

CHARTER OF THE TOWN OF HOLLOW ROCK, TENNESSEE<sup>1</sup>

CHAPTER NO. 14

HOUSE BILL NO. 601

By Representative Herron

Substituted for: Senate Bill No. 769

By Senator McKnight

AN ACT continuing the corporate existence of the Town of Hollow Rock, Tennessee, providing a new charter for such corporation, and repealing Chapter 132 of the Private Acts of 1981 and any other acts amendatory thereto.

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<sup>1</sup>Priv. Acts 1993, ch. 14, is the current basic charter act for the Town of Hollow Rock, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2019 session of the Tennessee General Assembly. No 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.

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

SECTION 1. That the Town of Hollow Rock, Tennessee, shall continue as a body politic and corporate by the name and style of Hollow Rock, Tennessee, and this act shall constitute its complete charter. The Town of

Hollow Rock 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 change it at pleasure.

SECTION 2. As used in this charter the following words and terms shall have the following meanings:

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

(b) "At large" shall mean the entire town, as distinguished from representation by wards or other districts.

(c) "Board of mayor and aldermen" and "board" shall mean the legislative body of the town, which shall be composed of the mayor and aldermen elected as provided in this charter.

(d) "Elector" shall mean a qualified voter residing within the town or a qualified voter who has owned in fee simple lands within the town for a period of six months preceding an election.

(e) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.

(f) 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. The boundaries of the town shall be those fixed by Chapter 132, Private Acts of 1981, all acts amendatory thereof, and annexations made pursuant to general laws.

SECTION 4. The town shall have power:

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

(b) 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.

(c) To levy and collect registration fees on motor vehicles operated with the town. Such registration fees may be graduated

according to the tonnage capacities, weight, or horsepower of motor vehicles.

(d) To appropriate and borrow money as authorized in this charter and general law, and to authorize the expenditure of money for municipal purpose.

(e) 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.

(f) 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 the Tennessee Public Service Commission or other state or federal agency having jurisdiction in such matters.

(g) To provide for the acquisition, construction, building, operation, and maintenance of: public ways, 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.

(h) 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.

(i) 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 or unsanitary or which are not maintained and kept up to standards as provided by ordinance.

(j) To require property owners to remove from their premises owned, occupied or controlled by them any junk or abandoned vehicles as defined by state statute.

(k) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(l) 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 collectible in the same manner as taxes or other debts.

(m) 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 the inhabitants of the town.

(n) 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.

(o) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards.

(p) To regulate, license, and prohibit the keeping or running at large of animals and fowls, and to 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.

(q) 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.

(r) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty, or forfeiture not to exceed fifty dollars (\$50) and costs.

(s) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to carry out such plans.

(t) 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 such 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.

(a) On the first Tuesday after the first Monday in November of each even-numbered year, a non-partisan, at-large, general municipal election, open to all electors, shall be conducted by the county election commission. At the election to be held in November of 1994, the Town of Hollow Rock shall elect a mayor and five aldermen. The two persons who receive the highest number of votes for alderman shall be elected to a term to end at the next meeting of the board of mayor and aldermen after the election that will be held in November, 1998. The three persons who receive the next highest number of votes for alderman will be elected to a term that will end at the next meeting of the board of mayor and aldermen after the election that will be held in November, 1996. The person receiving the highest number of votes for mayor will be elected for a term to end at the next meeting of the board of mayor and aldermen after the election that will be held in November 1998. Thereafter, aldermen shall serve four (4) year staggered terms and the mayor shall serve a four (4) year term. Present incumbents in the positions of mayor and alderman shall continue to serve for their terms to which they were elected and until such time as their successors are elected and qualified.

(b) The candidate for mayor having received the highest number of votes at an election shall be declared elected and the required number of candidates for alderman in each election as provided in subsection (a) having received the highest number of votes shall be declared elected. In case of a tie vote, the incumbent board shall decide which of the candidates shall serve.

(c) The terms of office for the mayor and for the aldermen shall commence on the first Tuesday in December immediately following the election. The regulation and manner for holding the election shall be specified by the general election laws for the State of Tennessee, and the municipality shall pay the expenses incident to such election as required by general laws of the State of Tennessee.

SECTION 6. Any candidate seeking an office in the town government must be a qualified voter and have resided in the town for a period of at least one (1) year. Any person convicted of any offense involving the giving or promising to any person or persons any office, employment, money, benefit, or anything of value, as or on behalf of a candidate shall be ineligible to hold any office or position of employment in the town government for a period of five (5) years.

