

CHARTER OF THE TOWN OF BRUCETON, TENNESSEE¹

CHAPTER NO. 325

HOUSE BILL NO. 2588

By Lashlee, Kelley

Substituted for: Senate Bill No. 2563

By Hamilton

AN ACT to revise the charter of the town of Bruceton, to reestablish the powers and duties of the town of Bruceton, and to repeal Chapter 306 of the Private Acts of 1925, as amended by Chapter 279 of the Private Acts of 1927, Chapter 183 of the Private Acts of 1929, Chapter 352 of the Private Acts of 1929, Chapter 365 of the Private Acts of 1937, Chapter 50 of the Private Acts of 1945, Chapter 718 of the Private Acts of 1949, and all other amendatory thereto with the exception of the sections of any such prior acts which have amended the boundaries of the town of Bruceton.

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¹Priv. Acts 1980, ch. 325, is the current basic charter act for the Town of Bruceton, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2019 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.

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

ARTICLE I

CHARTER, DEFINITIONS, TOWN LIMITS, AND
CORPORATE POWERS

Section 1.01. Act constitutes town charter. This Act shall constitute the whole charter of the Town of Bruceton, Tennessee, repealing and replacing the charter provided by Chapter 306 of the Private Acts of 1925, and subsequent amendments, with the exception of the sections of any prior acts which have amended the boundaries of the Town of Bruceton. The Town of Bruceton in the County of Carroll, and the inhabitants thereof shall continue, and are hereby constituted and declared a body politic and corporate by the name and style of Bruceton, Tennessee, and by that name shall have perpetual successions; may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all acts whatsoever, and may have and use a common seal and change it at pleasure.

Section 1.02. Definitions. As used in this Charter the following words and terms shall have the following meanings:

- (a) "Town" shall mean the Town of Bruceton, Tennessee.
- (b) "Board" and "Board of Aldermen" shall mean the legislative body of the town, which shall be composed of the mayor and five Aldermen elected as provided in this Charter, and any incumbent Aldermen until the expiration of their current terms of office.
- (c) "Alderman" and "Member of Board" shall mean a person elected to the office of councilman as provided in this Charter and shall include the mayor.
- (d) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.
- (e) "At large" shall mean the entire town, as distinguished from representation by wards or other districts.
- (f) "Code" shall mean 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.
- (g) "Elector" shall mean a qualified voter residing within the town.
- (h) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

Section 1.03. Town limits. The boundaries of the town shall be those fixed by Chapter 306, Private Acts 1925, all Acts amendatory thereof, and annexations made pursuant to general law. The original boundaries are as follows:

Beginning at the southeast corner of the subsidiary school district at a stake in the west margin of Clover Street and center of Spruce Street in the Qullin edition, and runs east with Clover Street 74 poles and 17½ feet; thence north with the east line of the Qullin edition 100 poles, more or less, to the Memphis-Bristol Highway; thence east with said highway to the southwest corner of the Chambers edition; thence north with the east boundary of the Chambers edition 2243 feet, more or less, to the right of way of the Nashville, Chattanooga & St. Louis Railway; thence in a westernly direction, following a line south of and 50 feet from the center of Nashville Division main lines of said railroad, 2400 feet more or less, to the center of Vale Highway, or Street; thence in a northerly direction with Vale road --- feet to a point in said road where Marchbanks' line intersects said road; thence in a southwest direction on a straight line to the north west corner of the tract of land sold to S.B. Allen to J.W. Thomas, Agent on September 4th, 1905; then south along its west boundary line 1025 feet, more or less, to an iron pin---the common corner of the Tennessee Property Co., Horton and Cooper; thence west along the line between Horton and Cooper 725 feet, more or less, to a point where the west boundary line of lot 57 (shown on plat recorder at the Register's office in Deed book 52, page 34) would intersect said property line if extended northwardly then in a southernly direction to the canal; then in a southwesterly direction with said canal 2150 feet, more or less, to Brook's branch; thence in a southernly direction, following the center of Brooks branch and crossing the highway and on in a southernly direction with said branch to a point in---Jordan's north boundary line; thence in an eastern direction following said Jordan's north boundary line, which is a straight east and west fence, to the center of Rowlan Mill road; thence north on said road about 50 feet to get in line with the east and west fence line; marking the boundary line of what is known as the J.R. Weeks farm; thence in an easternly direction following the J.R. Weeks south line and continuing on due east on a straight line to the beginning.

