

HOUSE BILL 2715

By Moon

AN ACT to amend Chapter 510 of the Private Acts of 1919; as amended by Chapter 620 of the Private Acts of 1921; Chapter 19 of the Private Acts of 1951; Chapter 264 of the Private Acts of 1959; Chapter 67 of the Private Acts of 1961; Chapter 59 of the Private Acts of 1965; Chapter 69 of the Private Acts of 1967; Chapter 1 of the Private Acts of 1969; Chapter 85 of the Private Acts of 1971; Chapter 382 of the Private Acts of 1974; Chapter 144 of the Private Acts of 1977; Chapter 309 of the Private Acts of 1980; Chapter 102 of the Private Acts of 1981; Chapter 20 of the Private Acts of 1989; Chapter 25 of the Private Acts of 1993; Chapter 148 of the Private Acts of 1994; Chapter 145 of the Private Acts of 1996; Chapter 89 of the Private Acts of 2000 and Chapter 7 of the Private Acts of 2005; and any other acts amendatory thereto, relative to the charter of the City of Alcoa.

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

SECTION 1. Article 1, Section 2, Subsection 9 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the subsection in its entirety and substituting the following:

(9) To condemn property, real or personal or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of title 29, chapter 16, or in such other manner as may be provided by general law.

SECTION 2. Article 1, Section 2, Subsection 13 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter

85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by removing the phrase "fifty years or less," and substituting "twenty-five (25) years or less,".

SECTION 3. Article 1, Section 2, Subsection 15 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by removing "the provisions of Sections 1338, 1388, 1389, 1390, and 1391 of the Code of Tennessee" and replacing with "Tenn. Code Ann. §§ 7-31-107 - 7-31-111 and 29-16-203".

SECTION 4. Article 1, Section 2, Subsection 19 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the subsection in its entirety and substituting the following:

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse, or other waste, or license and regulate such collection and disposal, and the cost of such collection, regulation, or disposal may be funded by taxation or special assessment to the property owner.

SECTION 5. Article 1, Section 2, Subsection 24 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by adding "in such manner as may be provided pursuant to Tenn. Code Ann. Title 47, chapter 26, part 9" after the word "measures".

SECTION 6. Article 1, Section 2, Subsection 25 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of

1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by adding "in accordance with Subsection (24)" to the end of the subsection.

SECTION 7. Article 1, Section 2, Subsection 28 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the subsection in its entirety and substituting the following:

(28) To 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 Tenn. Code Ann. §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law.

SECTION 8. Article 1, Section 2, Subsection 29 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the subsection in its entirety and substituting the following:

(29) To enforce any ordinance, rule, or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction.

SECTION 9. Article 1, Section 2, Subsection 35 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by:

1. Deleting "13-501" and replacing with "13-4-101";
2. Deleting "13-601" and replacing with "13-4-301"; and
3. Deleting "13-701" and replacing with "13-7-201".

SECTION 10. Article 1, Section 2, Subsection 36 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 19 of the Private Acts of 1951, Chapter 67 of the Private Acts of 1961, Chapter 69 of the Private Acts of 1967, Chapter 85 of the Private Acts of 1971, Chapter 102 of the Private Acts of 1981, Chapter 7 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting everything after the first paragraph.

SECTION 11. Article 3, Section 4 of Chapter 510 of the Private Acts of 1919, and any other acts amendatory thereto, is amended by deleting the words "Section 7" and replacing it with "Section 6".

SECTION 12. Article 3, Section 5 of Chapter 510 of the Private Acts of 1919, as replaced by Chapter 382 of the Private Acts of 1974, as amended by Chapter 25 of the Private Acts of 1993, Chapter 148 of the Private Acts of 1994, Chapter 145 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

(a) The salary of the Mayor and the salary of each Commissioner shall not exceed the applicable statutory limit defined in Tennessee Code Annotated § 6-20-204, as it exists or may hereinafter be amended. No increase in the salaries permitted by this section shall become effective unless approved by a two-thirds (2/3) vote of the Board of Commissioners.