#### SECTION 7.

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

(c) The board of mayor and aldermen shall meet regularly at least once every month at the times and places prescribed by ordinance. The board shall meet in special session on written notice of the mayor or any three (3) aldermen and served on the other members of the board or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meeting.

(d) Three (3) aldermen and the mayor shall constitute a quorum. An affirmative vote of a majority of voting members present will be required to pass a measure. The ayes and nays of all votes shall be recorded in the journal. The board may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The board may subpoena and examine witnesses and order the production of books and papers.

SECTION 8. The mayor shall preside at meetings of the board, and shall not have a vote on any matters except in the case of a tie vote. 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 this charter and by ordinances not inconsistent with this charter.

SECTION 9. There shall be a vice-mayor who shall be selected at the first meeting after each election by the board from among their number. The term of office of the vice-mayor shall be for a period of two years. In case of the temporary absence or disability of the mayor, the vice-mayor shall perform the duties of the mayor and, in the event of permanent disability, suspension or death of the mayor, the vice-mayor shall perform the duties of the mayor only until the successor may be elected, as provided herein, by the board of mayor and aldermen and the successor duly qualified.

SECTION 10.

(a) The board of mayor and aldermen shall declare that a vacancy exists if the mayor or an alderman resigns, dies, moves his residence from the town, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of this state or a crime involving moral turpitude, fails to attend any meetings of the board for a period of ninety (90) days without extenuating circumstances, or has been continuously disabled for a period of (6) six months so as to prevent him from discharging the duties of this office.

(b) 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 or until the next regular town election, which ever shall occur first. If the next regular town election occurs prior to the expiration of the term, a special election shall be held, at the same time as the regular town election, to fill the remainder of the unexpired term.

SECTION 11. 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. The board shall deal with the various agencies, officers and employees of the town, solely through the mayor, and shall not give orders to any subordinates of the mayor, either publicly or privately. Nothing herein contained shall prevent the board from conducting such inquiries into the operation of the town government and the conduct of the town's affairs as it may deem necessary.

SECTION 12. Any action of the board having a regulatory or penal effect, awarding franchises, or required to be done by ordinance under the 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 Hollow Rock:". Every ordinance must be approved on two readings and there shall be no more than one reading on any one day. An ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading, adoption, and being signed by the mayor unless a different effective date is designated in the ordinance.

All ordinances shall be signed by the mayor before they shall become effective. The mayor shall affix his approval or disapproval within five (5) days after adoption by the board. If the mayor withholds his signature for five days, exclusive of Sundays and holidays, the ordinance shall become effective for failure to veto. The mayor shall state his reasons for vetoing an ordinance in writing and shall transmit his reasons and ordinance back to the board for its action. The board may pass the ordinance over the veto by a four-fifths (4/5) vote of the full membership of the board.

SECTION 13. 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 of employment, and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function and duties of offices, positions of employment, and departments.

#### SECTION 14.

(a) The mayor shall have the powers of a business manager. He shall have supervision and control of all the administrative affairs of the town. He shall be its chief executive. He shall have access to all of the books, records, offices, and papers of every kind pertaining to the town's business and shall require their proper and safe keeping. he shall present in writing or verbally to the board his recommendations of the needs of the town at any time he deems advisable.

(b) The mayor shall have control over all municipal improvements and property and he shall have exclusive power to make all expenditures within the budget after the same have been appropriated by the board.

(c) The mayor shall take all proper measures for the preservation of public order and preservation of the peace and he may call upon the Governor for military aid. He shall have authority to call special meetings of the board of mayor and aldermen to consider any matter for the welfare of the municipality.

(d) The mayor shall have the power of a police officer within the corporate limits and, in the absence of the town judge, he may preside in the town court. He shall have the power, within one (1) mile outside the corporate limits, to preserve order and to make arrests.

(e) He shall have the authority to make appointments, promotions and transfers of employees, to make decisions, suspensions and removals of officers and employees for cause, and to delegate such authority as he deems advisable until the next regularly scheduled meeting of the board, where it becomes subject to confirmation by the board.

SECTION 15. The mayor, subject to confirmation by 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 16.

(a) A town judge shall be appointed by the mayor, subject to nomination and confirmation by the board. A person designated by the mayor shall serve in the absence or incapacity of the judge.

(b) The jurisdiction of the town judge shall extend to the trial of all offenses and violations of the ordinance of the town. Costs in such trials shall be fixed by ordinance.

(c) 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. This power shall include the power to fine for contempt.

(d) 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.

(e) 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 ordinances. 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 triplicate: the original to be given to the depositor, duplicate and money to be given to the recorder, and triplicate to be given to the town judge within twenty-four (24) hours after the arrest.

