CHARTER OF THE TOWN OF ASHLAND CITY, TENNESSEE[1]

CHAPTER NO. 121

HOUSE BILL NO. 3596

By Representative Phillip Johnson

Substituted for: Senate Bill No. 3500

By Senator Kurita

AN ACT relative to the Charter of the Town of Ashland City, Tennessee, to provide that this act shall constitute the complete Charter of the Town of Asland City, and to repeal Chapter 241 of the Private Acts of 1921, except Section 2, as rewritten by Chapter 132 of the Private Acts of 1969, as amended by Chapter 185 of the Private Acts of 1974, Chapter 326 of the Private Acts of 1980, Chapter 134 of the Private Acts of 1981, Chapter 149 of the Private Acts of 1983, Chapter 141 of the Private Acts of 1998, and all other acts amendatory thereto, and to repeal all other acts or parts of acts in conflict with this act or any part thereof.

SECTION PAGE

1. Name of city; authority to sue, etc; seal C-4

2. Definitions C-4

---

[1]Priv. Acts 2004, ch. 121, is the current basic charter act for the Town of Ashland City, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2015 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 act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

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.

SECTION PAGE

3. Boundaries C-5

4. Wards C-5

5. Corporate powers C-5

6. Outside fire service C-8

7. Refuse disposal sites C-9

8. Elections for Mayor and Councilmen C-9

9. Restrictions on candidates and their supporters C-10

10. City Council C-11

11. Mayor as presiding officer C-11

12. Vice-mayor C-12

13. Vacancy in office of mayor or councilman C-12

14. Restrictions on councilmen C-12

15. Designation of official newspaper C-13

16. City legislation C-13

17. Donations to private organizations C-14

18. Organization of city government C-14

19. Administrative duties of mayor C-15

20. City clerk and recorder C-15

21. City attorney C-15

22. Municipal judge C-15

23. Oath of office C-17

SECTION PAGE

24. Official bonds C-17

25. Fiscal year C-17

26. Mayor to submit annual budget C-18

27. Capital improvement budget C-18

28. Public hearing C-19

29. Action by council on budget C-19

30. Control of expenditures C-19

31. Centralized purchasing C-19

32. Unauthorized contract or expenditure C-20

33. Sale of city property C-21

34. Annual audit C-21

35. Bonds for public works contracts C-21

36. Property taxes C-21

37. Omitted property C-21

38. Tax levy C-22

39. Tax due dates and tax bills C-22

40. Delinquent taxes C-22

41. County may collect taxes C-22

42. Taxes not to be excused C-22

43. Disbursements by checks C-23

44. Official depository C-23

SECTION PAGE

45. Accounting C-23

46. Intergovernmental cooperation and contracts C-23

47. Other state laws may be used by city C-23

48. Repeal of acts C-23

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

Section 1. The inhabitants residing within the corporate limits and boundaries hereinafter referred to, defined and established as the Town of Ashland City, Tennessee, shall be, and shall continue to be, a body politic and corporate under the name and style of "Ashland City, Tennessee," and this Act shall constitute the complete Charter of said Town. The Town of Ashland City shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at its pleasure. [As amended by Priv. Acts 2014, ch. 84]

Section 2. DEFINITIONS.

(a) As used in this Charter the following words and terms shall have the following meanings:

(1) "At large" means the entire City, as distinguished from representation by wards or other districts;

(2) "City" means the Town of Ashland City, Tennessee;

(3) "Code" means any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity;

(4) "Council" and "City Council" means the legislative body of the City, which shall be composed of the Mayor and six (6) Councilmen elected as provided in this Charter;

(5) "Councilman" and "Member of Council" mean a person elected to the office of Councilman as provided in this Charter, and includes the "Mayor";

(6) "Elector" means a qualified voter residing within the City, or a qualified voter owning real estate in his own name in said City but residing outside its limits, subject to the provisions of Tennessee Code Annotated, Section 2-2-107;

(7) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization;

(8) "Qualified voter" means a person who is qualified to vote for members of the General Assembly of the State of Tennessee.

(b) The masculine includes the feminine, and the singular includes the plural and vice versa, except when the contrary intention is stated. [As amended by Priv. Acts 2014, ch. 84]

Section 3. The boundaries of the Town of Ashland City, Tennessee, shall be those fixed, defined, and established by Section 2 of Chapter 241 of the Private Acts of 1921, and all acts amendatory thereto; and all annexations made pursuant to the general law, and all boundaries existing on the effective date of this Act. [As amended by Priv. Acts 2014, ch. 84]

Section 4. The City shall be divided into three (3) wards. Any existing Act or ordinance dividing the City into three (3) wards shall continue in full force and effect until modified or changed as herein provided and authorized. The City Council may, from time to time alter, modify or change the boundaries of existing wards, or designate new boundaries thereof, by duly enacted ordinances. The number of wards shall not be increased or decreased, nor shall the boundaries be changed within sixty (60) days preceding an election. [As amended by Priv. Acts 2014, ch. 84]

Section 5. CORPORATE POWERS. The City 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 by general law.

