1968 code, § 1-1504)

**1-405. Violations.** Any person violating the provisions of this chapter or any executive order issued pursuant hereto shall be guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1968 code, § 1-1505)

**1-406. No intent to limit peaceful demonstrations, etc.** It is the intent of the city council not to limit peaceful demonstrations, freedom of speech, or the lawful use of the streets, alleys, and public property except to the extent necessary to avert or control a civil emergency. (1968 code, § 1-1506)

**1-407. Exceptions to curfew.** Any curfew as defined herein shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the chief of police, which permission shall be granted on good cause shown. This curfew also shall not apply to medical personnel in the performance of their duties. (1968 code, § 1-1507)

## CHAPTER 5

WARDS

## SECTION

- 1-501. City divided into six wards.
- 1-502. Ward one.
- 1-503. Ward two.
- 1-504. Ward three.
- 1-505. Ward four.
- 1-506. Ward five.
- 1-507. Ward six.

**1-501. City divided into six wards.** The City of Lebanon, Tennessee, is hereby divided into six (6) wards, namely Ward 1, Ward 2, Ward 3, Ward 4, Ward 5, and Ward 6.<sup>1</sup> (Ord 91-867, as replaced by Ord. #92-981, Oct. 20, 1992; Ord. #93-1039, June 2, 1993; Ord. #93-1091, Nov. 2, 1993; Ord. #94-1170, June 21, 1994; Ord. #95-1263, March 7, 1995; Ord. #95-1345, Sept. 5, 1995; Ord. #98-1778, May 5, 1998; Ord. #99-1956, Aug. 3, 1999; Ord. #01-2285, Oct. 2, 2001; Ord. #21-6327, Dec. 7, 2021)

**1-502. Ward one.**<sup>2</sup> The boundaries of Ward 1 shall be as illustrated in exhibits A and B. (Ord 91-867, as replaced by Ord. #92-981, Oct. 20, 1992; Ord. #93-1039, June 2, 1993; Ord. #93-1091, Nov. 2, 1993; Ord. #94-1170, June 21, 1994; Ord. #95-1263, March 7, 1995; Ord. #95-1345, Sept. 5, 1995; Ord. #98-1778, May 5, 1998; Ord. #99-1956, Aug. 3, 1999; Ord. #01-2285, Oct. 2, 2001; Ord. #05-2737, April 19, 2005; Ord. #21-6327, Dec. 7, 2021)

**1-503. Ward two.**<sup>2</sup> The boundaries of Ward 2 shall be as illustrated in exhibits A and C. (Ord 91-867, as replaced by Ord. #92-981, Oct. 20, 1992; Ord. #93-1039, June 2, 1993; Ord. #93-1091, Nov. 2, 1993; Ord. #94-1170, June 21, 1994; Ord. #95-1263, March 7, 1995; Ord. #95-1345, Sept. 5, 1995; Ord. #98-1778, May 5, 1998; Ord. #99-1956, Aug. 3, 1999; Ord. #01-2285, Oct. 2, 2001; Ord. #05-2737, April 19, 2005; Ord. #21-6327, Dec. 7, 2021)

**1-504. Ward three.**<sup>2</sup> The boundaries of ward 3 shall be as illustrated in exhibits A and D. (Ord 91-867, as replaced by Ord. #92-981, Oct. 20, 1992; Ord. #93-1039, June 2, 1993; Ord. #93-1091, Nov. 2, 1993; Ord. #94-1170, June 21, 1994; Ord. #95-1263, March 7, 1995; Ord. #95-1345, Sept. 5, 1995; Ord. #98-1778, May 5, 1998; Ord. #99-1956, Aug. 3, 1999; Ord. #01-2285, Oct. 2, 2001; Ord. #05-2737, April 19, 2005; Ord. #21-6327, Dec. 7, 2021)

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<sup>1</sup>The map outlining these wards is of record in the office of the recorder.

<sup>2</sup>Exhibits A, C, D, E, F and G referred to in this chapter are of record in the office of the city recorder.