Section 1.04. Corporate powers. The town shall have power:

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

(b) To levy and collect privilege taxes on businesses, privileges, which are taxable under the general law of the state, and to levy and collect any other kind of tax not prohibited to towns by the Constitution or general law. Collection fees therefor may be provided for by ordinance.

(c) To levy and collect registration fees on motor vehicles operated within the town. Such registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles.

(d) To appropriate and borrow money as authorized in this Charter, and to authorize the expenditure of money for any municipal purpose. The town shall have the power to engage in short term borrowing in anticipation of revenue for payment of current and necessary expenses.

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

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of 25 years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards, and conditions of service, subject to regulation by the Tennessee Public Service Commission or other state or federal agency having jurisdiction in such matters. Provided, however, this paragraph shall not affect existing contracts or franchises.

(g) To provide for the acquisition, construction, building, operation, and maintenance of: public ways, parks, public grounds, cemeteries, markers and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas, works, marinas, town 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 town; and to regulate the use thereof; and for such purposes may be either acquired or taken under Sections 6-1007 through 6-1011 and 23-1401 through 23-1541, Tennessee Code Annotated, or under the other applicable laws.

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

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

(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. Town council by ordinance may prescribe penalties and interest for delinquency.

(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 town.

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

(n) To regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance.

(o) To regulate and license vehicles operated for public transportation in the town, to limit the number of such vehicles, to license the operators, thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

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

(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 exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the town and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were 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 towns by the Constitution or general laws of the state.

(s) To dispatch fire equipment within and without the corporate limits, provided that the council shall prescribe by ordinance rules for dispatching and operation of fire equipment outside the corporate limits, and to establish, maintain and enforce adequate fire prevention regulations therein.

ARTICLE II

BOARD OF MAYOR AND ALDERMEN

Section 2.01. Election of mayor and aldermen. (a) On the first Tuesday after the first Monday in November, 1998, an election shall be conducted by the Carroll County Election Commission at the same hours and places for holding general elections and under the same general election laws of the State of Tennessee in order to elect a Mayor and five (5) Aldermen from the town at-large. In this election each elector may vote for five (5) candidates for

Alderman and one (1) candidate for Mayor. At the municipal election in November, 1998, and for the purpose of initiating staggered terms for the Aldermen, the two (2) candidates for Alderman receiving the highest number of votes shall be elected for a term of four (4) years, while the three (3) candidates for Alderman receiving the next three (3) highest vote totals in that election shall be elected for a term of two (2) years. Thereafter, all terms of election shall be for a term of four (4) years and thereafter elections shall be held biennially in even-numbered years. In those years not evenly divisible by the number four (4), i.e. 1998, 2002, 2006, etc., the electors shall elect one (1) candidate for Mayor and two (2) candidates for Alderman at-large, all for four (4) year terms. In those even years evenly divisible by the number four (4), i.e., 2000 and 2004, etc., the electors shall elect three (3) candidates for Alderman at-large to serve four (4) year terms.

(b) Any elector who is eighteen (18) years of age or over and has been a resident of the town for at least one (1) year may be qualified as a candidate for the Board of Mayor and Aldermen by a nominating petition to the County Election Commission not less than forty (40) days prior to the election, signed by at least twenty-five (25) electors. Any elector who is twenty-one (21) years of age or over and has been a resident of the town for at least one (1) year may be qualified as a candidate for Mayor by a nominating petition submitted to the County Election Commission not less than forty (40) days prior to the election, signed by at least twenty-five (25) electors. Any qualified voter who is a nonresident and who owns real property in the Town may also vote in the election.

