

SENATE BILL 2753

By Gresham

AN ACT to amend Chapter 148 of the Private Acts of 1923; as amended by Chapter 210 of the Private Acts of 1982; and any other acts amendatory thereto, relative to the charter of the Town of Silerton.

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

SECTION 1. Chapter 148 of the Private Acts of 1923, as amended by Chapter 210 of the Private Acts of 1982, and any other acts amendatory thereto, is amended by deleting the charter in its entirety and substituting instead the following:

Section 1. That the Town of Silerton, in Hardeman and Chester Counties, State of Tennessee, and the inhabitants thereof are hereby constituted a body politic and corporate under the name and style of "The Town of Silerton," and shall have perpetual succession and by the corporate name may sue and be sued, contract and be contracted with, may grant, receive, purchase and hold property, real, personal and mixed, and dispose of same for the benefit of the town, and have and use a common seal, and may own real estate out of the corporate limits.

Section 2. The corporate boundaries or limits of the Town of Silerton shall be and embrace all the territory now within the corporate limits of the Town of Silerton 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 Town of Silerton and by law or ordinances or as may hereafter be modified by acts of the General Assembly or ordinances of the Town of Silerton.

Section 3. That the first Mayor, Marshal, and Aldermen of the Town of Silerton shall be the following named persons, to-wit: James Roland, Mayor; W. C. Hankins, Marshal; and T. C. Siler, J. R. Fitts, G. H. Masters, L. A. Holloway, O. A. Willoughby, W.

H. Murley, J. D. Siler, and H. D. Walker, Aldermen. The aforementioned officers shall meet in the Town of Silerton on the 6th day of March, 1923, and organize by taking an oath before some officer authorized to administer oaths, to faithfully discharge the duties of their respective offices and by giving bond as hereinafter required, and they shall hold their offices and exercise all the powers conferred and perform all the duties imposed by this Act until the first Tuesday after the third Monday in January, 1924, and until their successors are elected and qualified. Said officers hereinbefore named on the Board of Mayor and Alderman will, when they meet, on said 6th day of March, 1923, to organize, elect one of their number Recorder and one of their number Treasurer, to serve until the first Tuesday after the third Monday in January 1924, and until their successors are elected and qualified.

Section 4. At the regular November general election to be held in 2020 and on the same day each fourth year thereafter, an election shall be held for the purpose of electing a Mayor and a board of five (5) Aldermen for said Town, whose term of office shall begin the fourth Monday in January, and who shall serve for a term of four (4) years and until their successors are elected and qualified; all elections for said town shall be held by the Election Commissioners of Hardeman County, Tennessee.

Section 5. The Mayor, before assuming the duties of the office, shall take and subscribe to an oath before some person authorized by law to administer oaths. The Mayor shall administer the oath of office to the Recorder, Treasurer, and Aldermen. All officers, before entering upon the discharge of their duties, shall take and subscribe to an oath that they will honestly and faithfully to the best of their skill and ability discharge the duties of their respective offices without fear, favor, or partiality.

The Mayor and Board of Aldermen shall, by ordinance, establish the salary, benefits, and reimbursement allowances for the Mayor, Aldermen, City officers, and officials and elected and appointed committee members. Such salaries, benefits, and reimbursement allowances may be changed by ordinance at any time, but the salary of officials elected by the people may not be increased or diminished during the term of office for which such officials were elected. The salaries for the Aldermen and the Mayor

shall be set by ordinance at least ninety (90) days prior to the mayoral municipal election.

Section 6. That in addition to the officers to be elected under this Act for said Town of Silerton as hereinabove provided, the Board of Mayor and Aldermen shall, at the first meeting after their election, elect a Recorder and Treasurer for said town. The Recorder may be appointed to the position of Treasurer. The person elected may be an alderman and in addition to their duties as Aldermen the Recorder and Treasurer shall also perform all duties required of them by law and ordinance of said Town of Silerton.

Section 7. The legislative powers of the Town of Silerton shall be vested in and exercised by the Board of Mayor and Aldermen, over whose meetings the Mayor shall preside and cast the deciding vote when there is a tie. A majority of the Board shall constitute a quorum for the transaction of business. In the absence temporarily of the Mayor, the Board shall elect a member of the Board to preside over its meetings. In the event of the death, resignation, or removal of the Mayor or an Alderman the Board shall proceed to elect some person to fill the unexpired term and they shall have power to fill all vacancies occurring in the Board.

