

CHARTER OF THE TOWN OF STANTON, TENNESSEE¹

CHAPTER NO. 142

HOUSE BILL NO. 2195

By Crain

Substituted for: Senate Bill No. 2276

By Mr. Speaker Wilder

AN ACT continuing the corporate existence of the town of Stanton, Tennessee, providing a new charter for such corporation, and repealing Chapter 408 of the Private Acts of 1927, as amended by Chapter 552 of the Private Acts of 1931, Chapter 265 of the Private Acts of 1937, Chapter 32 of the Private Acts of 1963, Chapter 75 of the Private Acts of 1975, Chapter 152 of the Private Acts of 1988, and any other acts amendatory thereto.

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. Repeal of former charter	C-3
2. Act constitutes town charter	C-3
3. Definitions	C-3
4. Boundaries	C-3
5. Corporate powers	C-4
6. Election	C-6
7. Restrictions on candidates for employment	C-6
8. Board of mayor and aldermen	C-7
9. Mayor to preside over meetings	C-7
10. Vice-mayor	C-7

¹Priv. Acts 1990, ch. 142, is the current basic charter act for the Town of Stanton, 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.

<u>SECTION</u>	<u>PAGE</u>
11. Vacancy in office of mayor or aldermen	C-8
12. Restrictions on aldermen	C-8
13. Ordinances and resolutions	C-8
14. Board to determine duties of all departments and offices	C-8
15. Mayor; powers	C-9
16. Recorder	C-9
17. Town attorney	C-9
18. Town judge	C-10
19. Offices and positions of employment provided for in annual budget	C-11
20. Appointments and promotions	C-11
21. Board may adopt employment rules an regulations	C-11
22. Oath of office	C-11
23. Bonds	C-11
24. Political activity	C-11
25. Prohibited acts	C-12
26. Fiscal year	C-12
27. Annual budget	C-12
28. Adoption of budget	C-12
29. Control of expenditures	C-12
30. Unauthorized contracts or expenditures	C-12
31. Mayor may sell town property	C-12
32. Property taxes	C-13
33. Omitted property	C-13
34. Tax levy	C-13
35. Tax due dates and tax bills	C-13
36. Collection of delinquent taxes	C-13
37. County may collect taxes	C-13
38. Taxes not be excused	C-13
39. Disbursement by checks	C-13
40. Official depository	C-14
41. Cooperative agreements and contracts	C-14
42. Other general laws	C-14
43. Severability	C-14
44. Applicability	C-14
45. Effective date	C-14

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

SECTION 1. Chapter 408 of the Private Acts of 1927, as amended by Chapter 552 of the Private Acts of 1931, Chapter 265 of the Private Acts of 1937, Chapter 32 of the Private Acts of 1963, Chapter 75 of the Private Acts of 1975, Chapter 152 of the Private Acts of 1988, and any other acts amendatory thereto is hereby repealed.

SECTION 2. The town of Stanton, Tennessee, shall continue as a body politic and corporate by the name and style of Stanton, Tennessee, and this act shall constitute its complete charter. The town of Stanton shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

SECTION 3. As used in this charter, the following words and terms shall have the following meanings unless otherwise specified:

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

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

(3) "Board of mayor and aldermen" and "board" shall mean the legislative body of the town, which shall be composed of the mayor and four (4) aldermen elected as provided in this charter;

(4) "Elector" shall mean a qualified voter residing within the town or a qualified voter who owns real property located within the town; and

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

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

SECTION 4. The boundaries of the town shall be those fixed by Chapter 408 of the Private Acts of 1927, and any other acts amendatory thereto, and annexations made pursuant to general law.

SECTION 5. The town shall have the power:

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

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

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

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

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

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

(g) To provide for the acquisition, construction, building, operation, and maintenance of: public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, 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 property may be either acquired or taken under applicable laws.

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

(i) To make regulations to secure the general health of the inhabitants and to prevent, abate and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The town shall have the power to abate and remove nuisances at the expense of the owner or owners.

(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.

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

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

(p) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty or forfeiture not to exceed fifty dollars (\$50.00) 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 laws or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the town and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state.

SECTION 6. On the first Tuesday in November of each even numbered year, a nonpartisan, at-large municipal election shall be held to elect a mayor and four (4) aldermen to two (2) year terms. The mayor, the marshall, the recorder and the three (3) aldermen elected at the municipal election held on the first Tuesday in March, 1988, shall serve until the municipal election in November, 1990, at which time the newly elected mayor and aldermen shall take office.

The candidate for mayor having received the highest number of votes at an election shall be declared elected and the four (4) candidates for aldermen having received the highest number of votes shall be declared elected. In case of a tie vote, the incumbent board shall decide which of the candidates shall serve.

The terms of office for the mayor and for the aldermen shall commence on the first regularly scheduled board meeting in December after the election.

Any elector who is at least twenty-one (21) years of age and who has been a resident of the town for a least one (1) year may be qualified as a candidate for the position of mayor or alderman.

SECTION 7. 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 misdemeanor, and any person convicted

thereof shall be ineligible to hold an office or position of employment in the town government for a period of five (5) years.

SECTION 8.