Unless restricted or controlled by general law, a collection fee of one dollar ($1.00) may be added to each such privilege tax;

(c) To levy and collect registration fees on motor vehicles operated within the City. 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 to authorize the expenditure of money for any municipal purpose;

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

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty (20) years. Such franchises and contracts may provide for rates, fares, charges, regulations, standards and conditions of service, subject to regulation by the Tennessee Regulatory Authority 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, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, City forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings, charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities and any other public improvements inside or outside the City, and to regulate the use thereof; and for such purposes property may be either acquired or taken under Tennessee Code Annotated, Sections 7-31-107 through 7-31-111 and Title 29, Chapters 16 and 17, or under other applicable laws;

(h) To require property owners to repair and maintain sidewalks adjoining their lots or lands in a safe condition by removing of snow, debris, or other materials;

(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, unsanitary, or unsightly. The City shall have the power to abate and remove nuisances at the expense of the owner or owners, with the expense, including fines, penalties, and interest, to be secured by lien upon the property for which the expenditure is made. The City shall also have the power to maintain control of animals by providing for the sale, gift, or humane disposition of such animals as provided by state law;

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

(k) 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. The City Council may prescribe penalties and interest for such delinquent payments by ordinance;

(l) To define, regulate, and prohibit any act, practice, conduct, or use of property that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the City;

(m) 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 City, and to provide for the enforcement of such standards;

(n) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards, in accordance with state law;

(o) To regulate and license vehicles operated for hire in the City, 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;

(p) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable as set by state law;

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

(r) To require the owner, the owner's agent, or the occupant of any dilapidated or dangerous building or structure, after notice to be heard, to repair or remove such building or structure. The City shall also have the power to repair or remove such building or structure and charge the cost to the owner, agent, or occupant who fails to comply with orders to repair or remove the building or structure, and to make the cost of repair or removal a lien against the property which may be added to and collected as property taxes;

(s) To exercise the same powers in subsection (r) by requiring the owner, owner's agent, or the occupant of any lot or parcel of land within the boundaries of Ashland City, after notice and an opportunity to be heard, to remove obnoxious weeds, refuse, rubbish, abandoned automobiles or other vehicles, junk, discarded equipment, furniture and materials, grass, bushes and leaves, which may be considered dangerous or detrimental to persons' health or safety, from any lot or parcel of land within the boundaries of the City; and to provide penalties for the violation of any ordinance relative thereto;

(t) To regulate the solicitation of moneys for any purpose or the solicitation of the subscription to papers or magazines of any kind, within the City, by non-residents of the City, not inconsistent with the state or federal Constitution, without first having obtained written approval as provided by ordinance, and to provide penalties for the violation of any ordinance relative thereto; and

(u) To exercise and have all other powers, functions, rights, privileges, and immunities granted by state law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the Constitution or state law. [As amended by Priv. Acts 2014, ch. 84]

Section 6. The City Council of the Town of Ashland City, shall have full power and authority to authorize the use of the Town's firefighting equipment

and personnel outside the corporate limits of the Town to suppress or extinguish fires, and to aid in emergency situations, subject to such conditions and limitations as the City Council may determine. [As amended by Priv. Acts 2014, ch. 84]

Section 7. The City shall have the power and authority to acquire land, within or outside the corporate limits of the City for use as a plant, place, or site, for the dumping, placing, and/or disposal of garbage, rubbish, refuse, abandoned vehicles, and other such materials, and to regulate the use thereof; to provide by ordinance that such plant, place, or site, for the placing, dumping, and/or disposal of such materials referred to herein shall not be used by any person or persons, who are not bona fide residents of Cheatham County, Tennessee, or by any firm, or corporation not having its situs or principal place of business within Cheatham County, Tennessee, without first having obtained a written permit to so use the same and to pay such fee or charge for such privilege or use as the City Council may provide; to prohibit the use of such property and privileges by any person, firm, or corporation whose place of residence or principal place of business is outside Cheatham County, or outside the corporate limits of the City, as the City Council may determine; and to provide that any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to such penalties as the City Council may determine. [As amended by Priv. Acts 2014, ch. 84]

Section 8. ELECTION OF MAYOR AND COUNCILMEN.

(a) On the first Saturday in December 1999, a nonpartisan election shall be conducted by the county election commission pursuant to the election laws of this State, to elect a Mayor and six (6) Councilmen, including two (2) Councilmen from each of the three (3) wards of the Town, all by electors from the Town at large. Any elector who has been a resident of the Town for at least two (2) years may be qualified as a candidate by submitting a nominating petition to the county election commission in accordance with state law.

(b) The provisions of Tennessee Code Annotated, Section 2-5-101, et seq. and 2-5-201, et seq. shall govern the filing of a petition, the withdrawal of a candidate, and the placement of the candidate's name on the ballot.

(c) At the December 1999, election the candidate for Mayor receiving the highest number of votes for the office shall be elected; and the two (2) candidates for Councilmen from each of the three (3) wards of the Town receiving the highest number of votes for the office shall be elected to such office to serve such terms as provided in subsection (d). In

the event of a tie vote for two (2) or more candidates for the office of Mayor, then the duly elected Councilmen, by a majority vote, shall elect one (1) of the candidates for Mayor, who shall serve until the next election. If more than two (2) candidates for the office of Councilman from any one (1) ward of the Town receive the same number of votes, resulting in a three-way tie vote or more for two (2) or more candidates for the office, then the duly elected Town Council members shall, by a majority vote, elect two (2) of the candidates for the office of Councilman to serve until the next election.

(d) At the election held in December 1999, each elector shall be entitled to vote for six (6) candidates for Councilman, with two (2) Councilmen being elected from each ward. A Mayor shall also be elected at such time. The candidate for the office of Mayor and the three (3) Councilmanic positions from each ward receiving the highest number of votes shall be elected for terms of four (4) years. The three (3) candidates for the Councilmanic positions from each ward receiving the second highest number of votes shall be elected for terms of two (2) years. The Mayor and Councilmen elected in each regular Town election thereafter shall serve a term of four (4) years. Elections shall be held on the first Saturday in December in every odd-numbered year. At the election held in December 2001, and every other odd-numbered year thereafter, one (1) Councilman shall be elected for each ward. At the election held in December 2003, and every other odd-numbered year thereafter, one (1) Councilman for each ward and the Mayor shall be elected. The terms of office of the Mayor and Councilmen shall begin at the first regularly scheduled meeting of the Council in January next following their election, and they shall serve for a term of four (4) years and until their successors are elected and qualified. All elections shall be conducted in conformity with the requirements of this Charter and the election laws of the State. [As amended by Priv. Acts 2014, ch. 84]

Section 9. RESTRICTIONS ON CANDIDATES AND THEIR SUPPORTERS. The provisions of Tennessee Code Annotated, Sections 39-16-101 through 39-16-104 and Sections 39-16-401 through 39-16-402, shall apply to all candidates for offices under this Charter, elected officials, and public employees. Any person convicted pursuant to such statutes shall be ineligible to hold an office or position of employment in the City government for the period prescribed by law. [As amended by Priv. Acts 2014, ch. 84]

Section 10. CITY COUNCIL.

