

SENATE BILL 1413

By Stevens

AN ACT to amend Chapter 38 of the Private Acts of 1985; as amended by Chapter 191 of the Private Acts of 1986; Chapter 121 of the Private Acts of 2000; Chapter 1 of the Private Acts of 2003; and any other acts amendatory thereto, relative to the charter of the City of Bradford.

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

SECTION 1. Chapter 38 of the Private Acts of 1985; as amended by Chapter 191 of the Private Acts of 1986; Chapter 121 of the Private Acts of 2000; Chapter 1 of the Private Acts of 2003; and any other acts amendatory thereto, is amended by deleting the charter in its entirety and by substituting instead the following new language:

ARTICLE I

INCORPORATION, NAME AND BOUNDARIES

Section 1. Incorporation, Name, and General Powers. The City of Bradford, in Gibson County, Tennessee, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and name of "City of Bradford", and shall have perpetual succession; and by this corporate name and style may sue and be sued, plead and implead, contract and be contracted with, grant, receive, purchase, and hold real estate, mixed property and personal property, or dispose of same for the benefit of said city; and shall have and use a corporate or official seal.

Section 2. Governing Body. The governing body of the City of Bradford as elected by the voters of the city shall consist of a Mayor and six (6) Aldermen in whom shall be vested all legislative powers outlined in this Charter and the Statutes of the State of Tennessee. The governing body of the City of Bradford shall be known as the Board of Mayor and Aldermen.

Section 3. Boundaries. The boundaries of the City shall be those fixed by Chapter 182, Private Acts of 1913, all Acts amendatory thereof, and annexations made pursuant to general law.

ARTICLE II
CORPORATE POWERS

Section 1. Powers. The City shall have power:

(a) To assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation.

(b) To levy and collect privilege taxes on businesses, privileges, occupations, trades and professions, and to levy and collect any other kind of tax not prohibited to cities by the Constitution or general law.

(c) To levy and collect registration fees on motor vehicles operated within the city. Such registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles.

(d) To appropriate and borrow money as authorized in this Charter, and to authorize the expenditure of money for any municipal purpose.

(e) To acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift, or condemnation, for public use by the city, to reserve industrial sites, to provide open spaces, to encourage proper development to the community, or for the general welfare of the community. Such acquisitions may be within or outside the city.

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty (20) years. Such franchises and contracts may provide rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by the Tennessee Public Service Commission or other state or federal agency having jurisdiction in such matters.

(g) To provide for the acquisition, construction, building, operation and maintenance of: public ways, parks, public grounds, public buildings, sewers, drains,

sewage treatment plants, water works, industrial sites and buildings; and facilities; and any other public improvements; inside our outside the city; and to regulate the use thereof; and for such purposes property may be either acquired or taken under applicable laws.

(h) To require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, including removal of snow, debris or other material.

(i) To make regulations to secure the general health of all inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary, or unsightly. The city shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest shall be secured by lien upon the property for which the expenditure is made.

(j) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(k) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts.

(l) To define, regulate, and prohibit any act, practice, conduct, or use of property that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the city.

(m) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety, and comfort of the inhabitants of the city, and to provide for the enforcement of such standards.

(n) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards.

(o) To regulate and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance.

(p) To regulate and license vehicles operated for hire in the city, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate parking spaces in public ways for the use of such vehicles.

(q) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty or forfeiture not to exceed fifty dollars (\$50.00) and costs.

(r) To plan for the orderly development of the community, including economic, physical, education and cultural aspects, and to institute programs to effectuate such plans.

(s) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state.

ARTICLE III

ELECTIONS

Section 1. Date of General City Election. A general City election shall be held on the first Tuesday after the first Monday in November of each even-numbered year.

Section 2. General Election Laws Apply. All elections shall be conducted by the Commissioners of Elections of Gibson County in accordance with the general election laws of the state and this Charter.

Section 3. Voter Qualification Requirements. Any person residing within the corporate limits, or any person not residing within the corporate limits but having owned real property within the corporate limits of the City of Bradford for a period of six (6) months prior to an election, shall be eligible to vote in City elections provided he is properly registered in accordance with the applicable laws of the State of Tennessee.

