

CHARTER OF THE CITY OF LAFAYETTE, TENNESSEE<sup>1</sup>

## CHAPTER NO. 325

House Bill No. 605

(By West)

AN ACT to create a municipal corporation to be known as the City of Lafayette, Tennessee, and to define its boundaries, its powers, duties, rights, and obligations, and to repeal all laws or parts of laws in conflict with the provisions of this Act.

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<sup>1</sup>Priv. Acts 1945, ch. 325, is the current basic charter act for the City of Lafayette, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2010 session of the 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.

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Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there is created by this Act a municipal corporation, a body politic to be known and designated as the City of Lafayette, Tennessee, the boundaries<sup>1</sup> of which are as follows:

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<sup>1</sup>The corporate limits as herein set out have been extended by the following annexation ordinances of record in the recorder's office:

(continued...)

Beginning on a white oak on the Lafayette-Scottsville Highway, a corner of what was formerly known as the Bell property and the Woodmore heirs property, on the right hand side of the road toward Scottsville, running thence south 74 degrees east to stake No. 2 in the Stock Yards property; thence south 20 degrees east to stake No. 3 on the Goldman Trammel property at the east corner of the garden fence (this being formerly known as the George Bradley property); thence south 5 degrees west to a corner stone of the W. E. Goodman and Dick Sneed property; thence on a straight line to a cherry tree on the Chicken road in front of Jonas Sewell, continuing on a straight line to a marker on highway No. 52 near Edd Casady house on the property of Earl Harris mill, stake No. 4; thence south 79 degrees west to the old well of Avery Bray's house to a marker, stake No. 5; thence north 70 degrees west to the Roark cemetery gate; thence on line to a marker on Highway No. 10 to rent property of Fred Pipskin to stake No. 6 in corner of garden; thence north 8 degrees east to a highway sign near the Ellen Wright property on Lafayette-Westmoreland Highway No. 52; from stake No. 7, a highway sign at the corner of L. G. Smith and Mrs. Ella Hargis, thence north 3 degrees east 3,090 feet to the corner of the McDonald property; thence north 76 degrees east to the south end of a

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(...continued)

Ordinance No.	Date	Ordinance No.	Date
Unnumbered	5/16/61	300	6/1/93
41	5/16/61	326	7/11/95
63	11/1/66	338	7/2/96
74	9/2/69	339	7/2/96
79	2/17/70	340	7/2/96
83	8/19/71	352	4/1/97
102	5/11/72	370	2/3/98
119	5/2/73	405	10/3/00
122	11/6/73	408	2/6/01
135	4/15/75	421	2/5/02
151	3/15/77	426	6/4/02
174	3/6/79	447	10/7/03
178	7/24/78	452	2/17/04
189	6/3/80	459	7/6/04
199	7/6/82	461	7/6/04
212	12/4/84	486	6/14/05
217	1/7/86	499	1/3/06
218	2/18/86	505	6/27/06
222	6/3/86	506	6/03/06
233	9/16/86	511	7/3/06
264	4/17/90	519	3/6/07
288	4/7/92	533	12/4/07
293	10/15/92	567	7/7/09

concrete culvert in State Highway No. 10; thence south 30 degrees east to the beginning white oak. [As amended by Priv. Acts 1949, ch. 383]

Section 2. Be it further enacted, That said corporation shall have perpetual succession and the power to sue and be sued. It may purchase, sell, receive, hold, lease, mortgage or dispose of property, real, personal or mixed, in fee simple, or lesser estate, located either within or without said City or State, to the same extent as natural persons, and it may condemn the same within or without Macon County for corporate purposes. It shall have all powers that are now or may hereafter be granted to municipalities of this classification by population as this municipality may have, that are general in their nature, under the Constitution and laws of the State of Tennessee, and said general powers are in addition to any special powers hereby granted, and are not in derogation of any such special powers. And it may have a common seal which it may alter at pleasure.

Section 3. No person shall be eligible to hold the office of council member who is not twenty-one (21) years of age or over, and who has not been a resident of the City of Lafayette for at least two (2) years preceding the election in which such person is elected.

No person shall be eligible to hold the office of mayor who is not twenty-one (21) years of age or over, and who has not been a resident of the City of Lafayette for at least two (2) years preceding the election in which said person is elected.

Council members and mayors shall be elected by the qualified voters who have been residents of the City of Lafayette for thirty (30) days next preceding the city election. Candidates for mayor shall have a high school education as evidenced by a diploma or a general equivalency diploma (GED). The office of mayor shall be a full-time position and the mayor shall devote his full time and attention to the performance of his duties as head elected official of the City of Lafayette. The mayor shall receive, in addition to the salary herein set out, health insurance and travel expenses.

The Mayor and six (6) Council Members shall constitute the City Council. They shall be elected for four-year terms as hereinafter provided: The election shall be held in connection with the party primary in May. If there is no party primary in May of the election year, the election shall be held on the next Thursday after the fourth (4<sup>th</sup>) Monday. In the election of May 2002, three (3) Council members shall be elected for four-year terms. In May 2004, the Mayor and three (3) Council members shall be elected for four-year terms. The incumbents in office as of this Act's effective date shall continue in office until the expiration of their terms and until they are elected or their successors are elected and qualified. The newly elected Mayor and Council members enter upon the duties of their offices at 10:00 a.m. on the last Thursday of May.

The mayor and council members shall take the following oath before entering the duties of their respective offices: "I do solemnly swear (or affirm) that I will support the constitution and laws of the United States, of the State of Tennessee and the charter, the ordinances and resolutions of this municipality, and will faithfully discharge the duties of my office without fear or favor and alone for the public good, so help me God."

Whenever a vacancy arises in the city council, except for the mayor's position, such vacancy shall be filled by the city council until the next regular city election. Whenever there is a tie vote in an election for mayor or city council members, the existing city council shall by affirmative vote decide which of the candidates shall serve. In case of vacancy in the office of mayor, unless such vacancy occurs twelve (12) months before the next city election, the city council shall call for a special election to be held to fill such vacancy. The city council shall fill the vacancy in the office of mayor pending the calling and holding of such special election.

Each Council Member shall receive as compensation \$100.00 per Council Meeting attended and \$50.00 per Committee Meeting attended, as approved by the Mayor.

No person who is a member of the immediate family of the mayor or of a council member shall be employed by the city. The immediate family shall include the mayor or council member's spouse, children, father, mother, brother, sister, or the spouse or children of such family member. The immediate family is further defined to include all in-law relationships and first cousins. [As amended by Priv. Acts 1967, ch. 335, §§ 1 and 2; Priv. Acts 1972, ch. 282, § 1; Priv. Acts 1973, ch. 23, § 1; Priv. Acts 1983, ch. 93, §§ 1 and 2; Priv. Acts 1985, ch. 83, § 1; Priv. Acts 1990, ch. 218, §§ 1, 2, 3, and 4; replaced by Priv. Acts 2000, ch. 90, § 1; and amended by Priv. Acts 2002, ch. 77; and Priv. Acts 2002, ch. 136]

Section 4. Be it further enacted, That the City Council shall have the authority in public assembled sessions and with a quorum present, either regular, special or called, to exercise all expressly granted and implied powers. Four (4) votes shall be cast for any measure. Four (4) Councilmen constitute a quorum; however, a smaller number may adjourn from time to time and compel the attendance of absent members. Upon a tie the Mayor may vote or be counted to make a quorum. The City Council shall have authority:

(1) To determine its rules of procedure, and to provide for their enforcement.

(2) To elect a vice-mayor who shall have the powers and duties of the mayor during absence or disability.

The city council may approve compensation for the vice-mayor, if the vice-mayor serves more than thirty (30) days in succession, in case of vacancy in the office of mayor. The compensation shall be based on the number of hours worked.

