

CHARTER FOR THE TOWN OF CHAPEL HILL TENNESSEE<sup>1</sup>

## CHAPTER NO. 159

## HOUSE BILL NO. 3283

By Representative Beavers, Fowlkes

Substituted for: Senate Bill No. 3237

By Senator Blackburn

AN ACT to amend Chapter 48 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the Town of Chapel Hill.

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<sup>1</sup>Priv. Acts 2002, ch. 159, is the current basic charter act for the Town of Chapel Hill, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2023 session of the Tennessee General Assembly and is current with the laws from the 2024 Regular Session of the 113<sup>th</sup> Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

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

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

SECTION 1. Chapter 48 of the Private Acts of 2001, and any other acts amendatory thereto, is amended by deleting such chapter in its entirety and by substituting Sections 2 through 34 of this act to be the charter of the Town of Chapel Hill.

SECTION 2. Definitions. The following definitions apply in this charter unless the context otherwise requires:

- (1) "Aldermen" means collectively those elected or appointed to serve in such capacity on the Board;

- (2) "Board" means the Board of Mayor and Aldermen;
- (3) "Charter" means this charter.
- (4) "County" means Marshall County, Tennessee;
- (5) "Department Head" means the Chief of Police, Fire Chief and any other person hired to serve as the head of any department of the Town;
- (6) "Officers" means Mayor, Aldermen, Vice Mayor, Town Judge, Town Administrator, Town Recorder, Town Treasurer and Town Attorney;
- (7) "Mayor" means the person elected or appointed to serve as Chief Executive Officer of the Town;
- (8) "State" means the State of Tennessee;
- (9) "Town" means the Town of Chapel Hill, Tennessee; and
- (10) "Town Administrator" means the chief administrative officer of the Town.

SECTION 3. As used in this Charter, "shall" and "must" are mandatory and "may" is permissive.

SECTION 4. Incorporation, Name and General Powers. The Town of Chapel Hill, in the County of Marshall, State of Tennessee, and the inhabitants thereto, within the boundaries hereinafter set out, shall continue as a body politic and corporate under the name and style of "Town of Chapel Hill," and by that name shall have perpetual succession, may use a common seal, may sue and be sued, plead and be impleaded in all the courts of law and equity, may purchase, receive and hold property, real and personal, within or without the Town for corporate purposes, and sell or dispose of such property for the benefit of the Town.

SECTION 5. Corporate Boundaries. The corporate boundaries of the Town shall embrace all territory now within the corporate limits of the Town as of the effective date of this Private Act, as established by Private Acts of the General Assembly of Tennessee and ordinances of the Town and as hereafter modified by Private Acts of the General Assembly or ordinances of the Town of Chapel Hill.

SECTION 6. Board of Mayor and Aldermen: Number of Aldermen: Qualifications for Office: Compensation and Oath. The corporate and legislative authority of the Town shall be vested in the Board. The Board shall be composed of a Mayor and six (6) Aldermen, who shall reside in the Town at least one (1) year next preceding their election or appointment, be not less than twenty-one (21) .years of age when taking office and should the residence of any one (1) of them in the Town cease after his election or appointment, his office shall become vacant; the Mayor and Aldermen shall determine the compensation of the Mayor and Aldermen by ordinance; however, no changes in such compensation shall become effective until the month following a regular election. The compensation of the Mayor may not be diminished by the Board during his or her term of office. Before taking office, the Mayor and Aldermen shall take an oath before a person qualified to administer oaths that they will faithfully and impartially discharge the duties pertaining to their office, which oath shall be in writing and entered upon the minutes of the Board. [As replaced by Priv. Acts 2023, ch. 27, § 1]

SECTION 7. Vice Mayor. The Board, by majority vote, shall elect an Alderman to the office of Vice Mayor for a term of two (2) years. The Vice Mayor shall serve when the Mayor is temporarily absent or unable to discharge his duties, and shall retain his voting privilege while serving in the absence of the Mayor.