(b) The salaries of the Mayor may be established annually by the Board of Commissioners at the time of adoption of the annual operating budget; provided however, that such salaries shall not be increased or diminished prior to the end of the term for which such officials were elected.

(c) The Commissioners shall be reimbursed for their actual and reasonable business and travel expenses incurred in the performance of their duties as commissioners.

SECTION 13. Article 3, Section 7 of Chapter 510 of the Private Acts of 1919, as replaced by Chapter 620 of the Private Acts of 1921, as amended by Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the second paragraph in its entirety and substituting the following:

Whenever, in the opinion of the Mayor, City Manager, or any two (2) Commissioners the welfare of the city demands it, the Mayor or the Recorder shall call special meetings of the Board of Commissioners upon at least eight (8) hours' written notice to each commissioner, the city manager, recorder, and city attorney, served personally, or left at such person's usual place of residence, or electronically to the extent allowed by law and if consented to by the recipient. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting.

SECTION 14. Article 3, Section 12 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the language "or imprisonment, or both," from the first paragraph.

SECTION 15. Article 3, Section 12 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the language "No fine for any one offense under this Section shall exceed three hundred dollars, nor shall any imprisonment for any one offense exceed ninety days, but" from the second paragraph.

SECTION 16. Article 3, Section 14 of Chapter 510 of the Private Acts of 1919, and any acts amendatory thereto, is amended by deleting the first paragraph in its entirety and substituting the following:

Section 14. The mayor or any commissioner may be removed from office by the board of commissioners for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty, or for permanent disability, by a unanimous vote of all other members of the board. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be

served on the accused or published at least three (3) times on three (3) successive days in a daily newspaper circulating in the city.

SECTION 17. Article 6, Section 7 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 59 of the Private Acts of 1965, Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the words "adopted by the Board of Commissioners".

SECTION 18. Article 6, Section 9 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 59 of the Private Acts of 1965, Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the section in its entirety.

SECTION 19. Article 7, Section 2, Subsection (h) of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 85 of the Private Acts of 1971, Chapter 144 of the Private Acts of 1977, Chapter 145 of the Private Acts of 1996, Chapter 89 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting the language "five thousand dollars (\$5,000.00)" each time it appears and replacing it with "ten thousand dollars (\$10,000.00)".

SECTION 20. Article 7, Section 2 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 620 of the Private Acts of 1921, Chapter 85 of the Private Acts of 1971, Chapter 144 of the Private Acts of 1977, Chapter 145 of the Private Acts of 1996, Chapter 89 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by adding the following as a new Subsection (k):

(k) Execute contracts on behalf of the city when this authority is delegated to the City Manager by ordinance.

SECTION 21. Article 8, Section 2 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 264 of the Private Acts of 1959, Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

Section 2.

(a) The City Judge shall have the power and authority to:

- (1) Impose fines, costs, and forfeitures, and punish by fine for violations of city ordinances;
- (2) Preserve and enforce order in such city judge's court;
- (3) Enforce the collection of all such fines, costs, and forfeitures imposed by such city judge; and

(4)

(A) In default of payment, or of good and sufficient security given for the payment of such fines, costs, or forfeitures imposed by the City Judge, the City Judge is authorized to enter an order for contempt of court for the payment of the fine in the amount of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

(B) Fines may be paid in installments in the manner provided by ordinance or in accordance with Tenn. Code Ann. § 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 Tenn. Code Ann. § 40-24-105.

(b) The City Judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provisions.

SECTION 22. Article 11, Section 1 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, Chapter 145 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

Section 1. The assessment, levy, and collection of taxes and special assessments shall be in the charge of the Department of Finance and Administration, subject to the limitations elsewhere found in this charter. All property, real, personal, and mixed subject to state, county, and city taxes, and all privileges taxable by law, shall be taxed, and taxes thereon collected by the city for municipal purposes as provided in this chapter. The ad valorem tax upon the stocks, accounts, and equipment may be assessed and collected in like manner as State and county merchant's ad valorem tax is

assessed upon the same property. It is the duty of the county assessor of property and the comptroller of the treasury to prepare a separate assessment book or roll showing real, personal, and mixed property assessable by the county assessor of property or the comptroller of the treasury lying within the limits of the City of Alcoa. The records shall be certified to the Recorder of the City of Alcoa upon the completion of the work of the boards of equalization, after they have been copied by the County Clerk of Blount County or the department of revenue.