**1-505. Ward four.**<sup>1</sup> The boundaries of ward four shall be as illustrated in exhibits A and E. ((Ord 91-867, as replaced by Ord. #92-981, Oct. 20, 1992; Ord. #93-1039, June 2, 1993; Ord. #93-1091, Nov. 2, 1993; Ord. #94-1170, June 21, 1994; Ord. #95-1263, March 7, 1995; Ord. #95-1345, Sept. 5, 1995; Ord. #98-1778, May 5, 1998; Ord. #99-1956, Aug. 3, 1999; Ord. #01-2285, Oct. 2, 2001; Ord. #05-2737, April 19, 2005; Ord. #21-6327, Dec. 7, 2021)

**1-506. Ward five.**<sup>1</sup> The boundaries of ward 5 shall be as illustrated in exhibits A and F. (Ord 91-867, as replaced by Ord. #92-981, Oct. 20, 1992; Ord. #93-1039, June 2, 1993; Ord. #93-1091, Nov. 2, 1993; Ord. #94-1170, June 21, 1994; Ord. #95-1263, March 7, 1995; Ord. #95-1345, Sept. 5, 1995; Ord. #98-1778, May 5, 1998; Ord. #99-1956, Aug. 3, 1999; Ord. #01-2285, Oct. 2, 2001; Ord. #05-2737, April 19, 2005; Ord. #21-6327, Dec. 7, 2021)

**1-507. Ward six.**<sup>1</sup> The boundaries of ward 6 shall be as illustrated in exhibits A and G. (Ord 91-867, as replaced by Ord. #92-981, Oct. 20, 1992; Ord. #93-1039, June 2, 1993; Ord. #93-1091, Nov. 2, 1993; Ord. #94-1170, June 21, 1994; Ord. #95-1263, March 7, 1995; Ord. #95-1345, Sept. 5, 1995; Ord. #98-1778, May 5, 1998; Ord. #99-1956, Aug. 3, 1999; Ord. #01-2285, Oct. 2, 2001; Ord. #05-2737, April 19, 2005; Ord. #21-6327, Dec. 7, 2021)

**1-508. Future annexed territory.** Any future annexed territory shall become a part of the ward to which it is contiguous. Should territory be contiguous to more than one ward, it shall become a part of that ward to which it shares a greater boundary. (as added by Ord. #05-2737, April 19, 2005; Ord. #12-4130, §1(1-508), April 9, 2012)

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<sup>1</sup>Exhibits A, C, D, E, F and G referred to in this chapter are of record in the office of the city recorder.

CHAPTER 6

REORGANIZATION, REDEFINITION OR CREATION  
OF CERTAIN POSITIONS

SECTION

- 1-601. Assistant chief of police.
- 1-602. City attorney.
- 1-603. Chief building inspector.
- 1-604. Director of codes enforcement.
- 1-605. Responsibilities involving fire code inspection.
- 1-606. Fire chief.
- 1-607. Public-private service liaison officer.
- 1-608. Job descriptions.

**1-601. Assistant chief of police.** The position of assistant chief of police is hereby reinstated. Said assistant shall answer to the chief of police and act on behalf of the chief in his absence. (Ord. #94-1116, Jan. 19, 1994)

**1-602. City attorney.** The position of City attorney shall henceforth be a full-time position, rather than a part-time position. (Ord. #94-1116, Jan. 1994; as amended by Ord. #04-2593, April 20, 2004)

**1-603. Chief building inspector.** The position of chief building inspector shall be and is hereby restructured. Said chief building inspector shall be responsible for the management and administration of all building inspection programs and shall answer directly to the City engineer. (Ord. #94-1116, Jan. 19, 1994)

**1-604. Director of codes enforcement.** The position of director of codes enforcement shall assume responsibility for enforcement of codes involving existing buildings, structures and properties and shall work with the city attorney and city prosecutor to improve the codes administration and enforcement. Said codes enforcement responsibilities shall involve beautification efforts. (Ord. #94-1116, Jan. 19, 1994)

