State of Tennessee

PRIVATE CHAPTER NO. 23

HOUSE BILL NO. 1401

By Representatives Holt, Wirgau

Substituted for: Senate Bill No. 1423

By Senator Stevens

AN ACT to amend Chapter 509 of the Private Acts of 1911; as amended and rewritten by Chapter 29 of the Private Acts of 1965; Chapter 26 of the Private Acts of 1999; Chapter 134 of the Private Acts of 2002; Chapter 87 of the Private Acts of 2004; Chapter 28 of the Private Acts of 2005; and any other acts amendatory thereto, relative to the charter of the Town of Trezevant.

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

SECTION 1. Chapter 509 of the Private Acts of 1911, as amended and rewritten by Chapter 29 of the Private Acts of 1965, Chapter 26 of the Private Acts of 1999, Chapter 134 of the Private Acts of 2002, Chapter 87 of the Private Acts of 2004, Chapter 28 of the Private Acts of 2005, and any other acts amendatory thereto, is hereby repealed and replaced by the following charter:

Section 1. Incorporation.

The Town of Trezevant, Tennessee, shall continue as a body politic and corporate by the name and style of Trezevant, Tennessee, and this act shall constitute its complete Charter. The Town of Trezevant shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Section 2. Definitions.

As used in this Charter:

(1) "Alderman" shall mean a person elected to the office of Alderman as provided in this Charter;

(2) "At-large" shall mean the entire Town, as distinguished from representation by wards or other districts;

(3) "Board of Mayor and Aldermen" and "Board" shall mean the legislative body of the town, which shall be composed of the Mayor and five (5) Aldermen elected as provided in this Charter;

(4) "Elector" shall mean a qualified voter residing within the Town or a qualified voter who has owned in fee simple land within the Town for a period of six (6) months preceding an election;

(5) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization; and

(6) The masculine shall include the feminine, and the singular shall include the plural, and vice versa, except when the contrary intention is manifest.

Section 3. Boundaries.

The boundaries of the Town of Trezevant shall be those as follows and any other acts amendatory thereto, and annexations made pursuant to general law:

Beginning on H.C. Smith's southeast corner of his purchase of the P.M. Patterson land, the same being the most eastern southeast corner of the entire P.M. Patterson land, runs thence east one hundred forty-two (142) poles to stake in J.S. Rummage's back lot; thence north ten and one-half (10.5) poles to stake on L.A. Hunt's south boundary; thence east one hundred eighteen (118) poles on north boundary of the T.K. Brower land; thence north thirty-eight (38) poles to stake in Mrs. Beulah McDowell's back lot; thence west fourteen (14) poles to stake on south boundary of Mrs. Beulah McDowell's most western lot; thence north one hundred ninety-four (194) poles to stake on Will Bryant's south boundary line; thence north forty-five (45) degrees, east seventy-seven (77) poles to stake on H.L. Quinn's south boundary line; thence east with Quinn's line eight (8) poles; thence north one and one-half (1.5) degrees, east twenty-seven and one-fourth (27.25) poles to stake in Quinn's orchard; thence due west forty-one (41) poles to stake in I.L. Argo's field on west side of Louisville and Nashville Railroad; thence south thirty-three (33) degrees, west parallel with the Louisville and Nashville Railroad sixty-six and two-thirds (66.667) poles to northeast corner of section hands lot; thence west thirty-three (33) degrees, north twenty (20) poles to northwest comer of said lot; thence south thirty-three (33) degrees, west thirty-six and one-third (36 1/3) poles to stake on W.D. Smith's north boundary; thence west thirty-three (33) degrees, north eight and one-third (8.333) poles to W.D. Smith's northwest corner; thence south thirty-three (33) degrees, west forty-five and one-half (45.5) poles W.L. McCoy's southwest corner; thence west twelve and one-half (12.5) degrees, south ninety-one (91) poles to northeast corner of Jim Yansey's yard; thence west two (2) degrees, south seventy-five and three-quarters (75.75) poles to stake on Mrs. Mat Weam's west boundary; thence south two hundred one (201) poles to the point of beginning.

Section 4. Corporate Powers.

