

CHARTER FOR THE CITY OF MARTIN, TENNESSEE<sup>1</sup>

CHAPTER NO. 158

SENATE BILL NO. 2785

By Hamilton

Substituted for: House Bill No. 2779

By Herron

AN ACT to repeal Chapter 552 of the Private Acts of 1919 and all acts amendatory thereto being the charter of the City of Martin and to enact a new charter for the City of Martin.

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. Repeal of previous charter . . . . .	C-2
2. Incorporation . . . . .	C-3
3. Corporate boundaries . . . . .	C-3
4. Powers of mayor and aldermen . . . . .	C-3
5. Wards; elections, qualifications, and term of office of mayor and aldermen; voter qualifications . . . . .	C-5
6. Oath of office of mayor and aldermen . . . . .	C-6
7. Improper solicitation of political support . . . . .	C-6
8. Vacancy in office . . . . .	C-7
9. Board of mayor and aldermen--compensation; regular meetings; quorum . . . . .	C-7

---

<sup>1</sup>Priv. Acts 1992, ch. 158, is the current basic charter act for the City of Martin, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2006 session of the Tennessee General Assembly and is current with the laws from the 2023 Regular Session of the 113<sup>th</sup> Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

<u>SECTION</u>	<u>PAGE</u>
10. Mayor to preside at meetings and have no vote . . . . .	C-8
11. Vice-mayor--selected; term of office . . . . .	C-8
12. Ordinances . . . . .	C-8
13. Organization of city government . . . . .	C-8
14. Duties of mayor . . . . .	C-9
15. City recorder--appointment; powers and duties . . . . .	C-10
16. City attorney--appointment; duties . . . . .	C-11
17. City judge--appointment; term of office; jurisdiction; powers . . . . .	C-11
18. Personnel policies adopted by the board . . . . .	C-12
19. Employees; promotions; probationary period. . . . .	C-12
20. Board may adopt supplementary rules and regulations . . . . .	C-12
21. Bond required . . . . .	C-12
22. Employees of the city to resign if seeking employment other than their present office . . . . .	C-13
23. Budget . . . . .	C-13
24. Hearing on budget . . . . .	C-13
25. Modifications of budget . . . . .	C-13
26. Taxation of property . . . . .	C-14
27. Taxable property omitted to be appraised and assessed. . . . .	C-14
28. Tax levy . . . . .	C-14
29. Due dates; tax bills; delinquent taxes . . . . .	C-14
30. Collection of delinquent taxes . . . . .	C-14
31. Board may adopt new public acts . . . . .	C-14
32. Severability . . . . .	C-14
33. Salary of incumbent prior to end of term . . . . .	C-15
34. Incumbent; removing from office . . . . .	C-15
35. To be approved by governing body . . . . .	C-15
36. Effective date . . . . .	C-15

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

SECTION 1. Chapter 552 of the Private Acts of 1919, as amended by Chapter 471 of the Private Acts of 1923, Chapter 64 of the Private Acts of 1925, Chapter 296 of the Private Acts of 1925, Chapter 748 of the Private Acts of 1927, Chapter 43 of the Private Acts of 1931, Chapter 815 of the Private Acts of 1931, Chapter 91 of the Private Acts of 1931 (2nd session), Chapter 5 of the Private Acts of 1933, Chapter 844 of the Private Acts of 1937, Chapter 478 of the Private Acts of 1947, Chapter 560 of the Private Acts of 1951, Chapter 545 of the Private Acts of 1953, Chapter 325 of the Private Acts of 1959, Chapter 61 of the Private Acts of 1965, Chapter 159 of the Private Acts of 1975, Chapter 160 of the Private

Acts of 1975, Chapter 307 of the Private Acts of 1978, Chapter 122 of the Private Acts of 1986, Chapter 123 of the Private Acts of 1986, Chapter 147 of the Private Acts of 1988, and any other acts amendatory thereto is hereby repealed and the following sections shall become the charter for the City of Martin.

