

SENATE BILL 2085

By Finney L

AN ACT to repeal Chapter 551 of the Acts of 1903, except for Section 1, establishing the boundaries, relative to the City of Trenton, Tennessee, and all private acts amendatory thereto and to enact a new charter.

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

SECTION 1. The following language is hereby adopted as a new charter for the City of Trenton:

CHAPTER 1. REPEAL OF OLD CHARTER

Except for Section 1 of Chapter 551 of the Private Acts of 1903, which establishes the boundaries for the City of Trenton, Chapter 551 of the Private Acts of 1903, and all private acts amendatory thereto, being the Charter of the City of Trenton, are hereby repealed and the following sections shall become the Charter for the City of Trenton:

CHAPTER 2. INCORPORATION, BOUNDARIES, CORPORATION TO CONTINUE, LAWS TO REMAIN IN EFFECT

Section 1. Incorporation. The City of Trenton, in Gibson County, and the inhabitants thereof are hereby constituted and declared a body politic and corporate by the name and style of "The City of Trenton," and by that name shall have perpetual existence, may use a common seal and alter it as desired, may sue and be sued, may plea and be interpleaded in all courts of law and equity in all actions whatsoever, may purchase and sell, receive, own and hold real estate and personal property within and without the City for corporate purposes and may sell, lease, or dispose of such property for the benefit of the corporation, and take all other actions that a natural person may take respecting such property.

Section 2. Boundaries. The boundaries of the City shall be those fixed by Section 1, of Chapter 551 of the Private Acts of 1903, all Acts amendatory thereof, and annexations made pursuant to general law.

Section 3. Rights, debts, etc. of old corporation to continue. The right, title, and ownership of all property of the City of Trenton and all uncollected taxes, assessments, dues, fines, costs, claims, liens, judgments, and all its rights of every kind and character whatsoever, shall immediately become and are hereby vested in the municipal corporation of this act. Such corporation shall be burdened, charged with and made liable for all debts, contracts, bonds, and obligations of the corporation as provided in any charter previous to this new charter, in the same manner and form and to the same extent as the said municipal corporation had under such charter and laws.

Section 4. Old laws, ordinances, resolutions and policies to remain in effect. All laws, ordinances, resolutions, and policies lawfully enacted by the governing body of the City under any preceding Charter or Charters and not inconsistent with this Charter shall remain in full force and effect under this new Charter until such time as the governing body of the City of Trenton shall elect to amend, modify, or repeal the same.

### CHAPTER 3. POWERS OF THE CORPORATION.

Section 1. Corporate powers, generally. The City of Trenton shall have perpetual succession; the power to sue and be sued; to contract and be contracted with; to purchase, receive and hold property, real and personal, within and outside the corporate limits of the City, to be used for any municipal purpose; to sell, lease, and dispose of such property for the benefit of the City and to do all other acts the same as natural persons. It shall have a common seal and may change it.

Section 2. Enumerated powers.

The Trenton Board of Mayor and Aldermen shall have the power by ordinance to:

(a) Assess property for taxes; levy and collect taxes upon all real and personal property, privileges, and sales; and may impose other taxes now or hereafter permissible under the laws of the State of Tennessee for all general and special purposes on all subjects or objects of taxation, and privileges taxable pursuant to

applicable law for municipal purposes; and to impose fines and penalties for delinquent taxes in the manner prescribed by State statute.

(b) In compliance with applicable State statutes, appropriate and borrow money and to provide for the payment of the debt and expenses of the city.

(c) License, tax, and regulate everything or person licensed, taxed or regulated by the State or county to the extent authorized by general law for municipal purposes.

(d) Issue licenses and permits for the operation of buses, taxicabs, and other motor vehicles within the City, to charge and collect fees for issuance of same, and to regulate the use and control of the streets, thoroughfares, and alleyways of the City for the preservation of its streets and the safety of the public.

(e) Assess and impose fees for the parking of motor vehicles on City streets, roads, alleys or parking lots.

(f) Permit the sale of beer, as defined by the State of Tennessee, within the corporate limits of the City and to levy such taxes to the extent authorized by the general law for municipal purposes; such taxes may include a privilege tax or sales taxes on the amount paid for beer sold at retail in the City, or, if authorized pursuant to general law, both a privilege tax and sales tax upon said beer sales; and to establish rules and regulations for the collection of all beer-related revenues.