SECTION 8. Elections, Date of Election of Mayor and Aldermen and Terms of Election. The Town presently has a Mayor and six (6) Aldermen and their terms of office expire as follows: Mayor and three (3) Aldermen on the first day of September 2002; three (3) Aldermen on the first day of September 2004. The terms of office of Mayor and Aldermen shall be four (4) years and they shall serve until their successors are elected or appointed, pursuant to Section 12 hereof, and take office. In the August 2002 election, the person receiving the highest number of votes cast for Mayor and the three (3) persons receiving the highest number of votes cast for Alderman shall take office on the first day of September 2002. In the August 2004 election, the three (3) persons receiving the highest number of votes for Alderman shall take office on the first day of September 2004. In case of a tie vote for any office, there shall be a run-off election on the fourth (4<sup>th</sup>) Thursday in August between persons receiving an equal number of votes.

SECTION 9. Elections: Qualification Required of Voters. In all elections and referendums held in the Town for any purpose, persons who are qualified to vote for members of the Tennessee General Assembly and who have resided in the Town's corporate limits for a time sufficient to be qualified voters in accordance with general law, or who reside outside the Town's corporate limits and own realty within the Town's corporate limits for a time sufficient to be

qualified voters in accordance with general law shall be qualified to vote in a Town election or referendum.

SECTION 10. Elections: Regulations and Method of Holding. All elections held in the Town shall be called and held by the Election Commissioners of Marshall County, under the rules and regulations now prescribed by law for the civil district in which the Town is located. It shall be the duty of the Election Commissioners of Marshall County, in addition to the procedure required for County and State elections after canvassing the returns, to certify the results of each election and file such certificate, together with one (1) copy of the poll and tally sheets, with the Town's Recorder. The Election Commissioners of Marshall County shall hold an election in the Town on such dates as are specified in this Charter, and at such other times as they may be requested by the Board to hold an election for purposes authorized by this Charter or the general laws of the State.

SECTION 11. Elections: Candidates Must File Application. In all elections for Mayor and Aldermen, those desiring to become candidates shall file nominating petition as required by general law.

SECTION 12. Board of Aldermen: Power to Regulate Itself, Transact Business, Fill Vacancies, Expel Members, Fill Temporary Vacancies of Appointed Offices. The Board shall determine its rules of procedure. A majority of the Board shall constitute a quorum for the transaction of business. A majority vote of the quorum, unless a greater number is required by this Charter or state law, shall be the action of the Board. In case of death, resignation or removal of Mayor, Vice Mayor or an Alderman, or any vacancy thereof, the Board, by majority vote of the remaining members shall fill such vacancy for the unexpired term, provided that if a vacancy in the above offices occurs more than thirty (30) days before the latest time for filing nominating petitions for candidates in the next regular Town election, then such vacancy shall be filled by the voters at that election. All such votes by the Board to fill a vacancy shall be made by roll call vote, and in the event of a tie vote, the Mayor shall break the tie or the presiding officer (if not the Mayor) shall vote a second time to break the tie.

Neither the Mayor nor an Alderman shall miss three (3) consecutive regular monthly meetings without good cause.

The Mayor or an Alderman may be removed from office according to general law found in Tennessee Code Annotated, Title 8, Chapter 47, for, among other things, misconduct in office or willful neglect to perform his duties.

In the event of temporary disability, sickness or absence of the Administrator, Recorder, or Treasurer, the Board may appoint a suitable person

to assume the duties of the Administrator, Recorder, or Treasurer and cause to be placed in the Town's Minute Book the dates such office was assumed and relinquished. [As replaced by Priv. Acts 2023, ch. 27, § 2]

SECTION 13. Board of Mayor and Aldermen: Regular and Special Meeting. The Board shall hold at least one (1) regular meeting each month for the transaction of business, but the Board may, by resolution, establish as many regular meetings as they desire. A special meeting may be called by the Mayor or any three (3) Aldermen by two (2) days written notice to the members of the Board stating the purpose of purposes for which the special meeting is called and no other business shall be considered at the special meeting of the Board. The Board shall have the power at any meeting, regular or special, to recess to a date and time certain for the transaction of any business which may have been brought before it at regular or special meeting. A regular or special meeting may be recessed without a quorum present.

