

CHARTER FOR THE TOWN OF CORNERSVILLE, TENNESSEE¹

CHAPTER NO. 150

HOUSE BILL NO. 2880

By Representative Fowlkes

Substituted for: Senate Bill No. 2861

By Senator Jordan

AN ACT to repeal Chapter 563 of the Private Acts of 1915, as amended by Chapter 269 of the Private Acts of 1917, Chapter 86 of the Private Acts of 1975, and any other acts amendatory thereto, to continue the corporate existence of the Town of Cornersville, Tennessee, and to provide a new charter.

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. Repeal of existing charter	C-2
2. Definitions	C-2
3. Use of "shall" and "may"	C-3
4. Incorporation	C-3
5. Corporate boundaries	C-3
6. Board of mayor and aldermen - composition; qualifications; compensation; oath	C-4
7. Vice mayor - elected; administrator, recorder, and treasurer - appointment	C-4

¹Priv. Acts 1994, ch. 150, is the current basic charter act for the Town of Cornersville, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2020 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>
8. Present members of board; term of office of board; elections	C-4
9. Voter qualifications	C-5
10. Election commission to hold elections	C-5
11. Candidates for board	C-5
12. Board of mayor and aldermen - quorum and vacancy in office	C-6
13. Removal of board members from office	C-6
14. Meetings of the board	C-6
15. Mayor - duties and powers	C-7
16. Ordinances	C-7
17. Ordinance powers of board	C-8
18. Property of town	C-12
19. Powers in charter	C-12
20. Board has no power to exempt property	C-12
21. Bonds	C-12
22. Budget committee	C-13
23. Administrator - bond, compensation, and duties	C-13
24. Recorder - bond, compensation, and duties	C-14
25. Treasurer - bond, compensation, and duties	C-14
26. Taxes	C-15
27. Town court and town judge - established	C-15
28. Town attorney - appointment, qualifications, and duties	C-17
29. Chief of police - appointment, compensation, and duties	C-17
30. Chief of fire department - appointment, compensation, duties, and powers	C-17
31. Code of ordinances	C-18
32. Act declared public act	C-18
33. Officers to hold office under new charter	C-18
34. Severability	C-18
35. Local approval required	C-18
36. When effective	C-19

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

SECTION 1. Chapter 563 of the Private Acts of 1915, as amended by Chapter 269 of the Private Acts of 1917, Chapter 86 of the Private Acts of 1975, and any other acts amendatory thereto, is hereby repealed in its entirety, and Sections 2 through 32 shall become the charter for the Town of Cornersville.

SECTION 2. 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 Administrator, Recorder, Treasurer, and any other person appointed by the Board;
- (6) "Officer" means the Mayor, Aldermen, Town Judge, and Town Attorney;
- (7) "Mayor" means the one elected or appointed to serve in such capacity;
- (8) "State" means the State of Tennessee; and
- (9) "Town" means the Town of Cornersville, Tennessee.

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

SECTION 4. The Town of Cornersville, in the County of Marshall, State of Tennessee, and the inhabitants thereof, within the boundaries hereinafter set out, shall continue as a body politic and corporate under the name and style of "Town of Cornersville", and by that name shall have perpetual succession; may use a common seal, and may alter it at pleasure; may sue and be sued, plead and be impleaded in all courts of law and equity in all actions whatever; 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 and do all other things touching the same as a natural person may do.

SECTION 5. The corporate boundaries or limits of the Town of Cornersville shall embrace all the territory now within the corporate limits of the Town as of the effective date of this act, as heretofore established and defined by the acts of the General Assembly of the State, by ordinances of the

Town and by law or ordinances as may hereafter be modified by acts of the General Assembly or ordinances¹ of the Town.

SECTION 6. The corporate and legislative authority of the Town shall be vested in a Board, and in such officers as may be appointed or elected pursuant to law, or as otherwise provided in this charter. The Board shall be composed of a Mayor and five (5) Aldermen, who shall be eighteen (18) years of age, or older, and reside in the Town of Cornersville at least six (6) months next preceding their election in the Town. Should the residence in the Town of any one (1) of the Mayor and Aldermen cease after such official's election, the office shall become vacant. The Mayor and Aldermen, as such officials, shall receive such compensation as established in the ordinance adopting the annual budget. The compensation of the Mayor shall not be diminished during the Mayor's term of office. Before entering their duties, the Mayor and Aldermen shall take the following oath before some person qualified to administer oaths:

"I do solemnly swear (or affirm) that I will support the Constitutions of the United States and the State of Tennessee, this charter, and ordinances and resolutions of the Town of Cornersville, and will faithfully discharge the duties of the office which I am about to enter without favor or fear, alone for the public good, so help me God."