(3) To determine the place, date and hour of its meetings.

(4) To adjourn or call meetings and prescribe how (called) meetings shall be called.

(5) To impeach or remove, or suspend the Mayor or any of its members by motion for crime or a misdemeanor, grave misconduct showing unfitness for public office, public drunkenness, or permanent disability, upon written notice specifying the nature, time and place of the charge for trial, and its findings may be reviewed by the writs of supersedeas and certiorari in the Circuit Court. The officer removed or suspended remains out of office during such proceedings, unless the writ of supersedeas and adequate bond are granted and filed. The officer on trial shall not sit with the City Council during his trial.

(6) To confirm the appointments of the Mayor, to approve contracts, to fix wages, salaries and hours of work.

(7) To provide and keep all necessary books, accounts, statements, etc., and minutes of its own proceedings, and tax rolls and tax receipts.

(8) To take proof, either oral or by depositions, and administer oaths and affirmances in case trials held before it.

(9) To levy taxes and declare privileges and make assessments; fix a time when the same shall become due and delinquent, and provide for their collection; they may be collected in the same way and manner as provided for the collection of State and County taxes and to do, carry on, execute, perform, create positions or offices, approve or reject, elect and confirm such measures and persons as may be for the general welfare of this municipality, and to exercise such other express and implied powers as are authorized by this Act.

The mayor and council members shall receive the salary as set out and authorized by this Act. Other officers elected or selected as hereinafter designated are to and shall receive such salaries, commissions, or remunerations as hereinafter provided. [As amended by Priv. Acts 1967, ch. 335, § 3; Priv. Acts 1983, ch. 93, § 3; Priv. Acts 1985, ch. 83, § 2; Priv. Acts 1990, ch. 218, § 5; and Priv. Acts 2000, ch. 90, § 2]

Section 4a.<sup>1</sup> Be it enacted by the General Assembly of the State of Tennessee, That the Charter of the City of Lafayette, Tennessee, the same being Chapter 325, Acts of 1945 of the General Assembly of the State of Tennessee, and all Acts amendatory thereof heretofore passed, be, and the same are hereby amended so as to empower and authorize the Mayor and City Council of the City of Lafayette to purchase or otherwise acquire land located either within or without its corporate limits so long as same is within the bounds of Macon County, Tennessee, and to buy, build, erect, construct and maintain thereon a

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<sup>1</sup>Priv. Acts 1957, ch. 241 does not amend any particular section or part of the basic charter act, consequently it was arbitrarily included as § 4a following the powers granted to the city council.

building or buildings to be used for such public purpose or purposes as the governing body of such City shall determine and such land may be acquired and building or buildings built, erected, constructed and maintained thereon, either individually by the City of Lafayette or in conjunction with Macon County, Tennessee, in such proportions and upon such terms and subject to such conditions as may be fixed and determined by the legislative bodies of the respective City and County.

Be it further enacted, That the City of Lafayette is authorized and empowered through its Mayor and City Council to issue and sell bonds of said City, payable in not more than thirty (30) years from the date of issue, with or without the right to redeem same before maturity, for the purpose of purchasing or otherwise acquiring land and for the building, erection, construction and maintenance thereon of a building or buildings to be used for such public purpose or purposes as the governing body of such City shall determine and such land may be acquired and building or buildings built, erected, constructed and maintained thereon either individually by the City of Lafayette or in conjunction with Macon County, Tennessee, in such proportions and upon such terms and subject to such conditions as may be fixed and determined by the Legislative bodies of the respective City and County.

Be it further enacted, That the mayor and councilmen of the City of Lafayette, Tennessee, may by resolution or ordinance duly adopted or passed provide for the issuance and sale of interest-bearing bonds for the purposes set out in Section 1 and 2 of this Act. Such resolution or ordinance shall specify the time for which said bonds shall run, the object and purpose of the issuance thereof; the rate of interest the same shall bear, payable either annually or semi-annually and the means and manner by which funds shall be raised and set apart with which to pay off said bonds and interest at maturity. That said resolution or ordinance duly adopted or passed shall fix the date when said bond shall be issued, the form of said bonds, the maturity dates thereof, the number and denomination of same, the time and place of payment of both interest and principal, the method by which said bonds shall be sold. Said bonds so issued shall be the binding obligation and debt of said City of Lafayette. Said resolution or ordinance shall provide for the levy and collection of an annual tax on all taxable property in the said city of Lafayette for the purpose of paying both principal and interest as the same comes due and payable. The said bonds when issued by said city shall bear the signatures and be attested by the mayor and recorder of said city of Lafayette; the said bonds shall bear the impress of the seal of the said city likewise. Neither the principal or the interest of the said bond authorized by this Act shall be taxed by the state of Tennessee or any county or municipality of this state and it shall be so stated on the face of said bonds when issued. The full faith and credit of Lafayette, Tennessee, is hereby pledged for the payment of both the principal and interest of said bonds.

Be it further enacted, That before said resolution or ordinance shall become effective, the question of the issuance and sale of said bonds shall be

submitted to the qualified voters of the City of Lafayette at an election to be called and held by the Election Commissioners of Macon County, Tennessee. Said election to be held not less than thirty (30) days after the passage and adoption of said resolution or ordinance by the said Mayor and Council of said City of Lafayette, and in which election it shall be necessary for a majority of the qualified voters of said City voting in said election to approve said resolution or ordinance. Said election shall be advertised at least thirty (30) days before the same is held at least twice in a newspaper of general circulation in the municipality. Such advertisement or notice shall set out verbatim the resolution or ordinance so adopted and passed by the vote of the Mayor and Councilmen of said City. Said election shall be held in the same manner and by the same officials as State and County elections, and shall be subject to and in compliance with the general election laws of the State of Tennessee.

Be it further enacted, That in the event said resolution or ordinance is approved by a majority of the voters voting in said election, then it shall be the duty of said mayor and city council to issue and sell the bonds as herein provided. The proceeds of said bonds so sold less the necessary expenses of the sale thereof, shall be turned over to a building committee to be selected by the Mayor and City Council consisting of three persons who shall be required to make a corporate surety bond for the amount of the funds in their hands with the City of Lafayette to pay the premium for such bond or bonds from the proceeds of such sale, the proceeds of said bonds so sold shall be expended by the said building committee for the purposes and in such manner as may be determined by resolution or ordinance duly adopted and passed by the Mayor and City Council of the City of Lafayette, Tennessee.

Be it further enacted, That the City of Lafayette, Tennessee, shall not have the right to issue and sell bonds for the purposes exercised in this Act for any amount exceeding Five Hundred Thousand (\$500,000.00) Dollars.

Be it further enacted, That "Public Purpose," as used in this Act shall mean any purpose or use consistent with the present day conditions of society and changes in modern day public welfare as brought about by new modes of promoting the welfare of a community.

Be it further enacted, That if any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid or ineffective for any reason, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment has been rendered. [As added by Priv. Acts 1957, ch. 241, and amended by Priv. Acts 1985, ch. 83, § 2]

Section 5. Be it further enacted, That the Mayor and the City Council shall have authority by ordinance:

(1) To levy and collect taxes, or order the collection of taxes, for general purposes.

(2) To make assessments on all subjects or objects of taxation, property, real and personal and mixed, and privileges that may now or hereafter be taxable by the laws for State, County or Municipality, and to make such classifications of the subjects and objects of taxation as may not be contrary to the law.

(3) To provide the manner of assessing for taxation of the stock and capital of merchants employed in business other than realty, and to prescribe the periods of time to be considered in computing and determining the taxable value thereof.