SECTION 14. Mayor: Powers and Duties. The Mayor shall preside at all meetings of the Board. In the absence of the Mayor, the Board may be called to order and presided over by the Vice Mayor; or in absence of both, by a Mayor Pro Tempore, an Alderman elected by a majority of the quorum present; the Mayor is vested with all the powers and duties of an Alderman, but shall vote only in the event of a tie vote. The Mayor shall not have any regular administrative duties and as Chief Executive Officer of the Town, shall perform such duties and exercise such powers as may be conferred or imposed by the laws of the State and by ordinance not in conflict with this charter. In the event of the temporary disability, sickness or absence of the Administrator, Treasurer or Recorder, the Mayor, without additional compensation, may be designated by the Board to perform the duties of the Administrator, Treasurer or Recorder and cause to be placed in the Town's Minute Book the dates the Mayor assumes the office and relinquishes such office. [As replaced by Priv. Acts 2023, ch. 27, § 3]

SECTION 15. Ordinances and Resolutions: Procedures Required for Passage. (a) No bill shall become an ordinance without having passed on two (2) separate days at two (2) separate meetings, by majority vote of the Board.

Ordinances shall be introduced in writing, and when passed, shall be signed by Mayor and attested by the Recorder, and incorporated in the minutes of the Board together with full recitals of their introduction and passage.

An Ordinance shall take effect fifteen (15) days after its final passage or at such time after fifteen (15) days if so specified in the ordinance. An emergency ordinance may take effect immediately after final passage provided it states that an emergency exists, the circumstances and reasons for the emergency, and sufficient detail to demonstrate that passage of the ordinance will abate the emergency.

Prior to final passage, the ordinance or caption and summary thereof may be published in a newspaper of general circulation in the Town, or in like manner the ordinance may be published after final passage, but such publication shall not be mandatory and ordinances duly passed shall be effective without publication.

(b) Resolutions shall be introduced in writing and, when passed, shall be signed by the Mayor and attested by the Recorder, and incorporated in the minutes of the Board together with full recitals of their introduction and passage. Resolutions require one (1) passage and take effect immediately, unless otherwise stated.

(c) Certified copies of the minutes, or portions of the minutes, showing the passage of an ordinance or resolution on final reading, shall be full and sufficient evidence of the ordinance or resolution in all trials in any court of this State, the certificate to be made by the Recorder under the seal of the Town. [As amended by Priv. Acts 2023, ch. 27, § 4]

SECTION 16. Powers Exercised by Ordinances and Resolutions. The Town, by appropriate action through the Board, may:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner provided for in this section;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be affected in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust, and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility that is of service to the municipality, its inhabitants, or any part of the municipality, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in title 9, chapter 21;

(12) Grant to any person, firm, association or municipality franchises for public utilities and public services to be furnished by the municipality and those in the municipality. The power to grant franchises embraces the power to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer, except as provided in § 65-4-107 (b). The board may prescribe, in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that may be opened after the grant of the franchise;

(13) Make contracts with any person, firm, association or corporation for public utilities and public services to be furnished by the municipality and those in the municipality. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for



a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that may be opened after the grant of the contract;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing in this subdivision (14) shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, and take and appropriate property therefore under §§ 7-31-107 - 7-31-111 and 29-16-203, or any other manner provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, title 7, chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefore, and provide standards of weights, tests and measures in such manner as may be provided pursuant to title 47, chapter 26, part 9;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 or through temporary proceedings in accordance with general law;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction; and