(c) The nominating petition shall be prepared in substantially the following form:

We, the undersigned electors of the Town of Bruceton, hereby nominate _____, whose residence is _____, for the office of _____ Alderman (Mayor), to be voted for at the election to be held on the ____ day of _____, ____; and we individually certify that we are registered voters.

Date of _____

Name _____

Address _____

Signing _____

(d) Persons nominated may withdraw their nominations by written notice to the County Election Commission not later than 33 days before the election. Names of candidates shall be listed alphabetically on the ballot; the residence addresses of candidates having the same or substantially similar surnames shall also be printed on the ballot.

(e) Each elector shall be entitled to vote for one (1) candidate for Mayor in the first election and in each election for Mayor held thereafter. Each elector shall be entitled to vote for two (2) candidates for Alderman in the first election where only two (2) Aldermen are going to be elected, the year 2002, and each subsequent election where two (2) Aldermen will be elected. Each elector shall be entitled to vote for three (3) candidates for Alderman in the biennial election in 2000 and in subsequent biennial elections where three (3) Aldermen are to be elected. The terms of office of the Mayor and Board of Aldermen shall begin at 7:00 p.m. Tuesday next following their election, and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election, providing it is conducted fairly and in substantial conformity with the requirements of this charter and the General Election laws of the State of Tennessee.

(f) The terms of office of the Mayor and Board of Aldermen elected at the March, 1995, elections shall be extended so as those persons elected at that time will serve through the election and qualification of their successors in November of 1998. [As replaced by Priv. Acts 1996, ch. 148, § 1]

Section 2.02. Restrictions on candidates and their supporters. Giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, shall be deemed to be a violation of Tennessee Code Annotated, Section 2-2212, and any person convicted thereof in the ordinary sense of the word shall be ineligible to hold office or position of employment in the town government for a period of five years.

Section 2.03. Town council--composition; salaries of mayor and aldermen; meeting; quorum.

(a) The mayor and five aldermen elected under this Charter, and the incumbent councilmen, until the expiration of their current terms of office, shall compose the town council, in which is vested all corporate, legislative and other powers of the town, except as otherwise provided in the Charter.

(b) The salary of the Mayor shall be \$100 per month, and each alderman shall receive a salary of \$25 per month. Salaries may be changed at any time by ordinance, provided however, if the salaries are raised, they shall not become effective until after the next biennial election of town's officials. The Mayor, aldermen, and employees or agents of the town shall be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The Board shall meet regularly at least once every month at the times and places prescribed by ordinance. The Board may meet in special session on written notice of the Mayor or any two aldermen and served on the other members of the council personally at least 12 hours in advance of the meeting. The Board shall have the authority in public assembled session with

a quorum present, either regular or special, to exercise all expressly granted or implied powers.

(d) Three aldermen and the Mayor shall constitute a quorum; however, during the absence of the Mayor, three aldermen and the Vice-Mayor shall constitute a quorum. The council may by ordinance adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The council may subpoena and examine witnesses and order the production of books and papers.

Section 2.04. Mayor as presiding officer; mayor's veto; mayor to sign ordinances and resolutions; passage over veto; duties of mayor. The Mayor shall preside at the meetings of the council, and shall have veto power, but shall vote only in case of a tie. Ordinances and resolutions adopted by the council shall not become effective until signed by the Mayor. The Mayor shall approve or disapprove the ordinance or resolution within 5 days after the final action by the council. If he withholds his signature for five days, exclusive of Sundays and holidays, the ordinance or resolution becomes effective for failure to veto. The Mayor shall state his reasons for vetoing any ordinances or resolution in writing and transmit it back to the council for action. At the next regular meeting thereafter, the council may pass it over his veto, or sustain the Mayor. It shall require a two-thirds (2/3) vote of the aldermen present, to pass a bill over the Mayor's veto. The Mayor shall be recognized as the ceremonial head of the town. He shall be the officer to accept process against the town, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

