

HOUSE BILL 2539

By Tidwell

AN ACT to amend Chapter 403 of the Private Acts of 1951; as amended by Chapter 94 of the Private Acts of 2004; and any other acts amendatory thereto, relative to the charter of the City of Erin.

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

SECTION 1. Chapter 403 of the Private Acts of 1951, as amended by Chapter 94 of the Private Acts of 2004; and any other acts amendatory thereto, is amended in Article I by deleting Section 1.02 and substituting instead the following:

Section 1.02. Definitions.

(a) As used in this act the following words and terms shall have the following meanings:

(1) "Agency" shall mean any office, court, utility, board, commission, institution, or other organization in charge of or administering any public function or municipal affair of the City of Erin;

(2) "Alderman" shall mean a person elected to the Board of Mayor and Aldermen as provided in this act. "Board of Mayor and Aldermen" shall mean the Mayor and each Alderman;

(3) "Board" shall mean the Board of Mayor and Aldermen;

(4) "City" shall mean the City of Erin;

(5) "City Judge" shall mean the presiding officer of the city court;

(6) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government or by a municipality, or by a

trade association or other organization generally recognized as an authority in its field of activity;

(7) "Elector" shall mean a person residing within the city, or who is qualified to vote therein because of ownership of property therein amounting to at least fifty percent (50%) fee simple interest in the ownership of the piece of property and can provide a certified copy of the deed or a certified copy of the tax records that provides the name(s) of the owner(s) of the property;

(8) "Employee" shall mean an individual who shall fill a "position of employment";

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

(10) "Officer" shall mean and include the Mayor, aldermen, city judge, members of boards and commissions, and any other persons classified as public officers by the laws or judicial decisions of this state. An "officer" as herein defined shall fill an "office"; and

(11) "Public Way" shall mean any land used by the public as a passageway, including but not limited to streets, roads, highways, expressways, freeways, boulevards, avenues, parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels, and other thoroughfares, and including the right-of-ways of such public ways.

(b) The masculine shall include the feminine, and the singular shall include the plural and vice versa. The word "or" may be "and", and the word "and" may be "or" if the context clearly requires it.

SECTION 2. Chapter 403 of the Private Acts of 1951, as amended by Chapter 94 of the Private Acts of 2004; and any other acts amendatory thereto, is amended in Article I, Section 1.04 by deleting subsection (c) which reads as follows:

(c) To levy and to provide for the collection of registration fees on automobiles and trucks owned by residents of the city, and also on automobiles and trucks owned by non-residents and operated within the city with any regularity. Such registration fees on trucks or automobiles may be graduated according to their tonnage capacities, weight, or horsepower.

SECTION 3. Chapter 403 of the Private Acts of 1951, as amended by Chapter 94 of the Private Acts of 2004; and any other acts amendatory thereto, is amended in Article II by deleting Section 2.01 and substituting instead the following:

Section 2.01. Election of Mayor and Aldermen. Beginning with the election scheduled for the first Thursday of August, 2018. The City shall utilize staggered terms of office. In August 2018, Electors of the City of Erin shall elect the Mayor and one (1) alderman from each of the four (4) wards for a four-year term of office. In the same election, the Electors shall elect one (1) alderman from each of the four (4) wards to serve a transitional term of office of two (2) years. At this transitional election in 2018, candidates for Aldermanic seats will declare their intention to run for a seat designated either as a four year term (A), or as a two-year term (B) of office. All subsequent elections for Mayor or Alderman shall be staggered so as to elect one alderman from each Ward every two (2) years. The term of office of the Mayor and Aldermen shall begin at 12:01 A.M. on the second Monday 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 act and the election laws of the State of Tennessee.

SECTION 4. Chapter 403 of the Private Acts of 1951, as amended by Chapter 94 of the Private Acts of 2004; and any other acts amendatory thereto, is amended in Article III, Section 3.07 by deleting the language "The duties of the city judge may be performed by the recorder, or in his absence or inability to serve, by the mayor or vice mayor."

SECTION 5. Chapter 403 of the Private Acts of 1951, as amended by Chapter 94 of the Private Acts of 2004; and any other acts amendatory thereto, is amended in Article III, by deleting Section 3.08, which reads as follows:

Section 3.08. Recorder as city judge. The Board may provide by ordinance that the recorder in addition to his other duties shall fill the office of city judge, in which event he may be removed from office as provided in this act.

SECTION 6. Chapter 403 of the Private Acts of 1951, as amended by Chapter 94 of the Private Acts of 2004; and any other acts amendatory thereto, is amended in Article IV by deleting Section 4.08 and substituting instead the following:

Section 4.08. Disbursement Policy

All disbursements shall be made upon approval of the Treasurer, or in the absence or incapacity of the Treasurer the City Recorder, with the Mayor's consent to make such disbursements. However, any expenditure in excess of two thousand five hundred dollars (\$2,500) shall have the prior approval of the Board entered into the minutes of a regular meeting.

SECTION 7. 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 Erin within ten (10) days of its signing by the governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 8. 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 7.