Section 8. No person shall be eligible to the office of Mayor, Recorder, or Aldermen unless they are a resident and a qualified voter of the town and unless they shall have resided in the corporate limits of said town six (6) months preceding the election.

Section 9. The Board of Mayor and Aldermen of the Town of Silerton may determine contests of election, and any party aggrieved may appeal to the Circuit Court. The Board shall prescribe its own rules of procedure. A less number than a majority may adjourn from day to day and the Board shall hold its regular meetings at such times as it may determine.

Section 10. The Town of Silerton may:

- (1) 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;
- (2) Adopt classifications of the subjects and objects of taxation that are not

contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

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

(6) 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;

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

(8) 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;

(9) 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 title 29, chapter 16, or in any other manner provided by law;

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

(11) 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 of 1986, compiled in title 9, chapter 21;

(12) 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 § 65-4-107. 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;

(13) 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;

(14) 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 (14) 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 (12) and (13);

(15) 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 §§ 7-31-107 - 7-31-111 and § 29-16-203, or any other manner provided by general law;

(16) 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, title 7, chapters 32 and 33;

(17) 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;

(18) 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;

(19) 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;

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

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

(22) 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;

(23) 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;

(24) 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 title 47, chapter 26, part 9;

(25) 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;

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

(27) 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 §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law;

(28)

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

(B) Provide by ordinance for court costs as provided in the Municipal Court Reform Act of 2004, compiled in title 16, chapter 18, part 3;

(29) 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; and purchase or erect all necessary buildings and do all other acts necessary to establish, maintain, and operate a complete educational system within the municipality;

(30) 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;

(31) Call elections as provided in this charter;

(32) 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

(33) 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 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 11. The Board of Mayor and Aldermen may appoint a Chief of Police to serve at the will and pleasure of the Board. Such Chief of Police shall serve at the direction of the Board under such rules and regulations and for such compensation as the Board may prescribe. Such Chief of Police is hereby vested with authority to execute all necessary process and make arrests for violation of State laws or municipal laws within the corporate limits. The Chief shall perform all other duties as may be prescribed by ordinance.

Section 12. The Recorder shall attend the meetings of the Board and keep accurate minutes of the proceedings. The Recorder shall also collect all privilege taxes and merchants' ad valorem taxes, and issue all privilege licenses and keep a complete record of the same, and pay all monies collected over to the Treasurer of the town and take proper receipt therefor. The Recorder shall also perform all other duties which may be imposed by ordinance and shall receive such compensation as may be allowed by ordinance.

Section 13. All ordinances introduced before the Board of Mayor and Aldermen shall be in writing, and shall pass one (1) reading by a majority of those present, if there is a quorum, in a regular or called meeting of the Board of Mayor and Aldermen.

The ordinance shall be signed by the Mayor, unless the Mayor vetoes the ordinance by the next regular meeting of the Board, before the ordinance shall become effective. The Mayor shall examine all ordinances and sign at once, if the ordinance meets the Mayor's approval. If it does not, the Mayor shall return the same to the next regular meeting of the Board with objections in writing, and no ordinance so vetoed shall go into effect unless and until it again passes by a majority of the Board.

Section 14. There shall be a town court presided over by a town judge appointed by the Board of Mayor and Aldermen. The town judge shall have the qualifications and receive the compensation the board may provide by ordinance. In the absence or disability of the town judge, the Mayor may designate a qualified person to serve as town judge.

The town judge may impose fines, costs, and forfeitures, and punish by fine for violation of city ordinances. The judge may preserve and enforce order in the court and enforce the collection of all fines, costs, and forfeitures imposed.

Section 15. The Mayor may call special meetings of the Board and shall state in writing the purpose of such meetings, which statement together with the proceedings of the Board shall be put in the minutes. If the Mayor fails or refuses to call a special meeting of the Board, any two (2) aldermen may call a special meeting of the Board.

Section 16. The Treasurer shall receive and receipt for all moneys belonging to the town and shall safely keep an account of said funds, and shall pay out the same on the proper order of the Board of Mayor and Aldermen.

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

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.