(a) The Mayor and six (6) Councilmen elected under this Charter shall compose the City Council, in which is vested all corporate, legislative, and other powers of the City, except as otherwise provided in this Charter.

(b) The salary of the Mayor and each Councilman shall be set by the City Council by ordinance. The salaries shall not be altered prior to the end of the term for which such public officer was selected. The Mayor and Councilmen shall also be reimbursed for any necessary actual expenses incurred in the conduct of their official duties but all such expenses shall be approved by a majority of the members of the City Council before any payment therefor is made.

(c) The Council shall meet regularly, at least once every month at a time and place designated by motion of the council. The Council shall meet in special session on written notice given by the Mayor, on his own initiative, or on written application to the Mayor by at least three (3) Councilmen. Notice of such special sessions shall be given to all Councilmen at least twelve (12) hours in advance of the meeting. Only the business stated in the written call may be officially transacted at a special meeting. Informal meetings of the Council may be held for the purpose of receiving information, exchanging ideas, and conducting investigations; however, there shall be no official action taken by the Council in such meetings. The Council shall exercise its powers only in public meetings.

(d) A majority of the Council shall constitute a quorum. Except on procedural motions, voting shall be by roll call and the ayes and nays shall be recorded in the journal. The Council may, by resolution, adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Council may subpoena and examine witnesses, and order the production of books and papers. [As amended by Priv. Acts 2014, ch. 84]

Section 11. MAYOR AS PRESIDING OFFICER. The Mayor shall preside at meetings of the Council, and shall have a vote on all matters, but shall have no veto power. The Mayor shall be recognized as the ceremonial head of the City, shall be the officer to accept process against the City, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter. [As amended by Priv. Acts 2014, ch. 84]

Section 12 VICE MAYOR. The Council, at the first regular meeting after the newly elected Councilmen have taken office following each biennial election, shall elect from its membership a Vice Mayor for a term of two (2) years. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or inability to act, and shall complete any unexpired term in the office of Mayor, in which case a Councilman shall be selected by majority vote of the Council to serve the unexpired term of the Vice Mayor. [As amended by Priv. Acts 2014, ch. 84]

Section 13. VACANCY IN OFFICE OF MAYOR OR COUNCILMAN. A vacancy shall exist if the Mayor or a Councilman resigns, dies, moves his residence from the City, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or the election laws of the state, a crime involving moral turpitude, fails to attend any meetings of the Council for a period of ninety (90) consecutive days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office. The Council may, by resolution, declare a vacancy to exist for any of these reasons, and such finding shall be final. Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the City for a period of ten (10) years thereafter. The remaining Councilmen shall appoint a qualified person to fill a vacancy in the office of Councilman for the remainder of the unexpired term. At no time shall there be more than two (2) members of Council appointed to fill vacancies. If a vacancy occurs more than six (6) months prior to a regular election and while two (2) appointed members are on the Council, a special election shall be held by the county election commission on the eighth Saturday following the occurrence of the vacancy, at which election a Councilman shall be elected to serve the unexpired term of the vacant office. The provisions in this Charter for regular elections shall govern special elections. [As amended by Priv. Acts 2014, ch. 84]

Section 14. RESTRICTIONS ON COUNCILMEN. The Council shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the City, 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 the Mayor or any other officer or employee. The Council shall deal with the various agencies, officers and employees of the City, except boards or commissions authorized by this Charter, 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 Council from conducting such inquiries into the operation of the City government and the conduct of the City's affairs as it may deem necessary. The office of any Councilman violating any provision of this section shall immediately become vacant upon such

Councilman's conviction in a court of competent jurisdiction. [As amended by Priv. Acts 2014, ch. 84]

Section 15. DESIGNATION OF OFFICIAL NEWSPAPER. The Council, by resolution, shall designate a newspaper of general circulation in the City as the official newspaper for publication of official notices of the City. [As amended by Priv. Acts 2014, ch. 84]

Section 16. CITY LEGISLATION.

(a) Any action of the Council that has a regulatory or penal effect, that relates to revenue or the appropriation of money, or that authorizes the borrowing of money, shall be done only by ordinance under this Charter or the general laws of the state. Other actions of the Council may be taken by resolution or by motion. The awarding of franchises or contracts shall be approved by motion of the Council. Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the Council in advance of the meeting at which the ordinance or resolution is introduced. The enacting clause in an ordinance shall be "Be it ordained by the Council of the Town of Ashland City, Tennessee:". No action of the Council shall be valid or binding unless approved by an affirmative vote of a majority of the members of Council. Any ordinance that repeals or amends existing ordinances shall set forth, at length, the sections or subsections repealed or amended. Every ordinance, except an emergency ordinance, shall be approved on two (2) readings, not less than one (1) week apart, and shall become effective twenty (20) days after final approval unless its terms provide a later effective date. Every ordinance shall be read by reading the title unless there is a motion by the Council to read the entire ordinance; the second reading may be by title only, except that any amended provisions shall be read in full. Each resolution shall be read in full one (1) time unless the Council, by motion, elects to waive the formal reading, and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health, or property, an emergency ordinance may be adopted on two (2) readings on separate days and shall become effective immediately, by the affirmative votes of a majority of the members of Council, if the ordinance contains a full statement of the facts creating the emergency, provided that any emergency ordinance shall be effective for only ninety (90) days. No emergency ordinance shall be passed that grants franchises, levies taxes, or gives special privileges.