SECTION 23. Article 11, Section 2 of Chapter 510 of the Private Acts of 1919, and any acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

Section 2. As soon as practicable in each year after the assessment books for the state and county are complete, which shall be after boards of equalization provided for by general laws shall have finished their work, it shall be the duty of the Recorder to prepare or cause to be prepared, from the said assessment books of Blount County and of the comptroller of the treasury, a tax book similar in form to that required by laws of the State to be made out for the County Trustee, embracing, however, only such property and persons as are liable for taxes within the city of Alcoa. Such tax books, when certified to be true, correct, and complete by the Recorder, shall be the assessment for taxes in the city for all municipal purposes; provided, that there may be an assessment by the Recorder at any time, of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city. Instead of the assessment made by county and State officials as provided in this section, the city may, by ordinance insofar as not prohibited by general laws, provide for and regulate an assessment to be made by its own assessor of property.

SECTION 24. Article 11, Section 3 of Chapter 510 of the Private Acts of 1919, and any acts amendatory thereto, is amended by deleting "and telegraph" and adding ", and other public utility" immediately following "telephone".

SECTION 25. Article 11, Section 6 of Chapter 510 of the Private Acts of 1919, as replaced by Chapter 620 of the Private Acts of 1921, and any other acts amendatory thereto, is amended by deleting "penalties" and replacing it with "interest".

SECTION 26. Article 11, Section 7 of Chapter 510 of the Private Acts of 1919, as amended by Chapter 85 of the Private Acts of 1971, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

Section 7. On the first day of October of the year for which taxes are assessed, or other date provided by ordinance, interest of two percent (2%) upon all taxes remaining unpaid shall be imposed and collected by the city and paid into the city treasury. Additional interest of two percent (2%) shall be added for each month thereafter for twelve (12) months. Notwithstanding the above, the deadline for payment of real property taxes without interest may be extended by up to thirty (30) calendar days for all taxpayers by resolution of the commission in any year.

SECTION 27. Article 17, Section 1 of Chapter 510 of the Private Acts of 1919, and any acts amendatory thereto, is amended by adding "a chief of police and" after the word appoint.

SECTION 28. Article 17, Section 2 of Chapter 510 of the Private Acts of 1919, and any acts amendatory thereto, is amended by deleting the section in its entirety and substituting the following:

Section 2. It shall be the duty of the Chief of Police and the members of the police force to preserve order in the city; protect the inhabitants and property owners therein from violence, crime, and all criminal acts; prevent the commission of crime, violations of law and of the city ordinances; and perform a general police duty, execute and return all processes, notices, and orders of the Mayor, City Manager, City Attorney, and Recorder, and all other processes, notices, and orders as provided in this charter or by ordinance.

SECTION 29. Article 17, Sections 3, 4, and 5 of Chapter 510 of the Private Acts of 1919, and any acts amendatory thereto, are amended by deleting section 3 in its entirety and renumbering the remaining sections accordingly.

SECTION 30. Article 19, Section 2 of Chapter 510 of the Private Acts of 1919, as replaced by Chapter 1 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by adding "or electronic" after the word "binder" in the third paragraph.

SECTION 31. Article 19A, Section 2, Subsection (g) of Chapter 510 of the Private Acts of 1919, as amended by Chapter 309 of the Private Acts of 1980, as replaced by Chapter 20 of the Private Acts of 1989, and any other acts amendatory thereto, is amended by deleting subsection (g) in its entirety and replacing with the following:

(g) The City of Alcoa shall have the power and is authorized to enter on any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in connection with the acquisition, improvement, operation, or maintenance of any electric, water, or sewerage plant and the furnishing of electric, water, and sewerage service.

SECTION 32. 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 Alcoa. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 33. 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 32.