SECTION 2. The City of Martin, Tennessee, and the inhabitants thereof shall continue as a body politic and corporate, by the name and style of the City of Martin and this act shall constitute its complete charter. The City of Martin shall have perpetual succession; may sue and be sued, contract and be contracted with, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same, for the benefit of such city, and may have and use an official seal.

SECTION 3. The boundaries of the city shall be those fixed by Chapter 552, Private Acts of 1919, and all acts amendatory thereto, which shall be incorporated herein by reference, and by any annexation<sup>1</sup> or contraction made pursuant to general law.

SECTION 4. The mayor and aldermen are hereby empowered to:

(A) Enact such ordinances as may be necessary to preserve the health, quiet, peace, morals and good order of the city.

(B) Fix the compensation of all the officers and agents of such corporation not fixed herein.

(C) Declare what is a nuisance, and to prevent and abate the same.

(D) Levy and collect taxes on all property subject to taxation.

(E) Appropriate money and provide for the debts and operating expenses of the corporation.

(F) License and tax all privileges taxable by the laws of the state.

(G) Regulate the theatricals and other shows and exhibitions.

(H) Regulate the storage, sale or use of firecrackers and all other fireworks, toy pistols, explosives and combustibles.

---

<sup>1</sup>Annexation ordinances are of record in the recorder's office.

(I) Impose fines, forfeitures and penalties for the breach of ordinances adopted under this act, and to provide for their recovery, and the arrest of any party or parties breaching such ordinances and provide for sentences of imprisonment in the city workhouse to secure such fines, provided, that no fines shall exceed fifty dollars (\$50).

(J) Erect and keep a jail in which to confine any person violating a city ordinance.

(K) Erect and organize a workhouse, in or near the city, provide for committing and working in such workhouse, on the public streets or city works, any person who fails to pay or secure any fine and costs assessed for the violation of any ordinance, who for any such violations may be sentenced to such workhouse, and provide for the management and control of same.

(L) Regulate or prohibit the running at large in the streets of dogs and other animals.

(M) Designate certain districts as fire limits, and provide for the character of houses that may be built in such limit or limits and to regulate the same.

(N) Provide for the support and maintenance of a police force, and to maintain the same.

(O) Condemn and take, use, and appropriate, any grounds, or real estate necessary for present or future public use.

(P) Keep up the streets, alleys, and sidewalks and to fix the grades of the same, to open others, to abolish, widen or extend the same; to require owners of property to construct or repair sidewalks adjacent to their property.

(Q) Prevent engines and trains from blocking the streets and alleys, and to regulate their speeds.

(R) Make suitable regulations for the preservation of life and property from fires and other casualties, and to require all parties before erecting any building to obtain written permission from the city.

(S) Provide for the organization and regulations of fire companies, volunteer or otherwise.

(T) Provide for maintaining and operating a system of waterworks; a sanitary sewer system; and a natural gas distribution system.

(U) Grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty (20) years.

(V) Provide for the collection and disposal of garbage, rubbish and refuse.

(W) Exercise and have all 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 herein as fully and completely as if such powers were fully enumerated.

SECTION 5. The City shall be divided into three (3) wards which shall be designated as Ward I, Ward II and Ward III. The Board of Mayor and Aldermen by ordinance shall establish the ward boundaries, and the boundaries may be changed as population shifts or as other considerations require. The Boundaries shall be established in conformance with the one (1) person, one (1) vote, doctrine of the Fourteenth Amendment to the Constitution of the United States and shall be reviewed at least once every ten (10) years when the results of the United States Census are available.

On the first Tuesday following the first Monday in November 2002, at the regular November state election, a non-partisan election shall be held to elect, from the city-at-large, a Mayor for a four (4) year term. At the same election, one (1) individual who shall reside in Ward I, shall be elected from Ward I as Alderman for a four (4) year term; one (1) individual, who shall reside in Ward II, shall be elected from Ward II as Alderman for a four (4) year term; and one (1) individual who shall reside in Ward III, shall be elected from Ward III as Alderman for a four (4) year term. The Mayor and incumbent Aldermen, whose terms have expired on the first day of September, 2002, shall have their terms extended to 7:00 P.M. on the first Monday of December, 2002. Present incumbent Aldermen shall continue to serve for the terms to which they were elected.

