



# State of Tennessee

## PUBLIC CHAPTER NO. 453

HOUSE BILL NO. 992

By Representative Todd

Substituted for: Senate Bill No. 1215

By Senator Yager

AN ACT to amend Tennessee Code Annotated, Title 6, relative to municipalities.

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

SECTION 1. Tennessee Code Annotated, Section 6-2-201, is amended by:

(1) Deleting subdivision (1) which reads:

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

and by substituting instead the following language:

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

(2) Deleting subdivision (24) which reads:

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

and by substituting instead the following language:

Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures in such manner as may be provided pursuant to title 47, chapter 26, part 9;

(3) Deleting subdivision (25) which reads:

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

and by substituting instead the following language:

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

(4) Deleting subdivision (27) which reads as follows:

Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons convicted in the city court of offenses against the laws and ordinances of the municipality who fail to secure the fine imposed upon such persons, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse until the fines are paid;

and by substituting instead the following language:

Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law;

(5) Deleting subdivision (28) which reads as follows:

(A) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(B) Provide by ordinance for court costs;

and by substituting instead the following language:

(A) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(B) Provide by ordinance for court costs as provided in the Municipal Court Reform Act compiled in Title 16, Chapter 18, Part 3;

(6) Deleting subdivision (29) which reads as follows:

Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

and by substituting instead the following language:

Establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

SECTION 2. Tennessee Code Annotated, Section 6-4-301(b)(1), is amended by deleting subdivision (B) in its entirety which reads:

(B) The board may appoint the general sessions court judge of the county or counties in which the municipality lies to act as city judge.

and by substituting instead the following language:

(B) The board may appoint the general sessions court judge of the county or counties in which the municipality lies to act as city judge to the extent the general sessions court judge agrees to act as city judge.

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SECTION 3. Tennessee Code Annotated, Section 6-4-301(b)(2), is amended by deleting the language "or may designate the general sessions court judge" and by substituting instead the language "or, to the extent the general sessions court judge agrees to serve as city judge, may designate the general sessions court judge".

SECTION 4. Tennessee Code Annotated, Section 6-4-301(c)(2), is amended by deleting the language "then the judge shall appoint a general sessions judge" and by substituting instead the language "then, to the extent a general sessions court judge agrees to serve temporarily as city judge, the judge shall appoint a general sessions judge".

SECTION 5. Tennessee Code Annotated, Section 6-4-302(c), is amended by deleting the subsection in its entirety which reads as follows:

(c) In default of payment, or good and sufficient security given for the payment of any fines or forfeitures imposed, the judge shall commit the offender to the workhouse or other place provided for this purpose, and to any labor provided by ordinance until the fines or forfeitures are fully paid at the rate set in § 40-24-104. No such imprisonment shall exceed the period of time established in § 40-24-104, for any one (1) offense. Fines may be paid in installments in the manner provided by ordinance. The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

and by substituting instead the following language:

(c)

(1) In default of payment, or good and sufficient security given for the payment of any fines or forfeitures imposed, if:

(A) The court has concurrent jurisdiction with the general sessions court, the judge is authorized to enter an order in accordance with § 40-24-104 which, in accordance with such section, may include imprisonment until the fine, or any portion of it, is paid. No such imprisonment shall exceed the period of time established in § 40-24-104, for any one (1) offense or violation.

(B) The court does not have concurrent jurisdiction with the general sessions court, the judge is authorized to enter an order for contempt of court for the payment of the fine in the amount established pursuant § 16-18-306.

(2) Fines may be paid in installments in the manner provided by ordinance or in accordance with § 40-24-104. Any court is authorized to enforce the collection of unpaid fines or forfeitures as a judgment in a civil action in any court with competent jurisdiction in accordance with § 40-24-105. The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

SECTION 6. Tennessee Code Annotated, Section 6-19-101, is amended by:

(1) Deleting subdivision (1) which reads:

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

and by substituting instead the following language:

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

(2) Deleting subdivision (24) which reads:

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

and by substituting instead the following language:

Inspect, test, measure and weigh any article for consumption or use within the city, and charge reasonable fees therefor, and to provide standards of weights, tests and measures in such manner as may be provided pursuant to title 47, chapter 26, part 9;