ARTICLE IV

BOARD OF MAYOR AND ALDERMEN

Section 1. Composition of Board. The Mayor and six (6) Aldermen elected under this Charter and the preceding Charter shall compose the Board of Mayor and Aldermen, in which is vested corporate, legislative, and other powers of the city, except as otherwise provided in this Charter.

Section 2. Qualification for Office. Any qualified elector who has been a resident of the city for at least six (6) months shall be eligible to be qualified as a candidate for the office of Mayor or Alderman.

Section 3. Election of Mayor and Aldermen. Each elector shall be entitled to vote for one (1) candidate for Mayor in each biennial election for a term of two years.

Aldermen shall serve for six-year staggered terms. Each elector shall be entitled to vote for two (2) candidates for Alderman in each biennial election. In case of a tie vote for the office of Mayor or Alderman, the incumbent Board shall decide which of said candidates shall serve. The Mayor and each Alderman shall be eligible for re-election.

The terms of office of Mayor and Aldermen shall begin the first regular City board meeting following their election, and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election, providing it is conducted fairly and in substantial conformity with the requirements of this Charter and the general election laws of the state.

Section 4. Restrictions on Candidates and Their Supporters. No employee of the city, other than the Mayor and members of the Board of Aldermen, shall continue in the employment of the city after becoming a candidate for election as Mayor or Alderman of the city. The giving or promising to any person or persons any office, employment,

money, or benefit, by or on behalf of any candidate, shall be deemed to be a misdemeanor, and any person convicted thereof shall be ineligible to hold an office or position of employment in the City government for a period of five (5) years.

Section 5. Oath of Office. The Mayor and each Alderman shall, before entering upon the duties of their respective offices, take an oath before a person authorized to administer oaths in this state.

Section 6. Salaries. The salaries of the Mayor and Aldermen shall be set by ordinance; provided, no ordinance shall take effect until there shall have occurred one (1) biennial election following its passage. They shall also be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

Section 7. Meetings. The Board of Mayor and Aldermen shall meet regularly at least once every month at the times and places prescribed by ordinance. The Board shall meet in special session by notice of the Mayor or any two (2) Aldermen and served on the other members of the Board personally at least twelve (12) hours in advance of the meeting. Only the business stated in the written call may be transacted at a special meeting. The Board shall exercise its powers only in public meetings.

Section 8. Quorum. The Mayor or Mayor Pro-tempore and four (4) Aldermen, shall constitute a quorum. Voting, except on procedural motions shall be by roll call and the ayes and nays shall be recorded in the journal. The Board may by ordinance adopt rules and bylaws to govern the conduct of its business. The Board may subpoena and examine witnesses and order the production of books and papers, pertaining to internal operation of City affairs and those of all boards and commissions created and appointed by the Board and/or Mayor.

Section 9. Mayor's Duties. The mayor shall preside at all meetings of the Board of Mayor and Aldermen and shall have a vote in case of a tie vote of the other members of the Board of Mayor and Aldermen. He shall be recognized as the ceremonial head of the city. He shall be the officer to accept process against the city, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter. The Mayor shall serve ex-officio on all commissions, boards, and committees,

but he shall have no vote unless he is an official member of a commission, board, or committee.

During the temporary absence or inability of the Mayor to act, the Board of Mayor and Aldermen shall elect one (1) of its members Mayor Pro-tempore to serve during the absence of the Mayor. The Mayor Pro-tempore shall not vote on any measure except in the case of a tie vote of the other members of the Board of Mayor and Aldermen, and he shall have and perform the same powers and duties as herein imposed on the Mayor.

Section 10. Vacancies. Vacancy in Office of Mayor or Aldermen. A vacancy shall exist if the Mayor or an Alderman resigns, dies, moves his residence from the city, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter, an election law of the State, or a crime involving moral turpitude, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office. The Board shall by resolution declare a vacancy to exist for any of these reasons, and such finding shall be final.

The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date the resolution is adopted declaring a vacancy in the office of Mayor or Alderman, appoint a qualified person to fill the vacancy until the next general election. At the next general city election, the offices of Alderman shall be filled in the following manner: Six-year terms shall accrue to the two (2) candidates receiving the highest number of votes and the four-year or two-year unexpired terms shall accrue to the candidate or candidates receiving the next highest number of votes in order to continue the pattern of staggered terms.