On the first Tuesday following the first Monday in November, 2004, at the regular November state election, and every two (2) years thereafter, a non-partisan election shall be held. At the same election, one individual, who shall reside in Ward I, shall be elected from Ward I as an Alderman for a four (4) year term; one (1) individual, who shall reside in Ward II, shall be elected from Ward II as an Alderman for a four (4) year term; and one (1) individual, who shall reside in Ward III, shall be elected from Ward III as an Alderman for a four (4) year term. The incumbent Aldermen, whose terms would have expired

on the first day of September, 2004 shall have their terms extended to 7:00 P.M. on the first Monday of December, 2004.

It is the intent of the Board of Mayor and Aldermen of the City of Martin, to have a non-partisan election every two (2) years at the regular November state election, beginning in November, 2002. The term of office of an Alderman and the Mayor shall be four (4) years. At the election held in November, 2002, there shall be elected a Mayor and one Alderman from each ward for a term of four (4) years. At the election held in November, 2004, there shall be elected an Alderman from each ward. In all elections for Mayor or for Alderman, a plurality shall determine the person elected. In case of a tie vote, the incumbent Board of Mayor and Aldermen shall determine the winner.

The terms of office of the Mayor and Aldermen shall commence at 7:00 P.M. on the first Monday of December following their election.

Any qualified resident voter of the city who is 21 years old or will be 21 years old at the time of taking office and has been a resident of the city for one (1) year immediately preceding the election may be qualified as a candidate for the office of Mayor or Alderman. Provided, however, that no person may qualify and seek the offices of Mayor and Alderman in the same election. Any person living within an annexed territory shall be entitled to the rights and privileges of citizenship, in accordance with the provisions of the annexing municipality's charter, immediately upon annexation as though such annexed territory has always been a part of the city.

Any person who is qualified to vote for members of the General Assembly and who is a resident of the city shall be entitled to vote in all elections. A non-resident, who is the owner of not less than a one-half ( $\frac{1}{2}$ ) interest in a taxable freehold, or husband and wife who shall have owned a taxable freehold by the entireties within the city for a period of one (1) year preceding the date of such election, and who is a qualified voter for members of the General Assembly, may vote in a city election. [As replaced by Priv. Acts 2001, ch. 27, § 1]

**SECTION 6.** The mayor and aldermen, before entering upon their duties, shall take an oath that they will honestly and faithfully discharge the duties of their offices without partiality, favor or affection.

**SECTION 7.** Giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, is punishable by a civil penalty of not more than one thousand dollars (\$1,000). Any person who violates this prohibition is ineligible to hold an office or position of employment in the city government for a period of five (5) years.

SECTION 8. The board of mayor and aldermen shall declare that a vacancy exists if the mayor or an alderman resigns, dies, moves residence from the city, moves residence from the ward from which such Alderman was elected, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the state, fails to attend any meeting 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 the official from discharging the duties of office.

The Board of Mayor and Aldermen shall by affirmative vote of a majority of the remaining members, within a period of forty-five (45) days from the date on which a vacancy exists, appoint a qualified person to fill the vacancy for the remainder of the unexpired term or until the next regular city election, whichever occurs first. A vacancy in the office of Mayor shall be filled as provided for in Section 11 of this Act.

