

CHARTER OF THE TOWN OF HORNBEAK, TENNESSEE¹

CHAPTER NO. 90

HOUSE BILL NO. 2000

By Representative Pinion

Substituted for: Senate Bill No. 2007

By Senator Herron

AN ACT to continue the corporate existence of the Town of Hornbeak, Tennessee; to provide a new charter for such corporation and to repeal Chapter 692 of the Private Acts of 1923 and all acts amendatory thereto.

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¹Priv. Acts 1997, ch. 90, is the current basic charter act for the Town of Hornbeak, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2013 session of the Tennessee General Assembly and is current with the laws from the 2023 Regular Session of the 113th Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official 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 acts including the basic charter appears at the end of the charter.

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

SECTION 1. Town charter -- The Town of Hornbeak, Tennessee, shall continue as a body politic and corporate by the name and style of Hornbeak, Tennessee, and this act shall constitute its complete charter. The Town of Hornbeak shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and charge it at pleasure.

SECTION 2. Definitions -- As used in this charter, unless the context otherwise requires:

(1) "Alderman" shall mean a person elected to the office of Alderman as provided in this charter.

(2) "At Large" shall mean the entire town, as distinguished by representation by wards or other districts.

(3) "Board of Mayor and Aldermen" and "Board" shall mean the legislative body of the Town of Hornbeak, which shall be composed of the Mayor and seven (7) Aldermen elected as provided in this charter.

(4) "Elector" shall mean a qualified voter residing within the Town of Hornbeak and has so resided within the corporate limits for one (1) year.

(5) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any State or National political party or organization.

(6) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

SECTION 3. Boundaries -- The boundaries of the town shall be those fixed by Chapter 692, Private Acts of 1923, all acts amendatory thereof, and annexations made pursuant to general law. The precise boundaries shall be kept on record by the Town Recorder.

SECTION 4. Corporate powers -- The town shall have power:

(1) To assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation;

(2) To levy and collect privilege taxes on businesses, privileges, occupations, trades, and professions, and to levy and collect any other kind of tax not prohibited to cities by the Constitution or general law;

(3) To levy and collect registration fees on motor vehicles. Such registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles and to regulate all matters concerning traffic within the community not specifically addressed by the Tennessee Code Annotated, including, but not limited to, speed limits, parking, stopping and yielding, turning movements and street marking and designation;

(4) To appropriate and borrow money, and to authorize the expenditure of money for any municipal purpose;

(5) To acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift or condemnation, for public use, for present or future use by the town, to reserve industrial sites, to provide open spaces to encourage proper development of the community or for the general welfare of the community. Such acquisitions may be within or outside the town;

(6) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty-five (25) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by such state or federal agency having jurisdiction in such matters;

(7) To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, 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, detention, penal, and medical institutions, agencies, and facilities; and any other public improvements; inside or outside the town; and to regulate the use thereof; and for such purposes property may be either acquired or taken under applicable laws;

(8) To require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, including removal of snow, debris or other material;

(9) To make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The town shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made;

(10) To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(11) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectable in the same manner as taxes or other debts;

(12) To 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 town;

(13) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the town, and to provide for the enforcement of such standards;

(14) To regulate, license and prohibit the keeping or running at large of animals and fowls, and provide for the impoundment of same 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;

(15) To regulate and license vehicles operated for hire in the town, 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;

(16) To provide that the violation of any ordinance, rule, regulation or order shall be punishable by fine, penalty, or forfeiture up to the limits prescribed by the general laws of the State of Tennessee;

(17) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans;

(18) To establish codes containing specifications of minimum standards for building electric, fire safety, gas and plumbing of all structures, commercial or residential within the community;

(19) To establish and regulate a municipal court in accordance with the general laws of the State of Tennessee;

(20) To regulate the sale of beer within the municipality in accordance with the general laws of the State of Tennessee. These powers shall include but not be limited to the establishment and operation of a beer board, the issuance of permits and setting of standards for applicants of said permits, location of retailers and physical standards for such locations, the establishment of classes of permits according to whether beer is sold for on or off premises consumption, limitation on the number of permits to be issued and the authority to suspend, revoke or fine permit holders for the violation of such regulating ordinances.

