

HOUSE BILL 2713

By Gant

AN ACT to amend Chapter 75 of the Private Acts of 1969; as amended by Chapter 19 of the Private Acts of 2013; and any other acts amendatory thereto, relative to the charter of the City of Grand Junction.

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

SECTION 1. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting Section 3 and substituting instead the following:

SECTION 3. BE IT FURTHER ENACTED, That the corporate boundaries or limits of the City of Grand Junction shall be and embrace all the territory now within the corporate limits of the City of Grand Junction as of the effective date of this act, as heretofore established and defined by acts of the General Assembly of Tennessee, by ordinances of the City of Grand Junction and by law or ordinances or as may hereafter be modified by acts of the General Assembly or ordinances of the City of Grand Junction.

SECTION 2. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting Section 4 and substituting instead the following:

SECTION 4. BE IT FURTHER ENACTED, That the City shall have the power to:

- (a) 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;
- (b) Adopt classifications of the subjects and objects of taxation that are not contrary to law;
- (c) Make special assessments for local improvements;
- (d) Contract and be contracted with;

(e) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner provided for in this section;

(f) Issue and give, sell, pledge, or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(g) Expend the money of the municipality for all lawful purposes;

(h) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(i) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, title 29, chapter 16, or in any other manner provided by law;

(j) Take and hold property within or without the municipality or state upon trust, and administer trusts for the public benefit;

(k) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility that is of service to the municipality, its inhabitants, or any part of the municipality, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code Annotated, title 9, chapter 21;

(l) Grant to any person, firm, association, or municipality, franchises for public utilities and public services to be furnished the municipality and those in the municipality.

The power to grant franchises embraces the power to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself.

Franchises may be granted for a period of twenty-five (25) years or less, but not longer, except as provided in Tennessee Code Annotated, Section 65-4-107(b). The board may prescribe, in each grant of a franchise, the rates, fares, charges, and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may, by their terms, apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys, and thoroughfares that may be opened after the grant of the franchise;

(m) Make contracts with any person, firm, association, or corporation for public utilities and public services to be furnished the municipality and those in the municipality. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association, or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may, by their terms, apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then-existing streets, alleys, and thoroughfares and to any other streets, alleys, and other thoroughfares, that may be opened after the grant of the contract;

(n) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing in this subdivision (n) shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (l) and (m);

(o) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under Tennessee Code Annotated, Sections 7-31-107 - 7-31-111 and 29-16-203, or any other matter provided by general laws;

(p) Construct, improve, reconstruct, and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys, or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways, or alleys under, and as provided by, Tennessee Code Annotated, title 7, chapters 32 and 33;

(q) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(r) Acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works, and improvements;

(s) Collect and dispose of drainage, sewage, ashes, garbage, refuse, or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees, or other charges;

(t) License and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not prohibited by law;

(u) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law;

(v) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property, and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the municipality, and exercise general police powers;

(w) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, or general welfare of the people may lawfully be established, conducted, or maintained;

(x) 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 Tennessee Code Annotated, title 47, chapter 26, part 9;

(y) 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;

(z) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services;

(aa) 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 Tennessee

Code Annotated, Sections 40-24-104 and 40-24-105, or through contempt proceedings in accordance with general law;

(bb)

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

(2) Provide by ordinance for court costs as provided in the Municipal Court Reform Act, compiled in Tennessee Code Annotated, title 16, chapter 18, part 3;

(cc) 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;

(dd) Regulate, tax, license, or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(ee) Call elections as provided in this charter;

(ff) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated; and

(gg) Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to Tennessee Code Annotated, title 13, chapter 4. Any property owner affected by the guidelines may appeal a decision

by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body.

SECTION 3. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting Section 5 and substituting instead the following:

SECTION 5. BE IT FURTHER ENACTED, That elections in the City of Grand Junction shall be nonpartisan and will be conducted at the regular state election held in November of even-numbered years. At the regular election to be held in November 2018, the candidate for Mayor receiving the highest number of votes for Mayor shall be elected for a term of four (4) years or until a successor is elected and qualified.

At the regular election to be held in November 2018, the three (3) candidates for Alderman receiving the highest number of votes shall be elected for a term of four (4) years or until their successors are elected and qualified, the three (3) candidates for Alderman receiving the next highest number of votes shall be elected for a term of two (2) years or until their successors are elected and qualified. At the election to be held in November 2020, the three (3) candidates for Alderman receiving the highest number of votes shall be elected for a term of four (4) years or until their successors are elected and qualified.

After the election in November 2020, all Alderman terms shall be four (4) years. The Mayor and Aldermen shall assume office at the first regular meeting of the Board in December following their election.

The election shall be called and held by the Board of Election Commissioners of Hardeman County as other general elections are held, and all of the laws applicable to general elections shall apply thereto.

SECTION 4. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting Section 10 and substituting instead the following:

SECTION 10. BE IT FURTHER ENACTED, That 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 or election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the

Board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of ninety (90) days 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.

Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the City for a period of ten (10) years thereafter.

The remaining aldermen shall appoint a qualified person to fill a vacancy in the office of alderman or mayor for that period of the unexpired term, which occurs prior to a regular city election, at which time the remainder of the term shall be filled by the election.

If a vacancy in the office of alderman is not so filled within thirty (30) days, the mayor shall appoint a qualified person to fill the vacancy.

SECTION 5. Chapter 75 of the Private Acts of 1969; as amended by Chapter 19 of the Private Acts of 2013; and any other acts amendatory thereto, is amended by deleting Section 13 and substituting instead the following:

SECTION 13. BE IT FURTHER ENACTED, That:

(a) Any action of the Board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing conveyance or lease of any lands of the City, 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 may be accomplished by resolutions or motions.

Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the Board in advance of the meeting at which they are introduced. The enacting clause of ordinances shall be "Be it ordained by the Mayor and Board of Aldermen of the City of Grand Junction:".

No action of the board shall be valid or binding unless approved by the affirmative vote by a majority of the members present, if a quorum is present. Any



ordinance that repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or amended.

Every ordinance except an emergency ordinance must be approved two (2) times, not less than one (1) week apart, and shall become effective after final approval unless its terms provide a later effective date. To meet a public emergency affecting life, health, or property, an emergency ordinance may be approved twice on separate days and become effective immediately, by the affirmative votes of five (5) members of the Board, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only ninety (90) days. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money, or special privileges shall not be passed as emergency ordinances.

Each resolution shall become effective when adopted unless its terms provide otherwise.

(b) 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. After adoption of the official code, all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in Section 2, may be adopted by ordinances that contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the Board may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the council.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city recorder.

SECTION 6. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting the first sentence in Section 22 and substituting instead the following:

That before a person takes any office in the city government, they shall subscribe to the following oath or affirmation, administered by the city recorder or anyone authorized to administer oaths in the State of Tennessee:

SECTION 7. The terms of Aldermen in office on the effective date of this act shall be extended as necessary to meet the new election date as prescribed by this act, but no term may be extended for more than two (2) years.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Grand Junction. Its approval or nonapproval shall be proclaimed by the presiding officer of and certified to the secretary of state.

SECTION 9. 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 8.