Provided, in the case of a vacancy resulting from the resignation of an Alderman for the sole purpose of qualifying and seeking the office of Mayor in the next regular city election, the Board of Mayor and Aldermen shall meet at least twenty (20) days prior to the qualifying deadline for that election for the purpose of declaring a vacancy in the position. Any portion of the unexpired term beyond the next regular city election shall be filled by the voters in a special election to be held at the same time as the regular city election. [As amended by Priv. Acts 1993, ch. 62, § 4]

#### SECTION 9.

(A) The mayor and six (6) aldermen elected under this charter shall compose the board of mayor and aldermen, in which is vested all corporate, legislative and other powers of the city, except as otherwise provided in this charter.

(B) The compensation of the mayor and aldermen shall be set by ordinance, but the salary of the mayor or any alderman may not be changed during the term of office. The mayor and aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(C) The board of mayor and aldermen shall meet regularly at least once a 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 call or stated at the meeting when the special meeting is called may be transacted at a special meeting.

(D) A majority of the aldermen, excluding any vacancies, is a quorum. The ayes and nays of all votes shall be recorded in the minutes. The board may by ordinance adopt rules and by-laws 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.

SECTION 10. The mayor shall preside at meeting of the board, and shall not have a vote on any matters except in the case of a tie vote. The mayor shall be recognized as the chief executive officer of the city. The mayor shall be the officer to accept process against the city, and shall perform other duties imposed by this charter and by ordinances not inconsistent with this charter.

SECTION 11. A Vice-Mayor shall be elected at the first meeting after each election by the Board from among the Aldermen. The term of office of the Vice-Mayor is for two (2) years. The Vice-Mayor shall perform the duties of Mayor during a temporary absence or inability to act. In case of a vacancy in the office of Mayor, the Vice-Mayor shall fill the vacancy for the remainder of the unexpired term or until the next regular city election, whichever occurs first. If the Vice-Mayor is completing a term in the office of Mayor, the position as an Alderman shall become vacant and the Board shall fill the vacancy as provided in Section 8. The Board shall select another from the Aldermen to fill out the unexpired term of the Vice-Mayor. [As replaced by Priv. Acts 2001, ch. 27, § 2]

SECTION 12. Any action of the board having a regulatory or penal effect or awarding franchises shall be done by ordinance. Ordinances shall be in written form upon being introduced. The enacting clause of an ordinance is "Be it ordained by the board of mayor and aldermen of the City of Martin:". Every ordinance shall be approved on two (2) readings at least one (1) week apart. 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.

An ordinance shall be signed by the mayor before it becomes effective. The mayor shall affix his approval or disapproval after adoption by the board. If the mayor withholds his signature until the next regular meeting of the board, the ordinance shall become effective for failure to veto. The mayor shall state any reasons for vetoing an ordinance in writing and shall transmit such reasons and the ordinance back to the board for its action. The board may pass the ordinance over the veto by a two-thirds (2/3) vote in the full membership of the board.

SECTION 13. The 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, merge, or consolidate offices, positions of employment and departments; and may transfer or change the functions and duties of offices, positions of employment and departments.

SECTION 14. The mayor has the following duties:

(A) The mayor or the mayor's designee has the power to bid on property for the city at all tax and judicial sales when the city is a party.

(B) The mayor has the power to make pro tempore appointments to fill a vacancy occasioned by sickness, absence, or other disability of city personnel.

(C) The mayor has the power to suspend any city personnel for misconduct in office or neglect of duty, reporting such action, with reasons therefor, in writing, to the next regular meeting of the board.

(D) The mayor is an ex officio member of all standing committees, but may not vote in such committees.

(E) The mayor has general supervision and control over all city officers, and may, whenever the mayor sees fit, examine the condition of their respective offices, the books, papers and records therein; the manner of conducting their official business; and may call upon any officer, clerk, or deputy for information in relation to any matter pertaining to the office.

(F) The mayor may call to the mayor's assistance the city police and all citizens to aid the mayor in preventing or quelling any riot, unlawful assembly, or breach of the peace; and all persons called out by the mayor shall be subject to the mayor's orders while on the duty for which they are thus called.

(G) The mayor shall communicate, from time to time, to the board such information and recommend such measures as may, in the mayor's judgment, tend to the improvement of the financial and general interests of the city.