(b) The Council shall have the general and continuing ordinances of the City assembled into an official code of the City, a copy

of which shall be kept currently up-to-date by the City Recorder and shall be available to the public. Following the adoption of the official code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in Section (2)(3), may be adopted by ordinances that contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the Council may deem desirable. Procedures prescribed by state law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the Council. [As amended by Priv. Acts 2014, ch. 84]

Section 17. DONATIONS TO PRIVATE ORGANIZATIONS. Taxes and other City revenues are levied and collected for public purposes, and the use of such funds as donations or contributions or for private purposes is prohibited, however the Council may contract with nongovernmental agencies for materials, events, and services necessary to effectuate public purposes authorized by law. [As amended by Priv. Acts 2014, ch. 84]

Section 18. ORGANIZATION OF CITY GOVERNMENT. The City government shall be organized into departments. The Council shall determine the functions and duties of all departments and offices. The Council may establish, abolish, merge, or consolidate offices, positions of employment, departments and agencies of the City. The Council may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the City, subject to the following limitations:

(a) All officers and employees of the City, except as otherwise specifically provided in this Charter, shall be appointed, removed by, and be under the direction and control of the Mayor;

(b) The office of Mayor shall not be abolished, nor shall his powers, as provided in this Charter, be reduced; and

(c) Except as provided in Section 23,[1] the Town Judge shall not hold any other City office or position of employment. [As amended by Priv. Acts 2014, ch. 84]

---

[1]A previous version of the Ashland City Charter had Town Judge in Section 23, however, this version of the charter has Town Judge in Section 22.

Section 19. ADMINISTRATIVE DUTIES OF MAYOR. The Mayor shall be the executive head of the City government, responsible for the efficient and orderly administration of the affairs of the City. The Mayor shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the City, and may appoint special policemen when he deems such appointments to be necessary. The City Attorney shall take such legal actions as the Mayor may direct for such purposes, may conduct inquiries and investigations into the affairs of the City, and shall have such other powers and duties as may be provided by ordinance not inconsistent with this Charter. [As amended by Priv. Acts 2014, ch. 84]

Section 20. CITY CLERK AND RECORDER. The City Council shall appoint or elect a City Clerk and Recorder who shall have the following powers and duties:

(a) To keep and preserve the City seal and all official records not required by law or ordinance to be filed elsewhere;

(b) To attend all meetings of the Council and to maintain a journal showing the proceedings of such meetings, the Councilmen present and absent, each motion considered, the title of each resolution and ordinance considered, and the vote of each Councilman on each question. This journal shall be open to the public during the City's regular office hours, subject to reasonable restrictions exercised by the City Clerk and Recorder;

(c) To prepare and certify copies of official records in the City Clerk and Recorder's office. Fees for such services may be established by ordinance, to be deposited into the City treasury;

(d) To prepare the agenda for City Council meetings in consultation with the Mayor, Council members and department heads;

(e) To perform the duties of Chief Financial Officer; and

(f) To perform such other duties as may be required by the Council or by the Mayor. [As deleted by Priv. Acts 2008, ch. 108, § 1; and added by Priv. Acts 2014, ch. 84]

Section 21. CITY ATTORNEY. The Council shall appoint a City Attorney, and such assistant City Attorneys as may be authorized, by ordinance. The City Attorney or an assistant City Attorney designated by him, shall be responsible for:

(a) Representing and defending the City in all litigation in which the City is a party unless another attorney or an attorney through the City's insurance carrier is designated to represent and defend the city;

(b) Prosecuting cases in the Municipal Court unless the District Attorney's office is assigned such cases;

(c) Attend meetings of the Council as needed;

(d) Advising the Council, Mayor and other officers and employees of the City concerning legal aspects of their duties and responsibilities;

(e) Approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and

(f) Performing such other duties as may be prescribed by the Council or Mayor. [As replaced by Priv. Acts 2008, ch. 108, § 1, and amended by Priv. Acts 2014, ch. 84]

Section 22. MUNICIPAL JUDGE.

(a) There is hereby created and established for Ashland City, a Municipal court, to be presided over by a Municipal judge.

(b) The Municipal Judge shall have authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed fifty dollars ($50.00), or the maximum civil penalty allowed under state law, and costs prescribed by ordinance. The Municipal Judge may also have the authority to exercise jurisdiction concurrent with the courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the Town, but shall exercise that jurisdiction, if any, only if the judge is elected in accordance with this Charter.

(c) The Municipal Judge shall be elected for a term of eight (8) years on the date prescribed under state law for the election of the judges of the court of general sessions and other inferior courts, and every eight (8) years thereafter, and shall take office on September 1 next following the date of the judge's election. Vacancies in the office of the Municipal Judge shall be filled by the Town Council.

(d) The Municipal Judge shall be:

(1) At least thirty (30) years of age;

(2) Licensed to practice law in Tennessee; and

(3) A resident of the Town of Ashland City for one (1) year and a resident of Tennessee for five (5) years immediately preceding the judge's election.

(e) In the event the City or the Municipal Court does not have general sessions jurisdiction, the Municipal Judge shall be appointed by the Council or elected as established above at the discretion of the Council. If the Municipal Court does not have general sessions jurisdiction, the judge need not be a resident of Ashland City.