The oath shall be in writing, signed by the person taking the oath, and entered upon the minutes of the Board. [As amended by Priv. Acts 2010, ch. 42, § 2]

SECTION 7. The Board shall elect an Alderman to the office of Vice Mayor for a period of two (2) years, who shall serve when the Mayor is temporarily absent or unable to discharge the duties of the office, and who shall retain voting privileges while serving in the absence of the Mayor. The Board shall appoint an Administrator, Recorder and Treasurer, who may be the same person, and shall not be the Mayor or an Alderman, whose term and salary shall be determined by the Board.

SECTION 8. (a) The persons serving as Mayor and Aldermen on December 31, 2010, shall continue to serve until their successors take office as provided in this section.

(b) A municipal election shall be held with the general November election in 2012 to choose successors to the Mayor and two (2) Aldermen elected in June 2007.

¹Annexation ordinances are of record in the office of the recorder.

(c) A municipal election shall be held with the general November election in 2014 to choose successors to the three (3) Aldermen elected in June 2009.

(d) Terms of office are four (4) years, but an office holder shall continue to serve until a successor is chosen and takes office.

(e) Subsequent municipal elections shall be held with the general November election.

(f) Elections are at-large, with the persons receiving the highest number of votes, corresponding to the number of positions to be filled, being elected.

(g) A tie vote will be dealt with as provided in state law.

(h) Persons elected take office immediately after the approval of the minutes at the next regular meeting of the Board after the election.

(i) The Mayor, Recorder or any other official authorized to administer oaths may administer the oaths of office. [As replaced by Priv. Acts 2010, ch. 42, § 1]

SECTION 9. In all elections held in the Town of Cornersville, for any purpose, those persons shall be entitled to vote who are qualified voters for members of the general assembly, and who have resided in the Town. [As amended by Priv. Acts 2010, ch. 42, § 3]

SECTION 10. All elections held in the Town shall be called and held by the Election Commission of the County, under the rules and regulations now prescribed by law for the civil district in which the Town is located. After canvassing the returns, it shall be the duty of the election commission, in addition to the procedure required by County and State elections, to certify the results of each election within fourteen (14) days from the election date, and file such certificate, together with one (1) copy of the poll and tally streets with the Town's Recorder. The Election Commission shall hold an election in the Town on such dates as are specified In this charter, and at such other times as requested by the Board to hold an election for purposes authorized by this charter or the general laws of the State.

SECTION 11. All persons desiring to be a candidate for Mayor or Alderman and have their names on the ballot must comply with the provisions of Tennessee Code Annotated, Chapter 5, Title 2.

SECTION 12. A majority of the Aldermen shall constitute a quorum for the transaction of business. In case of death, resignation or removal of the Mayor or any Aldermen, or any vacancy in the office thereof, the Board, by a majority vote of all Aldermen, shall have the power to fill the vacancy until the next Town election. The Board may by a majority vote of all Aldermen remove from office the Administrator, Recorder, Treasurer, Judge, Attorney, or any person appointed by the Board and shall fill such vacancies in the same manner as provided for appointment to such offices.

SECTION 13. The Mayor or any Alderman may be removed from office for any malfeasance in office, crime or other offense against either the laws of the State, or act prohibited by ordinances of the Town, or for other misconduct showing unfitness for office, failure to attend all Board meetings for three (3) consecutive months, or for permanent disability, upon unanimous vote of all Aldermen if removal of the Mayor is sought, and all other Aldermen if removal of an Alderman is sought. Proceedings for removal of the Mayor or any Alderman shall be instituted upon specific charges in writing, made by any person or persons to the Board. When in the opinion of a majority of Aldermen the charges are sufficient to warrant a hearing, the Board shall cause a copy of the written charges to be served by any policeman upon the accused, accompanied by written notice stating the time and place of the hearing, when the accused shall have the right to process and subpoena of the Board to compel attendance of witnesses in the accused's behalf. At the termination of the hearing a roll call vote shall be taken of the Alderman, exclusive of the accused, and the names of the Aldermen voting shall be recorded in the journal of the meeting, and in the event of a vote for removal, the term of the accused shall cease without further action. Any person removed under the provisions of this section, shall have the remedy of appeal or writ of certiorari to the proper court of appellate jurisdiction, but pending the determination of the writ of certiorari or appeal, such person's office shall be vacant and the Board shall proceed to fill such vacancy in the same manner as though such vacancy occurred for any other cause.