Section 2.05. Vice Mayor--Election and Duties. The board at the first regular meeting after the newly elected Aldermen have taken office following each biennial election, shall appoint from its membership a Vice Mayor. The Vice Mayor shall serve a term of two (2) years. The Vice Mayor shall perform the duties of the Mayor during his absence or inability to act, and shall fill out any unexpired term in the office of Mayor, in which case an Alderman shall be selected by majority vote of the board to serve the unexpired term as Vice Mayor. In addition, the Vice Mayor shall be the cosignatory of all check warrants of the Town. [As replaced by Priv. Acts 1996, ch. 148, § 2]

Section 2.06. Vacancy in office of mayor or councilman; effect of malfeasance, etc. A vacancy shall exist if the Mayor or an alderman resigns, dies, moves his residence from the town, is convicted, in the ordinary sense of the word, of malfeasance or misfeasance in office, a felony, a violation of this Charter, or election laws of the state, or a crime involving moral turpitude, fails to attend any meetings of the council for a period of 90 days with no extenuating circumstances, or has been continuously disabled for a period of 90 days so as to prevent him from discharging the duties of this office. The Board shall 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 town for a period of 10 years thereafter.

The remaining aldermen shall appoint a qualified person to fill a vacancy in the office of councilman for the remainder of the unexpired term. If the vacancy is not so filled within 45 days, the Mayor shall appoint a qualified person to fill the vacancy.

At no time shall there be more than two members of the Board appointed to fill vacancies. If a vacancy occurs more than six months prior to a regular election and while two appointed members are on the council, a special election shall be held by the county Commissioners of Elections on the eighth Thursday following 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 article for regular elections shall govern special elections.

Section 2.07 Town legislation--when ordinances necessary; required wording; readings required; emergency ordinances; official code; standard codes; publication.

(a) Any action of the Board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing conveyance or lease of any lands of the town, or required to be done by ordinance under this Charter or the general laws of the state, shall be done only by ordinance. Other actions of the Board may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each members of the Board in advance of the meeting at which introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the Town of Bruceton". No action of the Board of Aldermen shall be valid or binding unless approved by the affirmative vote of at least three members of the Board. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended. Every ordinance, except an emergency ordinance, must be approved on two (2) separate days not less than one (1) week apart, and shall become effective after final approval unless its terms provide a later effective date. An ordinance need not be read aloud prior to adoption. A resolution need not be read aloud prior to adoption 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 three readings on separate days and become effective immediately, by the affirmative votes of three members of the Board, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only 90 days. Appropriations, revenues, franchises, levy of taxes, or special

privileges shall not be passed as emergency ordinance. Borrowing money may be passed as an emergency ordinance but must be paid back the same or following fiscal year.

(b) The Board shall have the general and continuing ordinances of the town assembled into an official code of the town, a copy of which shall be kept currently up to date by the town recorder and shall be available to the public. After 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 1.02 (f), may be adopted by ordinances which contain only references, to titles, dates, issuing organizations, and such changes to the standard codes as the council may deem desirable. Procedure prescribed by general 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.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the town recorder. [As amended by Priv. Acts 2000, ch. 66, § 1]

ARTICLE III

ORGANIZATION AND PERSONNEL

Section 3.01. Organization of town government--consolidation of functions; recorder as director of department of finance. The town government shall be organized into a department of finance, police, fire, streets, water and waste water. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the town, may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the function and duties of offices, positions of employment, department, and agencies of the town; provided, however, that the number of members of the Board shall not be changed, the office of the Mayor shall not be abolished and that the town recorder shall also be director of the department of finance.

Section 3.02. Administrative duties of mayor. The Mayor shall be the executive head of the town government, responsible for the efficient and orderly administration of the affairs of the town. He shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the town, and the town attorney shall take such legal actions as the Mayor may direct for such purposes. He may conduct inquiries and investigations into the affairs of the town and shall have such other powers and duties as may be provided by ordinance not inconsistent with this Charter.