(f) The salary of the Municipal Judge shall be fixed and determined by the City Council prior to the judge's election, and shall not otherwise be altered at any time during the judge's term of office. [As amended by Priv. Acts 2014, ch. 84]

Section 23. OATH OF OFFICE. Before a person takes any elected office in the City government, he shall subscribe to the following oath or affirmation, administered by the City Clerk or any justice of the peace: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of this Charter and ordinances of the Town of Ashland City, Tennessee, and that I will faithfully discharge the duties of the office of (Name of Office)." [As amended by Priv. Acts 2014, ch. 84]

Section 24. OFFICIAL BONDS. The Mayor and every officer, agent, and employee of the City having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the Mayor, shall give a fidelity bond or faithful performance bond as determined by the Mayor issued by a surety company authorized to do business in Tennessee as surety and in an amount to be prescribed by the Mayor. All such bonds and sureties thereto shall be subject to approval by the Mayor. The cost of the bonds shall be paid by the City. Such bonds shall be blanket bonds covering offices and positions to be bonded, with individual bonds to be secured only when blanket bonds are not obtainable. [As amended by Priv. Acts 2014, ch. 84]

Section 25. FISCAL YEAR. The fiscal year of the City government shall begin on the 1st day of July and shall end on the 30th day of June of the

succeeding year, unless otherwise provided by ordinance. [As amended by Priv. Acts 2014, ch. 84]

Section 26. MAYOR TO SUBMIT ANNUAL BUDGET. No later than forty-five (45) days prior to the beginning of each fiscal year, the Mayor shall submit a proposed budget to the Council for the next fiscal year showing separately for the general fund, each utility, and each other fund the following:

(a) Revenue and expenditures during the preceding year;

(b) Estimated revenue and expenditures for the current fiscal year;

(c) Estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue;

(d) A comparative statement of the cash surplus or deficit at the end of the preceding year and the estimated surplus or deficit at the end of the current fiscal year; and

(e) 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 or requested by the Council. The Mayor may recommend and estimate receipts from additional revenue measures, provided such estimates are separated clearly from normal revenue estimates. The budget shall be accompanied by a message from the Mayor containing a statement of the general fiscal policies of the City, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget, and such other comments and information as the Mayor may deem pertinent. A sufficient number of copies of the Mayor's message shall be reproduced to furnish a copy to any person desiring one. A copy of the complete budget shall be filed with the City Recorder for public inspection and a copy shall be furnished to each Councilman. [As amended by Priv. Acts 2014, ch. 84]

Section 27. CAPITAL IMPROVEMENT BUDGET. A capital improvement budget may also be prepared to include a description of projects recommended for the ensuing fiscal year and the five (5) fiscal years thereafter, the estimated cost of each project, and the recommendations of the Mayor for financing the projects proposed for the ensuing year. The capital improvement budget shall be prepared by or reviewed by the local planning commission, and the recommendations of the planning commission shall be submitted by the Mayor to the Council concurrently with the annual budget. The Council may

accept, reject or revise the capital improvement budget as it deems desirable. [As amended by Priv. Acts 2014, ch. 84]

Section 28. PUBLIC HEARING. After receiving the Mayor's proposed budget, the Council may fix a time and place for a public hearing thereon, and shall cause a public notice thereof and an announcement providing the time and place that the full budget may be examined, at least ten (10) days prior to the date of the hearing. The public hearing shall be held before the Council at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard. [As amended by Priv. Acts 2014, ch. 84]

Section 29. ACTION BY COUNCIL ON BUDGET. After the public hearing and prior to the beginning of the ensuing fiscal year the Council shall adopt an appropriation ordinance, based on the Mayor's proposed budget with such modifications as the Council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department or agency. The Council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the City declared by a vote of all members of Council. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendment as provided in this section. Amendments may be made to the original appropriation ordinance at any time during a current fiscal year. Appropriations, except emergency appropriations as provided above, may be increased during the year only after the Mayor certifies that a sufficient amount of unappropriated revenue will be available. Any portion of an annual budget remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be subject to appropriation for the following year. Any balance remaining in any fund other than the general fund at the end of a fiscal year may remain to the credit of such fund and be subject to further appropriation. [As amended by Priv. Acts 2014, ch. 84]

Section 30. CONTROL OF EXPENDITURES. The Mayor shall be responsible for controlling expenditures of the various agencies of the City government to accomplish maximum efficiency and economy, unless such responsibility is delegated to the finance director by ordinance. No expenditures shall be made in excess of revenue and surplus funds. [As amended by Priv. Acts 2014, ch. 84]

Section 31. CENTRALIZED PURCHASING.

(a) All purchases shall be made by department heads. The Mayor may prescribe rules for emergency purchases. The department

head shall prepare standard specifications for supplies and equipment. The City Recorder shall use such information and specifications as supplied to prepare bid packets and enforce such specifications. Department heads shall declare and dispose of surplus or worn-out supplies and equipment. Department heads shall store and maintain records of materials and supplies, and maintain records of City property used by their departments.

(b) Purchases of more than five thousand dollars ($5,000) shall require approval of the Council. All purchases, except for minor items used infrequently or items which must be obtained immediately to avoid disruption of services, shall be by competition, subject to such regulations as may be provided by ordinance. Any expenditure for more than fifteen thousand ($15,000) shall be made only after sealed bids have been invited by a notice published at least one (1) time in the official City newspaper and at the City Hall, the last such notice to be published not less than fifteen (15) days in advance of the date set for receiving bids. Purchases and contracts shall be awarded to the lowest responsible bidder, however the Council may give preference to local bidders who operate a business within the corporate limits of the City. All published notices shall state that the City reserves the right to reject any bids. The Council may waive the requirement to obtain bids when there is only one (1) source of supply or when such action is in the best interest of the City, providing the reasons for any such waiver are made a matter of record. Bid records shall be preserved for a period of not less than two (2) years. Bids need not be taken for professional services and services for which the rates or prices are regulated by public authority, nor shall competitive bidding be required for purchases from other governmental agencies. The Mayor shall have the authority to make purchases at state and federal surplus sales without having to bid for items in an amount not to exceed the budgeted amount for the items. [As amended by Priv. Acts 2014, ch. 84]