(4) To borrow money and to issue from time to time evidences of debt therefor bearing interest, and maturing within the current fiscal year, for the purpose of providing funds in anticipation of revenues for ordinary and extraordinary purposes, and to fix a place of payment and to issue evidences of indebtedness for refunding the same with like limitations upon interest, and maturing not more than one year from the date of their issuance, unless it shall be necessary to provide for the refunding of any such revenue securities at maturity; and to levy such amount of taxes as may be necessary to pay such evidences of indebtedness.

(5) To issue bonds from time to time to provide funds to erect and equip school buildings, municipal hall, house of correction, fire halls, market places, hospitals, stables and garages, or other public buildings for municipal purposes, to establish, erect, equip, and repair standpipes, waterworks, electric, gas or other lighting plants or systems, heating or power plants or systems, sewerage, drainage, and garbage disposal plants or systems; for opening, widening, graveling, constructing and paving roads or streets, alleys, public square, highways, culverts, bridges, sidewalks, tunnels, or other passage, curbs, gutters, toilet connections, burial grounds, parks, or park improvements, and for the purpose of purchasing upon which to build, maintain, or construct any of said systems, structures or works, and to refund any bonded indebtedness, and to refund any floating and outstanding indebtedness evidenced by warrants or notes. Authority under this Act is not exclusive, but it is expressly provided that in addition to these powers this municipality may exercise similar powers granted under other or joint Acts now in force or that may hereafter be enacted.

(6) To license, tax and regulate all means of conveyance, such as automobile, carriages, buggies, carts, cabs, taxicabs, wagons, drays, and trucks; to fix the rates for carrying passengers or hauling property within the limits of this municipality, and designate routes for same.

(7) To appropriate the funds of the municipality for all local municipal purposes; to provide for the payment of the debts, expenses and obligations of this corporation; to provide an annual budget of expenses for this municipality, and upon the written recommendation of the Mayor, and before the introduction the Mayor, and before the introduction of the ordinances to fix the salaries or wages of any employees or officers of this municipality.

(8) To appropriate sums, annually, for the needy poor of the municipality, the amount and the regulations as to how dispensed and paid to be determined by said Councilmen and said Mayor.

(9) To adopt an annual appropriation and tax levy ordinance.

(10) To open, alter, abolish, to widen or reduce the width, extend or shorten, establish, grade, pave, or otherwise improve, clear, maintain or repair, streets, highways, alleys, sidewalks, squares, city burying grounds, shade trees or park areas or to have the same done, and to erect, establish, maintain, or repair bridges, culverts, sewers, tunnels, curbs, gutters, watermains, surface connections, outlet connections, school buildings, or other public buildings necessary for the purpose of this municipality, and to collect and dispose of drainage, sewerage, offal, ashes, garbage and refuse.

(11) To take and appropriate land, either within or without the municipality or county for establishing, extending or widening streets, highways, avenues, sidewalks, tunnels, squares, alleys, promenades, park areas, or parks, sewers, electric light or power, wire routes, lights, power and heating plants, routes or systems, markets, engine houses, houses of correction, pest houses, school houses, municipal halls or buildings, hospitals, disinfecting or disposal plants for night soil or garbage, dumps, waterworks, or routes for water mains or surface pumping stations, settling basins, or reservoirs or standpipes or other necessary appurtenances or places for said purposes enumerated and in accordance with the provisions of Tennessee Code Annotated, Sections 7-31-107--7-31-111 and 29-16-114, or in such other manner as may be provided by general laws.

(12) To make rules and regulations to secure the general health of the inhabitants; to prevent the spread or introduction of contagious, communicable, or venereal diseases in this municipality, make quarantine rules for such purposes, and enforce the same within one mile of the corporate limits; to declare what constitutes nuisances against the health and safety of the inhabitants of the municipality and to provide for the abatement of the same as far as one mile beyond the corporate limits; to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupation, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort and safety, conveniences, or welfare of the inhabitants of the municipality, and to exercise general police powers to prevent and abate the same and to prescribe limits within which business, occupations, and practices are liable to become nuisances or detrimental to health, morals, the security or general welfare of the people, may be lawfully established, conducted, or maintained, and to provide for the abatement or cutting of weeds within the municipality, or the temporary or permanent closing of wells or springs used by the public whenever the same are injurious to health, and for the removal of fixtures, walls, buildings, awnings, or structures when the same become dangerous or a menace to the health, security or convenience of the inhabitants of this municipality.

(13) To prohibit or suppress gambling houses, disorderly houses, bawdy houses, obscene pictures and literature and the sale, manufacture or transportation of intoxicating liquors, and to confiscate and destroy gambling equipment, stills, and intoxicating liquors.

(14) To regulate or prohibit or suppress shows, theatricals, exhibitions, amusements, junk dealers, and pawn shops, and all kinds of business to be conducted on Sunday.

(15) To regulate, restrain, prevent, or suppress any business which may be or may become dangerous in causing or producing fires; to regulate, prohibit and suppress the sale of firearms and the carrying of concealed weapons; to regulate, prohibit or suppress the use and sale of firecrackers, fireworks and toy pistols or any other business of any kind which may be declared dangerous to the security of the inhabitants or property of this municipality.

(16) To regulate or prohibit the storage of explosives, combustibles, and inflammable material of every character, and the use of lights, candles, lamps, oils, heating or firing apparatus or fires in any building, shop, stable or market, or electric light or power or telephone wires.

(17) To provide for inspection, and fees therefor, and the measurement of all building materials, weighing and measuring of coal, wood, and all other fuel, hay, corn, or grain, beef, pork, flour, meal, poultry and poultry products, milk, butter, dairy and dairy cows either within the municipality or without it, where such articles are brought into the corporate limits and sold or consumed; lard, and all other provisions; to regulate, restrain and punish the forestalling and regrading of all food products used for human consumption, and to establish, regulate, and provide rules for the government of markets, and to establish weights and measure who shall have exclusive jurisdiction therein, this appointment to be within the discretion of said City Council and Mayor.

(18) To provide for enclosing, improving and regulating a municipal cemetery or burying ground, whether within or without the city limits, and to construct and maintain a highway thereto, and to have the power of condemning additional ground for such cemetery, under the laws as stated in Sub-Section 11, heretofore.

(19) To regulate the location, the bulk, occupancy, area, height, construction and material of all buildings and structures, or buildings, structures and billboards, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and, when necessary, prevent the use thereof, and require any alteration or change necessary to make them healthful, clean or safe; to compel the owners to provide fire escapes for the safety of the occupants, to provide fire districts or zones, and building regulations therein; to provide for the removal of any house, cistern, well or structure which may become dangerous or deleterious to the inhabitants, after due notice, and to provide for a penalty for failure of the owner or agent or occupant to comply with the requirements, and to pay for any cost of its removal.

(20) To grant rights-of-way through the streets, avenues, squares, or over bridges, viaducts, or highways of this municipality for the use of public or quasi-public utilities.

(21) To provide and maintain educational, charitable, curative, corrective, detentive, or penal institutions, their facilities, instrumentalities, conveniences and services.

(22) To provide for the prevention and extinguishment of fire, and the organization of fire companies, equipment, houses or stations for the same.

(23) To provide or establish and organize a workhouse, either within or without the municipality, where any person convicted of offenses against the laws and ordinances hereof who fails to secure the fine imposed upon him shall be committed and confirmed until such fine and costs shall have been fully paid, or until a pardon has been granted, or the fine remitted; or to contract with the county to keep such prisoners in the workhouse of said county, and to provide by said contract and by ordinance for the commitment of such persons to the workhouse or county jail so provided until such fine and costs shall be fully paid. No term of imprisonment hereunder shall be for a longer period than three months for the same offense, nor any fine for a greater amount than Fifty (\$50.00) Dollars and costs.