**1-605. Responsibilities involving fire code inspection.** The responsibilities involving fire code inspection shall be and are hereby delegated to the director of codes enforcement and chief building inspector. The director of codes enforcement shall be responsible for the inspection of existing buildings, structures and properties; and the chief building inspector shall have the responsibility for the inspection of new construction or remodeling. (Ord. #94-1116, Jan. 19, 1994)

**1-606. Fire chief.** The fire chief shall assume the dual role of fire marshal and chief and shall be available for consultation with the inspectors concerning any fire code violations. All fire violations shall be certified by the fire chief/fire marshal. (Ord. #94-1116, Jan. 19, 1994)

**1-607. Public-private service liaison officer.** The position of public-private service liaison officer is hereby created for the purpose of coordinating and improving governmental activities and relationships involving both public and private sectors, and to coordinate public-private partnerships for the benefit and betterment of the City; and to establish networking between the City government and the various private sectors of our community, but shall not be limited to areas of health, business, education and industry. The officer shall be under the direction of the mayor. A written report shall be included in the State of the City Quarterly Report. The officer shall be expected to promote the stabilization and expansion of existing businesses, and to coordinate the public services needed for new and existing businesses. The officer shall also promote public awareness as to the public services being performed by the employees of the City. (Ord. #94-1116, Jan. 19, 1994)

**1-608. Job descriptions.** The job descriptions for the positions described herein shall be amended or created to conform to the intent and purpose of this chapter.

CHAPTER 7

METHOD OF SUBPOENA POWER OF CITY COUNCIL

SECTION

1-701. Request of subpoena.

1-702. Issue and service of subpoena.

**1-701. Request of subpoena.** Any party or attorney for any party may request that subpoenas be issued requiring the appearance of witnesses before any formal meeting of the council or a committee or board operating under the authority of the city council before which said party has a matter set for hearing. (Ord. #92-946, June 2, 1992)

**1-702. Issue and service of subpoena.** A request for subpoena shall be made to and issued by the mayor or commissioner or assistant commissioner of finance and revenue. The subpoena shall be issued as soon as practicable and may be served by any person qualified to serve subpoenas under any statute or court rule of the State of Tennessee. (Ord. #92-946, § 2, June 2, 1992)

CHAPTER 8

DEPARTMENT OF PUBLIC SAFETY

SECTION

1-801. Creation.

1-802. Department heads.

**1-801. Creation.** Upon implementing this chapter, there shall be created the department of public safety, and the position of commissioner of public safety who shall be the department head and have the same employment status as the other department heads under the provisions of amended Ord. #99-1884. The chief of police and the fire chief shall be department heads who will report directly to the commissioner of public safety. (as added by Ord. #01-2188, Jan. 17, 2001)

**1-802. Department heads.** (1) Upon implementing this chapter there shall be the following department heads: commissioner of finance and revenue, commissioner of public safety, commissioner of public works, director of parks and recreation, director of personnel, and the chiefs of police and fire departments. The position of city judge shall be appointed by the mayor, confirmed by the city council, and shall be for a four (4) year term. The city attorney shall be appointed by the mayor, confirmed by the city council, and serve at the pleasure of the mayor.

(2) Under the reorganization plan, the mayor shall hire and directly supervise the commissioner of public safety, and the following other department heads and judicial officials: commissioner of finance and revenue, commissioner of public works, city attorney, city judge, director of parks and recreation, director of personnel and director of leisure services. The positions of police chief, fire chief, and public safety coordinator shall be hired and directly supervised by the commissioner of public safety. All other management positions shall be supervised by those department heads as stated herein.

(3) All department heads and judicial officials reporting to the mayor subject to this chapter shall also be subject to the City of Lebanon Personnel Rules and Regulations.

(4) The department heads delineated herein may be disciplined, up to and including termination, in accordance with the City of Lebanon Personnel Rules and Regulations, as determined by the mayor and two-thirds (2/3) vote of the Lebanon City Council. (as added by Ord. #01-2188, Jan. 2001; and amended by Ord. #05-2745, June 21, 2005)

CHAPTER 9

DEPARTMENT OF COMMUNITY SERVICES

SECTION

1-901. Created.