(B) Provide by ordinance for court costs as provided in the Municipal Court Reform Act, compiled in title 16, chapter 18, part 3;

(29) Establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers and teachers required therefore, and fix their compensation, purchase or otherwise acquire land for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(31) Call upon the Commissioner of Elections of Marshall County to call, provide for and hold elections as provided in this charter and state law;

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated; and

(33) Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to title

13, chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body. [As replaced by Priv. Acts 2023, ch. 26, § 5]

SECTION 17 (REPEALED BY 2023 CHARTER AMENDMENT) [As repealed by Priv. Acts 2023, ch. 27, § 6]

SECTION 18. Public Streets and Ways. All public streets, alleys, bridges, sidewalks, culverts, and other similar public streets and ways now located within the corporate boundaries of the Town or hereinafter accepted as public streets, alleys, bridges, sidewalks, culverts, and streets and ways by the Town shall be and are by this act declared to be the property of the Town and the Board shall take charge of the same for the use of the Town.

SECTION 19. Construction of Powers Granted. The enumeration of the particular powers in this charter is not exclusive, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this charter impair the powers granted in any subsequent section of this charter and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the Town to exercise freely any one (1) or more of such powers as to any one (1) or more such objects for any one (1) or more such purposes.

SECTION 20. Exemptions from Taxes Prohibited. The Town shall possess no power, and is hereby expressly forbidden, to exempt any property of whatsoever kind or character, or any person, firm, corporation, or association, from taxation, unless such property of persons, firms, corporations or associations is exempted from taxation for State and County purposes under the general laws of the State.

SECTION 21. Bond: Governmental Financing. The Town may, pursuant to the Revenue Bond Act of 1937, as amended, and the Local Government Public Obligation Act of 1986, as amended, issue such bonds, notes and other obligations as may be deemed desirable or necessary or both.

SECTION 22. Budget Committee, Membership, Annual Budget. The Budget Committee shall consist of the Mayor, one (1) Alderman appointed by the Mayor, the Administrator and Treasurer who shall recommend to the Board the budget for the ensuing fiscal year, which shall fix and include compensation for the Mayor, Aldermen, and Administrator. The annual budget shall be presented to the Board no later than June 15th and shall contain the recommended tax rate, anticipated revenues and anticipated expenditures for the next fiscal year. The Board will adopt the budget and fix the tax rate by ordinance or as provided in Section 15 of this charter

SECTION 23. Administrator, Compensation, Duties and Powers. The Administrator shall be appointed by a majority of the Board and receive such compensation fixed by the budget ordinance. The Administrator may be disciplined, suspended or discharged by a majority of the Board. The Administrator, if serving as Recorder or Treasurer, shall execute a bond as required by this charter for Recorder or Treasurer, but not otherwise. The Administrator shall be under direction of, and report to, the Board, and shall:

- (1) Administer the business of the Town;
- (2) Employ, direct, control, supervise, discipline, suspend, discharge and terminate all employees of the Town, except those appointed by the Board, in accordance with policies and procedures adopted by the Board; provided, however, a discharged or terminated employee shall have the right to appeal such discharge or termination to the Board, pursuant to procedures established by the Board;
- (3) Issue, or cause to be issued, licenses and permits on behalf of the Town;
- (4) Act as purchasing agent for the Town in the purchase of all materials, supplies and equipment for the proper conduct of Town business; provided, all purchases shall be made in accordance with policies, procedures and practices approved or established by the Board and State law;
- (5) Make recommendations to the Board for improving the quality and quantity of public service to be rendered by the Town to its citizens;
- (6) Keep the Board and its members advised as to the condition and needs of the Town;
- (7) Report to the Board the condition of the Town's property and recommend repairs and replacements as needed not in the budget;
- (8) Recommend to the Board the priority of programs or projects involving public works or improvements that should be undertaken by the Town;
- (9) Recommend the creation or abolishment of personnel positions;
- (10) Regularly attend Board meetings; and

(11) Perform such other duties as may from time to time be designated or required by the Board.