In the event the Board of Mayor and Aldermen fail to fill a vacancy in the office of Mayor or Alderman within the thirty-day period, the Mayor or Mayor Pro-tempore shall request the Election commission of Gibson County to call and cause to be held a special election for the purpose of filling the unexpired term of such vacancy.

For the purpose of filling vacancies, in the event more than one (1) vacancy exists in the office of Mayor or Alderman, a quorum shall consist of the majority of the remaining members of the Board of Mayor and Aldermen.

Section 11. City Legislation. Any action of the Board having a regulatory or penal effect, awarding franchises or required to be done by ordinance under this Charter or the general laws of the State, shall be done only by ordinance. Other actions of the Board of Mayor and Aldermen may be accomplished by resolutions or motions. Ordinances and resolutions shall be furnished to each member of the Board at the meeting in which introduced. The enacting clause of ordinances shall be "Be it enacted by the Board of Mayor and Aldermen of the city of Bradford." An affirmative vote of the majority of all of the members of the Board of Mayor and Aldermen, whether present and voting or not, shall be necessary for the passage of any ordinance or the appropriation of money. All other action shall be valid and binding when approved by the affirmative vote of a majority of the Board of Mayor and Aldermen when all members are present or by at least three (3) members of the Board of Mayor and Aldermen when one (1) or more members are absent, but a quorum is present. Every ordinance must be approved on two (2) readings and there shall be no more than one (1) reading on any one (1) day. An ordinance shall become effective after its final reading unless its terms provide a later effective date. Every ordinance shall be read in full on the first reading and any amended provisions shall be read in full. Every ordinance upon final passage shall be signed by the Mayor or Mayor Pro-tempore and attested by the City Recorder.

The Board shall have the general and continuing ordinances of the City assembled into an official code of the City, a copy of which shall be kept currently up to date by the City Recorder and shall be available to the public.

ARTICLE V

CITY RECORDER

Section 1. Appointment. The City Recorder shall be appointed by the Board of Mayor and Aldermen to serve with compensation as provided by the Board of Mayor and Aldermen, and be bonded as provided by appropriate ordinance. The Recorder shall be appointed by virtue of experience and/or educational qualifications and shall serve at the will and pleasure of the Board of Mayor and Aldermen.

Section 2. Absence of the Recorder. In the temporary absence or disability of the Recorder another officer shall be temporarily designated by the Board of Mayor and Aldermen and shall serve in his capacity.

Section 3. Duties of the Recorder. The City Recorder shall:

(1) Exercise general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets, and claims. He shall be the general accountant and auditor of the city. He shall have custody of all papers, records, and vouchers relating to the fiscal affairs of the city, and the records in his office shall show the financial operations and conditions, property, assets, claims and liabilities of the city; all expenditures authorized and all contracts in which the city is interested;

(2) Keep full and accurate minutes of all meetings of the Board of Mayor and Aldermen;

(3) Preserve and maintain the city's seal, public records, ordinances, resolutions, minutes, contracts, bonds, and all other records and documents of value to the city. All records and documents shall be maintained such that they are easily accessible and available. When necessary the City Recorder shall provide certified copies of the City documents for fees as established by ordinance; and

(4) Perform other such duties as required by the Board of Mayor and Aldermen not inconsistent with other provisions of this Charter.

ARTICLE VI

CITY ATTORNEY

Section 1. Qualifications. The City Attorney shall be an attorney-at-law licensed to practice in the courts of the State of Tennessee. The City Attorney shall be appointed by the Board of Mayor and Aldermen, and shall direct management of all litigation in which the city is a party; represent the city in all legal matters and proceedings in which the city is party or interested; attend meetings of the Board of Mayor and Aldermen as requested; advise the Board

and committees and members thereof, and the heads of all departments and divisions as to all legal questions affecting the city's interests; and when deemed necessary by the Board of Mayor and Aldermen to review and approve as to form, all documents, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of, or made by, or with, the city. The City Attorney's compensation shall be fixed by the Board of Mayor and Aldermen, and he or she shall serve at the will and pleasure of the Board.