(a) The mayor and four (4) aldermen elected under this charter shall compose the board of mayor and aldermen, in which is vested all corporate, legislative and other powers of the town, except as otherwise provided in this charter.

(b) Effective with the first regularly scheduled board meeting in December, 1990, the mayor shall receive compensation of one hundred fifty dollars (\$150) per month and each alderman shall receive compensation of fifteen dollars (\$15.00) for each board meeting attended. Compensation of the mayor and aldermen may be changed by ordinance; provided, however, that any change in compensation shall not become effective during a current term of the mayor and aldermen. The mayor and aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The board of mayor and aldermen shall meet regularly at least once every month at the times and places prescribed by ordinance. The board shall meet in special session on written notice of the mayor or any two (2) aldermen and served on the other members of the board or by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meetings.

(d) A majority of the aldermen, excluding any vacancies, shall constitute a quorum. The ayes and nays of all votes shall be recorded in the journal. The board may by ordinance adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The board may subpoena and examine witnesses and order the production of books and papers.

SECTION 9. The mayor shall preside at meetings of the board, and shall have a vote on all matters, but no veto power. He shall be recognized as the ceremonial head of the town. He shall be the officer to accept process against the town, and shall perform other duties imposed by this charter and by ordinances not inconsistent with this charter.

SECTION 10. There shall be vice-mayor who shall be selected at the first meeting after each election by the board from among their number. The term of office of the vice-mayor shall be for a period of two (2) years. The vice-mayor

shall perform the duties of the mayor during his temporary absence or inability to act. If the office of mayor shall become vacant, the board shall fill the vacancy as provided in Section 11. The board shall select another of their number to fill out the unexpired term of the vice-mayor.

SECTION 11. The board of mayor and aldermen shall declare that a vacancy exists if the mayor or an alderman resigns, dies, moves his residence from the town, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the state, or a crime involving moral turpitude, fails to attend any meetings of the board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office.

The board of mayor and aldermen shall, within a period of sixty (60) days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term.

SECTION 12. The aldermen shall act on all matters as a body, and no member shall seek individually to influence the official acts of any officer or employee of the town, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. The board shall deal with the various agencies, officers and employees of the town, solely through the mayor and shall not give orders to any subordinates of the mayor either publicly or privately. Nothing herein contained shall prevent the board from conducting such inquiries into the operation of the town government and the conduct of the town's affairs as it may deem necessary.

SECTION 13. Any action of the board having a regulatory or penal effect or awarding franchises shall be done only by ordinance. Other actions may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be it ordained by the board of mayor and aldermen of the town of Stanton:". Every ordinance must be approved on two (2) readings and there shall be no more than one (1) reading on any one (1) day. An ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading and adoption unless a different effective date is designated in the ordinance.

SECTION 14. The town government shall be organized into such departments and offices as shall be provided by ordinance. The board shall determine by ordinance the functions and duties of all departments and offices. The board may establish, abolish, merge or consolidate offices, positions of employment and departments; may provide that the same person shall fill any

number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment and departments.

SECTION 15. The mayor shall have the powers of a business manager; he shall have supervision and control of all the administrative affairs of the town; he shall be its chief executive. He shall have access to all of the books, records, offices and papers of every kind pertaining to the town's business and require their proper and safe keeping. He shall present in writing or verbally to the board his recommendations of the needs of the town at any time he deems advisable.

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

The mayor shall take all proper measures for the preservation of public order and preservation of the peace and he may call upon the governor for military aid.

He shall have authority to make appointments, promotions and transfers of employees; to make demotions, suspensions and removals of officers and employees for cause; and may delegate such authority as he deems advisable.

SECTION 16. Following the municipal election held in 1990, a recorder shall be appointed by the board of mayor and aldermen. The recorder shall be appointed by virtue of experience and/or educational qualifications; shall serve at the will and pleasure of the board of mayor and aldermen; and shall be compensated as determined by the board.

The recorder shall: (1) exercise general supervision over the fiscal affairs of the town and general accounting supervision over the town's property, assets and claims; (2) have custody of all papers, records and vouchers relating to the fiscal affairs of the town; (3) be the treasurer of the town and, as such, shall receive and keep safely all revenues and the proceeds of its bond issues and disburse the same upon checks signed by the mayor and recorder; (4) keep full and accurate minutes of all meetings of the board of mayor and aldermen; (5) preserve and maintain the town's seal, public records, ordinances, resolutions, minutes, contracts, bonds, and all other records and documents of value; and (6) perform other such duties as required by the board of mayor and aldermen not inconsistent with other provisions of this charter.

SECTION 17. The board shall appoint a town attorney. The town attorney shall be responsible for advising the board and officers and employees concerning legal aspects of their duties and responsibilities; approving as to

form and legality all contracts, deeds, bonds, ordinances, resolutions, motions and other official documents; and performing such other duties as may be prescribed by the board.

SECTION 18. A town judge may be appointed by the board of mayor and aldermen.