(21) Regulate the operation of peddlers, solicitors and yard sales within the community. These powers shall include but not be limited to the authority to issue permits and require such for said activities, limit the hours and locations of such, including limiting the amount of time "going out of business" sales may be continued.

(22) Prohibit offenses against the peace and dignity of the municipality including, but not limited to, disturbing the peace through loud and boisterous conduct, blowing of horns except as a warning or in case of emergencies, extraordinarily loud playing of radios or other apparatus for the replication of sound and limits on excessive noises near churches, schools or hospitals.

(23) Prohibit interference with public operations or personnel including, but not limited to, the impersonation of government officials and employees and the turning in of false emergency alarms for either fire, police or medical aid.

(24) Prohibit the discharge of air rifles or pistols, "BB" guns, slingshots and firearms within the municipality.

(25) Prohibit the abandoning of any refrigerator, cave, well or cistern in an unsecured manner in any location accessible to children.

(26) Regulate the posting or erection of any sign, leaflet or other notice.

(27) Regulate the uses of land in accordance with the general laws of the State of Tennessee.

(28) Regulate the location, size, individual lot size, water and electrical supply, sewage and garbage disposal, streets and parking areas, and require permits and permit fees of mobile home parks within the municipality.

(29) Regulate the disposal of refuse within the Town. These powers shall include but not be limited to the size and location of containers for such disposal, dates and times of refuse pick up, designation of authorized sites of disposal and prohibition against disposal at unauthorized sites and the setting of fees for said disposal.

(30) Regulate the use of water within the municipality. Such powers shall include but not be limited to the requirement of an application for service, the establishment of temporary service charges and connection fees, extension of water and sewer services, use of meters requirements for billing and payment of bills, inspections and access to premises for inspections, penalties for unauthorized use of service and schedules of rates for services.

(31) To regulate the use of sewers and the discharge of wastewater within the community pursuant to the laws of the State of Tennessee and the United States. Such powers shall include but not be limited to the establishment of permits, fees and billing procedures, requirement of connection to public sewers if such service is offered, regulations and specifications for private domestic wastewater disposal if public sewer service is unavailable, industrial monitoring and inspection, rules on the content and amount of discharge and enforcement and abatement of cases of violations of such provisions;

(32) To regulate the use of natural gas if such service is offered by the municipality. Such powers shall include but not be limited to the establishment of temporary service charges and connections fees, extensions of services, use of meters, requirements for billing and payment of bills, inspections and access to premises for inspections,

penalties for unauthorized use of service and schedules of rates for services;

(33) To provide for penalties to be assessed for violation of any ordinance declared as a result of the act;

(34) To establish and regulate a police department and fire department; and

(35) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general laws or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the town 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.

SECTION 5. Municipal elections, terms and oath of office -- Beginning with the municipal election scheduled for November 8, 2016, the Board of Mayor and Aldermen shall consist of a Mayor, who shall serve a four (4) year term, and five (5) Aldermen, who shall also serve four (4) year terms. The Mayor and Aldermen shall all be elected at large. The candidate for Mayor receiving the highest number of votes shall be declared elected and the five (5) candidates receiving the highest number of votes for Alderman shall be declared elected. In case of a tie vote for Mayor or for an Alderman position, the incumbent Board of Mayor and Aldermen shall decide by vote which of the candidates shall serve.

Beginning in 2008, and every four (4) years thereafter, the Hornbeak municipal election shall be held concurrently with the federal and state elections in the month of November, such date more precisely described as the first Tuesday after the first Monday in November. Terms of office for the Mayor and Aldermen shall begin upon their swearing in at the next regularly scheduled meeting of the Board of Mayor and Aldermen following their election.