(g) Grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty-five (25) years. When not prohibited or preempted by law, the Board may prescribe in such franchises and contracts rates, fares, charges, regulations, and standards and conditions of service.

(h) 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 inhabitants of the City.

(i) Regulate the storage, handling, transportation, sales, and use of all explosive and combustible materials, chemicals and substances in accordance with the general law.

(j) Regulate, prohibit, or suppress all disorderly houses and bawdy houses.

(k) Regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of the same found in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance.

(l) Organize, establish, maintain, and regulate a municipal police department, with a police chief and such officers and personnel as may be deemed necessary and consistent with State statutes to enforce the law and provide for the public safety.

(m) Organize, establish, maintain, and regulate a municipal fire department, with a fire chief and such officers and personnel as may be deemed necessary to prevent and suppress fires; to regulate, restrain, and prohibit the causing, starting or maintaining of fires deemed a threat to the public health and safety.

(n) Impose fines, forfeitures, and penalties for the violation of any ordinance, and to provide for the recovery and appropriation of the same.

(o) Provide for the arrest and confinement until trial of all disorderly or riotous persons within the City, by day or by night; to authorize the arrest and detention of all suspicious persons in accordance with general law found violating any State or Federal law.

(p) Prevent and punish by the imposition of monetary fines or otherwise all breaches of the peace, noise, disturbances, or disorderly assemblies in any alley or street, house or place in the City.

(q) Provide the City with a waterworks and wastewater treatment system within and beyond the corporate limits of the City.

(r) Provide the City with an electrical power system; to generate, purchase, distribute, and sell electricity, within and beyond the corporate limits of the City, according to rates and policies established by the Board of Mayor and Aldermen.

(s) Provide for the collection and disposal of solid wastes, garbage, rubbish and refuse and to impose fees for same.

(t) Open, alter, abolish, widen, extend, establish, grade, pave, maintain, or otherwise improve, clean, keep in repair streets, alleys, and sidewalks, or to have the same done.

(u) Provide for the acquisition, construction, building, operation, and maintenance of: public ways, sidewalks, parks, public grounds, cemeteries, public buildings, libraries, sewers, drains, culverts, gutters, 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, detentional, penal, and medical institutions, agencies, and facilities; and any other public improvements; inside or outside the City; and to regulate the use thereof; and for such purposes property may be either acquired or taken under applicable laws.

(v) Establish and operate a system of free schools, to the extent authorized pursuant to general law, and maintain them by taxation, when such taxation shall have been ratified by a majority of the qualified voters of the city, and to regulate the said schools so as to avoid sectarian influence.

(w) Establish and operate a municipal bus system and to establish and collect fees for the transportation of passengers thereon; and to contract with other public or private entities for provision of same.

(x) Regulate and license vehicles operated for hire in the City, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(y) 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.

(z) Plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans.

(aa) Exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this 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.

#### CHAPTER 4. THE MUNICIPAL GOVERNING BODY.

Section 1. Governing body. The governing body of the City of Trenton shall be known and is designated as the Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall consist of a Mayor and six (6) Aldermen.

Section 2. Qualifications for office. No person shall serve as Mayor or Alderman who is less than twenty-one (21) years of age at the date of his or her election or appointment. The Mayor and Aldermen shall have resided in the City of Trenton for at least twelve (12) consecutive months immediately prior to the date of their election or appointment.

Section 3. Continuance of terms of office. For the purpose of implementing this Act, the Mayor and Aldermen elected in the November, 2010 municipal election shall continue to hold their offices for the full, four-year terms to which they have been elected or until their successors have been sworn.

Section 4. Vacancies on the Board of Mayor and Aldermen.

(a) The Board of Mayor and Aldermen shall declare that a vacancy exists 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 six (6) months so as to prevent him or her from discharging the duties of his or her office.

(b) The Aldermen remaining on the Board following the declaration of one (1) or more vacancies 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 municipal election, whichever shall occur first.

(c) For the purpose of filling vacancies, in the event more than one (1) vacancy exists in the office of Mayor or Alderman, a quorum shall consist of the majority of the remaining aldermanic members of the Board of Mayor and Aldermen.

