

CHARTER OF THE TOWN OF RUTHERFORD, TENNESSEE<sup>1</sup>

## CHAPTER NO. 133

## HOUSE BILL NO. 2843

By Representative Phelan

Substituted for: Senate Bill No. 2827

By Senator McKnight

AN ACT continuing the corporate existence of the Town of Rutherford, Tennessee providing a new charter for the corporation and repealing Chapter 346 of the private acts of 1899 and all acts amendatory thereto.

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. Incorporation and name . . . . .	C-3
2. Definitions . . . . .	C-3
3. Boundaries . . . . .	C-3
4. Corporate powers . . . . .	C-4
5. Municipal elections . . . . .	C-6
6. Restrictions on candidates . . . . .	C-7
7. Board of mayor and aldermen . . . . .	C-7
8. Mayor as presiding officer . . . . .	C-7
9. Vice-mayor . . . . .	C-8
10. Vacancy on board . . . . .	C-8

---

<sup>1</sup>Priv. Acts 1994, ch. 133, is the current basic charter act for the Town of Rutherford, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2017 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

<u>SECTION</u>	<u>PAGE</u>
11. Restrictions on aldermen . . . . .	C-8
12. Ordinances . . . . .	C-9
13. Organization of town government . . . . .	C-9
14. Administrative duties of mayor . . . . .	C-9
15. Town recorder . . . . .	C-10
16. Town attorney . . . . .	C-11
17. Town judge . . . . .	C-11
18. Officers and employees . . . . .	C-12
19. Personnel rules . . . . .	C-12
20. Oath of office . . . . .	C-12
21. Bonds . . . . .	C-12
22. Political activity . . . . .	C-13
23. Prohibited acts . . . . .	C-13
24. Fiscal year . . . . .	C-13
25. Annual budget . . . . .	C-13
26. Public hearing on budget . . . . .	C-14
27. Adoption of budget . . . . .	C-14
28. Control of expenditures . . . . .	C-14
29. Unauthorized contract or expenditure . . . . .	C-14
30. Sale of property . . . . .	C-14
31. Bonds on contracts . . . . .	C-15
32. Property taxes . . . . .	C-15
33. Omitted property . . . . .	C-15
34. Tax levy . . . . .	C-15
35. Tax due dates and tax bills . . . . .	C-15
36. Collection of delinquent taxes . . . . .	C-16
37. County may collect taxes . . . . .	C-16
38. Taxes not to be excused . . . . .	C-16
39. Disbursement by check . . . . .	C-16
40. Official depository . . . . .	C-16
41. Cooperative agreements and contracts . . . . .	C-16
42. Other general laws . . . . .	C-17
43. Penalties . . . . .	C-17
44. Ordinances to continue in effect . . . . .	C-17
45. Repeal of former acts . . . . .	C-17
46. Severability . . . . .	C-17
47. Applicability . . . . .	C-18
48. Effective date . . . . .	C-18

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

SECTION 1. The Town of Rutherford, Tennessee, shall continue as a body politic and corporate by the name and style of Rutherford, Tennessee, and this Act shall constitute its complete Charter. The Town of Rutherford 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.

#### Definitions

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

(a) "Alderman" means a person elected to the office of Alderman as provided in this Charter.

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

(e) "Board of Mayor and Aldermen" and "Board" means the legislative body of the Town, which shall be composed of the Mayor and five (5) Aldermen elected as provided in this Charter.

(d) "Elector" means a qualified voter residing within the Town and has so resided within the corporate limits for six (6) or more months or a qualified voter who owns not less than an undivided one-half ( $\frac{1}{2}$ ) interest in taxable real estate located within the Town.

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

(f) The masculine includes the feminine and the singular includes the plural and vice versa except when the contrary intention is manifest.

#### Boundaries

SECTION 3. The boundaries of the Town shall be those fixed by Chapter 346, Section 1, of the Acts of 1899, all Acts amendatory thereof, and annexations made pursuant to general law. The precise boundaries shall be kept on record by the Town Recorder.