For the purpose of implementing this act, the four (4) year terms of the Mayor and Aldermen elected to office in January of 2004 shall be extended to the first regularly scheduled meeting of the Board of Mayor and Aldermen following the municipal election in November, 2008.

Before persons take any office in the town government, they shall subscribe to the following oath or affirmation, administered by a judge of the State of Tennessee: "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 town of Hornbeak, and that I will faithfully discharge the duties of the "office of (here insert office)". Any qualified elector who has been a resident of the town for at least one (1) year may be qualified as a candidate for Mayor or Alderman. [As replaced by Priv. Acts 2005, ch. 39; and Priv. Acts 2013, ch. 4, § 1]

SECTION 6. Restriction on candidates -- 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 unlawful, and any person convicted thereof shall be ineligible to hold an office or position of employment in the town government for a period of ten (10) years.

SECTION 7. Board of mayor and aldermen

(a) The Mayor and seven (7) 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 town, except as otherwise provided in this charter;

(b) The compensation of the Mayor and Aldermen shall be set by ordinance. After 1999, the salary of the Mayor or any Alderman shall not be changed during their term of office. The Mayor, Alderman and Town Attorney 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 every month at the times and places prescribed by a resolution of the Board. The Board shall meet in special session on written notice of the Mayor or any three (3) Aldermen with the notice being 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; and

(d) A majority of the Board of Mayor and Aldermen, excluding any vacancies, shall constitute a quorum. The ayes and nays of all votes shall be recorded in the journal. 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. [As amended by Priv. Acts 2013, ch. 4, § 2]

SECTION 8. Mayor as presiding officer -- The Mayor shall preside at meetings of the Board. He will have a vote on matters coming before the Board only to break a tie. He shall be recognized as the ceremonial head of the town. He shall be the officer to accept process against the town, and shall perform other duties imposed by the charter and by ordinances not inconsistent with this charter.

SECTION 9. Vice-Mayor -- There shall be a Vice-Mayor who shall be selected at the first meeting after each election by the Board from among their number and his compensation, if any, shall be fixed by said Board. The term of office of the Vice-Mayor shall be for a period of four (4) years. The Vice-Mayor shall perform the duties of the Mayor during his temporary absence or inability to act. In case of a vacancy in the office of Mayor, the Vice-Mayor shall fill out the unexpired term. If the Vice-Mayor is filling out a term in the office of Mayor, his position as an Alderman shall become vacant and the Board shall fill the vacancy as provided in Section 10. The Board shall select another of their number to fill out the unexpired term of the Vice-Mayor.

SECTION 10. Vacancy on Board -- 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 town, is convicted of malfeasance or misfeasance in office, a felon, a violation of this charter of 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 from discharging the duties of his office.

The Board of Mayor and Aldermen 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.

SECTION 11. Restrictions on Aldermen -- The Aldermen shall act on all matters as a body, and no member shall seek individually to influence the official acts of any officer or employee of the town, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. Nothing herein contained shall prevent the Board from conducting such inquiries into the operations of the town government and the conduct of the town's affairs as it may deem necessary.

SECTION 12. Ordinances -- 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 Town of Hornbeak." Every ordinance must be approved on two (2) readings and there shall be no more than one (1) reading on any one (1) day. A majority of the Board of Aldermen shall vote in favor of an ordinance or it shall be deemed as failed. 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.

Ordinances shall be identified with a two (2) part numeration. The first part shall consist of the two (2) digits representing the last two (2) digits of the year the ordinance was introduced. The second part shall be the number of it's order of introduction that year.

All duly enacted ordinances and this charter shall be compiled in a well bound volume(s) to be known as the "Hornbeak Municipal Code."