1-902. Department heads.

**1-901. Created.** Upon passage of this chapter, there shall be created the department of community services and the position of director, family life center, who shall be the department head of the family life center and have the same employment status as the other department heads under the provisions of amended ordinance #99-1884. (as added by Ord. #02-2314, Jan. 15, 2002)

**1-902. Department heads.** (1) Upon passage of this chapter, there shall be the following department heads: commissioners of public safety, commissioner of finance and revenue, commissioner of public works, director of parks and recreation, director of personnel, director family life center, and the chiefs of police and fire departments. The position of city judge shall be hired by the mayor, confirmed by the city council, and shall serve for a four (4) year term. The city attorney shall be hired by the mayor and confirmed by the city council.

(2) The mayor shall hire and directly supervise the following department heads and judicial officials: commissioner of public safety, commissioner of finance and revenue, commissioner of public works, director of parks and recreation, director of personnel, director family life center, city judge, and city attorney. The positions of police chief, fire chief, and public safety coordinator shall be hired and supervised by the commissioner of public safety. All other management positions shall be supervised by those department heads as stated herein.

(3) All department heads and judicial officials reporting to the mayor or commissioner of public safety as set forth in this chapter, shall be held to the City of Lebanon Personnel Rules and Regulations, with the exception of the disciplinary and appeals process.

(4) The department heads delineated herein may be disciplined, up to and including termination, in accordance with the City of Lebanon Personnel Rules and Regulations, as determined by the mayor and two-thirds (2/3) vote of the Lebanon City Council. (as added by Ord. #02-2314, Jan. 15, 2002; and amended by Ord. #05-2745, June 21, 2005)

CHAPTER 10

CODE OF ETHICS<sup>1</sup>

SECTION

- 1-1001. Applicability.
- 1-1002. Definition of personal interest.
- 1-1003. Disclosure of personal interest by official with vote.
- 1-1004. Disclosure of personal interest in non-voting matters.
- 1-1005. Acceptance of gratuities, etc.
- 1-1006. Use of information.
- 1-1007. Use of municipal time, facilities, etc.
- 1-1008. Use of position or authority.
- 1-1009. Outside employment.
- 1-1010. Ethics complaints.
- 1-1011. Violations.
- 1-1012. Appearance of impropriety.

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<sup>1</sup>State 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.

**1-1001. Applicability.** This chapter is the code of ethics for personnel of the City of Lebanon. It applies to all full-time and part-time elected or appointed officials and employees, 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. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1002. Definition of "personal interest."** (1) For purposes of §§ 1-1003 and 1-1004 of this chapter, "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 or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren); or

(d) Any such financial, ownership, or employment interest of the official's or employee's spouse's parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include:

(a) Any job, occupation, consultation, or other position for which the employee or official is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon; and

(b) Any situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of a vote of any City of Lebanon board, committee, or commission, or that is to be regulated or supervised by the City of Lebanon.

(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. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1003. 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 himself<sup>1</sup> from voting on the measure. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1004. Disclosure of personal interest in non-voting matters.** An official or employee 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 the discretion, or is in a reasonably apparent position of influence over such matter, shall disclose, before the exercise of the discretion or influence, when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1005. Acceptance of gratuities.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1006. Use of information.** (1) 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.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1007. Use of municipal time or facilities.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee 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

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

municipality. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1008. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee 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. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1009. Outside employment or other position of financial interest.** (1) Outside employment, or other position of financial interest, shall be defined as any job, occupation, consultation, or other position for which the employee is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon.

(2) All positions of outside employment, or other position of financial interest, must be submitted on the outside employment form provided by the city and approved on an annual basis by the employee's respective department head prior to the acceptance, or continuance, of such outside employment, or other position of financial interest.