(H) The mayor shall report to the board any neglect of duty by city personnel which may come to the mayor's knowledge.

(I) When any legal process is served on the mayor in any suit against the city, the mayor shall immediately deliver the same, or notice thereof, to the city attorney.

(J) It is the duty of the mayor to perform such other acts as the board may, from time to time, require.

(K) In case of the absence of the mayor, the vice-mayor shall discharge the mayor's duties; and if the mayor's office is vacated by death or otherwise, the vice-mayor shall discharge the duties until a successor is elected and qualified.

SECTION 15. The Board of Mayor and Aldermen shall appoint a City Recorder, who shall serve for an indefinite term.

The Recorder shall along with the Mayor prepare and monitor the annual budget for all departments.

The Recorder shall: supervise all accounting functions for all funds; supervise the collection, disbursement and safe keeping of all funds of the city; develop long-range financial planning; and act as advisor to the Board of Mayor and Aldermen on all questions relating to the business and financial affairs of the city.

The Recorder shall keep the Board of Mayor and Aldermen advised as to the financial condition of all funds of the city and the future needs of the city.

The Recorder shall: develop a central purchasing policy; act as purchasing agent for the city; and authorize the purchase of all materials, supplies and equipment for the proper conduct of the city's business through the issuance of purchase orders and bidding.

The Recorder shall prepare the agenda for the governing body's meeting and be responsible for the minutes and maintenance of the records of the proceedings of such meeting.

The Recorder shall prepare resolutions and ordinances for consideration by the governing body.

The Recorder shall be responsible for the maintenance of all types of insurance coverage such as health, liability, workers' compensation, etc., and maintain an inventory of all equipment and real estate owned by the city.

The Recorder shall attend all meetings of the Board of Mayor and Aldermen at the Board's request.

The Recorder shall act as the city's personnel officer by maintaining a personnel file on each city employee in a centralized location.

The Recorder shall represent the city at official functions as directed by the Mayor.

The Recorder shall perform other duties as directed by the Board of Mayor and Aldermen.

The Recorder shall be required to reside within the city limits of Martin, Tennessee, or the immediate vicinity of Martin, Tennessee. [As replaced by Priv. Acts 2003, ch. 37, § 1]

SECTION 16. The board of mayor and aldermen shall appoint a city attorney. The city attorney is 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 17. The board of mayor and aldermen shall appoint a city judge who shall hold office for a term of three (3) years unless removed by the board for good cause. The board shall also designate a person who shall serve in the absence or incapacity of the judge.

The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city, and costs in such trials shall be fixed by ordinance. The city judge has the power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order. Such power includes the power to punish contempt by a fine of not more than ten dollars (\$10.00). The sole compensation for serving as city judge is a salary fixed by the board, and all fees for actions or cases in his court belong to the city and shall be paid into the city treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the city judge shall be fixed by the city judge, upon such security as the judge deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the judge as provided by ordinance.

Fines and costs may be paid by installments to be fixed and security determines as provided by ordinance. Upon willful failure to pay fines and costs or to furnish security, the city judge shall request the city attorney to proceed against the offender in a civil suit. Receipts of the city court shall be deposited with the recorder.

The city judge shall keep a docket of all of the court's cases.

The city judge shall be exclusive judge of the law and the facts in every case before the court, and no officer or employee of the city shall attempt to

influence his decision except through pertinent facts presented in open court. [As amended by Priv. Acts 1993, ch. 62, § 5]

17a.<sup>1</sup> [As added by Priv. Acts 1993, ch. 62, § 6; replaced by Priv. Acts 1993, ch. 103, § 2; and deleted by Priv. Acts 2003, ch. 37, §§ 2 and 3]

SECTION 18. The board of mayor and aldermen shall employ all employees who are designated as department heads subject to established personnel policies as adopted by the board of mayor and aldermen and in accordance with Section 19 of the city charter.