Section 3.04.¹ Town recorder--appointment and duties. The board shall appoint a town recorder who shall have the following powers and duties as may be provided by ordinance not inconsistent with this Charter:

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

(b) To attend all meetings on the council and to maintain a journal showing the proceedings of all 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 regular office hours of the town subject to reasonable restrictions exercised by the town recorder.

(c) To prepare and certify copies of official records in his office. Fees for such services may be established by ordinance, to be deposited into the town treasury.

(d) To serve as head of the Department of Finance.

(e) To serve as town judge if appointed by the council.

(f) To coordinate under the supervision of the Mayor the activities of all administrative divisions or line departments, serve as special liaison between the Mayor and divisions, departments, boards, commissions and other bodies, and perform such administrative and executive duties as may from time to time be assigned to him by the Mayor.

Section 3.05. Town attorney--appointment and duties. The Board shall appointment a town attorney and such assistant town attorneys as may be authorized by ordinance. The town attorney, or an assistant town attorney designated by the Board, shall be responsible for representing and defending the town in all litigation in which the town is a party; prosecuting cases in the town court; attending meetings of the Board as required by the Board; advising the Board, Mayor and other officers and employees of the town concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents, and performing such other duties as may be prescribed by the council or Mayor.

Section 3.06. Town court. (a) Town judge--appointment, term. A town judge who shall constitute the town court may be appointed by the council to serve at the will of the Board or for a term to be fixed by ordinance. He shall be not less than 25 years of age. The town recorder may serve as judge. The Mayor or other person designated by the Board shall serve in the absence or incapacity of the town judge. At any time the office of town judge is left unfilled by the Board the Mayor shall serve as town judge.

¹There was no section numbered 3.03 in the original charter.

(b) Jurisdiction, powers, compensation. The jurisdiction of the town judge shall extend to the trial of all offenses against the ordinances of the town, or other jurisdiction as may be granted to the municipality by the state and costs in such trials shall be fixed by ordinance subject to approval of the Board. The town judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order including the power which justices of the peace have to fine for contempt. The sole compensation for serving as town judge shall be a salary fixed by the council, and all fees for actions or cases in his court shall belong to the town and shall be paid into the town treasury. The compensation of the Mayor for serving as town judge shall be fixed by the affirmative vote of not less than three members of the council.

(c) Bail. The bail of persons arrested and awaiting trial and persons appealing a decision of the town judge shall be fixed by the town judge, upon such security as in his discretion he deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the town judge as provided by ordinance; such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in triplicate: original to the depositor, a copy and the money to the town recorder, and a copy to the town judge within 24 hours after the arrest.

(d) Fines and costs. Fines and costs may be paid by installment to be fixed and security determined as provided by ordinance. Upon failure to pay fines and costs or to furnish security, the town judge shall commit the offender to the town jail or workhouse until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no persons shall be continuously confined in excess of 60 days. Receipts of the town court shall be deposited daily with the town recorder and the town judge shall make monthly reports thereof to the council.

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

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

Section 3.07. Officers and employees--salaries. Only the offices and positions of employment provided for in the annual budget, or as specifically approved by the council, shall be filled. Salaries for all positions shall be in accordance with a pay plan adopted by ordinance at the beginning of the fiscal year. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

Section 3.08. Employees--appointment and promotion; removal or suspension; appeal and hearing. The appointment and promotion of employees of the town shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications. Unless otherwise provided by this Charter, the Mayor shall have authority to make appointments, promotions and transfers, and to make demotions, suspensions and removals of employees for reasonable cause, and may delegate such authority to department heads, as may be provided for by ordinance. Before removal or suspension, an employee shall be given a written notice of intention to suspend or remove him, containing a clear statement of the grounds for such proposed action and notification that he may appeal to the town council by filing, within 10 days, with the town recorder written notice of his intention to do so. After receipt of such notice the Board shall set a time and place for a public hearing on the matter, to be held within 20 days thereafter. The votes of three Aldermen shall be required to override the suspension or removal, and the action of the Board shall be final determination of the matter. A suspension may be with partial or entire loss of salary, but if the suspension is overruled by the Board any loss of salary shall be paid to the employee.