The town 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 towns by the constitution or general law;

(c) To levy and collect registration fees on motor vehicles operated within the Town. 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, for present or future use by the Town, to reserve industrial sites, to provide open spaces, to encourage proper development of the community, for the general welfare of the community. Such acquisitions may be within or outside the Town;

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty-five (25) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by the Tennessee regulatory authority 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, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural,

curative, corrective, detention, penal, and medical institutions, agencies, and facilities; and any other public improvements, inside or outside the Town; 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 the inhabitants and to prevent, abate, and remove nuisances, including, but not limited to, old or dilapidated buildings that are so out of repair as to be unsafe, unsanitary, or unsightly. The Town 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 a 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 that, 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 the inhabitants of the Town;

(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 Town, and to provide for the enforcement of such standards. To provide regulations establishing standards of weights and measures and to enforce compliance of such standards;

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

(o) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty, or forfeiture as established by Town ordinances;

(p) To plan for the orderly development of the community, including economic, physical, educational, and cultural aspects, and to institute programs to effectuate such plans; and

(q) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general laws or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the Town and its inhabitants, and all implied powers necessary to carry into execution all powers granted in the Charter as fully and completely as if such powers were 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 to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state.

Section 5. Municipal Elections.

Beginning in the 2016 election, which will be held on the first Tuesday in November 2016 to coincide with the presidential election, there will be a general town

election to elect a Mayor and five (5) Aldermen. The successful Mayoral candidate and the three (3) persons who receive the highest number of votes shall be elected to a term to end at the next meeting of the Board of Mayor and Aldermen after the election that will be held on the first Tuesday in November 2020. The two (2) Aldermanic candidates who receive the next highest number of votes shall be elected to a term that will end at the next meeting of the Board of Mayor and Aldermen after the election that will be held on the first Tuesday in November 2018.

Beginning in 2018, elections shall be held every two (2) years to the end that the Aldermen shall serve four-year staggered terms and the Mayor shall serve a four-year term.

Present incumbents in the position of Mayor and Alderman shall continue to serve for the terms to which they were elected and until such time as their successors are elected and qualified.

The candidate for Mayor having received the highest number of votes at an election shall be declared elected, and the persons receiving the highest number of votes in the Aldermanic vacancies that year shall be declared elected. In case of a tie vote, the incumbent board members shall decide which of the candidates shall serve as members of the board.

The terms of office for the Mayor and for the Aldermen shall commence at the next regularly scheduled meeting of the Board of Mayor and Aldermen, held after results have been certified by the election commission.

Any qualified voter in the state of Tennessee who has been a resident of Trezevant for twelve (12) months preceding the date of the election may qualify as a candidate for the position of Mayor or Alderman.

Section 6. Board of Mayor and Aldermen.

(a) The Mayor and five (5) Aldermen elected under this Charter shall comprise the Board of Mayor and Aldermen, in which is vested all corporate, legislative, and other powers of the Town, except as otherwise provided in this Charter.

(b) The compensation of the Mayor and Aldermen shall be set by ordinance, but the salary of the Mayor or any Alderman shall not be changed during their term of office. The Mayor and Aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) 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 on written notice of the Mayor or any two (2) Aldermen and served on the other members of the Board or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meeting.

(d) Three (3) Aldermen and the Mayor shall constitute a quorum. The ayes and nays of all votes shall be recorded in the minutes. The Board may, by ordinance, adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

(e) The board of Mayor and Aldermen shall adopt by ordinance ethical standards for all officials and employees of the Town of Trezevant.

Section 7. Mayor as Presiding Officer.

The Mayor shall preside at meetings of the Board, and may vote on any matter. He shall be recognized as the ceremonial head of the town. He shall be the officer to

accept process against the Town, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with the Charter.

Section 8. Vice-Mayor.

There shall be a Vice-Mayor who shall be selected at the first meeting after each election by the Board from among their number. The term of office of the Vice-Mayor shall be for a period of two (2) years, and the Vice-Mayor may succeed himself. The Vice-Mayor shall perform the duties of the Mayor during his temporary absence or inability to act. In case of a vacancy in the office of Mayor, the Vice-Mayor shall fill the remainder of the unexpired term, or until the next regular Town election, whichever shall occur first. If the Vice-Mayor is filling the remainder of a term in the office of Mayor, his position as an Alderman shall become vacant, and the Board shall fill the vacancy as provided in Section 9. The Board shall select another of their number to fill out the unexpired term of the Vice-Mayor.