(24) To create a Board of Park Commissioners and define their duties and powers.

(25) To acquire, construct, own, operate and maintain or sell, lease, mortgage, pledge, or otherwise dispose of public utilities for light, water or heat, or any estate or interest therein for service to the municipality, or its inhabitants, or any part thereof.

(26) To grant to any person or corporation franchises for public utilities, light, water, power or heat, to be furnished to the municipality or the inhabitants thereof, all necessary franchises. Such power to grant franchises shall embrace the power here conferred to grant exclusive franchises and whenever an exclusive franchise is granted it shall be exclusive not only against any other person or corporation, but against the municipality itself. Franchises may be granted for a period of not longer than forty years, and upon the terms contained in the franchise agreement. The franchises shall apply to any territory within the corporate limits at the time of its grant, or that may be brought in at a later date.

(27) To make contracts with any person or corporation for public utilities and public service to be furnished to the municipality and the inhabitants therein; such power to make contracts shall embrace the power here expressly conferred to make exclusive contracts, and when an exclusive contract is entered into it shall be exclusive not only against other persons or corporations, but also against the municipality itself. Such contracts may be entered into for a period not exceeding twenty-five (25) years. The City Council may prescribe in each contract entered into the right fares, charges, terms and regulations that may be made by the person, persons, firms, or corporations

with whom the contract is made; such contract may, by their terms, apply to that territory within the limits of the municipality at the date of the contract, and as the corporation limits thereafter may be enlarged, and to the existing streets and thoroughfares, or these that may thereafter be open.

(28) To provide for police force, night and day, and the appointment and maintenance of the same, and to make rules and regulations for the government thereof.

(29) To establish and maintain a system of free kindergarten, grammar, and high school, either independently, as to this municipality, or in connection with the State of Tennessee, the Federal Government or the County of Macon, and to regulate the same, and to create a special board of education either independently or dependently with the governments aforesaid, and to levy taxes for the operation and maintenance of same, either in part or in whole.

(30) To suppress or prohibit, vagrancy, loitering or delinquency and truancy.

(31) To regulate the treatment of dumb animals and children, and to provide for punishment of cruelty to the same.

(32) To take and hold property within or without the City and State in trust, and to administer trusts for the public benefit.

(33) To call, regulate, provide for and control all municipal elections as herein provided, and not contrary to laws.

(34) To have and exercise all powers which now, or which may hereafter be competent for this Act specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein.

(35) To provide for fines, forfeitures, and penalties, for the breach of any ordinance of the City and for the enforcement, recovery and appropriation of the same, and to fix terms of confinement for the failure to pay any fine, penalty, or forfeiture for the breach of any such ordinance. No penalty shall exceed Fifty (\$50.00) Dollars and cost, and no term of imprisonment shall be longer than three months for the same offenses. Either the municipality or the defendant may appeal to the Circuit Court upon giving solvent bond to cover the fine, forfeiture or penalty and the costs of the cause, provided said appeal is perfected within ten (10) days, excluding Sunday.

It shall not be necessary to swear out a warrant for the arrest of any person for the violation of any ordinance, but a warrant shall be issued before the case is called for trial, stating the charge and date thereof. The officer, when making the arrest, shall state, if requested, what the charge is, for which the arrest is being made.

(36) To fix the bond of all officers and agents, or employees of the City.

(37) To pass all ordinances necessary for the health, safety, convenience and general welfare of the inhabitants of the municipality, and to carry out to the full extent the corporate purpose and meaning of this Act, as fully as if specifically authorized. All ordinances shall, when they become final, be

enrolled by the Recorder in an ordinance book. [As amended by Priv. Acts 1973, ch. 23, §§ 3 and 4, and Priv. Acts 1985, ch. 83, § 3]

Section 6. Be it further enacted, That the City Council shall have power to adopt resolutions (1) to authorize the expenditures specified by the annual budget appropriations for public improvements where any such improvement, or improvements, in the aggregate is estimated to cost two thousand, five hundred dollars (\$2,500.00) or more, except for salaries or interest; (2) to make public proclamations, protest and requests to the Mayor or other officials of the City for information pertaining to their respective duties; (3) to make public proclamations, statements, or protests for the information of the public pertaining to municipal purposes; (4) to make contracts for the carrying on or execution of any public improvements; (5) to make contracts with any public carrier, the tracks and rights-of-way of which pass through this municipality and cross its streets, to hold harmless this municipality for a grade crossing, or common crossing, accidents; (6) to carry into effect all the provisions of this Act, as required herein.

All such regulations shall, when they become final, be enrolled by the Recorder in a resolution book. [As amended by Priv. Acts 1985, ch. 83, § 4]

Section 7. Every ordinance shall be read on three (3) different days in open session before its adoption, and not less than one week shall elapse between the first and third readings, and any ordinance not so read shall be null and void. Four votes shall be required to pass an ordinance on each reading. The caption of an ordinance may be read on the first and second readings and the ordinance shall be read in its entirety on the third reading. Copies of ordinances shall be available during regular business hours at the office of the City Recorder and during sessions in which the ordinance has its second and third readings. Any Ordinance may be amended on any reading. All bills or ordinances when they have been finally passed or adopted, before they become effective, shall be signed by the Mayor. The Mayor shall affix his approval or disapproval within five days after the final action of the City Council thereon. If he withholds his signature for five days the bill or resolution becomes effective for failure to veto. The Mayor shall state his reasons for vetoing any bill in writing and transmit them with the bill back to the City Council for its action. The City Council may pass it over his veto or sustain the Mayor.

No bill of a general nature, after it has been rejected, shall be introduced again for thirty days. Any franchise, rental or sale or lease of the utilities owned by the municipality shall be authorized in the same manner as provided for the issuance of bonds under Section 34 of this Act.

The appropriation and tax levy ordinance shall contain summarized proposals for major departments or groups of expenditures for the forthcoming fiscal year. A detailed, line item financial plan shall be prepared in support of

this appropriation (budget) ordinance. The financial plan shall be used as guidance and generally followed in implementing this ordinance.

Upon the final passage of all bills the vote shall be taken by ayes and noes, and the names of the Councilmen voting for and against the same shall be entered upon the minutes.

All bills shall contain the following enacting clause:

"Be it enacted by the City Council of Lafayette" and they shall take effect from and after thirty days from the date of their passage, unless the City Council shall determine by their terms that said ordinance take effect sooner.

All ordinances of a general penal nature shall be published once in a newspaper of general circulation in the municipality. Provided, however, that the failure to publish the same shall not render the ordinance invalid. [As amended by Priv. Acts 1967, ch. 335, § 4, and Priv. Acts 1985, ch. 83, § 5]

Section 8. There shall be appointed by the mayor, subject to the confirmation of the city council, a city judge; a city attorney; a city recorder, who may also be designated clerk of the city council, and tax collector; an auditor or comptroller; a superintendent of water; a superintendent of gas; a chief of police and such day and night police officers as the council may provide by ordinance or resolution; a superintendent of streets; a superintendent of sewers; a chief of the fire department and members thereof; members of the park commission; and such other agents and employees as the city council by ordinance designate and provide. The filling of these offices, and positions and duties of such offices are left within the discretion and determination of the mayor and city council.