Section 3.09. Personnel rules. The Board shall by ordinance adopt supplementary rules and regulations governing employment by the town, not inconsistent with the provisions of this Charter.

Section 3.10. Oath of office. Before a person takes any office in the town government, he shall subscribe to the following oath or affirmation, administered by the town recorder 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 the Charter and ordinances of the Town of Bruceton, and that I will faithfully discharge the duties of the office of _____."

Section 3.11. Official bonds. The Mayor and every officer, agent, and employee of the town having duties embracing the receipt disbursement, custody, or handling of money, and other officers and employees designated by council, shall give a fidelity bond or faithful performance bond, as determined by council, with some surety company authorized to do business in the State of Tennessee as surety, in such amounts as shall be prescribed by council. All such bonds and sureties thereto shall be subject to approval by the council. The cost of such bond shall be paid by the town. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

Section 3.12. Political activity prohibited. No employee of the town shall continue in the employment of the town after becoming a candidate for nomination or election to any public office unless said employee first obtains a leave of absence from the town through its Mayor and Board of Aldermen, but this provision shall not apply to the Mayor, councilmen, members of boards of commissioners, or the town attorney. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the town government. No person shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee in the town in connection with any town election. Any person who by himself or with others willfully or corruptly violates any provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position or employment in the town government for a period of five years thereafter.

Section 3.13. Personal financial interest prohibited. Any officer or employee of the town shall not profit personally, directly or indirectly, from any business transacted with the town government, nor shall any officer or employee accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the town.

ARTICLE IV

FISCAL ADMINISTRATION

Section 4.01. Fiscal year. The fiscal year of the town government shall begin on the 1st day of July and shall end on the 30th day of June on the succeeding year, unless otherwise provided by ordinance.

Section 4.02. Mayor to submit annual budget. Not later than 45 days prior to the beginning of each fiscal year, the Mayor shall submit to the Board a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following:

- (a) revenue and expenditures during the preceding year;
- (b) estimated revenue and expenditures for the current fiscal year;
- (c) estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue;
- (d) a comparative statement of the cash 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 board. The Mayor may recommend

and estimate receipts from additional revenue measures, providing 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 town, the important features of the budget, explanation 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 he 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 budget in full shall be filed with the town recorder for public inspection and a copy shall be furnished to each Alderman.

Section 4.03. Capital improvement budget. A capital improvement budget may also be prepared to include a description of projects recommended for the ensuing year. The capital improvement budget shall be reviewed by the local planning commission, and the recommendations of the planning commission shall be submitted by the Mayor to the Board concurrently with the annual budget. The council may accept, reject or revise the capital improvement budget as it deems desirable.

Section 4.04. Public hearing. After receiving the Mayor's proposed budget, the Board shall fix a time and place for a public hearing thereon, and shall cause a public notice thereof and an announcement of where and when the full budget may be examined to be published two times in the official town newspaper, the last such publication to be at least 10 days in advance of the date of the hearing. The public hearing shall be held before the Board at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard.

Section 4.05. Action by board on budget--emergencies; amendments; reallocation; monthly reports by mayor. After the public hearing and before 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 Board considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department or agency. The Board shall not make an appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the town 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. Amendment may be made to the original appropriation ordinance at any time during a current fiscal year after 10 days notice published in the newspaper and a public hearing before the Board. Appropriations, except emergency appropriations as provided above, may be increased during the year

only after the Mayor certifies in writing that a sufficient amount of unappropriated revenue will be available. Funds may be reappropriated, reallocated or reobligated between departments, activities or agencies within a single fund account, i.e.: The General Fund account, The Utility Fund account, The Street Aid Fund account, etc., with the consent of the council which has been duly entered upon the minutes thereof.

Transfers of funds between fund accounts, not to exceed the original total appropriations of all funds, may be made by resolution. Any portion of an annual budget remaining unexpended and unencumbered at the close of the 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 the fiscal year may remain to the credit of such fund and be subject to further appropriation. At the end of each month the Mayor shall submit to the Board a budget report showing revenue receipts, encumbrances and expenditures for that month and for the fiscal year to the end of that month.