ARTICLE VII

ADMINISTRATION

Section 1. Appointment of Officers. The Board of Mayor and Aldermen shall elect the following officers: Chief of Police, Fire Chief, City Treasurer, Water Superintendent, and Wastewater Superintendent, to serve at the will and pleasure of the Board, and under the direction and supervision of the mayor.

All officers shall be elected with due regard to their qualifications and fitness and for the good of public service, and without reference to race, age, color, creed, gender, or political party affiliation.

Section 2. Departments, Offices, and Agencies Generally. The Board of Mayor and Aldermen may establish city departments, offices or agencies in addition to those created by this Charter, and may prescribe the functions of all departments, offices and agencies not inconsistent with the Charter. Departments, offices, and agencies created by this Charter or the Board of Mayor and Aldermen may be abolished or combined by ordinance.

Section 3. Direction and Supervision of Departments, Offices, or Agencies. All departments, offices, and agencies of the City shall be under the direction and supervision of the Mayor, subject to the ordinances and policies enacted by the Board of Mayor and Aldermen.

Section 4. Personnel Rules. The Board of Mayor and Aldermen may adopt personnel rules which may include but not be limited to:

- (1) A job classification plan;

(2) A pay plan;

(3) The hours of work, attendance regulations and provisions for sick and vacation leave.

Section 5. Official Bonds. The Mayor and every officer, agent, and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his or her duties, execute a surety bond with some surety company authorized to do business in the State of Tennessee, as surety, in such amount as shall be prescribed by ordinance or this Charter. All such bonds and sureties shall be subject to the approval of the Board of Mayor and Aldermen, and the Board of Mayor and Aldermen may provide for blanket bonds. The cost of all bonds shall be an expense to the city.

ARTICLE VIII

FINANCE

Section 1. Fiscal Year. The fiscal year of the city shall begin on the first day of July and end on the last day of June.

Section 2. Annual Departmental Budgets Required. The adoption of an annual budget for all departments shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

Section 3. Mayor Required to Prepare and Submit Annual Budget and Explanatory Message. At least thirty (30) days before the beginning of the fiscal year, the Mayor shall prepare and submit to the Board of Mayor and Aldermen a budget for the ensuing fiscal year and an accompanying message. The Mayor's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the Mayor deems appropriate.

Section 4. Required Content and Organization of Budget. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and shall be in such form as the Mayor deems appropriate or the Board of Mayor and Aldermen may require.

Section 5. Amendments to Budget, When Budget Must be Adopted, and Effect of Adoption. The Board of Mayor and Aldermen may adopt the budget with or without amendment, but no amendment shall decrease expenditures required by law for debt service. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 6. Supplemental Appropriations. If, during the fiscal year, the Mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Board of Mayor and Aldermen may make supplemental appropriations for the year up to the amount of such excess.

Section 7. Deficits. If, at any time during the fiscal year, it appears probable to the Mayor that the revenues available will be insufficient to meet the amount appropriated, the Mayor shall report to the Board of Mayor and Aldermen without delay, indicating the estimated amount of the deficit, any remedial action taken by the Mayor and his or her recommendations as to any other steps to be taken. The Board of Mayor and Aldermen shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may reduce appropriations.

Section 8. Transfer of Unencumbered Appropriations. At any time during the fiscal year, the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the Mayor, the Board may transfer part or all of any unencumbered appropriation balance from one (1) department, office, or agency to another.

Section 9. Lapsing of Appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

Section 10. Incurrence and Discharge of Obligations. No payment shall be made or obligation incurred against any appropriation unless the Mayor or an officer designated by him or her first certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 11. Borrowing. The Board is authorized to borrow money in accordance with state law.

Section 12. Accounting Records and Audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget, and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the city shall be required by action of the Board and same be made after the end of each fiscal year by a public accountant skilled in such work.

Section 13. Competitive Bidding and Purchasing Procedures. Purchasing and bidding procedures shall be established by ordinance in accordance with state law.

ARTICLE IX

TAXATION

Section 1. Property Taxes. All property subject to taxation shall be subject to the property tax levied by the city. The city will use county assessments, except for property assessed by the office of state assessed properties within the office of the comptroller of the treasury.

Section 2. Tax Levy. The Board of Mayor and Aldermen shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100.00) of assessed valuation, coincidental with the adoption of appropriations. In the event of the Board's failure to do so, the prior year's tax rate shall continue in effect.