## Corporate Powers

### SECTION 4. The Town shall have power:

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

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

(c) To levy and collect registration fees on motor vehicles. 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, 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.

(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 up to the limits prescribed by the general laws of the State of Tennessee.

(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 establish and regulate a Police Department and Fire Department.

(s) 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.

#### Municipal Elections

SECTION 5. The Board of Mayor and Aldermen shall consist of a Mayor and five (5) Aldermen. Beginning with the municipal election scheduled for November 1, 2016, the Mayor and each Alderman shall be elected to a two-year term of office. The Mayor and Aldermen shall be elected at large. The candidate for Mayor receiving the largest number of votes in the municipal election shall be declared elected and the five (5) candidates receiving the largest number of votes for Alderman in the municipal election shall be declared elected. In case of a tie vote for Mayor or for an Alderman position, the incumbent Board of Mayor and Aldermen shall decide which of the candidates shall serve. All municipal elections shall be non-partisan.

Beginning with the municipal election scheduled for November 1, 2016, terms of office for the Mayor and Aldermen shall begin upon their swearing in at the first regularly scheduled meeting of the Board of Mayor and Aldermen immediately following the municipal election.

To be eligible for and to hold the office of Mayor or Alderman, a person must be a citizen of the State of Tennessee and the Town of Rutherford for at least one (1) year immediately preceding the day of the municipal election in which they are seeking office. [As amended by Priv. Acts 1997, ch. 8; and replaced by Priv. Acts 2008, ch. 92, § 1; Priv. Acts 2013, ch. 29, § 1; and Priv. Acts 2016, ch. 29]

## Restrictions on Candidates

SECTION 6. 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 law 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.

## Board of Mayor and Aldermen

### SECTION 7.

(a) The Mayor and five (5) Aldermen elected under this Charter shall compose the Board of Mayor and Aldermen, in which is vested all corporate, legislative and other powers of the Town, except as otherwise provided in this Charter.

(b) The compensation of the Mayor and Alderman shall be set by ordinance, but the salary of the Mayor or any Alderman shall not be changed during their term of office. The Mayor, Aldermen and Town Attorney may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

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

(d) 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 bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The board may subpoena and examine witnesses and order the production of books and papers.

## Mayor as Presiding Officer

SECTION 8. The Mayor shall preside at meetings of the Board. The mayor shall only have a vote on matters coming before the Board in the event of a tie, then the mayor shall cast the vote breaking such tie. The mayor shall be recognized as the ceremonial head of the Town. The mayor 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.

### Vice-Mayor

SECTION 9. There shall be a Vice-Mayor who shall be selected at the first regularly scheduled meeting of the Board of Mayor and Aldermen immediately following each municipal election. The Vice-Mayor shall be selected by the Board from among their number and the compensation, if any, shall be fixed by the Board. The term of the Vice-Mayor shall be for a period of four (4) years, concurrent with the term of the Mayor.

The Vice-Mayor shall perform the duties of the Mayor during the Mayor's temporary absence or inability to act. In case of a vacancy in the office of Mayor, the Vice-Mayor shall complete the unexpired term of office. If the Vice-Mayor is to complete the unexpired term of the office of Mayor, his position as an Alderman shall become vacant and the Board shall fill the vacancy as provided in this Charter. The Board shall select another or their number to complete the unexpired term of office of the Vice-Mayor. [As replaced by Priv. Acts 2013, ch. 29, § 2]

### Vacancy on Board

SECTION 10. The Board or Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves the official's 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 the official from discharging the duties of the office. The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term.

### Restrictions on Aldermen

SECTION 11. The Aldermen shall act on all matters as a body and no member shall seek individually to influence the official acts of any officer or employee of the Town or to direct or request the appointment of any person to, or the removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. 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.

### Ordinances

SECTION 12. Any action of the Board having a regulatory or penal effect, awarding franchises, 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 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 Rutherford:". 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, adoption and being signed by the Mayor unless a different effective date is designated in the ordinance.