SECTION 13. Organization of town government -- The town 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 or 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 14. Administrative duties of Mayor -- The Mayor shall be the chief executive officer of the town. The Mayor:

(1) Shall have access to all of the books, records, offices and papers of every kind pertaining to the town's business;

(2) Shall present in writing or verbally to the Board his recommendations on the needs of the town;

(3) May make temporary appointments to the offices of Recorder, Attorney, or Judge in cases of absence or other temporary disability. Temporary appointment shall be effective until such time as they are confirmed or rejected by the Board;

(4) Shall make appointments to boards and commissions as authorized by law, upon the approval of the Board;

(5) Shall take all proper measures for the preservation of public order and preservation of the peace and he may call upon the Governor for aid;

(6) Shall sign all checks and drafts drawn upon by the Recorder; and

(7) Shall sign all contracts authorized by the Board to which the town is a party.

SECTION 15. Town Recorder -- The Board shall appoint a Town Recorder. The Recorder shall keep and preserve the town seal and all official records not required by law or ordinance to be filed elsewhere; to attend all meetings of the Board and to maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and to prepare and certify copies of official records. The Recorder shall maintain the Hornbeak Municipal Code in current and usable manner and shall furnish the Mayor and each Alderman with a copy of said code upon his assuming office for his use during this term in office.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected.

The Recorder shall serve as Treasurer and as such shall receive and keep safely all funds of the town and shall pay out same upon warrants signed by him and the Mayor.

SECTION 16. Town Attorney -- The Board shall appoint a Town Attorney. The Town 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 17. Town Judge -- A Town Judge shall be appointed by the Board. A person designated by the Board shall serve in the absence or incapacity of the judge.

The jurisdiction of the Town Judge shall extend to the trial of all offenses against the ordinances of the town, and costs in such trials shall be fixed by ordinance. The Town Judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order including the power which the court of general sessions have to fine for contempt. Penalties shall not exceed five hundred dollars (\$500.00) in amount. The sole compensation for serving as Town Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the town and shall be paid into the town treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the Town Judge shall be fixed by the Town Judge, upon such security as in his discretion he 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; such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in duplicate; the original to the depositor, duplicate and money to the Recorder to be kept on file in the Recorder's office.

Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon willful failure to pay fines and costs or to furnish security, the Town Judge shall commit the offender to the appropriate facility for incarceration until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no person shall be continuously confined in excess of sixty (60) days. Receipts of the town court shall be deposited with the recorder and the town Judge shall make monthly reports thereof to the Board.

The Town Judge shall keep a docket of all cases handled by him.

The Town Judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the town shall attempt to influence his decision except through pertinent facts presented in open court.

SECTION 18. Officers and employees -- Only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled unless an emergency that demands the immediate filling of a position arises. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of person having the qualifications desired.

SECTION 19. Personnel actions -- Only offices and positions of employment provided for in the annual budget, as provided by the Board, shall

be filled. In determining salaries, due consideration shall be given to the duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work and availability of persons having the qualifications desired.

SECTION 20. Bonds -- The Recorder and such other officers and employees as may be 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 town.

SECTION 21. Political activity -- No full-time employee of the town shall continue in the employment of the town after becoming a candidate for nomination or election to any town office, but this provision shall not apply to Mayor, Aldermen, members of the Board or commissions, the Town Attorney or the Town Judge.

No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the town 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 town in connection with any town election.

It shall be unlawful for any person who by himself or with others to willfully or corruptly violate any provision of this section, and upon conviction thereof he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position of employment in the town government for a period of ten (10) years thereafter.

SECTION 22. Prohibited acts -- No officer or employee shall accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the town.

SECTION 23. Fiscal year -- The fiscal year of the town government shall begin on the first (1st) day of July and shall end on the thirtieth (30th) day of June the succeeding year.

SECTION 24. Annual budget -- 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 and Street 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.

A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Alderman.

SECTION 25. Public hearing on budget -- After receiving the proposed budget, the Board shall fix a time and place for a public hearing thereon. A notice of the hearing shall be published one time in a newspaper having general circulation in the town. The publication shall appear with appropriate notice of the date of the hearing.