SECTION 24. Treasurer: Duties, Bonds and Compensation.

(a) The Treasurer shall be appointed by a majority of the Board and have charge of all monies of the Town and it shall be the Treasurer's duty to collect, receive and receipt for taxes and other revenues and bonds of the Town, and the Treasurer shall execute a bond in a sum fixed by the Board, conditioned upon the faithful and honest performance of the duties of the office; the Treasurer shall make a full financial report at least once a month to the Board or more often if required by the Board; the Treasurer shall keep a proper account of all funds of whatever kind which may come into his hands. The funds of the Town shall be disbursed only on warrants authorized by the Board, which when signed by the Treasurer and either the Mayor or Administrator, shall be a full voucher acquittance to the Treasurer for the sum so paid. The Treasurer shall receive compensation to be fixed by resolution of the Board.

(b) The Treasurer shall exercise general supervision over the fiscal affairs of the Town, and general accounting supervision over all the Town's property, assets and disposition thereof; shall be the general accountant and auditor of the Town; shall have custody of all papers, records, and vouchers relating to the fiscal affairs of the Town, and the records in the office shall show the financial operation and condition, property, assets, claims and liabilities of the Town, all expenditures authorized, and all contracts in which the Town is interested. The Treasurer shall require proper fiscal accounts, records, settlements, and reports be kept, made and rendered by the officers of the Town, including all agents and employees who may be charged with the collection or expenditure of money and shall control and continually audit the same. It shall be the duty of the Treasurer to collect, receive and receipt for taxes or other revenues and bonds of the Town and to place such funds in depositories, designated by resolution of the Board, and the Treasurer is hereby made the legal custodian of the Town's tax books and is made tax collector of the Town. No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the Board or be authorized by any officer of the Town unless the Treasurer shall first certify that the money required for such contract, agreement, obligation or expenditure is in the treasury, or safely assured to be

forthcoming and available in time to comply with or meeting such contract, agreement, obligation or expenditure. All such fiscal accounts, records and reports of the Town are public records and shall be open for public inspection. The Treasurer shall also perform all the duties imposed upon him by ordinance or by other sections of this charter. The Treasurer may be disciplined, suspended or discharged by a majority of the Board.

SECTION 25. Recorder, Bond and Compensation. The Recorder shall be appointed by a majority of the Board, shall execute a bond in a sum and shall receive as his compensation a sum fixed by resolution of the Board. The Recorder shall be under the direction of and report to the Board, and shall keep accurate minutes of all proceedings of the Board, ensure that accurate minutes are kept of all committees, commissions, and bonds, of the Town, and have custody and preserve in his office the public records, ordinances, books, minutes, contracts, bonds, deeds, certificates, permits, official security and indemnity bonds, and all other official documents and instruments of the Town, which shall be the property of the Town and shall be open for public inspection. The Recorder may be disciplined, suspended and discharged by a majority of the Board.

SECTION 26. Town Court. There is hereby created and established a Town Court for the Town of Chapel Hill.

(1) There is hereby created the office of Town Judge to be appointed and discharged by a majority of the Board, which shall fix the salary and term of office. The person appointed to the office of Town Judge shall be an attorney-at-law, licensed to practice law within this State, and not an employee or elected official of the Town.

(2) The Town Judge shall preside over the Town Court, shall have the power and authority to impose civil penalties and forfeitures, to punish by civil penalties violations of Town ordinances, to preserve and enforce orders and collection of all penalties, costs and forfeitures imposed by the Court, to accept and receive good and sufficient security for any penalties or forfeitures imposed by the Court. To effectively exercise all powers herein conferred, the Town Judge is expressly empowered to issue any and all warrants or other processes of a criminal nature including, but not limited to, attachments for contempt, subpoenas for witnesses, and attachments to compel the attendance of witnesses, so long as such conduct comports with general law.