Section 9. Vacancy on Board.

The Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman has been removed from office, resigns, dies, or moves his residence from the Town.

The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term or until the next regular Town election, whichever shall occur first. If the next regular Town election occurs prior to the expiration of the term, a special election shall be held at the same time as the regular Town election, to fill the remainder of the unexpired term.

Section 10. Board to Act as Body.

The Aldermen shall act on all matters as a body, and no member shall seek individually to influence the official acts of any officer or employee of the Town, or to direct or request the appointment of any person, or his removal from any office or position of employment, or to interfere in any way with the performance of duties by an officer or employee. The Board shall deal with the various agencies, officers, and employees of the Town, solely through the Mayor, and shall not give orders to any subordinates of the Mayor, either publicly or privately. Nothing contained herein shall prevent the Board from conducting such inquiries into the operation of the Town government and the conduct of the Town's affairs as it may deem necessary.

Section 11. Ordinance Procedure.

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 may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the Town of Trezevant:". Every ordinance shall be approved on two (2) readings, and there shall be no more than one (1) reading on any one (1) day. An ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading, adoption, and being signed by the Mayor unless a different effective date is designated in the ordinance.

Section 12. Organization of the Town Government.

The Town government shall be organized into such departments and offices as shall be provided by ordinance. The board shall determine, by ordinance, the functions and duties of all departments and offices. The Board may establish, abolish, merge, or consolidate offices, positions of employment and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, and departments.

Section 13. Mayor.

The Mayor shall have the power of a business manager; and shall have the authority, with Board approval, to enter into contracts and agreements binding the Town; have supervision and control of all administrative affairs of the Town; be its chief executive; have access to all of the books, records, offices, and papers of every kind pertaining to the Town's business and require their proper and safe keeping; and present in writing or verbally to the Board his recommendations of the needs of the Town at any time he deems advisable.

The Mayor shall have control over all municipal improvements and property and shall have the exclusive power to make all expenditures within the budget after the same have been appropriated by the Board. The Mayor has the authority to transfer moneys from one appropriation to another within the same fund, without altering the total appropriation of the fund. Any such transfers shall be reported to the Board at its next regular meeting and shall be entered in the minutes.

The Mayor shall take proper measures for the preservation of public order and preservation of the peace and may call upon the Governor for military aid.

The Mayor shall appoint, subject to confirmation of the Board, the Town Recorder and any other employee who is designated a department head by ordinance. The Mayor shall have authority to make appointments, promotions, and transfer of employees; to make demotions, suspensions, and removals of officers and employees; and may delegate such authority as he deems advisable per Town personnel policies.

Section 14. Town Recorder.

The Mayor shall appoint, subject to confirmation by the Board, a Town Recorder, who shall serve for an indefinite term.

The Recorder shall keep and preserve the Town seal and all official records not required by law or ordinance to be filed elsewhere; shall attend all meetings of the Board and to maintain minutes showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and shall prepare and certify copies of official records.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected.

The Recorder shall act as Court Clerk under the instruction of the Town Judge.

The Recorder may act as Treasurer and shall receive and keep safely all funds of the Town and shall pay out the same upon warrants signed by the Mayor and the Recorder.

The Recorder may as appropriate delegate all or part of the Recorder's duties to the Assistant Town Recorder.

Section 15. Town Attorney.

The Mayor, subject to confirmation by the Board, shall appoint a Town Attorney. The Town Attorney shall be responsible for advising the Mayor and Aldermen as to the legal affairs of the Town and performing such other duties as may be prescribed by the Board.

Section 16. Town Judge.

A Town Judge shall be appointed by the Board. The jurisdiction of the Town Judge shall extend to all cases arising under the laws and ordinances of the Town, and costs in such trials shall be fixed by ordinance in accordance with Tennessee Code Annotated, Section 16-18-304. The Town Judge shall have power to levy fines,

penalties, forfeitures, and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power to punish for contempt in accordance with Tennessee Code Annotated, Section 16-18-306. The sole compensation for serving as Town Judge shall be a salary fixed by the Board, and all fees for actions or cases in the Town Judge's court shall belong to the Town and shall be paid into the Town Treasury, except those amounts required to be paid to the state under general law.