Section 4.06. Control of expenditures. The Mayor shall be responsible for controlling expenditures of the various agencies of the town government to accomplish maximum efficiency and economy. No expenditure shall be made in excess of appropriations.

Section 4.07. Centralized purchasing. (a) Purchases or contracts of more than \$2,500 shall require prior approval of the Board, and except for minor items used infrequently or items which must be obtained immediately to avoid disruption of services, shall be subject to competitive bid, subject to such regulations as may be provided by ordinance. Any expenditure or contract for more than \$2,500 shall be made only after sealed bids have been invited. Purchases and contracts shall be awarded to the lowest responsible bidder, but all invitations to bid shall state that the town reserves the right to reject any and all bids. The Board may waive the requirements to obtain bids when there is only one source of supply or when such action is in the best interest of the town, providing the reasons for any such waiver are made a matter of records. Bid records shall be preserved for a period of not less than two 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. [As amended by Priv. Acts 2000, ch. 66, § 2]

Section 4.08. Unauthorized contract or expenditure. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the town shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly

receive such a payment, shall be jointly and severally liable to the town for the full amount so paid or received. A violation of this section by any officer or employee shall be cause of his removal.

Section 4.09. Sale of town property . The Mayor may sell town property which is obsolete, surplus or unusable, after advertisement in a local newspaper by sealed bids or a public auction; provided, however, that any sale for more than \$500 or any sale of real estate shall be subject to approval by the Board. The Mayor may sell any item valued at less than \$50 without taking bids, but each such sale shall be reported to the Board at its next meeting.

Section 4.10. Annual audit. Within 30 days after the beginning of each fiscal year the Board shall employ an independent, certified public accountant to make an audit of all financial records of the town for that year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include determination of legality of transactions, mathematical accuracy of records, complete accountability, and application of accepted municipal accounting principles. It shall be made in accordance with generally accepted auditing standards and in conformity with generally accepted accounting principles and any applicable state and/or federal audit guidelines. The audit shall be completed and a report, including a summary for publication, shall be submitted to the Board within 90 days after the end of the fiscal year.

Section 4.11. 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 bonds in the amount of five percent 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 100 percent of the contract price. The Board may waive these requirements for contracts under \$5,000.

Section 4.12. Property taxes. All property subject to taxation shall be subject to the property tax levied by the county. The Board may elect to use county assessments, or may appoint a town assessor to assess all property subject to taxation except property assessed by the State Public Service Commission. If assessments are made by the town assessor, the Board by ordinance shall provide for a town board of equalization and the procedure for appeals of assessments thereto.

Section 4.13. Omitted property. If county assessments are used the town recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the town.

Section 4.14. Tax levy. The council shall make a tax levy, expressed as a fixed rate per \$100 of assessed valuation, not later than 90 days prior to the tax due date. In event of council's failure to do so, the prior year's rate shall continue in effect.

Section 4.15. Tax due dates and tax bills. The due dates of property tax shall be fixed by ordinance and provisions may be made for equal semi-annual installments. The town shall 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 30 days after a due date, at which time a penalty of five percent shall be added and thereafter such taxes shall be subject to interest at the rate of one-half of one percent for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the town shall have the force and effect of a judgment of a court of record.

Section 4.16. Delinquent taxes. The Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor for the sale of goods and chattels to be executed by any police officer of the town under the laws governing execution of such process from a justice of the peace; or by the county trustee as provided by general law; or by the town attorney acting in accordance with general laws providing for the collection of delinquent town or county taxes; by garnishment; by suits in chancery; or by any two or more of the foregoing methods, or by the use of any other available legal processes and remedies. If not otherwise collected, the town attorney or other attorney designated by the council, shall file suit for collection of all delinquent taxes not later than 18 months following date of delinquency.