Section 5. Compensation of the Mayor and Aldermen. The compensation of the Mayor and Aldermen shall be set by ordinance, except that 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. No member of the Board of Mayor and Aldermen shall become a bondsman for any officer, servant, or employee of the City.

#### CHAPTER 5. MUNICIPAL ELECTIONS.

Section 1. Municipal Elections, terms of office. The Board of Mayor and Aldermen shall be chosen by the qualified voters of the City to serve for a period of four (4) years beginning with the election held in November, 2014, and every four (4) years thereafter. The Trenton municipal election shall be held concurrent with the federal and state elections held in November.

Section 2. Election of the Aldermen. The six (6) candidates for Aldermen receiving the highest number of votes shall be deemed elected. In the event of a tie vote for the sixth seat on the Board of Aldermen, the Alderman shall be selected in a runoff

election to be held on the second Tuesday in January immediately following the regular election. Such run-off election shall be limited to those candidates for the sixth seat resulting in the tie vote.

Section 3. Election of the Mayor. No candidate for the office of Mayor shall be sworn except upon receiving a majority of the total votes cast in the mayoral election, a majority being defined as at least fifty-percent (50%) plus one vote. In the event no candidate for Mayor receives a majority of the votes cast, a run-off election shall be held on the second Tuesday in January following the regular election. Such run-off election shall be limited to the two (2) candidates receiving the highest number of votes in the November election.

Section 4. Voting qualifications. To vote in City elections, a voter shall meet the following qualifications:

(1) Be qualified to vote for state and county officers; and

(2) Be a resident of the City, or be a bona fide owner of real estate within the City limits with an assessed value of at least two thousand five hundred dollars (\$2,500.00). A voter's residence shall be determined in accordance with the principles for determining residence as provided in Tennessee Code Annotated, Section 2-2-122. The provisions of Tennessee Code Annotated, Section 2-2-107(a) shall apply to those voting in the election based on ownership of property within the City.

Section 5. Restrictions on candidates for municipal offices. Giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, shall be deemed to be a criminal offense, and upon conviction such person shall be ineligible to hold an office or position of employment in the city government for a period of five (5) years following the date the sentence for such conviction has been completed.

#### CHAPTER 6. INSTALLATION OF THE MAYOR AND ALDERMEN.

Section 1. The Mayor and Aldermen elected pursuant to Chapter 5 shall take office at the first regularly scheduled meeting of the Board of Mayor and Aldermen in the



January immediately following the November election. If a run-off for the office of Mayor is required as provided in Section 3 of Chapter 5, the Mayor elected in such run-off election shall take office at the first meeting of the Board of Mayor and Aldermen after the run-off election is certified or the first regularly scheduled meeting of the Board of Mayor and Aldermen in the February immediately following the November election, whichever date is later.

Section 2. Oath of office. Before entering upon the duties of their office, the Mayor and Aldermen shall subscribe to the following oath or affirmation, administered by the Municipal Judge, City Recorder or the Mayor:

"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 City of Trenton, and that I will faithfully discharge the duties of the office of Mayor (Alderman)."

#### CHAPTER 7. BOARD MEETINGS AND LEGISLATION.

Section 1. Meetings of the Board of Mayor and Aldermen.

(a) 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 three (3) 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 notice when the special meeting is called may be transacted at a special meeting.

(b) A simple majority of the seven members of the Board of Mayor and Aldermen shall constitute a quorum. In the event of one or more declared vacancies on the Board, a quorum shall consist of a majority of the remaining members of the Board. The ayes and nays of all votes shall be recorded in the journal. 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.

(c) The Mayor shall preside at meetings of the Board of Mayor and Aldermen and shall not have a vote on any matter coming before the Board except when necessary to break a tie vote of the Aldermen.

(d) In the absence of the Mayor at any meeting of the Board of Mayor and Aldermen, the meeting shall be opened by the City Recorder and roll call taken. Upon determination that a quorum exists, the Board shall elect an Alderman to serve as Mayor Pro Tem and to preside at the meeting. The Mayor Pro Tem shall have a vote on all matters coming before the Board. Upon the return of the Mayor to the meeting or upon the adjournment of the meeting, whichever occurs first, the Mayor Pro Tem shall cease to preside.