The city council may, from time to time, as deemed advisable, employ an auditor or other expert for assistance, aid, advice or construction of the undertaking of any municipal purpose or improvement. The compensation of officers, agents and advisors or assistants shall be fixed by the mayor and city council. [As amended by Priv. Acts 1985, ch. 83, § 6; and Priv. Acts 2000, ch. 90, § 3]

Section 9. Be it further enacted, That there shall be a Mayor for the City of Lafayette. He shall have the duties and powers of a business manager; he shall have supervision and control of all of the administrative affairs of the municipality; he shall be its chief executive; he shall have and appoint a secretary, who shall be a stenographer, subject to be confirmed by the City Council, and such Secretary shall be an assistant to the Recorder. The Mayor shall give bond in the sum fixed by ordinance, to secure the city harmless against all losses that may be occasioned the municipality by his failure, refusal or neglect to perform and of the duties imposed upon him by law or ordinance, and if a premium is required to be paid for said bond such premium shall be paid out of the Treasury of the municipality. Said bonds shall be approved by the City Council. His term shall be for four (4) years.

In case of the absence, disability, suspension or death of the Mayor, the Vice-Mayor shall perform the duties of the Mayor; the Mayor shall have authority to discharge any officer, member of any Board, or other employee of the City, except the City Councilmen and City Recorder. He shall have access to all the books, records, offices and papers of every kind pertaining to the city's business, and require their proper handling and safekeeping. He shall present in writing or verbally to the City Council his recommendations of the needs of the municipality at any time he deems advisable.

He shall take all proper measures for the preservation of public order, suppression of riots, and the preservation of peace, and he may call upon the Governor for military aid. He shall see that all agreements with the city are carried out, or litigation taken for their enforcement. He shall have authority to call special meetings of the City Council, and consider any matter for the welfare of the municipality.

He shall have the power of a police officer within the corporate limits, and in the absence of the city judge he may preside in the city court. He shall have the power, within one mile without the corporation limits, to preserve order, to make arrests, and to enforce sanitary and quarantine regulations. He shall have power to grant pardons or suspension or release of fines. He shall have power to, in the name of the city, bid in property sold for city taxes or assessments. He shall have control over all municipal improvements, municipal property, the servants, agents, works, services and enterprises for the public welfare. He shall have power to make all expenditures within the budget after the same have been appropriated by the city council for purchases under two thousand, five hundred dollars (\$2,500.00). He shall have the exclusive power to supervise and control the sewer and water plant; provided, however, the rates for water or light or other public service shall be fixed by ordinance. He shall have charge of all other public works and improvements, and the administration of the city's business and affairs, as provided in this Act. He shall make and prepare estimates of the cost of all works and improvements before making any contract, and shall submit the same, where the total cost thereof is two thousand, five hundred dollars (\$2,500.00) or more to the city council for its approval and adoption.

All contracts of the City of Lafayette shall be executed in the name of the City of Lafayette, signed by the Mayor, with the seal of the municipality attached thereto, and attested by the Recorder.

He shall make an estimated itemized financial plan to support the budget for the conduct of every department of the municipality at such date as shall be fixed by the city council. He shall make his expenditures under the budget in accordance therewith. Neither the mayor, nor any other officer, official, agent or servant of the city shall divert any special tax levy from the purpose for which it was levied, nor may any appropriation listed in the appropriation and tax levy ordinance be exceeded without appropriate city council action to amend that ordinance.

No other officer or agent or employee of the City of Lafayette shall, except as herein otherwise provided, have power to create any liability against the municipality for the funds, the expenditure of which is entrusted to the Mayor.

The mayor shall receive compensation of twenty-five thousand dollars (\$25,000) per annum payable in equal monthly installments from the general fund beginning the first Tuesday after the May 2000 City election. The mayor shall also receive health insurance and travel expenses. [As amended by Priv. Acts 1967, ch. 335, §§ 5 and 6; Priv. Acts 1972, ch. 282, § 2; Priv. Acts 1983, ch. 93, § 4; Priv. Acts 1985, ch. 83, § 7; Priv. Acts 1990, ch. 218, § 6; and Priv. Acts 2000, ch. 90, § 4]

Section 10. Be it further enacted, That, except as herein otherwise provided, the general election laws of the state of Tennessee shall be applicable to and control all municipal elections, held in accordance with the provisions of the law as applicable to municipalities in Macon County. All registered voters who own real property located within the City of Lafayette shall also be entitled to vote in all municipal elections and municipal referenda. [As replaced by Priv. Acts 1985, ch. 83, § 8 and amended by Priv. Acts 1995, ch. 111]

Section 11. Be it further enacted, That the Recorder be twenty-five years of age or over. He shall be required to give bond signed by some indemnity insurance company, to be approved by the City Council, payable to the City of Lafayette, to faithfully perform his duty, to keep all records and books safely, and to handle and account for all monies belonging to the municipality that may come into his hands, or for which he may be responsible. His duties shall be to act as a Clerk of the City Council, keep its records, and minutes, to look after the publication of its ordinances, and advertisements, and to do such other duties pertaining and incident to the office as may be directed by the Mayor or the City Council; he shall also be Clerk of the City of Lafayette; he shall be accessible to the taxpayers and citizens during the business hours of the day; he shall keep the records of the City; its papers, its contracts, receive and transmit the necessary information for the operation of the City's enterprises, improvements and works, to the proper officers and agents of the City, to preserve its archives, insurance policies, prepare its advertisements, and keep such statistics and statements of the affairs and property of the city as he may be required to do by the City Council or the Mayor, and to do such other things under the direction of the Mayor as he may be required incident to the office of City Clerk. He may be designated comptroller of the city and see that its collections are properly entered, warrants issued, receipts delivered to taxpayers, and the funds of the city honestly, faithfully and economically distributed; and he shall sign all warrants for any expenses of the municipality, and such warrants shall likewise be signed by the Mayor before they shall be paid; and he shall sign and attest such papers as he is by ordinance or law required and directed to do. He shall give such information pertaining to the

City's finances to the Mayor and City Council as he is requested by the Mayor or by the City Council. He shall deposit the monies and revenues coming into his hands belonging to the municipality in which depository as the City Council shall direct. He shall act as tax collector of the city of Lafayette and issue tax receipts for taxes collected, and receipt for the tax books, and enter on the tax book the payment of taxes on the date on which they are collected.

The judge of the city court shall have the exclusive power to impose fines or forfeitures for the breach of any city ordinance, and it shall be necessary to issue warrants in case of violation of city ordinance except at the time of the trial of such offense. All process issued by him for the violation of a State law or a city ordinance shall be issued in the name of the State of Tennessee, and where it involves the violation of a municipal ordinance such warrant shall also state "For and on behalf of the City of Lafayette." He shall have power to issue subpoenas to compel attendance of witnesses, and he may have witnesses who have failed or refused to attend upon subpoena fined and imprisoned, not exceeding \$50.00, or imprisonment not exceeding ten days. He shall keep a record of the cases made and tried in his Court and their disposition. He shall give the power to punish any person for any contempt committed in the presence of the Court, and shall have power to punish the same by a fine not exceeding \$50.00, or by imprisonment not exceeding ten days. No appeal shall be allowed from convictions for contempt.

Appeals may be made to the circuit court of the county within ten (10) days, excluding Sunday, from the judgment of the city court.

In the absence of the city judge from the city court for any reason, the mayor may preside.

Persons convicted or fined, against whom forfeitures are taken in the City Court, who fail or refuse to pay their fines or for forfeitures, shall be confined in the municipal workhouse or county jail, and be required to work out such fines. The cost of the keeping of such person shall be added to his fine; provided, however, no person shall be confined for more than ninety days for any offense.

Every person committed by the judge of the City Court shall be required to work for the municipality at such labor as his health and strength will permit, not exceeding ten hours each day, and he shall be allowed not exceeding \$1.50 per day until the whole thereof is satisfied and discharged, at which time he shall be released.