Ordinances shall be identified with a two (2) part numeration. The first part shall consist of the four (4) digits representing the year the ordinance was introduced. The second part shall be the number of its order of introduction that year.

All duly enacted ordinances and this charter shall be compiled in a well-bound volume(s) to be known as the "Rutherford Municipal Code."

### Organization of Town Government

SECTION 13. The Town government shall be organized into such departments and offices as 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.

### Administrative Duties of Mayor

SECTION 14. The Mayor shall be the chief executive officer of the Town. The mayor:

(a) Shall have access to all of the books, records, offices and papers of every kind pertaining to the Town's business.

(b) Shall present in writing or verbally to the Board the mayor's recommendations on the needs of the Town.

(c) May make temporary appointments to the offices of Recorder, Attorney, or Judge in cases of sickness, absence or other temporary disability. Temporary appointments shall be effective until such time as they are confirmed or rejected by the Board.

(d) Shall make appointments to boards and commissions as authorized by law.

(e) Shall take all proper measures for the preservation of public order and preservation of the peace and he may call upon the Governor for aid.

(f) Shall sign all checks and drafts drawn upon the Treasury by the Recorder.

(g) Shall sign all contracts authorized by the Board to which the Town is a party.

#### Town Recorder

#### SECTION 15. The Board shall appoint a Town Recorder.

The Recorder shall keep and preserve the Town seal and all official records not required by law or ordinance to be filed elsewhere; shall attend all meetings of the Board and maintain a journal showing the proceedings of all such meetings, the Board members present and absent; each motion considered, the title of each Resolution and Ordinance considered and the votes of each Board member on each question; and prepare and certify copies of official records. The Recorder shall maintain the Rutherford Municipal Code in a current and usable manner and shall furnish the Mayor and each Alderman with a copy of the code upon assuming office for use during the term of office.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they were collected.

The Recorder shall serve as Treasurer and as such shall receive and safely keep all funds of the Town and shall pay out same upon checks signed by the recorder and the Mayor. [As replaced by Priv. Acts 2013, ch. 29, § 3]

### Town Attorney

SECTION 16. The Board shall appoint a Town Attorney. A 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.

### Town Judge

SECTION 17. A Town Judge shall be appointed by the Board. The Judge shall not be less than twenty-five (25) years of age. A person designated by the Board shall serve in the absence or incapacity of the judge.

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 or general sessions has to fine for contempt. A penalty shall not exceed five hundred dollars (\$500) in amount. The sole compensation for serving as Town Judge shall be a salary fixed by the Board, and all fees for actions or cases in the 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 the judge's discretion the judge 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. The receipt shall be in triplicate: the original to the depositor, duplicate and money to the Recorder, and triplicate to the Town Judge within twenty-four (24) hours after the arrest.

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.

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

### Officers and Employees

SECTION 18. Only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled unless an emergency that demands the immediate filling of a position arises. 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.

### Personnel Rules

SECTION 19. The Board may adopt supplementary rules and regulations governing employment by the Town, not inconsistent with the provisions of this Charter. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Oath of Office

SECTION 20. Before a person takes any office in the Town government, he shall subscribe to the following oath or affirmation, administered by a judge of the State of Tennessee: "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 Rutherford, and that I will faithfully discharge the duties of the office of \_\_\_\_\_. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Bonds

SECTION 21. The Recorder and every officer, agent, employee, and committee member of the Town having duties embracing the receipt, disbursement, custody, or handling of money, and other officers, agents, employees, or committee members designated by the Board shall give a fidelity bond or faithful performance bond, as determined by the Board with a surety company authorized to do business in the State of Tennessee, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval of the Board, and the cost of such bonds shall be paid by the Town. [As renumbered and replaced by Priv. Acts 2013, ch. 29, §§ 4 and 5]