Section 32. UNAUTHORIZED CONTRACT OR EXPENDITURE. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the City shall be void, and no expenditure shall be made thereunder. Every officer and employee who shall knowingly makes or participates in any such contract or agreement, or authorizes or makes any expenditure thereunder, in addition to their sureties on their official bonds, and every person who knowingly receives a payment pursuant to such contract or agreement, shall be jointly and severally liable to the City for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for the person's removal. [As amended by Priv. Acts 2014, ch. 84]

Section 33. SALE OF CITY PROPERTY. TheMayor may sell City property which is obsolete, surplus, or unusable, after advertisement as provided in Section 32(b), by sealed bids or at public auction; provided, however, that any sale of real estate shall be subject to approval by the Council. The Mayor may sell any item valued at less than two hundred dollars ($200) without taking bids, but each sale shall be reported to the Council at its next meeting. [As amended by Priv. Acts 2014, ch. 84]

Section 34. ANNUAL AUDIT. Within thirty (30) days after the beginning of each fiscal year the Council shall employ an independent, certified public accountant to conduct an audit of all financial records of the City for that year. The auditor shall perform adequate sampling to determine the validity of such records. Each audit shall include determination of the legality of transactions, mathematical accuracy of records, complete accountability, and application of accepted municipal accounting principles. The audit shall be made in accordance with generally accepted auditing standards and in conformity with generally accepted accounting principles. The audit shall be completed and a report shall be submitted to the Council within one hundred eighty (180) days after the end of the fiscal year. [As amended by Priv. Acts 2014, ch. 84]

Section 35. BONDS FOR PUBLIC WORKS CONTRACTS. Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent (5%) of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price. The Council may waive these requirements for contracts under five thousand dollars ($5,000). [As amended by Priv. Acts 2014, ch. 84]

Section 36. PROPERTY TAXES. All property subject to taxation shall be subject to the property tax levied by the City. The Council may elect to use county assessments, or may appoint a City assessor to assess all property subject to taxation except property assessed by the Office of State Assessed Property. If assessments are made by a City assessor the Council, by ordinance shall provide for a City board of equalization and the procedure for appeals of assessments thereto. [As amended by Priv. Acts 2014, ch. 84]

Section 37. OMITTED PROPERTY. If county assessments are used the City Clerk shall add any taxable property that may have been omitted by the county assessor to the assessment rolls. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the City. [As amended by Priv. Acts 2014, ch. 84]

SECTION 38. TAX LEVY. The Council 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 Council's failure to do so, the prior year's tax rate shall continue in effect. [As amended by Priv. Acts 2014, ch. 84]

Section 39. TAX DUE DATES AND TAX BILLS. The due dates of property taxes shall be fixed by ordinance and a provision may be made for equal semi-annual installments. The City may send tax bills to taxpayers showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax penalty or interest thereon. Property taxes shall become delinquent thirty (30) days after the due date, at which time a penalty of five percent (5%) shall be added and thereafter such taxes shall be subject to interest at the rate of one-half of one percent (0.5%) for each month or fraction thereof until paid or the maximum amount as allowed by law. On and after the date such taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a court of record. If the City uses the county trustee or the delinquent tax attorney to collect delinquent real property taxes, the provisions of Tennessee Code Annotated, Section 67-5-2005 shall apply. [As amended by Priv. Acts 2014, ch. 84]

Section 40. DELINQUENT TAXES. The Council may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor or City Recorder for the sale of goods and chattels, to be executed by any police officer of the City under the laws governing execution of such process from a justice of the peace or Court of General Sessions; or by the county trustee as provided by general law; or by the City Attorney acting in accordance with state law providing for the collection of delinquent City or county taxes; by garnishment; by suits in chancery; by any two (2) or more of the foregoing methods, or by the use of any other available legal processes and remedies. [As amended by Priv. Acts 2014, ch. 84]

Section 41. COUNTY MAY COLLECT TAXES. The City may contract with the county for the collection of City taxes. The contract my provide for reasonable fees to be paid to the county for this service. [As amended by Priv. Acts 2014, ch. 84]

Section 42. TAXES NOT TO BE EXCUSED. No officer or employee of the City shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the City, however, errors may be corrected when authorized by Council. [As amended by Priv. Acts 2014, ch. 84]

Section 43. DISBURSEMENTS BY CHECKS. All disbursements, except for any agency of the City administered by a board or commission, shall be made by checks signed by the City Clerk and countersigned by the Mayor, or disbursements may be contracted for direct deposit. The Council may, by resolution, designate other officers to sign such checks in the absence or disability of the Mayor or City Clerk. [As amended by Priv. Acts 2014, ch. 84]

Section 44. OFFICIAL DEPOSITORY. The Council shall designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the Council. [As amended by Priv. Acts 2014, ch. 84]

Section 45. ACCOUNTING. The financial records of the City shall be established and maintained in general conformity with the accounts and procedures recommended by the Municipal Finance Officers Association or other nationally recognized authority on municipal accounting. [As amended by Priv. Acts 2014, ch. 84]

Section 46. INTERGOVERNMENTAL COOPERATION AND CONTRACTS. In addition to other powers granted in this Charter, the City Council shall have the power to contract and cooperate with any other municipality or other political subdivision of the state, with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government, for the exercise of any power or function which the City is authorized to undertake by this Charter in accordance with the provisions of state law. [As amended by Priv. Acts 2014, ch. 84]

Section 47. OTHER STATE LAWS MAY BE USED BY CITY. Notwithstanding any provision of this Charter, the City Council may elect to operate under or adopt any state law or public act available to municipalities of the state, in lieu of or in addition to provisions of this Charter. [As amended by Priv. Acts 2014, ch. 84]