There is hereby created and established the separate office of the city judge of the city of Lafayette, Tennessee. The office of city judge shall be filled in the same manner as such other officials as now authorized under Section 8 of the provisions of this Act. The compensation of the city judge shall be fixed by the mayor and city council. [As amended by Priv. Acts 1961, ch. 140; Priv. Acts 1980, ch. 186, § 1; and Priv. Acts 1985, ch. 83, § 9]

Section 12. Deleted. [As deleted by Priv. Acts 2000, ch. 90, § 5]

Section 13. There shall be a Chief of Police who shall have under his immediate control any other patrolman or officer. He shall sign bond to faithfully perform all his duties as Chief of Police, payable to the municipality, in such sum or sums as may be required, which shall be approved by the City Council and the said bond to be filed with the Recorder. The Chief of Police shall not be less than twenty-five (25) years of age. [As amended by Priv. Acts 1973, ch. 23, § 5; Priv. Acts 1980, ch. 186, § 2; and renumbered by Priv. Acts 1985, ch. 83, § 10]

Section 14. Deleted. [As deleted by Priv. Acts 2000, ch. 90, § 6]

Section 15. The mayor, with the approval of the city council, may employ an attorney, upon such terms and conditions as they may fix, at such times as such attorney's services may be required to oversee any special or general litigation. [As renumbered by Priv. Acts 1985, ch. 83, § 11; and as amended by Priv. Acts 2000, ch. 90, § 7]

Section 16. Be it further enacted, That each and every officer appointed by the Mayor and confirmed by the City Council be required to subscribe to the oath or affirmation similar to the oath the Mayor and City Council have taken. [As renumbered by Priv. Acts 1985, ch. 83, § 11]

Section 17. Be it further enacted, That the Mayor shall have power to suspend and to prefer charges against any employee or officer who has been confirmed by the City Council, for neglect of duty, failure to perform his duties, inefficiency, insubordination, willful absence from duty for more than fifteen days without express leave of absence from the Mayor, drunkenness while either on duty or off duty, for undue political activity, or dishonesty, or corrupt practice, or for such other conduct as the City Council may prescribe, for the conduct of such officers and employees. The City Council may hear evidence on said charges after notice, and he shall have authority to suspend, reduce in rank, or dismiss from service such officer or employee. Any such officer or employee shall have the right by petition to the Circuit Court to a writ or certiorari, or supersedeas and certiorari, to review the action of the City Council, when thus tried. [As renumbered by Priv. Acts 1985, ch. 83, § 11]

Section 18. The City Council may, upon the approval of the Mayor, transfer funds appropriated in said budget from one department or purpose to such other department or purpose as it may deem expedient or necessary and proper; provided, however, that this provision shall not apply to sinking or redemption funds or funds provided by special levy or to any funds derived from State or County taxation.

All unexpended budget appropriations shall lapse at the end of each fiscal year, and thereafter shall be subject to reappropriation under the normal budget

adoption procedure, except those funds that are uncumbered by grant restrictions, bond covenants, or other legal requirements. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 12]

Section 19. All purchases and procurements shall be in accordance with procedures established by ordinance.

That the provisions of Tennessee Code Annotated, Sections 6-54-107, 6-54-108 and 12-4-101 shall apply to and operate upon the mayor, the members of the city council, the recorder, and other officers of the municipality. When any person or corporation shall enter into a contract with this municipality it shall be necessary, before said contract is executed that such person or corporation, through its agents, shall declare under oath that no person prohibited by law is interested in the same, either directly or indirectly.

Whenever it is proposed to make alterations in the plans or specifications of any contract with the municipality involving an extra cost, such alterations shall not be made or the municipality be bound therefor unless the prices to be paid for the alteration or extra work shall have been agreed upon in advance of doing the work, and the alteration shall be evidenced in writing, and signed by the contractor, and in the name of the municipality by the Mayor, and attested by the Recorder, and such extra allowance shall not in any case exceed the sum fixed by such written agreement. No Recorder shall pay out or allow the payment made for any extra work or alteration unless the above provision shall have been complied with. [As amended by Priv. Acts 1983, ch. 93, § 5, and Priv. Acts 1985, ch. 83, §§ 11 and 13]

Section 20. Be it further enacted, That all property objects or subjects of taxation, either advalorem, occupation, or privileges, shall be assessed and listed for taxation in the name of the owners, or reputed owners, alphabetically; and the assessment shall be made under the laws for which such subjects or objects of taxation, occupations and privileges are assessed for State and County purposes, except as otherwise provided in this Act.

In order to enforce collections of taxes on property, privileges, or occupation tax or assessments, interest and penalty equal to that levied by Macon County shall be applied. Such penalties shall not be greater than six per cent per annum on the amount due, and shall become a part of the tax and be paid into the treasury of the municipality as other taxes. Such penalty shall be in addition to interest on all delinquent taxes, and interest shall commence on such delinquent taxes at the date of the delinquency. The Recorder shall have the power to issue distress and alias and pluris distress warrants in the name of the State of Tennessee on behalf of the City of Lafayette to enforce collections of all taxes, privileges, occupations and assessments. Such warrants may be executed by a deputy sheriff, a sheriff, a constable of the county or the Chief or Police, and such officers shall have authority to make their return thereon, or make their collection thereunder, and they shall receive such fees as are

provided by the general laws of the State in such cases, and the fees shall be paid by the delinquent taxpayer.

The lien for taxes on real estate shall remain a lien until the taxes, penalties, interest and costs are paid, upon a bill being filed to collect the same. The municipality shall have authority to collect unpaid taxes on realty after a return of nulla bona by a suit either at law or in equity. Any bill filed in equity may include as many distinct pieces or tracts of land, as the taxes thereon are delinquent, the owners thereof being made defendants to the bill, and such cause shall not be subject to objection for misjoinder by reason as such distinct interest or because publication has not been made for delinquency. The law governing necessary parties to be made to collect taxes shall be the same as in case of the collection of State and county taxes. Each person shall pay his proportionate part of the cost of any such tax bill. The form of the bills in the Chancery Court shall be in substance that of bills for the purpose of foreclosing and enforcing liens and divesting title. No defendant shall be entitled to a copy of the bill without applying to the Clerk of the Court and paying for such copy. It shall not be necessary that all defendants' names be included in the copy of the subpoena to be left with any defendant, or in the publication for any particular non-resident defendant. The cause shall be at issue as to any defendant when his answer is filed, or pro confesso has been taken against him, and proceeding to a finality, a sale as to any one defendant shall not in any way affect any other defendant, unless he is interested in the same lot or tract. Any defendant or party of the bill, shall have the right to appeal to the Court of Appeals or Supreme Court, as the case may be as in other Chancery proceedings. [As amended by Priv. Acts 1973, ch. 23, § 6, and Priv. Acts 1985, ch. 83, §§ 11 and 14]

Section 21. Be it further enacted, That the City Council shall be empowered to make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of the assessed value of the taxable property within its limits, to embrace expenses for establishing, making, laying out, renewing or repairing streets, alleys, or other public places, for the establishment and construction, maintenance, repairing or operation of water and sewer plants for the construction, maintenance or operation of sewers, sewer connections, disposal plants, or sidewalks for the health, comfort and convenience of its inhabitants; for fire protection or maintenance of fire equipment or force, for police protection, maintenance of police or police station, or buildings, for all municipal salaries, officers, superintendents, and municipal equipment, and all other purposes strictly municipal, including interest on debts and taxes for any redemption or sinking fund or a tax to pay any judgment or decree against the municipality, or a tax to carry adequate insurance against damages or in obedience to any mandamus or expense for schools. [As amended by Priv. Acts 1973, ch. 23, § 2, and Priv. Acts 1985, ch. 83, §§ 11 and 15]