All other employees shall be employed by their respective department heads subject to established personnel policies as adopted by the board of mayor and aldermen and in accordance with Section 19 of the city charter.

SECTION 19. The employment and promotion of employees of the city shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications.

After any applicable probationary period has expired, any person employed by the city on a regular full-time basis, including department heads, the city recorder and the city administrator, shall continue their employment unless such is terminated by death, disability, resignation, retirement, job elimination, reduction in force, or dismissal for cause. [As amended by Priv. Acts 1993, ch. 62, § 7]

SECTION 20. The board may adopt supplementary rules and regulations governing employment by the city, not inconsistent with the provisions of this charter.

SECTION 21. 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. In lieu of a fidelity bond or faithful performance bond, the board may accept insurance coverage for employee crime/dishonesty as part of

---

<sup>1</sup>Priv. Acts 1993, ch. 62, § 6 said to add this as a new section but didn't specify a section number. So the compiler arbitrarily designated it as § 17a.

the city's overall policy with its insurance carrier with costs for such policy paid for by the city. [As replaced by Priv. Acts 2006, ch. 87, § 1]

SECTION 22. No employee of the city shall continue in the employment of the city after filing a nominating petition for election to any city office. For the purposes of this section "employee of the city" shall not be interpreted to mean the mayor, aldermen, members of boards or commissions, the city attorney or the city judge. If any Alderman whose term of office would not otherwise expire within forty-five (45) days of the next regular city election, should choose to qualify and seek the office of Mayor in the next regular city election, that Alderman must first submit his resignation of his current aldermanic position at least thirty (30) days prior to the qualifying deadline for petitions to be filed for the office. [As amended by Priv. Acts 1993, ch. 62, § 8]

SECTION 23. 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 current 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 city recorder for public inspection and a copy shall be furnished to each alderman.

SECTION 24. 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 before the hearing.

SECTION 25. After the public hearing, the board shall adopt the budget with such modifications as it 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. [As amended by Priv. Acts 1993, ch. 62, § 9]

SECTION 26. All property subject to taxation shall be subject to the property tax levied by the city.

SECTION 27. 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 28. The board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation. If the board fails to do so, the prior year's tax rate shall continue in effect.

SECTION 29. The due dates of property taxes shall be fixed by ordinance and provision may be made for equal semi-annual installments. 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 are subject to penalty and interest as fixed by ordinance. 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 30. 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 process or remedy.

SECTION 31. Notwithstanding any provision of this charter, the board may elect to operate under or adopt any general law or public act available to municipalities of the state, in lieu of or in addition to provisions of this charter.

SECTION 32. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 33. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected.

SECTION 34. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 35. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City of Martin's governing body by August 1, 1992. Its approval or nonapproval shall be proclaimed by the presiding officer of the municipal governing body and certified to the Secretary of State.

SECTION 36. 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 Section 35.

PASSED: March 9, 1992

s/ John S. Wilder  
JOHN S. WILDER,  
SPEAKER OF THE SENATE

s/ Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of March 1992

s/ Ned McWherter  
NED McWHERTER, GOVERNOR

ACTS COMPRISING THE CHARTER OF THE  
CITY OF MARTIN, TENNESSEE

YEAR	CHAPTER	SUBJECT
1992	158	Basic charter act.
1993	62	Amended § 5 relative to elections; § 8 relative to vacancy in office; § 17 relative to city judge; § 19 relative to probationary period for employees; § 22 relative to employees of the city resigning if seeking employment other than their present office; § 25 relative to modifications of budget; and added a new section relative to city administrator.
1993	103	Amended Priv. Acts 1993, ch. 62.
2001	27	Replaced § 5 relative to ward boundaries and § 11 relative to election of vice-mayor.
2003	37	Replaced § 15 relative to the city recorder; and deleted § 17a which was added by Priv. Acts 1993, ch. 62 and replaced by Priv. Acts 1993, ch. 103.
2006	87	Replaced § 21 relative to fidelity bounds of faithful performance bonds.