Section48. REPEAL OF ACTS. Chapter 241 of the Private Acts of 1921, except for Section 2, as written by Chapter 132 of the Private Acts of 1969, as amended by Chapter 185 of the Private Acts of 1974, Chapter 326 of the Private Acts of 1980, Chapter 134 of the Private Acts of 1981, Chapter 149 of the Private Acts of 1983, Chapter 141 of the Private Acts of 1998, and all other acts amendatory thereto, are repealed. All acts or laws, or parts thereof, in conflict with this Act, or any part hereof, be and the same are hereby repealed. [As amended by Priv. Acts 2014, ch. 84]

Section 49. The Town of Ashland City, and the governing body thereof shall continue to operate and function under the Charter existing before the

passage of this amendatory act until the amendatory act is passed by the state legislature. [As amended by Priv. Acts 2014, ch. 84]

Section 50. Persons holding offices under the Charter existing at the time of the adoption of this amendatory act shall continue to hold those offices until their successors are elected or appointed and qualified according to the terms and provisions herein set forth; and all valid existing ordinances of the Town of Ashland City shall remain in full force and effect unless hereafter amended or repealed. [As amended by Priv. Acts 2014, ch. 84]

Section 51. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 52. [As deleted by Priv. Acts 2014, ch. 84]

Section 53. [As deleted by Priv. Acts 2014, ch. 84]

Section 54. [As deleted by Priv. Acts 2014, ch. 84]

PASSED: May 6, 2004

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 May 2004

s/Phil Bredesen
Phil Bredesen, Governor

RELATED ACTS

Priv. Acts 1997, ch. 52,
The "Ashland City Municipal
Adequate Facilities Tax." C-26

ASHLAND CITY MUNICIPAL ADEQUATE FACILITIES TAX

CHAPTER NO. 52

SENATE BILL NO. 1998

By Kurita

Substituted for: House Bill No. 1990

By Williams

AN ACT To authorize the Town of Ashland City, within Cheatham County, Tennessee, to levy and collect a development privilege tax on new development within the municipality in order to provide that new development contribute its fair share of the cost of providing public facilities and services to the residents of such municipality.

WHEREAS, Cheatham County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) years, having been impacted by the rapid growth in the standard metropolitan area of Nashville; and

WHEREAS, Anticipated continued growth from the expansion of Nashville is expected to accelerate due to the continuing location of manufacturing and commercial businesses in the Middle Tennessee area, and from other factors; and

WHEREAS, Current projections show that:

(1) County population will be forty-two thousand (42,000) persons in the year 2010, an increase of fifty-five percent (55%) from 1990; there will be a demand for approximately five thousand (5,000) additional dwelling units between 1990 and 2010; and new residential and non-residential development will consume an additional three thousand (3,000) acres of land in Cheatham County; and

(2) The majority of the projected growth in Cheatham County between 1990 and 2010 will occur within the boundaries of the incorporated municipalities within the county; and

(3) The projected growth and land use development within the municipalities in Cheatham County will cause a demand for municipal capital facilities (roads, parks, city governmental facilities, etc.) In an amount well in excess of ten million dollars ($10,000,000) over the next fifteen (15) years, and

(4) Each municipality's present revenue-raising authority is limited and relies heavily on intergovernmental transfers which are not subject to city control and on property taxes, which would impose the costs of new growth on existing residents rather than on new residents and businesses who create the demand for the additional expenditures; and

WHEREAS, The municipalities are committed, both to present and future residents, to maintaining a level of public facilities and services commensurate with those presently provided; and

WHEREAS, The municipalities are prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of their respective municipalities; and

WHEREAS, The municipalities' present population, employment rate, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development; and

WHEREAS, Due to these unique circumstances, it is necessary and appropriate that the Town of Ashland City, within Cheatham County, be given authorization to extend its taxing power to enable the municipality to impose a fair and reasonable share of the costs of public facilities necessitated by new development within its boundary on that development so as not to create an unfair and inequitable burden on existing municipal residents; and

WHEREAS, There is precedent in the State of Tennessee for such additional tax measures to impose costs on those who benefit from improvements and where the result would otherwise be to impose an unfair burden on existing residents; and

WHEREAS, the most logical and effective mechanism to accomplish the intended result would be the imposition of a development privilege tax on new development within the municipality; now, therefore,

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

SECTION 1. This act shall be known and cited as the "Ashland City Municipal Adequate Facilities Tax."

SECTION 2. As used in this act, unless a different meaning appears from the context:

(1) "Building " means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home, but excludes those buildings specified in Section 6 of this act;

(2) "Building Permit" means a permit for development issued in Ashland City, as herein defined, within Cheatham County;

(3) "Capital Improvement Program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included;

(4) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which provides, adds, to or increases the floor area of a residential or non-residential use;

(5) (a) "Floor Area" for non-residential development means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of a party wall separating such building on portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls but excluding arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, displays, storage, services, or production areas, and

(b) "Floor Area" for residential development means the total or the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space, or designed to be finished into heated and/or air-conditioned living space at a future date;

(6) "General Plan" means the official statement of the municipal planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Tennessee Code Annotated, Sections 13-4-201, 13-4-203, and 13-4-302. For the purposes of this act only, a general plan may consist solely of the land development plan element which sets out a plan or scheme of future land usage;

(7) "Governing Body" means the City Council of Ashland City, Tennessee;

(8) "Major Street or Road Plan" means the plan adopted by the municipal planning commission, pursuant to Tennessee Code Annotated, Sections 13-4-201, 13-4-302, and 13-4-303, showing among other things, "the general location, character, and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways";

(9) "Municipality" means the Town of Ashland City;

(10) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this act;

(11) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number;

(12) "Place of Worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status;

(13) "Public Buildings" means buildings owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including but not necessarily limited to counties, cities, school districts and special districts, or the federal government or any agency thereof;

(14) "Public Facility or Facilities" means a physical improvement undertaken by the municipality, including, but not limited to the following: roads and bridges, parks and recreational facilities, jail and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other governmental capital improvements benefitting the citizens of the municipality;

(15) "Residential" means the development of any property for a dwelling unit or units;

(16) "Subdivision Regulations" means the regulations adopted by the governing body, as amended, pursuant to Tennessee Code Annotated, Section 13-4-303, by which the municipality regulates the subdivision of land; and

(17) "Zoning Resolution" means the ordinance adopted by the governing body, as amended, pursuant to Tennessee Code Annotated, Section 13-7-201, by which the municipality regulates the zoning, use and development of property.