## Section 2. Municipal legislation.

(a) 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 City of Trenton." 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. All ordinances shall be signed by the Mayor before they shall become effective.

(b) No ordinance shall be considered enacted without first receiving the affirmative vote of at least four (4) members of the Board on final reading. In the case of a 3-3 tie vote of the Aldermen, the Mayor may cast the fourth affirmative vote to enact the ordinance.

(c) Resolutions and motions of the Board shall be enacted by a simple majority of those members present and voting.

#### CHAPTER 8. ADMINISTRATION.

Section 1. Organization of the City Government. The Trenton City 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 2. Administrative duties of the Mayor. The Mayor shall have the powers of a business manager; the Mayor shall have supervision and control of all the administrative affairs of the City; the Mayor shall be its chief executive. The Mayor shall have access to all of the books, records, offices and papers of every kind pertaining to the City's business and require their proper safekeeping. The Mayor shall present in writing or verbally to the Board his or her recommendations of the needs of the City at any time the Mayor deems advisable. The Mayor shall have control over all municipal improvements and property and he or she shall have the exclusive power to make all expenditures within the budget after the same have been appropriated by the Board. The Mayor shall be responsible for controlling expenditures pursuant to the annual fiscal budget. The Mayor shall have the exclusive power to execute contracts as authorized by the Board. The Mayor shall take all proper measures for the preservation of public order and preservation of the peace and the Mayor may call upon the Governor for military aid. The Mayor shall appoint, subject to confirmation by the Board, the City Recorder, Police Chief, Public Works Director, Fire Chief, and any other employee who is designated a department head by ordinance. The Mayor shall have authority to make appointments, promotions and transfers of employees, to make demotions, suspensions and removals of all employees except those designated as department heads. The office of Mayor shall be deemed a full-time position and the Board may from time to time

by ordinance establish certain functions and duties of this office that shall not be inconsistent with this charter. The Mayor shall serve as a member of all boards and committees created by the Board of Mayor and Aldermen.

Section 3. The City Recorder. A City Recorder shall be appointed by the Mayor, subject to confirmation by the Board of Mayor and Aldermen, to serve as financial agent of the City and custodian of funds, budgets and records. This officer shall work under the immediate direction of the Mayor for an indefinite term. The Recorder or his or her designees shall keep and preserve the City Seal and all official records not required by law or ordinance to be filed elsewhere; attend all meetings of the Board and keep a full and accurate record preserved in permanent form of all business transacted by the Board; administer functions for necessary and proper municipal operations; make such reports of the finances of the City as required and called on by the Mayor and Board; assess and collect all taxes and fees due the City; and conduct other such duties as required by the Mayor and Board. The City Recorder shall, within six (6) month of his or her appointment to the office of City Recorder, be a resident of the City of Trenton and he shall maintain such residency throughout his or her employment as City Recorder.

Section 4. The City Treasurer. The Board of Mayor and Aldermen shall at its first meeting in January immediately following the municipal election, appoint an Alderman to serve as the City Treasurer. The City Treasurer shall receive and receipt for all funds belonging to the city from the City Recorder and other sources, and keep a proper account of the same in such book or books as the Board may direct; upon request of the Board of Mayor and Aldermen, make out and present quarterly a full and explicit account, statement and report of all the finances under his or her control, and also a complete financial statement of the City, which report the Board may order published. The City Treasurer shall perform such other duties as the Board may by ordinance provide.

Section 5. The Chief of Police. A Chief of Police shall be appointed by the Mayor, subject to confirmation by the Board of Mayor and Aldermen, to serve as the chief law enforcement officer for the City. The Police Chief shall work under the

immediate direction of the Mayor and shall serve for an indefinite term. The Chief of Police or his or her designees shall administer functions for necessary and proper police department operations; arrest all persons violating the criminal laws of the State in accordance with the general law of the state or issue a citation for a violation of any ordinances of the City of Trenton; take any person before an authorized person by law for trial or examination; and have all the power, authority, duty, and jurisdiction. The Chief of Police shall, within six (6) months of his or her appointment to the office of Chief of Police, be a resident of the City of Trenton and he or she shall maintain such residency throughout his or her employment as Chief of Police.