SECTION 14. The Board or Mayor and Aldermen shall hold at least one (1) regular meeting each month for the transaction of business. The place and time of the regular meeting shall be at the Town Hall on the first Thursday of each month unless changed by ordinance. A special meeting may be called by the Mayor and any two (2) Aldermen by two (2) days written notice to the members of the Board stating the purpose or purposes for which the special meeting is called and no other business shall be considered at the special meeting. The Board shall have the power at any meeting, regular or special, to adjourn to a time certain for the transaction of any business which may be brought before it.

SECTION 15. 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, and in absence of both, by a Mayor Pro Tem, an Alderman, elected by a majority of the quorum present.

The Mayor shall have a voice in the proceedings of the Board and privilege of discussing and stating opinions, but the Mayor shall not be entitled to vote on any question or matter except in the event of a tie vote of Aldermen in which case the Mayor shall be entitled to vote. The Mayor shall have no power to introduce an ordinance, resolution or motion before the Board or take any action at meetings other than expressly provided herein. It shall be the Mayor's duty to sign the journal of all Board meetings in the Mayor's official capacity, and all ordinances and resolutions passed by the Board, to execute all deeds, bonds, contracts, notes and other instruments in the name of the Town. The Mayor shall not have any regular administrative duties and as chief executive of the Town shall perform all other duties and effectively exercise all such powers as may be conferred or imposed upon the Mayor by ordinance, not in conflict with the provisions of this charter. All legal processes against the Town shall be served upon the Mayor, or in the event of the Mayor's absence or unavailability for any reason, then upon the Vice Mayor or Recorder, and a copy of such process shall be promptly delivered to the Town's Attorney.

SECTION 16. No bill shall become a law or ordinance without having been passed on two (2) separate readings on two (2) separate days by majority vote of the quorum of the Board. When not prohibited by State law, an ordinance may be amended on any reading.

All bills shall contain the following enacting clause: "Be it enacted by the Board of Mayor and Aldermen of the Town of Cornersville".

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

No ordinance shall take effect until its passage on second reading, and at such time provided in the ordinance. If it is an emergency ordinance, the ordinance shall state that an emergency exists and the circumstances and reasons for such 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.

A certified copy of the minutes, or portion or the minutes, showing the passage of the ordinance on final reading shall be full and sufficient evidence of the ordinance 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 2010, ch. 42, § 4]

SECTION 17. The Board shall have the power by ordinance as heretofore provided to:

(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 State, County or Town 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 hereinafter provided;

(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 Town, upon the credit of the Town or solely upon the credit of specific property owned by the Town or solely upon the credit income derived from any property used in connection with any public utility owned or operated by the Town, 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 Town 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 Town or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the Town, for present or future public use; the condemnation shall be effected in accordance with the terms and

provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the Town 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 of service to the Town, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled at Tennessee Code Annotated, Title 9, Chapter 21.

(12) Grant to any person, firm, association or corporation (including the Town) franchises for public utilities and public services to be furnished the Town and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the Town itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The Board may prescribe in each grant a franchise, the rate, 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 Town at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the Town and those therein. 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 no 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 Town at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares that thereafter may be opened;

(14) Prescribed 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 herein 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, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107--7-31-111 and Section 29-16-114, or any other manner provided by general law;

(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 street, highways or alleys under, and as provided by Tennessee Code Annotated, 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 removal, 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 market places, 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 animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use 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 Town, 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 Town, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, 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 workhouse for the confinement and detention of any person convicted in the Town Court of offenses against the laws and ordinances of the Town who fails to secure the fine imposed upon such person, or contract with the County to keep these persons in the workhouse of the County and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

(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.

(b) No penalty may exceed Five Hundred Dollars (\$500) for any one (1) offense;

(c) Each day an offense continues shall be a separate and distinct offense.

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee 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 nets necessary to establish, maintain and operate a complete educational system within the Town;

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

(31) Call elections as therein provided; and

(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.

SECTION 18. All public streets, alleys, bridges, sidewalks, culverts, etc., now located within the corporate boundaries of the Town, are hereafter accepted as public streets, alleys, bridges, sidewalks, culverts, etc., 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. The enumeration of 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 article impair the powers granted in any subsequent article or 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 of such objects and for any one (1) or more such purposes.