(3) The Town Court shall have, and is hereby vested, with jurisdiction to hear and determine all violations of laws and ordinances passed by the Board, to impose civil penalties, costs and forfeitures as

provided by such laws and ordinances, and to perform such acts and duties as may be imposed upon it by the general laws of the State.

(4) All warrants issued shall be in accordance with general law.

(5) The Town Judge, in all cases heard and determined by him for offenses, shall tax in the bill of costs the same amount and for the same items allowed in State cases. He shall certify to the Treasurer for the collection of all civil penalties, costs, and forfeitures imposed by him, violations of the laws and ordinances, and all such civil penalties, costs and forfeitures shall belong to the Town and be paid into its treasury, except such portions of the costs as are claimed by witnesses, not in the employ of the Town, for attendance in court. The Town Judge shall keep or cause to be kept a court docket or dockets embodying complete detailed records of all cases. The Court Clerk shall keep an accurate record of all civil penalties, costs and forfeitures imposed by the court, the amount paid or secured, the names of the persons securing the same, and it shall be the duty of the Town Judge to collect all civil penalties, costs, and forfeitures.

(6) The jurisdiction of the Town Court shall extend to a distance of one (1) mile beyond the corporate limits of the Town for the suppression of acts and practices forbidden by laws and ordinances, provided such jurisdiction shall not extend beyond the limits of Marshall County and does not come within one (1) mile of any other incorporated Town.

(7) The defendant, in all cases heard and determined by the Town Judge as provided by this act, shall have the right to appeal to the Circuit Court of Marshall County, Tennessee, within ten (10) days thereafter, Saturdays, Sundays and holidays excluded, upon giving bond with good and sufficient security for appearance and bond with good and sufficient security for the faithful prosecution of the appeal, provided that in proper cases a defendant may take and subscribe to the oath for poor persons in lieu of the bond for faithful prosecution of the appeal as provided by law.

(8) Whenever the Town Judge shall be absent or unable to attend any session of Town court, the Town Judge is empowered to designate in writing a person to hold session of court, provided such person possesses the qualifications set forth in subsection (1) of this section and takes the same oath. The written designation shall be filed with the Town Court Clerk. [As amended by Priv. Acts 2023, ch. 27, § 7]



SECTION 27. Town Attorney. The Town Attorney shall be appointed and discharged by a majority of the Board and shall be an attorney-at-law admitted to the practice of law within the State and in the courts of this State. It shall be the duty of the Town Attorney to direct the management of all litigation in which the Town is a party; represent the Town in all legal matters and functions and proceedings of whatsoever kind and nature; regularly attend meetings of the Board; advise the Board, officers and department heads of the Town as to all legal matters affecting the Town's interest; and to approve all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by, or with the Town. The compensation of Town Attorney shall be fixed by the Board. The Town Attorney is designated the delinquent tax attorney for the Town.

SECTION 28. Taxation and Revenue. The Town of Chapel Hill is expressly empowered to assess, levy, and collect taxes upon all property and privileges within its limits, which are or shall hereafter be taxable by the laws of Tennessee, and to assess, levy and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly prohibited by the general laws of Tennessee. The assessment, levy and collection of taxes and special assessments shall be under the general supervision and control of the Town's Treasurer subject to limitations elsewhere found in this Charter and such limitations as may be imposed by ordinance. As soon as practicable in each year after the assessment books for the State and County are complete (which shall be after the County's Equalization Board has finished its works), it shall be the duty of the Town's Treasurer to prepare or cause to be prepared from the assessment books of the County and of the Tennessee Regulatory Authority, tax books similar in form to that required by the laws of the State to be made out for the County Trustee, embracing, however, only such property and persons as are liable for taxes within the Town. Such books, when certified to be true, correct and complete by the Town's Treasurer, shall be the assessment for taxes in the Town for all municipal purposes; provided that there may be an assessment by the Town's Treasurer at any time of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment book of the Town. The Treasurer shall obtain from the Tennessee Regulatory Authority an assessment roll showing all property, real, personal and mixed assessed by it which shall, as soon as practicable in each year, be incorporated into the tax book. On the first day of March of the year following that for which tax is assessed, a penalty of one-half of one percent (0.5%) and interest of one-half of one percent (0.5%) shall be imposed on all taxes remaining unpaid and collected by the Town. An additional penalty of one-half of one percent (0.5%) shall be added for each month thereafter until the same is paid in full. The Town's Treasurer shall have all powers provided by law to collect delinquent taxes and all delinquent taxes made by proper action be turned over to the Town's