A receipt in duplicate shall be issued for all fines, penalties, and costs imposed and collected by the court: the original to the depositor, duplicate to remain in the receipt book, and money to the Court Clerk. The receipt book shall be available for review by the auditor.

Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Receipts of the Town Court shall be deposited with the Court Clerk.

The Court Clerk shall keep a docket of all cases handled by the Town Court.

The Town Judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the Town shall attempt to influence the Town Judge's decision except through pertinent facts presented in open court.

Section 17. Board Employment.

Only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge, and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

Section 18. Promotion Requirements.

The appointment and promotion of employees of the Town shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications.

Section 19. Oath of Office.

Before a person takes any office in the Town government, he shall subscribe to the following oath or affirmation, administered by the Recorder, the Mayor, or the Town Judge: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Trezevant, and that I will faithfully discharge the duties of the office of _____."

Section 20. Bonds.

The Mayor and every officer, agent, and employee of the Town having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board, with some surety company authorized to do business in the state of Tennessee, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board, and the cost of such bonds shall be paid by the Town.

Section 21. Political Activity.

No employee of the Town shall continue in the employment of the Town after becoming a candidate for nomination or election to any Town office, but this provision shall not apply to the Mayor, Aldermen, members of boards or commissions, the Town Attorney, or the Town Judge. No person shall directly or indirectly give, render, or pay any money, service, or other valuable consideration to any person for or on account of or in connection with employment by the Town government. No person shall orally, by

letter, or otherwise solicit any assessment, subscription, or contribution from any employee of the Town in connection with a Town election. Upon a finding that any person has willfully or corruptly violated any provision of this section, the person shall be assessed a civil penalty in the amount established by Town ordinance, and such person shall immediately forfeit and vacate the office or position held and be ineligible to hold any office or position of employment in the Town government for a period of five (5) years thereafter.

Section 22. Conflict of Interest.

No officer or employee shall accept any free or preferred service, benefits, or concessions from any person, company, or firm regulated by or doing business with the Town.

Section 23. Fiscal Year.

The fiscal year of the Town government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year.

Section 24. Budget.

At the April regular Board meeting, the Mayor shall submit to the Board a proposed budget for the next fiscal year, showing separately for the General Fund, each Utility, and each other fund the following:

(a) Revenue and expenditure during the preceding year;

(b) Estimated revenue and expenditure for the current fiscal year;

(c) Estimated revenue and recommended expenditures for the next fiscal year; and

(d) Any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the Mayor.

The proposed expenditures may not exceed the proposed total year's revenues unless approved by four (4) Aldermen.

A copy of the budget in full shall be filed with the Recorder for public inspection, and a copy shall be furnished to each Alderman.

Section 25. Adoption of Budget.

Prior to the adoption of the budget, the Board shall set a time and place for a public hearing on the proposed budget. A notice of the hearing shall be published one (1) time in a newspaper having general circulation in the Town. The publication shall appear at least ten (10) days in advance of the date of the hearing. All persons appearing at the hearing shall be given a reasonable opportunity to be heard. After the public hearing, the Board shall adopt the budget by ordinance with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of the budget before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year.

Neither the Mayor, nor any other officer, official, agent, or servant of the Town, shall divert any special tax levy from the purpose for which it was levied, except by an affirmative vote of four (4) Aldermen.

Section 26. Control of Expenditures.

The Mayor shall be responsible for controlling expenditures of the various agencies of the Town government to accomplish maximum efficiency and economy. No expenditure shall be made in excess of appropriations.

The Mayor, the Board, and every other officer or agent of the town is prohibited from using or employing or appropriating the revenues, assets, property, or taxes of the municipality for any purpose except for strictly municipal and local purposes, and in accordance with the provisions of this act. Said officers and agents are prohibited from subscribing for stock or other corporate property in any corporation, to buy its bonds, or to loan the credit, money, or property of the municipality to any person or corporation.

Section 27. Contracts.

Any contract or agreement made in violation of the provisions of this Charter or ordinances of the Town shall be void. A violation of this section by any officer or employee shall be cause for his removal.