Section 3. Due and Delinquent Dates; Penalties and Interest. Property taxes shall be payable on and after October 1 in the year for which they are assessed and shall become delinquent on March 1 of the year following the assessment. On and after the date when such taxes become delinquent, the tax records of the city shall have the force and effect of a judgment and execution from a court of record.

Section 4. Institution of Suits to Enforce Tax Liens. Before March 1 of the second year following the year for which assessed, the Mayor shall certify to the City Attorney the list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes and assessments, and the Attorney shall proceed at once to file suits in the Chancery Court for the collection of the taxes, assessments, penalties, and interest and enforcement of tax liens. Upon the filing of suit, an additional penalty of ten percent (10%) shall accrue upon all delinquent taxes as attorney's fees. Suits may be filed and prosecuted and the land sold in the same manner as for the enforcement of tax liens for delinquent county taxes, or as otherwise provided by general law.

Section 5. Statutory Lien. All municipal taxes on real estate in the City of Bradford, and all penalties and cost accruing thereon are hereby declared to be a lien on such real estate from and after January 1 of the year for which the same are assessed.

Section 6. Collection of Delinquent Personal Property Taxes. All personal property taxes delinquent for thirty (30) days may be collected by distress warrants and the sale of personal property, and the delinquent tax list in the hands of the collector shall have the force and effect of a judgment and execution from a court of record.

ARTICLE X

CITY COURT

Section 1. Appointment, Oath, Compensation, and Restrictions on Office of City Judge. A City Judge who shall constitute the City Court shall be appointed by the Board of Mayor and Aldermen to serve at the will of the Board or for a term to be fixed by ordinance. He shall take the same oath required of the Mayor and Aldermen. He shall receive such compensation as may be provided by ordinance. Nothing herein is to be construed as prohibiting the City Judge from also serving in other administrative duties under this Charter.

Section 2. Absence or Disability of City Judge. The Board of Mayor and Aldermen shall designate a qualified person to serve in the absence or disability of the City Judge.

Section 3. Office of City Judge May be Provided by Ordinance. In the event a term of office is provided by ordinance, there shall also be provided the conditions which will create a vacancy in the office, how the vacancy shall be filled, and such other matters as the Board deems necessary.

Section 4. Duties and Powers of City Judge. The City Judge shall try all persons charged with violation of the ordinances of the City. He shall have the power to levy fines, penalties, and forfeitures not exceeding fifty dollars (\$50.00) for each offense and to impose such costs as the Board may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt by fine not exceeding ten dollars (\$10.00).

Section 5. Imposition of Bail, Fines, Costs, and Sentences. The bail of persons arrested and awaiting trial and persons appealing the decision of the City Judge shall be

fixed by the City Judge and upon such security as in his discretion he deems necessary or as otherwise provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officials other than the City Judge as provided by ordinance, but no officer shall accept cash bail unless the person arrested is given a receipt which explains the nature of the deposit. The receipt shall be in duplicate and a copy with the money deposited shall be filed with the City Judge. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon failure to pay fines or to furnish security, the City Judge may commit the offender to the jail or workhouse until such fines have been paid. For each day's confinement, he shall be credited five dollars (\$5.00) toward the fine.

Section 6. Maintenance of Docket and Other Court Rules. The Chief of Police shall keep a docket. The Board may by ordinance require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as deemed necessary.

Section 7. City Judge to be Exclusive Judge of Law and Facts. The City Judge shall be the exclusive judge of the law and facts in every case before him, and no official or employee of the city shall attempt to influence his decision except through pertinent facts presented in court.

Section 8. Appeals. Appeals shall be in accordance with state law governing same.

ARTICLE XI

MISCELLANEOUS

Section 1. Severability. If any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

Section 2. Gender. Wherever, in this Charter, “man, men, him, his” or their related pronouns may appear, either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense (i.e., to include all humankind-both female and male sexes).

Section 3. The Corporate Existence of the City of Bradford is Continued. All existing ordinances, resolutions, or other actions of the board of Mayor and Aldermen not inconsistent with this Act shall remain in full force and effect until amended or repealed in the manner herein provided.

Section 4. Continuance in Office. Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Bradford. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.