Section 4.17. Taxes not to be excused. No officer or employee of the town shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the town, but errors may be corrected when authorized by council.

Section 4.18. Disbursements by checks. All disbursements, except for any agency of the town administered by a board or commission, shall be made by checks signed by the town recorder and countersigned by the Mayor and/or Vice Mayor. The Board may by resolution designate other officers to sign such checks in the absence or disability of the Mayor or town recorder.

Section 4.19. Official depository. The Board shall designate an official depository or depositories for deposit and safekeeping of funds of the town, with such collateral security as may be deemed necessary by the council.

Section 4.20. Accounting. The financial records of the town will be established and maintained in general conformity with the accounts and procedures recommended by the office of the Comptroller, State of Tennessee, the Municipal Finance Officers Association, or other nationally recognized authority on municipal accounting.

ARTICLE V

INTERGOVERNMENTAL COOPERATION AND CONTRACTING

Section 5.01. Intergovernmental cooperation and contracts. In addition to other powers granted in this Charter, the town Board shall have the power to contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointive official thereof; or with any duly authorized agency of the federal or state government, for the exercise of any power or function which the town is authorized to undertake by this Charter.

Section 5.02. Execution of such powers. The town council may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action, and any of them, may acquire, by gift or purchase, or by power of eminent domain exercised by one or more of the parties, the lands, buildings, and other property necessary or useful for the purpose of the contract or cooperative action, either within or without the corporate limits of one or more of the contracting parties, and shall have the power to hold or acquire such property jointly. The town may provide for the financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

Such a contract also may provide for the establishment and selection of a joint commission, officer or officers to supervise, manage, and have charge of joint service or project, and may provide for the powers and duties, terms of office, compensation, if any, and other provisions relating to the members of such joint commission, officer or officers. Such contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of any such cancellation or termination.

Section 5.03. Immunity and liabilities of officers. All public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this article shall enjoy the same immunities and be subject to

the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

Section 5.04. Handling of funds. All money received pursuant to any such contract or cooperative action, under the provisions of this article, unless otherwise provided by law, shall be deposited and disbursed in accordance with the provisions of such contract or cooperative action.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01. Other general laws may be used by town. Notwithstanding any provisions of this Charter, the town council may elect to operate or adopt any general law or public act available to municipalities of the state, in lieu or in addition to provisions of this Charter.

Section 6.02. Penalties. The violation of any provision of this Charter, for which a penalty is not specifically provided herein, is hereby declared to be a misdemeanor, and persons guilty of such violations shall be fined not more than fifty dollars (\$50). Any person failing to pay a fine and costs shall be committed to the workhouse to work out the fine and costs at the rate of five dollars (\$5) per day.

Section 6.03. Repeal of acts. When this Act becomes applicable as the Charter of the Town of Bruceton, Tennessee, the following Acts shall be repealed: Chapter 306 of the Private Acts of 1925; Chapter 279 of the Private Acts of 1927; Chapter 183 of the Private Acts of 1929; Chapter 352 of the Private Acts of 1929; Chapter 50 of the Private Acts of 1945; and Chapter 718 of the Private Acts of 1949, with the exception of the sections of any such prior acts which have amended the boundaries of the Town of Bruceton.

Section 6.04. To be approved by town council. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Town Council of the Town of Bruceton. Its approval or non-approval shall be proclaimed by the presiding officer of the Town Council and certified by him to the Secretary of State.

Section 6.05. Effective date. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.04.

PASSED: April 17, 1980

NED R. MCWHERTER
SPEAKER OF THE HOUSE OF REPRESENTATIVES

JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED: April 28, 1980

LAMAR ALEXANDER
GOVERNOR

CHARTER FOR THE TOWN OF BRUCETON, TENNESSEE

YEAR	CHAPTER	SUBJECT
1980	325	Basic Charter Act
1996	148	Replaced § 2.01, election of mayor and aldermen, and § 2.05, vice-mayor--election and duties
2000	66	Amended § 2.07, ordinance adoption procedure, and § 4.07, raising dollar amounts to \$2,500