The jurisdiction of the town judge shall extend to the trial of all offenses against the ordinances of the town and costs in such trials shall be fixed by ordinance. The town judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths and to maintain order, including the power which the court of general sessions have to fine for contempt. The sole compensation for serving as town judge shall be a salary fixed by the board and all fees for actions or cases in his court shall belong to the town and shall be paid into the town treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the town judge shall be fixed by the town judge, upon such security as in his discretion he deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the judge as provided by ordinance; such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit.

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

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

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

The board of mayor and aldermen may in lieu of appointing a town judge enter into an agreement, upon such terms and conditions as may be agreed upon, with some court of competent jurisdiction, for the provision of court services.

SECTION 19. Only the offices and positions of employment provided for in the annual budget, as approved by the board, shall be filled. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

SECTION 20. 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.

SECTION 21. The board may adopt supplementary rules and regulations governing employment by the town, not inconsistent with the provisions of this charter.

SECTION 22. Before a person takes any office in the town government, he shall subscribe to the following oath or affirmation, administered by the recorder or the mayor: "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 Stanton, and that I will faithfully discharge the duties of the office of _____."

SECTION 23. 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 the board, shall give a fidelity bond or faithful performance bond, as determined by the board with some surety company authorized to do business in Tennessee, in such amount as shall be prescribed by the board. All such bonds and sureties thereto shall be subject to approval by the board and the cost of such bonds shall be paid by the town.

SECTION 24. No employee of the town shall continue in the employment of the town after becoming a candidate for nomination or election to any town office, but this provision shall not apply to the mayor, aldermen, members of boards or commissions, the town attorney or the town judge. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the town government. No person shall orally, by letter, or otherwise solicit, or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee of the town in connection with any town election. Any person who by himself or with others willfully or corruptly violates any provision 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 of employment in the town government for a period of five (5) years thereafter.

SECTION 25. No officer or employee shall accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the town.

SECTION 26. The fiscal year of the town government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year.

SECTION 27. 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 each fund the following: (a) revenue and expenditures during the preceding year, (b) estimated revenue and expenditures for the current fiscal year, (c) estimated revenue and recommended expenditures for the next fiscal year, and (d) any other information and data, that may be considered necessary by the mayor. A copy of the budget in full shall be filed with the recorder for public inspection and a copy shall be furnished to each alderman.

SECTION 28. After consideration the board shall adopt the budget with such modifications as the board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year.

SECTION 29. The mayor shall be responsible for controlling expenditures of the various agencies of the town government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

SECTION 30. Any contract or agreement made in violation of the provisions of this charter or ordinances of the town shall be void and no expenditures shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the town for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for his removal.

SECTION 31. The mayor may sell town property which is obsolete, surplus or unusable; provided, however, that any sale for more than five hundred dollars (\$500) or any sale of real estate shall be subject to approval by the board.

SECTION 32. All property subject to taxation shall be subject to the property tax levied by the town.

SECTION 33. 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 34. The board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation, not later than ninety (90) days prior to the tax due date. In event of board's failure to do so, the prior year's tax rate shall continue in effect.

SECTION 35. The due dates of property taxes shall be fixed by ordinance and provision may be made for equal semi-annual installments. The town shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and tax, penalty, or interest thereon. Property taxes which become delinquent shall be subject to penalty and interest which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the town shall have the force and effect of a judgment of a court of record.

SECTION 36. The board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the mayor for the sale of goods and chattels to be executed by any police officer of the town under the laws governing execution of such process 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 (2) or more of the foregoing methods, or by the use of any other available legal processes and remedies.

SECTION 37. The town may contract with the county for the collection of town taxes. The contract may provide for reasonable fees to be paid to the county for this service.

SECTION 38. No officer or employee of the town shall have the authority to excuse taxes, penalties, interest, special assessments or other charges due the town, but errors may be corrected when authorized by the board.

SECTION 39. All disbursements, except for any agency of the town administered by a board or commission, shall be made by checks signed by the town recorder. The board may designate other officers to sign such checks in the absence or disability of the recorder.

SECTION 40. The board shall designate an official depository or depositories for deposit and safekeeping of funds of the town, with such collateral security as may be deemed necessary by the board.

SECTION 41. In addition to other powers granted in this charter, the board shall have power to contract and cooperate with any other municipality or other political subdivision of the state, or with 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 42. Notwithstanding any provision of this charter, the board may elect to operate under or adopt any general law or public act available to municipalities of the state, in lieu of or in addition to provisions of this charter.

SECTION 43. 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 44. To be applicable as the charter of the town of Stanton, this act must be approved by a two-thirds (2/3) vote of the governing body, said vote to be taken not more than one hundred twenty (120) days after passage of this act. The mayor shall, within ten (10) days thereafter, certify to the Secretary of State the results of said vote.

SECTION 45. For the purpose of approving or rejecting the provisions of this act, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 44.

PASSED: February 26, 1990

s/Ed Murray
ED MURRAY, SPEAKER
HOUSE OF REPRESENTATIVES

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

APPROVED this 8th day of March 1990

s/Ned McWherter
NED McWHERTER, GOVERNOR

PRIVATE ACTS COMPRISING THE CHARTER OF THE
TOWN OF STANTON, TENNESSEE

YEAR	CHAPTER	SUBJECT
1990	142	Basic charter act.