attorney or to the tax attorney of Marshall County to institute actions to enforce collection of delinquent taxes due the Town.

SECTION 29. Police Department. The Administrator shall hire the Chief of Police (who may also be the Chief of the Fire Department) and such other policemen and other members of the police force as may be required, whose salaries shall be fixed by the Administrator within the budget for the police department for the current fiscal year. It shall be the duty of the Chief of Police and members of the police force to preserve order in the Town, protect the inhabitants and property owners therein from violence, crimes and all criminal acts, to prevent the commission of crimes, violence, violations of law and Town ordinances and perform general police duties; to execute and return all processes, notices and orders of the Town court, and to execute all other processes, notices and orders as may be provided in this charter or by ordinance. The Police Chief in time of riot or other emergency shall have power to summon any citizen of the Town to assist the police force.

SECTION 30. Fire Department. The Administrator shall hire the Chief of the Fire Department (who may also be the Chief of Police) and such other members of the fire department as may be required whose salaries or compensation shall be fixed by the Administrator within the budget for the fire department for the then current fiscal year. It shall be the duty of the Chief of the Fire Department and the members thereof to take all proper steps toward the prevention and suppression of fires. The Chief of the Fire Department shall have the same police powers at a fire as the Chief of Police. The Chief of the Fire Department shall serve as fire marshal whose duties shall be to investigate the cause, origin and circumstances of fires, and loss occasioned thereby, and assist in the prevention of arson. The Board shall have full power and authority by resolution to authorize the use of the Town's fire-fighting equipment and personnel outside the corporate limits to suppress and extinguish fires subject to such conditions and limitations of such action as the Board may by resolution impose.

SECTION 31. Process Served Upon Mayor. All legal process against the Town shall be served upon the Mayor, or in the event of the Mayor's absence, death or unavailability for any reason, then upon the Vice Mayor or Recorder, and a copy of such process shall be forthwith transmitted by the Mayor, Vice Mayor or Recorder to the Town Attorney after designating thereon the time, place and manner of service.

SECTION 32. Evidence Clause. This act is declared a public act, and may be read in evidence in all courts of law of equity.

SECTION 33. Effect on Incumbent. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent nor the

effect of removing any incumbent from office, nor abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 34. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Private Act, which can be given effect without the invalid provision or application, and to that end the provisions of this Private Act are declared to be severable.

SECTION 35. Board Approval. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Chapel Hill. Its approval or non-approval shall be proclaimed by the presiding officer of the Board of Mayor and Aldermen of the Town of Chapel Hill and certified to the Secretary of State.

SECTION 36. 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 as provided in Section 35.

PASSED: June 19, 2002

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s/Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

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

APPROVED this 27<sup>th</sup> day of June 2002

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s/Don Sundquist  
DON SUNDQUIST, GOVERNOR

ACTS COMPRISING THE CHARTER FOR THE TOWN OF  
CHAPEL HILL, TENNESSEE

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YEAR	CHAPTER	SUBJECT
2002	159	Basic charter act
2023	27	Replaced § 6; amended § 12; replaced § 14; amended § 15; replaced § 16; repealed § 17; and amended § 26.