SECTION 20. The Board shall possess no power, and is hereby expressly forbidden, to exempt any property 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. The Town may as permitted by law under the Revenue Bond Financing Act of 1937 and the Local Government Public Obligation Act of 1986 issue such bonds, notes and other obligations as deemed desirable or necessary or both.

SECTION 22. The Budget Committee shall consist of the Mayor, two (2) Aldermen, Administrator, Recorder and Treasurer. The Budget Committee shall recommend to the Board the budget for the ensuing year, to include annual compensation of the Mayor and Aldermen. The two (2) Aldermen shall be selected by the Board.

SECTION 23. The Administrator shall execute a bond and shall receive as compensation a sum fixed by resolution of the Board. The Administrator shall be under the direction and control of the Board; report and be responsible to the Board; and shall:

- (1) Administer the business of the Town;
- (2) Recommend to the Board employment, promotion and discharge of all employees;
- (3) Direct, control, supervise, discipline and suspend all employees, in accordance with policies and procedures adopted by the Board;
- (4) Issue licenses and permits on behalf of the Town;
- (5) Act as purchasing agent for the Town in the purchase of all the materials, supplies and equipment for the proper conduct of Town business; provided that all purchases shall be made In accordance with policies, practices and procedures established by the Board;
- (6) Make recommendations to the Board for improving the quality and quantity of public service to be rendered by the Town to its citizens;
- (7) Keep the Board fully advised as to the condition and needs of the Town;
- (8) Report to the Board the condition of all property, real and personal, owned by the Town and recommend repairs or replacements as needed;
- (9) Recommend to the Board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the Town;
- (10) Recommend specific personnel positions, as may be required for the needs and operations of the Town, and may propose personnel policies and procedures for approval by the Board;

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

SECTION 24. The Recorder shall execute a bond in a sum and receive compensation fixed by resolution of the Board. The Recorder shall be under the direction and control of the Board; report and be responsible to the Board; and shall:

(1) Keep accurate minutes of all proceedings of the Board;

(2) Have custody of, and preserve in the Recorder's office, the public records, ordinances, ordinance books, minutes of the boards, contracts, bonds, deeds, certificates and papers, all official indemnity and security bonds, and all other bonds, oaths and information and all other records, documents and keep an accurate and modern index thereof. All such records shall be the property of the Town; and

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

SECTION 25. The Treasurer shall execute a bond in a sum and receive compensation fixed by resolution of the Board. The Treasurer shall be under the direction and control of the Board, report and be responsible to the Board; and shall have charge of all monies of the Town. The Treasurer shall collect, receive and issue receipt for taxes and other revenues and bonds of the Town. 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 the Treasurer's hand. The funds of the Town shall be disbursed only on warrants authorized by the Board which, when signed by the Mayor and Administrator and paid by the Treasurer, shall be a full voucher acquittance to the Treasurer for the sum so paid.

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. The Treasurer shall be the general accountant of the Town and have custody of all papers, records, and vouchers relating to the fiscal affairs of the Town. The records in the Treasurer's 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 to be kept, made and rendered to the Treasurer 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 issue receipts for taxes and other revenues and bonds of the Town and to place such funds in depositories, designated by resolution of the Board. 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 authorized by any officer, unless the Treasurer shall first certify that the money required for such contract, agreement, obligation or expenditure is in the treasury, or safely assure the money required is to be forthcoming and available in time to comply with or meeting of such contract, agreement, obligation or expenditure. The Treasurer shall also perform other duties imposed by ordinance or the Board.

SECTION 26. The Town 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 the State. The assessment, levy and collection of taxes and special assessment shall be under the general supervision and control of the Treasurer subject to limitations elsewhere found in this charter and such limitations as may be imposed by ordinance. As soon as practicable and each year after the assessment books for the State and County are complete (which shall be after the Equalization Board provided for by general law shall have finished its work), 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 Public Service Commission of the State, 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 Public Service Commission of the State 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.

SECTION 27. There is hereby created and established a Town Court and Town Judge for the Town.

(1) There is hereby created the office of Town Judge to be appointed by the Board, which shall fix the qualifications, salary and term of office.

(2) The Judge shall preside over the Town Court and shall have the power and authority to impose penalties and forfeitures, and to punish by penalty violations of Town ordinances, to preserve and enforce order in court, to enforce collection of all penalties, costs and forfeitures imposed. The Judge shall have the power and authority to accept and receive good and sufficient security for any penalties or forfeitures imposed and in default of payment of such penalties or forfeitures, to commit the offender to such place provided by the Board for such purposes, until such penalties, costs or forfeitures shall have been paid in full. To effectively exercise all powers herein conferred upon the Town Judge, the Judge is expressly empowered to issue any and all warrants or other processes, attachments for contempt, subpoenas for witnesses, and attachments to compel the attendance of witnesses.