Section 28. Sale of Town Property.

The Mayor may sell Town property that is obsolete, surplus, or unusable; provided, however, that any sale for more than five hundred dollars ($500) or any sale of real estate shall be subject to approval by the Board.

This municipality shall sell its property only for a fair, reasonable market value thereof, and it shall not sell, lease, mortgage, or dispose of its public utility plant until an ordinance authorizing such sale, lease, or mortgage shall have been introduced for at least ninety (90) days before its final passage and published once a month for three (3) months before it is finally passed by the Board and approved by the Mayor.

Section 29. Bid Procedure.

Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent (5%) of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with the surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price.

Section 30. Property Taxes.

All property subject to taxation shall be subject to the property tax levied by the town.

Section 31. Omitted Property.

The Town Recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the Town.

Section 32. Tax Levy.

The Board shall make a tax levy, expressed as a fixed rate per one hundred dollars ($100) of assessed valuation, not later than ninety (90) days prior to the tax due date to be included as part of the budget ordinance. In the event of the Board's failure to do so, the prior year's tax rate shall continue in effect.

Section 33. Tax Due Dates and Tax Bills.

The due dates of property taxes shall be fixed by ordinance. The town shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax, penalty, or interest thereon. Property taxes shall become delinquent March 1, at which time a penalty of one-half of one percent (0.5%) and interest of one percent (1%) shall be added and on the first day of each succeeding month thereafter.

Section 34. Collection of Delinquent Taxes.

The Board may provide, by ordinance, for the collection of delinquent taxes by distress warrants issued by the Mayor for the sale of goods and chattels, to be executed by any police officer of the town under the laws governing execution of such process from a justice of the peace; or by the county trustee as provided by general law; or by the Town Attorney acting in accordance with general laws providing for the collection of delinquent town or county taxes; by garnishment; by suits in chancery, or by any two (2) or more of the foregoing methods, or by the use of any other available legal processes and remedies. If not otherwise collected, the Town Attorney, or other attorney designated by the Board, shall file suit for collection of all delinquent taxes not later than eighteen (18) months following the date of delinquency.

Section 35. County May Collect Taxes.

The Town may contract with the county for the collection of Town taxes. The contract may provide for reasonable fees to be paid to the county for this service.

Section 36. Taxes Not to Be Excused.

No officer or employee of the Town shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the Town, but errors may be corrected when authorized by the Board.

Section 37. Disbursement by Check.

All disbursements, except for any agency of the Town administered by a board or commission, shall be made by checks signed by the Mayor and Town Recorder. The Board may designate other officers to sign such checks in the absence or disability of the Mayor or other designated official.

The Mayor or any officer or employee or person entrusted with the collection or disbursement of the funds of the municipality who shall create, or take part in creating, any liability against the Town beyond the expenses fixed in the budget or who shall divert funds thus appropriated, except in accordance with the terms of this act, shall be civilly liable to the municipality upon complaint of taxpayers of the Town, for the excess and loss to the Town, together with the principal and interest and reasonable expenses of collection.

Section 38. Official Depository.

The Board shall designate an official depository or depositories for deposit and safekeeping of funds of the Town, with such collateral security as may be deemed necessary by the Board.

Section 39. Cooperative Agreements and Contracts.

In addition to other powers granted in this Charter, the Board shall have power to contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointive government, for the exercise of any power or function that the Town is authorized to undertake by this Charter.

Section 40. Other General Laws.

Notwithstanding any provision of this Charter, the Board may elect to operate under or adopt any general law or public act available to municipalities of the state, in lieu of or in addition to any provision of this Charter.

Section 41. Penalties.

Upon a finding that a person has violated any provision of this Charter, for which a penalty is not specifically provided herein, such person shall be assessed a civil penalty as established by Town ordinance.

Section 42. 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 43. Effect of Act on Terms of 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 such official was elected.

Section 44. Effect of Act on Salaries of Officials.

Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public official 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 Town of Trezevant within one hundred twenty (120) days of the passage of the act by the general assembly. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state within ten (10) days of such approval.

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.

HOUSE BILL NO. 1401

PASSED: April 22, 2015

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 20th day of May 2015

BILL HASLAM, GOVERNOR