### Political Activity

SECTION 22. No full-time 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 individually or with others, willfully or corruptly violates any provision of this Section shall upon conviction thereof, immediately forfeit and vacate the office or position held and be ineligible to hold any office or position of employment in the Town government for a period of five (5) years thereafter. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Prohibited Acts

SECTION 23. 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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Fiscal Year

SECTION 24. 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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Annual Budget

SECTION 25. 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, and (d) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary. 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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

## Public Hearing on Budget

SECTION 26. After receiving the proposed budget, the Board shall fix a time and place for a public hearing thereon. A notice of the hearing shall be published one (1) time in a newspaper having general circulation in the Town. The publication shall appear at least ten (10) days in advance of the date of the hearing. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

## Adoption of Budget

SECTION 27. After the public hearing the Board shall adopt the budget with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year after ten (10) days notice published in the newspaper and a public hearing before the Board. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

## Control of Expenditures

SECTION 28. The Board 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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

## Unauthorized Contract or Expenditure

SECTION 29. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the Town shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement or authorize or make any expenditure thereunder and their sureties on their official bonds, and every person who shall knowingly receive such 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 is cause for removal. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

## Sale of Property

SECTION 30. The Mayor may sell Town property which is obsolete, surplus or unusable; provided, however, any sale for more than five hundred dollars (\$500) or any sale of real estate shall be subject to approval by the Board. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Bonds on Contracts

SECTION 31. 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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Property Taxes

SECTION 32. All property subject to taxation shall be subject to the property tax levied by the Town. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Omitted Property

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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Tax Levy

SECTION 34. The board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation. The levy shall be made in a manner pursuant to the general laws of the State of Tennessee. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Tax Due Dates and Tax Bills

SECTION 35. The due dates of property taxes and method of payment of such taxes shall be fixed by ordinance. 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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Collection of Delinquent Taxes

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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### County May Collect Taxes

SECTION 37. The Town may contract with the county for the collection of taxes. The contract may provide for reasonable fees to be paid to the county for this service. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Taxes Not To Be Excused

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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Disbursement by Check

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 and countersigned by the Mayor. The Board may designate other officers to sign such checks in the absence or disability of the Mayor or Town Recorder. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Official Depository

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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

### Cooperative Agreements and Contracts

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. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

#### Other General Laws

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, instead of or in addition to the provisions of this Charter. [As renumbered and replaced by Priv. Acts 2013, ch. 29, §§ 4 and 6]

#### Penalties

SECTION 43. The violation of any provision of this Charter, for which a penalty is not specifically provided herein, is hereby declared to be unlawful and a monetary civil penalty may be assessed against a person guilty of such violation. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

#### Ordinances to Continue In Effect

SECTION 44. All ordinances and bylaws of the Town of Rutherford not inconsistent with this Act shall remain in effect until modified or repealed in accordance with the provisions of this Act. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

#### Repeal of Former Acts

SECTION 45. Chapter 346 of the Acts of 1899, and all acts amendatory thereto are repealed. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

#### Severability

SECTION 46. If any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

Applicability

SECTION 47. This act shall have no affect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of Mayor and Aldermen and certified to the Secretary of State. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

Effective Date

SECTION 48. 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 47. [As renumbered by Priv. Acts 2013, ch. 29, § 4]

PASSED: MARCH 9, 1994

s/Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

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

APPROVED this 21 day of March 1994

s/Ned McWherter  
NED McWHERTER, GOVERNOR

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

---

YEAR	CHAPTER	SUBJECT
1994	133	Basic charter act.
1997	8	Amended § 5 regarding elections.
2008	92	Replaced § 5 regarding elections.
2013	29	Replaced § 5 regarding elections; replaced § 9 regarding vice-mayor; replaced § 15 regarding town recorder; deleted § 19 personnel actions and renumbered remaining sections; replaced § 22 and renumbered it as 21 regarding bonds; and replaced § 43 and renumbered it as 42 regarding other general laws.
2016	29	Replaced § 5 regarding elections.