(3) The Town Court shall have, and is hereby vested with jurisdiction to hear and determine all violations of ordinances passed by the Board, and to impose penalties, costs and forfeitures as provided by such ordinances, and to perform such acts and duties as may be imposed upon it by the general laws of the State.

(4) There shall be inserted in all warrants the following caption: "Town of Cornersville". Only (1) warrant shall be issued for the same violation, such warrant to embrace all parties charged with the same violation. Warrants shall be signed and issued by the Judge or Court Clerk. The warrant shall state with reasonable certainty the offense charged, and when executed, shall bear the return and endorsement of the officer, showing the action in the premises.

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

The Court Clerk, who may be the Administrator or Recorder, shall keep an accurate record of all 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 Judge to collect all penalties, costs and forfeitures imposed.

(6) The Town and defendant, in all cases heard and determined by the Judge as provided by this act, shall have the right to appeal to the Circuit Court of Marshall County, Tennessee, within ten (10) days after the Judge's decision, Saturdays, Sundays and holidays excluded, upon giving 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 bond for the faithful prosecution of the appeal as now provided by general law.

(7) Whenever the Judge shall be absent or unable to attend any session of the Town Court the Judge is empowered to designate in writing, a person to hold the session of court in the Judge's stead, provided such person possesses the same qualifications as the Judge and takes the same oath. The written designation shall be filed with the Town Court Clerk.

SECTION 28. The Board shall appoint a Town Attorney who 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; attend all meetings of the Board; advise the Board, officers and department heads of the Town as to all legal questions 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 salary and term of office of Town Attorney shall be fixed by resolution of the Board. The Town Attorney is designated the delinquent tax attorney for the Town.

SECTION 29. The Board, upon recommendation of the Administrator, may appoint a Chief of Police, whose salary shall be fixed by the Board. The Chief of Police will report to the Administrator. 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, violations of law and Town ordinances and to 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 Administrator in time of riot or other emergency shall have the power to summon any citizen of the Town to assist the police force. [As amended by Priv. Acts 2010, ch. 42, § 5]

SECTION 30. The Board, upon recommendation of the Administrator, may appoint a Chief of the Fire Department, whose salary shall be fixed by the

Board. The Fire Chief will report to the Administrator. It shall be the duty of the Fire Chief and the members of the fire force to take all proper steps toward the prevention and suppression of fires.

The Fire Chief 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. [As amended by Priv. Acts 2010, ch. 42, § 6]

SECTION 31. The Board is expressly empowered to enact a Code of Ordinances, in which may be embraced all ordinances of administration, legislative or penal nature, including any and all ordinances necessary or proper to fully exercise the powers and duties, conferred or imposed by the provisions of this charter, but the enactment of such code shall be mandatory. However, in the case of the enactment or adoption of such code and if through oversight, mistake or typographical or printing error or inadvertence the taxing power and authority of the Town Is restricted or limited, then the powers granted in this charter and under the general law and under the valid ordinance shall prevail over the provisions of the Code.

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

SECTION 33. Persons holding office under the charter existing at the time of the adoption of this charter shall continue to hold those offices until their successors are elected or appointed and take office according to the terms and provisions of this charter and all valid existing ordinances of the Town shall remain in full force and effect unless hereafter amended or repealed.

SECTION 34. The provisions of this charter are hereby declared to be severable, and if any section or part of a section, be declared to be invalid or unconstitutional, the validity, force and effect of any other section, or part of a section, shall not thereby be affected, unless it clearly appears that such other section, or part of a section, is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

SECTION 35. This charter shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board. Its approval or nonapproval shall be

proclaimed by the presiding officer of the Board and certified to the Secretary of State.

SECTION 36. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 35.

PASSED: March 24, 1994

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

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

APPROVED this 5 day of April 1994

s/Ned McWherter
NED McWHERTER, GOVERNOR

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

YEAR	CHAPTER	SUBJECT
1994	150	Basic charter act.
2010	42	Amended § 6 relative to resident requirements of aldermen; replaced § 8 relative to terms of mayor and aldermen; amended § 9 relative to elections; amended § 16 relative to ordinances; amended § 29 relative to chief of police; and amended § 30 relative to fire chief.