SECTION 3. It is the intent and purpose of this act to authorize the governing body of the Town of Ashland City to impose a tax on new development within the municipality payable at the time of issuance of a building permit so as to ensure and require that the person responsible for new development share in the burdens of growth by paying their fair share for the cost of public facilities necessary to serve the residents of Ashland City.

SECTION 4. Engaging in the act of development within the municipality, except as provided in Section 6 of this act, is declared to be a privilege upon which the municipality may, by ordinance of the governing body, levy a tax in the manner established in Section 5.

SECTION 5. For the exercise of the privilege described herein, the governing body of the Town of Ashland City may impose a tax on new development within the municipality as provided herein.

The governing body may levy the tax authorized herein by passage of an ordinance after adopting a capital improvements program indicating the need for and the cost of public facilities anticipated to be funded, in part, by this tax. The ordinance of the governing body imposing this tax shall state the rate of tax on new residential and non-residential development. The tax rate scheduled included in the ordinance levying the tax authorized herein may classify residential and non-residential uses by type for the purpose of imposing such tax.

The governing body shall, by resolution, adopt administrative guidelines, procedures, regulations and forms necessary to properly implement, administer and enforce the provisions of this act.

SECTION 6. This act shall not apply to development for:

(1) Public buildings;

(2) Places of worship;

(3) Barns or outbuildings used for agricultural purposes;

(4) Replacement structures for previously existing structures destroyed by fire or other disaster;

(5) Additions to a single-family dwelling;

(6) A structure owned by nine (9) non-profit corporation which is a qualified 501(c) (3) corporation under the Internal Revenue Code; and

(7) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided that the permanent structure is a residence for the owner and occupant of the mobile home and that owner and occupant has resided on the property for a period of not less than three (3) years.

SECTION 7. The tax established in this act shall be due and collected at the time of application for a building permit for development as herein defined by a municipal official duly authorized by the governing body. No building permit for development as herein defined shall be issued within the municipality unless the tax has been paid in full to the municipality.

SECTION 8. All tax funds collected within the municipality shall be deposited and accounted for in a special revenue or capital projects fund, and shall be used for the purpose of providing public facilities to serve the residents of the municipality.

SECTION 9. The authority to impose this privilege tax on new development within the municipality is in addition to all other authority to impose taxes, fees, assessments, or other revenue-raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation.

SECTION 10. Any person aggrieved by the decision of the city building official or other responsible official concerning any aspect of this act may obtain review of the official's decision in the following manner:

(1) By payment of the disputed amount to the municipality and by notifying the official in writing that the payment is made under protest.

(2) By requesting an appeal of the decision of the official in written form within ten (10) days of the protest and payment. Appeals shall be heard by the governing body. A hearing shall be scheduled within forty-five (45) days of the written request for appeal.

The governing body shall render a decision on all hearings within thirty (30) days of the hearing date, unless the hearing is continued for time to time by a majority vote of the governing body for further information.

The governing body shall act as a quasi-judicial body whose purpose is to determine the intent of the act, its applicability to the appellant, and to rule upon the interpretation of the official. The governing body shall not be bound by the rules of evidence applicable to the various courts of the state.

Hearings before the governing body shall proceed as follows:

(a) The building official or other appropriate official shall explain the ruling and the reasons for the ruling;

(b) The appellant shall explain the reasons for protesting the ruling;

(c) The governing body may request further information from any city official, including, but not limited to the city manager, the city attorney, or the city planning staff. The governing body shall not have the power of subpoena; and

(d) The governing body shall deliberate and render a decision by a majority vote. A decision will be reduced to writing and copies shall be sent to all parties, and the decision shall become a part of the minutes of the governing body. The decision of the governing body shall be final, except that either the building official or the person aggrieved may seek review of the governing body's actions by certiorari and supersedes to the Chancery Court of Cheatham County, Tennessee, as provided by state law.

SECTION 11. The provisions of this act shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to the Town of Ashland City. The act shall be deemed to create

an additional and alternative method for the municipality to impose and collect taxes for the purpose of providing public, facilities within the municipality.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall have no effect within the Town of Ashland City unless it is approved by a two-thirds (2/3) vote of the City Council of Ashland City within one (1) year of the effective date of this act. Its approval or nonapproval shall be proclaimed by the presiding officer of the City Council and certified to the Secretary of State.

SECTION 14. 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 by, Section 13.

PASSED: May 12, 1997

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

s/Jimmy Naifeh
JIMMY NAIFEH, *SPEAKER*
HOUSE OF REPRESENTATIVES

APPROVED this_____day of_____1997

_____
DON SUNDQUIST, *GOVERNOR*

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 1998 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.

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

YEAR	CHAPTER	SUBJECT
1997	52	Related act relative to Adequate Facilities Tax.
2004	121	Repealed and replaced entire charter.
2008	108	Repealed § 20 relative to City Administrator; replaced § 21 relative to city clerk and recorder.
2014	84	Amended the charter in its entirety.