(3) No employee of the City of Lebanon shall be permitted to continue in, commence, or accept any position of outside employment, or other position of financial interest, if such outside employment, or other position of financial interest:

(a) Will unreasonably inhibit the performance of any affirmative duty of the city position or conflict with any provision of the city's charter or any ordinance or policy;

(b) Is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities; or

(c) Is incompatible with city employment in any way, including the appearance of any conflict of interest or impropriety. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1010. Ethics complaints.** (1) The city attorney is designated as the ethics coordinator for the City of Lebanon. Upon the submission to the city attorney of any written, credible request or ethics complaint regarding any alleged violations of this chapter by any employee or official, whether appointed or elected, the city attorney shall gather and organize any information required to fully investigate the written request or ethics complaint and shall forward such information to an attorney designated by the Lebanon City Council as an ethics investigator. In all respects, the city attorney shall act as the city's liaison to the ethics investigator during, and at the conclusion of such investigation. The written request or ethics complaint shall be delivered to the city attorney

as a sworn statement of facts, under oath, before a notary public. False statements of fact may be subject to a perjury charge as permitted by the law of the State of Tennessee. The mayor and city council shall be advised that an ethics inquiry is occurring.

(2) Such ethics investigator shall be chosen from any one (1) of three (3) attorneys approved annually by resolution at the second city council meeting of July as administrative law officers, and with whom the City of Lebanon has entered into an agreement for compensation to act in such capacity.

(3) Such ethics investigator shall review all information provided by the city attorney and shall render a written advisory ethics opinion to the city attorney as to whether any violations have occurred based upon this ethics policy or other applicable law. Should the ethics investigator require additional information, the city attorney shall be responsible for coordinating any other information, witnesses, or statements and providing such information to the ethics investigator. The subpoena power of the city council may be used to obtain information, if required. The ethics investigator shall report the findings to the city attorney within sixty (60) days of the complaint, unless more time is required and approved by city council action. Upon request, the ethics investigator may also be asked to issue a written advisory opinion about an ethics question or situation.

(4) Once the ethics investigator concludes an investigation and renders an opinion about a complaint or request, the city attorney shall forward such written opinion, along with any recommendations for action(s) to end or seek retribution for any activity that, in the ethics investigator's judgment, constitutes a violation of this code of ethics, to the Lebanon City Council, the mayor, and, if the subject of the investigation is an employee, to the employee and such employee's department head. The opinion shall also be sent to the person(s) that filed the request or complaint.

(5) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the investigation of such complaint shall proceed as heretofore described.

(6) Any complaint filed with malice or under false statements of fact or, in an obvious attempt to embarrass, shall be the subject of proper sanctions or disciplinary action. However, any city employee shall be able to file a valid complaint without fear of retaliation. Any supervisor, or any other employee, who harasses or retaliates against an employee filing a complaint shall be subject to disciplinary action, including dismissal. A policy regarding procedures and protections for reporting alleged ethics violations shall be incorporated into the Lebanon Personnel Rules and Regulations.

(7) The interpretation that a reasonable person in the same circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(8) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or

regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #06-2982, Sept. 5, 2006, replaced by Ord. #06-3069, June 5, 2007, and amended by Ord. #09-3502, March 17, 2009)

**1-1011. 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 or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #06-2982, Sept. 2006, and replaced by Ord. #06-3069, June 5, 2007)

**1-1012. Appearance of impropriety.** At all times, every City of Lebanon employee or official, whether elected or appointed, shall conduct himself or herself in a manner so as to avoid even the appearance of any impropriety. (as added by Ord. #06-3069, June 5, 2007)

**City of Lebanon  
Disclosure of Personal Interest by City Employee**

Any City of Lebanon employee who has apparent influence over or exercises discretion relative to any matter, and who has a personal interest, as defined by Lebanon Municipal Code (LMC) 22-102, in the matter, must complete this form and file it with the Commissioner of Finance. LMC 22-102 defines a personal interest as any financial, ownership, or employment interest in a matter to be regulated or supervised by the employee that could affect, or could reasonably be inferred to affect, the employee's discretion or influence. This includes any financial, ownership, or employment interest of the employee's or official's spouse, and such spouse's, parent(s), step-parent(s), grandparent(s), sibling(s), child(ren), or step-child(ren).