Section 6. The City Attorney. The Mayor, subject to confirmation by the Board, shall appoint a City Attorney to serve an indefinite term. The City Attorney shall be responsible for advising the Board and officers and employees concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board.

Section 7. Officers and employees. 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 8. Political Activity. No employee of the City shall continue in the employment of the City after becoming a candidate for nomination or election to any City office, but this provision shall not apply to the Mayor, Aldermen, members of boards or commissions, the City Attorney or the City Judge. Nothing in this section shall be construed as prohibiting the City Recorder from being a candidate for the office of Municipal Court Clerk. No person shall directly or indirectly give, render or pay any money, service or the valuable consideration to any person for or on account of or in connection with employment by the City government. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment,

subscription or contribution from any employee of the City in connection with any City election. Any person who alone or with others willfully or corruptly violates any provision of this section shall be guilty of a crime, and upon conviction thereof the person shall immediately forfeit and vacate the office or position he or she holds and be ineligible to hold any office or position of employment in the City government for a period of five (5) years following the date the sentence for such conviction has been completed.

Section 9. Personnel Rules. The Board may adopt supplementary rules and regulations governing employment by the City, not inconsistent with the provisions of this Charter.

#### CHAPTER 9. FISCAL AFFAIRS.

Section 1. Bonds. The Mayor and every officer, agent, and employee of the City 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 City.

Section 2. Fiscal year and annual budget. The fiscal year of the City government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year. Prior to the beginning of each fiscal year, 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 expenditures during the preceding year;
- (b) Estimated revenue and expenditures for the next 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. A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Aldermen.

Section 3. Public Hearing on Budget. After receiving the Mayor's proposed budget, the Board shall fix a time and place for a public hearing thereon. A notice of the hearing shall be published one (1) time in a newspaper having general circulation in the City. The publication shall appear at least ten (10) days in advance of the date of the hearing.

Section 4. Adoption of the Budget. After the public hearing the Board shall adopt the budget with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year after ten (10) days' notice published in the newspaper and a public hearing before the Board.

Section 5. Control of Expenditures. The Mayor shall be responsible for controlling expenditures of the various agencies of the City government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations of a fund, without the approval of the Board.

Section 6. Unauthorized Contract or Expenditure. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the City shall be void and no expenditure shall be made there under. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure there under, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the City for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for his or her removal.

Section 7. Sale of Property. The Mayor may sell City property which is obsolete, surplus or unusable; provided, however, that the sale of any equipment or materials for

more than five hundred dollars (\$500) or the sale of any real estate shall be subject to the prior approval by the Board.

Section 8. Property Taxes. All property subject to taxation shall be subject to the property tax levied by the City pursuant to the general laws of the State of Tennessee.

Section 9. Omitted Property. The City 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 City.

Section 10. Tax Levy. The Board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation. Said levy shall be made in a manner pursuant to the general laws of the State of Tennessee.

Section 11. Tax Due Dates and Tax Bills. The due dates of property taxes and method of payment of such taxes shall be fixed by ordinance. The City shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and tax, penalty, or interest thereon. Property taxes which become delinquent shall be subject to penalty and interest as provided by State law. On and after the date when such taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a court of record.

Section 12. 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 City under the laws governing execution of such process; or by the county trustee as provided by general law; or by the City Attorney acting in accordance with general laws providing for the collection of delinquent City 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.

Section 13. Taxes Not To Be Excused. No officer or employee of the City shall have the authority to excuse taxes, penalties, interest, special assessments, or other



charges due the City, but errors may be corrected when authorized by the county property assessor.

Section 14. Disbursement by Check. All disbursements, except for any agency of the City administered by a board or commission, shall be made by checks signed by the City Treasurer, Mayor or City Recorder. The Board may designate other officers to sign such checks in the absence or disability of the Mayor.

Section 15. Official Depository. The Board shall, by resolution, designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the Board.

Section 16. Cemetery Fund. The City of Trenton shall have the right to acquire land for the operation of cemeteries, within and beyond the corporate limits of the City. For the purpose of operating and financing city cemeteries, the City shall maintain a separate Cemetery Trust Fund, and all funds collected or received from the sale of grave sites, performance of cemetery-related services, and perpetual care and related services shall be deposited directly into said Trust Fund. The City shall have the right to contract with private or public entities for the maintenance of city-owned cemeteries.