SECTION 26. Adoption of 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 appropriate notice is published in the newspaper and a public hearing before the Board.

SECTION 27. Control of expenditures -- The Board shall be responsible for controlling expenditures of the various agencies of the town government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

SECTION 28. Unauthorized contract or expenditures -- Any contract or agreement made in violation of the provisions of this charter or ordinances of the town shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, 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 town for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for his removal.

SECTION 29. Sale of property -- The Mayor may sell town property which is obsolete, surplus or unusable; provided, however, that any sale for more than five hundred dollars (\$500) or any sale of real estate shall be subject to approval by the Board.

SECTION 30. Bonds on contracts -- Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent (5%) of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price.

SECTION 31. Property taxes -- All property subject to taxation shall be subject to the property tax levied by the town pursuant to the general laws of the State of Tennessee.

SECTION 32. Omitted property -- The Town 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 town.

SECTION 33. 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 34. 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 town 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 which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the town shall have the force and effect of a judgment of a court of record.

SECTION 35. 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 town under the laws governing execution of such process; or by the county trustee as provided by general law; or by the Town Attorney acting in accordance with general laws providing for the collection of delinquent town or county taxes; by garnishments; by suits in chancery; or by any two or more of

the foregoing methods, or by the use of any other available legal processes and remedies.

SECTION 36. Collection of taxes by county -- The town may contract with the county for the collection of taxes. The contract may provide for reasonable fees to be paid to the county for this service.

SECTION 37. Taxes not to be excused -- No officer or employee of the town shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the town, but errors may be corrected when authorized by the Board.

SECTION 38. Disbursement by check -- All disbursements, except for any agency of the town administered by a board or commission, shall be made by checks signed by the Town Recorder and countersigned by the Mayor. The Board may designate other officers to sign such checks in the absence or disability of the Mayor or Town Recorder.

SECTION 39. Official Depository -- The Board shall designate an official depository or depositories for deposit and safekeeping of funds of the town, with such collateral security as may be deemed necessary by the Board.

SECTION 40. Cooperative agreements and contracts -- In addition to other powers granted in this charter, the Board shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof, or with any duly authorized agency of the Federal or State Government, for the exercise of any power or function which the town is authorized to undertake by this charter.

SECTION 41. Other general laws -- 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 42. Penalties -- The violation of any provision of this charter, for which a penalty is not specifically provided herein, is hereby declared to be unlawful, and persons guilty of such violations may be fined as permitted.

SECTION 43. Ordinances to continue in effect -- All ordinances, resolutions and bylaws of the Town of Hornbeak not inconsistent with the act shall remain in full force and effect until modified or repealed in accordance with the provisions of this act.

SECTION 44. Terms of incumbents -- 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 45. Repealed acts -- Chapter 692 of the Private Acts of 1923, as amended by Chapter 306 of the Private Acts of 1935, Chapter 313 of the Private Acts of 1959, and all other acts amendatory thereto, are repealed.

SECTION 46. Severability -- If any article, section, subsection, paragraph, sentence, or part of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

SECTION 47. Applicability -- 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 Hornbeak within one hundred twenty (120) days after the passage of this act. Its approval or nonapproval shall be proclaimed by the presiding officer of the Legislative Body of the town of Hornbeak and certified by the Mayor to the Secretary of State within ten (10) days thereafter.

SECTION 48. Effective date -- For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 47.

PASSED: May 28, 1997

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

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

APPROVED this 23rd day of June 1997

s/Don Sundquist
DON SUNDQUIST, GOVERNOR

ACTS COMPRISING THE CHARTER OF THE TOWN OF
HORNBEAK, TENNESSEE

| YEAR | CHAPTER | SUBJECT |
|------|---------|---|
| 1997 | 90 | Basic charter act. |
| 2005 | 39 | Replaced § 5, municipal elections, terms and oath of office. |
| 2013 | 4 | Replaced § 5, municipal elections, terms and oath of office; and amended § 7 by replacing 7(c) in its entirety. |