(3) Deleting subdivision (25) which reads:

Establish, regulate, license and inspect weights and measures;

and by substituting instead the following language:

Establish, regulate, license and inspect weights and measures in accordance with subdivision (24);

(4) Deleting subdivision (26) which reads:

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

and by substituting instead the following language:

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

(5) Deleting subdivision (28) which reads as follows:

Purchase or construct, maintain and establish a workhouse or farm colony, for the confinement and detention of persons convicted in the city court of offenses against the laws and ordinances of the city who fail to secure the fine and costs imposed upon such persons, or to contract with the county to keep such persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of such persons to the workhouse, until the fines such fine and costs shall be fully paid;

and by substituting instead the following language:

Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law;

(7) Deleting subdivision (30) which reads as follows:

Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the city;

and by substituting instead the following language:

Establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the city;

SECTION 7. Tennessee Code Annotated, Section 6-21-501(c), is amended by deleting the language "then the city judge shall appoint a general sessions judge" and by substituting instead the language "then, to the extent a general sessions court judge agrees to serve temporarily as city judge, the judge shall appoint a general sessions judge".

SECTION 8. Tennessee Code Annotated, Section 6-21-502(a), is amended by deleting subdivision (4) which reads as follows:

In default of the payment, or of good and sufficient security given for the payment of any such fines, costs, or forfeitures imposed by such city judge, the city judge has the power, and it is such city judge's duty, to commit the offender to the workhouse or other place provided for such purpose, and to such labor as may be provided by ordinance until such fines, costs or forfeitures are fully paid, at the rate set in § 40-24-104; provided, that no such imprisonment shall exceed the period of time established for a Class C misdemeanor for any one (1) offense, and that fines may be paid in installments in such manner as may be provided by ordinance. in its entirety and by substituting instead the following language:

and by substituting instead the following language:

(A) In default of payment, or of good and sufficient security given for the payment of such fines, costs or forfeitures imposed by such city judge, if:

(i) The city court has concurrent jurisdiction with the general sessions court, the city judge is authorized to enter an order in accordance with § 40-24-104 which, in accordance with such section, may include imprisonment until the fine, costs or forfeitures, or any portion of it, is paid. No such imprisonment shall exceed the period of time established in § 40-24-104, for any one (1) offense or violation.

(ii) The city court does not have concurrent jurisdiction with the general sessions court, the city judge is authorized to enter an order for contempt of court for the payment of the fine in the amount established pursuant § 16-18-306.

(B) Fines may be paid in installments in the manner provided by ordinance or in accordance with § 40-24-104. Any court is authorized to enforce the collection of unpaid fines or forfeitures as a judgment in a civil action in any court with competent jurisdiction in accordance with § 40-24-105. The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

SECTION 9. Tennessee Code Annotated, Section 6-36-101(a)(1), is amended by deleting the language "The control" and by substituting instead the language "If a city incorporated under this charter is authorized, pursuant to general law, to establish and operate a school system, the control".

SECTION 10. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following language as a new, appropriately designated section:

6-54-1\_\_.

(a) If a municipality:

(1) Contains the minimum number of persons as actual residents of the municipality required pursuant to the general law charter under which it incorporates;

(2) Has continuously functioned as a municipality pursuant to its charter since its incorporation; and

(3) Has levied a municipal property tax.

Then any action or proceeding in any court to set aside the charter of such municipality or to otherwise challenge the legality of the municipality's existence as a political subdivision of this state must be commenced within ten (10) years of the date the municipality was first incorporated.

(b) This section shall apply to any municipality meeting the requirements of this section incorporated prior to or on or after the effective date of this act.

(c) With respect to any municipality which meets the requirements of this section, whether in existence ten (10) or more years on the effective date of this act or after the effective date of this act, the adoption of the charter, the incorporation of territory as a municipality pursuant to the general laws of this state and the election of officials of such municipality are hereby ratified and validated in all respects; and no flaw or defect or failure to comply with any requirement of incorporation shall invalidate the territory's status as an incorporated municipality or invalidate any ordinance passed by the governing body of the municipality.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 20, 2011



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 10th day of June 2011



BILL HASLAM, GOVERNOR