NAME OF EMPLOYEE: \_\_\_\_\_

**1. Individual Occurrence**

Briefly describe the situation in which you have apparent influence or must exercise discretion, and in which you have a personal interest that could affect such influence or discretion:

\_\_\_\_\_  
\_\_\_\_\_

**2. Continual Occurrences**

For individuals, businesses, or entities that the City of Lebanon will enter into transactions with more than once each calendar year and in which you have a personal interest, you may make one (1) disclosure for the calendar year by reporting it here:

Name of Individual, Business, or Entity \_\_\_\_\_

Briefly describe the transactions that will take place between the municipality and the named entity during the calendar year in which you will exercise discretion and in which you have a personal interest that could affect that discretion:

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee's Signature

**CITY OF LEBANON  
OUTSIDE EMPLOYMENT OR OTHER POSITION OF FINANCIAL  
INTEREST DISCLOSURE FORM**

**Part 1**

- A. The City of Lebanon, Tennessee, requires all employees, whether part time or full time, to disclose, and receive approval for, any and all positions of outside employment, or other positions of financial interest. Outside employment, or other position of financial interest, as defined by LMC 22-109, shall include any job, occupation, consultation, or other position for which the employee is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon. For all full time, classified City of Lebanon employees, his or her employment with the City shall be considered the employee's primary employment and any other outside employment, or other position of financial interest, shall be considered subordinate to the City position.
- B. All positions of outside employment, or other position of financial interest, must be approved in writing on an annual basis by the employee's respective department head prior to the acceptance, or continuance, of such secondary employment. Each and every instance of secondary employment must receive approval. No blanket approvals shall be granted.
- C. No employee of the City of Lebanon shall be permitted to continue in, commence, or accept any position of outside employment, or other position of financial interest, if such outside employment, or other position of financial interest:
1. Will unreasonably inhibit the performance of any affirmative duty of the City position or conflict with any provision of the City's charter or any ordinance or policy;
  2. Is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities; or
  3. Is incompatible with City employment in any way, including the appearance of any conflict of interest.
- D. Upon approval or disapproval, a copy of this form shall be given to the employee for his or her personal records and the original shall be placed in the employee's City of Lebanon personnel file.

**Part II**

This request must be submitted to, and approved by, the employee's department head prior to the initiation or acceptance of any position of outside employment, or other position of financial interest, or to continue any position of outside employment, or other position of financial interest, the employee has prior to the adoption of this form. Additionally, the submission and approval of this request form shall be renewed annually. Any changes in outside employment, or other position of financial interest, shall be immediately reported to the department head.

Name of Employee: \_\_\_\_\_ Position: \_\_\_\_\_

Outside Employer: \_\_\_\_\_

Outside Employer's Address: \_\_\_\_\_

Outside Employer's Telephone: \_\_\_\_\_

Secondary Employment Commencement Date: \_\_\_\_\_

Describe in detail the type of work to be performed in the outside employment, or other position of financial interest: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_, hereby consent to my outside employer releasing my employment record and information to the City of Lebanon. I also understand that my failure to comply with City of Lebanon rules, regulations, and policies regarding outside employment may result in disciplinary action against me.

Employee's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_

TITLE 11

GENERAL PENALTY PROVISIONS

CHAPTER 1

GENERAL PENALTY PROVISIONS

**Sec. 1-1101. General Penalty; continuing violations.**

a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful, an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding fifty dollars (\$50.00). Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.<sup>1</sup>

(b) In case of the amendment by the city council of any section of this Code for which a penalty is not provided, the general penalty as provided in subsection (a) shall apply to the section as amended; or in case such amendment contains provisions for which a specified penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so specified shall be held to relate to the amended section, unless such penalty is specifically repealed therein. (as added by Ord. #23-6653, Feb. 7, 2023)

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<sup>1</sup> State Law reference- Municipal Court Reform Act of 2004, T.C.A. §16-18-302(B)(2).