Section 22. Be it further enacted, That the Mayor or any officer or employee or person entrusted with the collection or disbursement of the funds of the municipality who shall create, or take part in creating, any liability against the municipality beyond the expenses fixed in the budget, or who shall divert funds thus appropriated, except such transfer diversions is made in accordance with the terms of this Act, shall be civilly liable to the municipality upon complaint of taxpayers of the City, for the excess and loss to the City, together with the principal and interest and reasonable expenses of collection. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 23. Be it further enacted, That all bonds of officers and employees of the municipality, or contractors with the municipality shall, as far as practicable, be secured by an indemnity security company authorized to do business in the State of Tennessee. This provision is not mandatory, but is declaratory. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 24. Be it further enacted, That the Mayor and City Council, and each and every other officer or agent of the City is prohibited from using or employing or appropriating the revenues, assets, property or taxes of the municipality, for any purpose except for strictly municipal and local purposes, and in accordance with the provisions of this Act. Said officers and agents are prohibited to subscribe for stock or other corporate property in any corporation, or to buy bonds, or to loan the credit or money or property of the municipality to any person or corporation; and this municipality shall sell its property only for a fair, reasonable market value thereof, and it shall not sell, lease, mortgage, or disclose of its public utility plant until an ordinance authorizing such sale, lease or mortgage shall have been introduced for at least ninety days before its final passage, and published once a month for three times before it is finally passed by the City Council and approved by the Mayor.

The officers and agents of this municipality are prohibited from giving away to any person or corporation the light or water of this municipality. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 25. Be it further enacted, That: (1) The City Council has authority to provide funds and to issue bonds from time to time for such amounts as it may deem proper to do so for the objects and subjects, and as provided under Section 5 and Sub-section 5 of this Act, and other provisions as set forth in this Act.

(2) That the principal and interest falling due before the proceeds of the first tax levy becomes available, of such bonds, shall be paid from the general fund of this municipality, and in each year during the life of said bonds the City Council hereof shall include in the annual tax levy, over and above all other taxes authorized or limited by law, a sum sufficient to meet the interest upon such bonds as they fall due, and the principal thereof at maturity, and a

sum sufficient to reimburse the general fund for such appropriations made and to be made therefrom for the payment of such principal and interest.

(3) That before any ordinance providing for the issuance of any bonds herein authorized shall be valid, a majority of the qualified voters of this municipality voting at an election on a special question of issuing such bonds, to be called by the City Council hereof, shall approve such bond issue. Said election shall be advertised at least twenty-one (21) days before the same is held by publication three times, once a week for three consecutive weeks, in some newspaper of general circulation of this municipality, the first of said publication to appear at least twenty-one (21) days before the date of said election. Said election shall be held in the same manner and by the same officials as general municipal elections. It shall not be necessary to submit to the voters any other question than the maximum amount and the purpose or purposes of the bonds proposed to be issued, but it shall be the duty of the City Council of this municipality to enter upon its minutes the result and returns of said referendum election; which entry shall, after delivery of any payment for any bonds voted upon at such election be conclusive evidence of the result.

(4) That the City Council may, in its discretion provide that any holder of any bonds issued hereunder may register them in his name as to principal or interest, or both, in the office of any bank or trust company in any city of the United States designated for such purpose, by the City Council under such regulations and in such manner as the City Council may establish.

(5) That any bonds or securities redeemable or payable out of funds derived from special assessment for public improvements, or any bonds or other obligations issued for supplying this municipality with water, artificial light, heat or power, where the works for supplying the same shall be owned or shall be controlled by such municipality, shall not be included in the debt of this municipal corporation within the limits of this Act, nor shall there be included in the debt of this municipal corporation within the limits of this Act that portion of any other bonds or securities which is equivalent to the amount of special assessments for public improvements which have heretofore been levied and remain uncollected, and any such special assessment which the City Council of this municipality shall by ordinance or resolution, assume will be levied, provided such special assessment so levied, or to be levied, are, or will be, pledged to the payment of the bonds which are to be so excluded from the debt computation.

(6) Bonds sold under this provision of this Act may be advertised in such paper and in such manner as shall be for the best interest of the municipality within the discretion of the City Council. [As amended by Priv. Acts 1985, ch. 83, §§ 11, 16, and 17]

Section 26. Be it further enacted, That the Chief of Police and/or such police officers of this municipality as shall be authorized under the provisions of this Act, and it is their duty at all hours of the day and night, to enforce the

laws of the State and the ordinances and orders of this municipality, to preserve the public peace, to suppress riots, to protect the riots of persons and the right of property, to protect the public health, to preserve order at elections, to assist, advise and protect travelers, strangers and citizens while within the municipality or upon the public streets, and to do such things to execute the orders as may be given them by their superior officers and mayor. They shall have authority, without warrant, to arrest for the violation of any city ordinance and cite to trial, they shall have authority to make arrests for misdemeanors without warrants, but shall, as soon as possible, swear out a warrant before an officer authorized to issue the same. [As amended by Priv. Acts 1985, ch. 83, §§ 11, 16, and 18]

Section 27. Be it further enacted, That the streets, highways, alleys, public squares, and sidewalks and parks are held in trust for public use; the public and municipal buildings and property belonging to the municipality shall be used exclusively and alone for the purpose for which they are set apart by the municipality, and for none other. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 28. Be it further enacted, That the City Council is authorized to borrow money to provide funds with which to construct sidewalks, curbs, and gutters, said fund shall constitute a separate fund to be used exclusively in the construction of sidewalks, curbs and gutters. The City Council, with the approval of the Mayor, shall have power to authorize the Mayor to extend such funds, either by contract, or by employment for the purpose stated. No part of said fund shall be expended until a notice has been published three times in a newspaper of general circulation in this municipality, directing the owners the property in front of which it is necessary to construct sidewalks, curbs and gutters to proceed to construct the same in accordance with the plans and specifications therefor prepared and filed in the Recorder's office, and within thirty days from the date of the first of said notices, said notice shall give the name of the owner of the property in front of which such curb, gutter and sidewalk is directed to be constructed, and also the number of front feet of said lot, and the number of the lot and plan thereof, if there be such, and any mistake as to the name of the owner, or number or description of the lot shall in no wise invalidate or affect the lien upon said property for the sum expended in the construction of such sidewalks, curbing and gutters. If, after the expiration of thirty days from the publication of the first notice, such owners shall have failed to construct the said improvements as directed in the notice, the Mayor may proceed to have the same constructed in like manner as other contracts or other public improvements are entered into or made. That a list of the several sums of money expended by the municipality in the construction of sidewalks, curbs and gutters shall, as soon as said work of construction is completed, be immediately delivered to the Recorder, who shall enter the same

on his sidewalk, curb, and gutter book, and shall, within ten days after the receipt of such list, mail to the owner, or agent of the owner, of each of the lots in front of which the same had been constructed, a notice specifying the amount of money that is due for such construction, and reciting that the same must be paid within thirty (30) days from the date said assessment is entered upon the Recorder's sidewalk, curb and gutter book. Provided, however, that any property owner who shall elect to pay his assessment in five equal installments shall have the right and privilege of so doing, upon his election expressed by the payment of the first installment within thirty (30) days after said assessment has been entered by the Recorder on his said sidewalk, etc., book, and the remaining four installments shall be paid in three, six, nine and twelve months thereafter, and all such assessments shall bear interest at the rate of six per cent per annum from thirty (30) days after the entry upon the Recorder's book. The failure to pay any one installment for thirty (30) days after it shall become due shall of itself make all the remaining unpaid installments become due at once. The payment of the first installment, as above provided for, shall be held and constituted a waiver of any illegality or irregularity or invalidly with regard to the assessment for such improvement against his property. In cases where the first installment is not paid within the time prescribed, the entire assessment shall be payable in cash on the expiration of sixty days from date of said assessment so entered on the Recorder's book; if the sums of money due for said assessments have not been paid at the expiration of said period, it shall be the duty of the Recorder to certify to the Mayor a list of all such delinquents, and it shall be his duty to immediately, and without further notification to the owners of said property, to have proceedings entered for the collection of such sums by such methods and procedure as has hereinbefore been provided for in case of unpaid paving assessment.