(f) Fines and costs may be paid by installments to be fixed and security to be determined as provided by ordinance. Receipts of the city court shall be deposited with the recorder and the town judge shall make monthly reports to the board.

(g) The town judge shall keep a docket of all cases handled by him.

(h) The town judge shall be exclusive judge of 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 properly presented in open court.

SECTION 17. Only the offices and positions of employment provided for in the annual budget, as approved by the board, shall be filled. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

#### SECTION 18.

(a) The appointment and promotion of employees of the town shall be on the 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.

(b) Before removal, demotion, or suspension for more than ten (10) days, an employee shall be given a written notice of intention to suspend, remove, or demote him, containing a clear statement of the grounds for such proposed actions.

(c) With respect to impeachment, discharge or dismissal of any employee of the Town of Hollow Rock, an affirmative vote of at least four (4) members of the board shall be required before such impeachment, discharge, or dismissal may be effective.

SECTION 19. The board may adopt supplementary rules and regulations governing employment by the town, not inconsistent with the provisions of this charter.

SECTION 20. The board of mayor and aldermen may create a fire department and establish the rules and regulations of such department and provide for the compensation of the employees thereof or, in lieu thereof, may designate one (1) of the aldermen to act as liaison with a volunteer fire department. The town is specifically authorized to expend public funds for the purchase of equipment, the maintenance and upkeep of the same, and the necessary expenses in connection with the volunteer fire department at the will of the board of mayor and aldermen.

SECTION 21. Before a person takes any office in the town government, he shall subscribe to the following oath or affirmation, administered by the town attorney, the recorder or the mayor: "I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and of the State of Tennessee, and the ordinances and resolutions of this municipality, and will faithfully discharge the duties of any office without favor or fear, alone for the public good, so help me God."

SECTION 22. The mayor and every officer, agent and employee of the town having duties involving 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 a 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 23. No person shall directly or indirectly give, or 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.

SECTION 24. 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 25. The fiscal year of the town government shall begin on the first day of July and shall end on the 30th day of June of the succeeding year.

SECTION 26. 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 every 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 recorder for public inspection and a copy shall be furnished to each alderman.

SECTION 27. After a 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.

SECTION 28. The mayor 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 29. 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 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 30. The mayor and board of aldermen may sell town property which is obsolete, surplus or unusable.

SECTION 31. Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bond in the

amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of 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 32. All property subject to taxation shall be subject to the property tax levied by the town.

SECTION 33. The town recorder will advise the county assessor of any property that may have been omitted by the county assessor from the assessment rolls. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the town by the county assessor.

SECTION 34. The board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation, not later than ninety (90) days prior to the tax due date. In event of the board's failure to do so, the prior year's tax rate shall continue in effect.

SECTION 35. The due dates of property taxes shall be fixed by ordinance and provision may be made for payment in equal semi-annual installments. The town shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, and any penalty or interest due 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 judgement properly entered in a court of record.

SECTION 36. 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 from a justice of the peace; 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 city or county taxes; by garnishment; 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 37. The town may contract with the county for the collection of town taxes. The contract may provide for reasonable fees to be paid to the county for this service.

SECTION 38. 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 39. All disbursements, except for those of any agency of the town administered by a board or commission, shall be made by checks signed by a person designated by the board and countersigned by the mayor. The board may designate other officers to sign such checks in the absence or disability of the mayor or other designated official.

SECTION 40. 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 41. 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 any 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 42. 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 43. When this act become applicable as the charter of the Town of Hollow Rock, Tennessee, the following acts are hereby repealed: Chapter 132, Private Acts of 1981.

SECTION 44. 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. If any article, section, subsection, paragraph, sentence, or part of this charter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the charter which can be given effect without the invalid provision or application, and to that end the provisions of this charter are declared to be severable.

SECTION 46. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of mayor and aldermen of the Town of Hollow Rock not later than one hundred twenty (120) days after the effective date of this act. Its approval or nonapproval shall be proclaimed by the presiding officer of the board of mayor and aldermen of the Town of Hollow Rock and certified to the Secretary of State.

SECTION 47. 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 upon being approved as provided in Section 46.

PASSED: February 18, 1993

s/Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

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

APPROVED this 24th day of February 1993

s/Ned McWherter  
NED MCWHERTER, GOVERNOR

PRIVATE ACTS COMPRISING THE CHARTER OF THE TOWN OF  
HOLLOW ROCK, TENNESSEE

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YEAR	CHAPTER	SUBJECT
1993	14	Basic charter act.

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