#### CHAPTER 10. THE MUNICIPAL COURT

Section 1. General. A municipal court is hereby established and granted both jurisdiction over all infractions of municipal ordinances of the City of Trenton, and concurrent jurisdiction with courts of general sessions in all cases of the violation of criminal laws committed within the corporate limits of the City of Trenton, including the jurisdiction to conduct preliminary examinations and bind over defendants to the grand jury for indictment.

Section 2. Election and qualifications of the Judge. The municipal judge shall be elected to an eight-year term in August of 2006. Every eight (8) years thereafter, the voters of the City shall elect a municipal judge in the August general elections at the same time and in the same manner as other judges of inferior courts are elected. The Municipal Judge of the City of Trenton shall be licensed to practice law in the State of

Tennessee and shall meet all other qualifications imposed by Article VI, Section 4, of the Constitution of Tennessee for Judges of Inferior Courts.

Section 3. Procedures. The judge may accept written waiver of indictment, presentment, grand jury investigation, jury trials and pleas of guilty entered into by the defendant, and upon such written waivers, the municipal court may try the case, enter judgment and prescribe punishment. If the defendant demands a jury trial, he shall be bound over to the action of the next grand jury of Gibson County, Tennessee. When the defendant is brought before the municipal court upon arraignment or trial, the judge shall advise the defendant of his constitutional right to be represented by counsel, the right to be tried only upon presentment or indictment by a grand jury, the right to make a statement or waive such statement, and the right to a trial by jury. All appeals shall be made to the circuit court where the case shall be tried de novo. The appeal must be prayed within ten (10) days from final judgment. The judge of the municipal court shall adopt rules necessary for the efficient administration of this act.

Section 4. Clerk of the Court. The clerk of the court shall be elected to a four-year term in August of 2010, and every four (4) years thereafter at the August general election at the same time and in the same manner as constitutional county officials are elected. The Board shall set the salary for the court clerk by adoption of an ordinance, except that the salary of the clerk of the court shall not be changed during the clerk of court's term of office. The court clerk shall keep a court docket. The docket shall show the name of the defendant, the charge against him or her, and the disposition of the case. The clerk shall keep a minute book in which shall be entered the action of the court, the name of the defendant, his or her arraignment upon the charges against him or her, his or her plea, whether he or she waived his or her right of trial by indictment, information or presentment, whether he or she waived his or her right to a jury trial and the judgment of the court or verdict of the jury.

Section 5. Court costs, fees, and fines. Costs and fees shall be the same as provided under the provisions of Tennessee Code Annotated, Title 8, for general sessions court clerks and other officials when the court is exercising its criminal

jurisdiction; provided, however, fees prescribed for district attorneys shall be those of the municipal attorney. All fees and costs shall be paid into the treasury of the municipality and all fines and forfeitures accruing under the provisions of this act shall be distributed as provided by law for general sessions courts. Any pension or retirement costs which are assessed shall be payable to the City, if the City court officers are participants in a retirement system wherein the City is obligated to make any contribution to the retirement fund.

Section 6. Compensation of the Judge. The compensation for the Judge of the Municipal Court shall be fixed by the City Council, at a yearly sum not to exceed thirty thousand dollars (\$30,000), which compensation shall be fixed in accordance with Chapter 4, Section 5 of the Charter. Such salary shall not be increased or diminished during the term of office of the Judge. In addition, the judge shall be eligible to participate in the City of Trenton's health insurance plan.

#### CHAPTER 11. RATIFICATION AND EFFECTIVE DATE.

Section 1. Approval by the City of Trenton. To be applicable as the Charter of the City of Trenton, this Act shall be approved by a two-thirds (2/3) vote of the Trenton Board of Mayor and Aldermen, said vote to be taken not more than one hundred and twenty (120) days after this act takes effect. Its approval or nonapproval shall be proclaimed by the Mayor of the Board of Mayor and Aldermen and certified to the Secretary of State.

Section 2. Effective date. For the purpose of approving or rejecting the provisions of this Act, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Chapter 11, Section 1.