Liens shall attach to the abutting property in front of which such sidewalks, curbs and gutters have been constructed of equal dignity of paving assessments, as provided in this Act, and the date of the attachments of such liens shall be the date when the ordinance authorizing and directing the construction of said sidewalks, curbs and gutters was signed by the Mayor, as and under the same circumstances as set forth in the provisions relating to paving assessment liens.

The City Council has power to provide funds that it may use for such purpose, and when the same have been collected it may use again the same fund for the same purpose. This fund is provided that it may be used as a rotating fund with and out of which to construct sidewalks, sewers and gutters, and need not be included in or computed as a limitation of the annual budget ordinance, but may be used in addition to the funds provided thereby.

The book upon which such assessments are entered shall be a book of original entry, and a certified copy therefrom certified by the Recorder shall be evidence of the entries in said book. [As amended by Priv. Acts 1985, ch. 83, §§ 11, 16, and 19]

Section 29. Be it further enacted, That the City Council, with the approval of the Mayor, shall have authority to order property owners to plant shade trees in the park areas in front of their property between the curb and the walkway of the sidewalk, and upon failure of such abutting property owner to comply with said order, this municipality shall have the authority to plant the same and assess the cost of planting and providing said shade trees as a lien against said abutting property in the same manner and under the same provisions of assessments and collection as in case of sidewalks and gutters, as provided in Section 28. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 30. Be it further enacted, That the word "city" or "municipality" wherever the same may occur, shall have reference to the City of Lafayette; wherever the word "county" shall occur it shall have reference to the county in which this municipality is located, and wherever the words "City Council" are used, reference is made to the Board of Mayor and City Council.

In the construction of any portion of this Act whose meaning or application is in dispute, it is intended that its phraseology shall be liberally construed to affect the substantial objects of the Act.

No candidate for any office under this Act shall directly or indirectly give or promise any person or persons anything of value, or any office, employment, benefit or money for the purpose of influencing or obtaining political support, aid or vote for any candidate in any municipal election, and a violation of this provision shall be a bar to such person holding office in this municipality for a period of five years. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 31. Be it further enacted, That if any Section or part of Section or paragraph or part of a paragraph of this Act proves to be invalid or unconstitutional, the same shall be held not to invalidate or impair the validity, force or effect of any other Section or part thereof, or paragraph or part thereof, unless it clearly appears that such other Section or parts of paragraphs or parts are wholly or necessarily dependent for their operation upon the Section or part or paragraph or part so held unconstitutional and invalid. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 32. Be it further enacted, That this Act is declared to be a complete system of municipal government, and no officer shall have or exercise any power or authority not conferred herein, anything in any former Acts pertaining thereto, and covering said municipality to the contrary notwithstanding. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 33. Be it further enacted, That until otherwise changed, and the manner provided, that the polling place, for holding the municipal elections under this Act, shall be prescribed by the City Council. [As amended by Priv. Acts 1985, ch. 83, §§ 11 and 16]

Section 34. Be it further enacted, That the fiscal year for the city of Lafayette, Tennessee, shall begin on July 1, 1985, and on the same date in each succeeding fiscal year. [As amended by Priv. Acts 1985, ch. 83, §§ 11, 16, 20, and 21]

Section 35. Be it further enacted, That real and personal property shall be assessed as of the first day of January of each year, and the taxes levied thereon shall become due and payable on the following October first. Said taxes shall become delinquent on March first of the calendar year following their levy. [As amended by Priv. Acts 1973, ch. 23, § 8, and Priv. Acts 1985, ch. 83, §§ 11, 16, 20, and 22]

Section 36. Be it further enacted, That if any taxes levied be not paid before the delinquent date, interest and penalty thereon shall be collected as hereinbefore provided. [As amended by Priv. Acts 1985, ch. 83, §§ 11, 16, 20, and 23]

Section 37. Be it further enacted, That the Mayor and City Council of the City of Lafayette, Tennessee, be, and hereby are empowered to contract with any individual, firm, or corporation, subject to the terms and conditions of this Act, for the furnishing of such electrical current as may be required for the welfare of the City of Lafayette, Tennessee, and its citizens. [As amended by Priv. Acts 1985, ch. 83, §§ 11, 16, 20, and 24]

Section 38--53. (These section numbers no longer used as per Priv. Acts 1985, ch. 83, §§ 11, 16, 20, and 24.)

Passed: February 19, 1945.

George Woods,  
Speaker of the House of Representatives.

Larry Morgan,  
Speaker of the Senate.

Approved: February 24, 1945.

Jim McCord,  
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF  
LAFAYETTE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1945	325	Basic Charter Act
1947	784	Replaced § 52 regarding water and sewer contracts.
1949	383	Amended § 1 regarding city limits.
1953	387	Added a new § 53 regarding natural gas bonds.
1957	241	Compiler added a new § 4a regarding purchase of land.
1961	140	Amended § 11 regarding office of city judge.
1967	335	Amended § 3 regarding election of councilmen; § 4 regarding powers of council; § 7 regarding ordinances; and § 9 regarding mayor.
1972	282	Amended § 3 regarding compensation of council, and § 9 regarding compensation of mayor.
1973	23	Amended § 3 regarding election of council; §§ 5(4) and 5(35) regarding ordinance powers; replaced 13A regarding chief of police; amended § 27 regarding collection of taxes; § 28 regarding levy of taxes; and replaced § 48 regarding tax due dates.
1980	186	Amended §§ 11 regarding city recorder; § 13A regarding chief of police; and § 15 regarding superintendent of lights and waterworks.

YEAR	CHAPTER	SUBJECT
1983	93	Amended §§ 3 regarding city council; § 4 regarding powers of council; § 9 regarding compensation of mayor; and § 26 regarding purchases and procurements.
1985	83	Amended § 3 regarding city council; § 4 regarding powers of council; § 4a regarding powers to acquire land; § 5 regarding ordinance powers; § 6 regarding resolutions; § 7 regarding ordinances; § 8 regarding appointment of officials; § 9 regarding mayor; replaced § 10 regarding city elections; amended § 11 regarding city recorder and city judge; deleted § 13 and renumbered 13A as 13; deleted §§, 15, 16, 17, 18, 19, 21, and 22; amended § 25 regarding budget regulations; § 26 regarding purchases and procurements; § 27 regarding collection of taxes; replaced § 28 regarding tax levy; deleted §§ 29 and 30; amended § 34 (2) regarding issuance of bonds; § 35 regarding police powers; § 37 regarding use of property; deleted §§ 43, 44, 45, and 46; replaced § 47 regarding fiscal year; § 48 regarding tax due dates; § 49 regarding interest on delinquent taxes; and deleted §§ 50, 52, and 53.
1990	218	Amended § 3 regarding city council; § 4 regarding powers of council; and § 9 regarding the mayor.
1995	111	Amended § 10 regarding city elections.

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YEAR	CHAPTER	SUBJECT
2000	90	Replaced § 3 regarding city council; amended § 4(2) regarding powers of council; § 8 regarding appointment of officials; § 9 regarding compensation of the mayor; deleted §§ 12 and 14; and amended § 15 regarding employment of city attorney.
2002	77	Amended § 3 regarding city council.
2002	136	Amended § 3 regarding city council.