

CHARTER FOR THE TOWN OF LOOKOUT MOUNTAIN<sup>1</sup>

PRIVATE CHAPTER NO. 210

HOUSE BILL NO. 2825

By Representative McAfee

Substituted for: Senate Bill No. 2825

By Senator Albright

AN ACT to enact a Charter for the Town of Lookout Mountain and to repeal Chapter 152 of the Private Acts of 1911, as amended by Chapter 519 of the Private Acts of 1933, Chapter 88 of the Private Acts of 1937, Chapter 22 of the Private Acts of 1957, Chapter 229 of the Private Acts of 1959, Chapter 431 of the Private Acts of 1968, Chapter 154 of the Private Acts of 1975, and any other act amendatory thereto.

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

SECTION 1. Chapter 152 of the Private Acts of 1911, as amended by Chapter 519 of the Private Acts of 1933, Chapter 88 of the Private Acts of 1937, Chapter 22 of the Private Acts of 1957, Chapter 229 of the Private Acts of 1959, Chapter 431 of the Private Acts of 1968, Chapter 154 of the Private Acts of 1975, and any other act amendatory thereto is repealed in its entirety. The Town of Lookout Mountain, Tennessee, shall continue as a body politic and corporate by the name and style of Lookout Mountain, Tennessee, and this act shall constitute its complete Charter.

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<sup>1</sup>Priv. Acts 1992, ch. 210, is the current basic charter act for the Town of Lookout Mountain, 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.

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ARTICLE I

CORPORATE NAME AND BOUNDARIES OF TOWN

Section 1. Name; boundaries. The inhabitants of the Town of Lookout Mountain within the boundaries as now established or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate under the name and style of the "Town of Lookout Mountain," and under that name shall have perpetual succession, such boundary of the town being as follows:

Beginning at a point on the main bluff of Lookout Mountain, on the Eastern side or brow thereof, where the southern line of the right-of-way of the former Chattanooga and Lookout Mountain Railway strikes the top of the mountain near what is known as the Lookout Mountain House; thence southwardly with the top of the main bluff of the mountain to the State line between Tennessee and Georgia; thence west along such state line to the top of the main, on the western side of the mountain; thence along the top of such bluff, or extreme western brow, to a point on the western line of the right-of-way of the electric railway North of Sunset Rock where the western bluff intersects the right-of-way; thence with the western line of the right of way to a point near the Point Hotel; thence northwardly and then eastwardly so as to include within the limits of the

town the Point Hotel; thence southwardly to the point of the mountain; thence southwardly with the top of the main bluff of the mountain on the eastern brow thereof to the point of beginning.

## ARTICLE II

### CORPORATE POWERS

Section 1. Enumerated powers. The town shall have power and authority 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 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 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 municipality, in accordance with state law;

(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 effected in accordance with the terms and provisions of state law, 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 of service to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality 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 municipality itself. Franchises

may be granted for a period of time to be fixed by the mayor and board of commissioners. The board may prescribe in each grant of 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 municipality 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 municipality 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. 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 thereafter may be opened;

(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 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 provided by the general laws of the state;

(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 state law;

(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 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 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 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 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 municipality 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 fine may exceed the limit established by state law for violation of municipal offenses;

(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 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 elections as herein provided;

(32) By ordinance, assess, impose, levy and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula is prescribed by ordinance;

(33) Establish and maintain a Lookout Mountain police department, fire department and emergency service department;

(34) By ordinance, to regulate Lookout Mountain guides, and may require an application from such, and an examination as to character, qualifications, etc., and may require that no one shall act as guide without such application, examination and the issuance of a license;

(35) Regulate and control the rates charged Lookout Mountain and the public within the town by all public-service corporation and all quasi-public corporations operating within the corporate limits of Lookout Mountain;

(36) Levy and collect fees for all general and special purposes on all subjects and objects allowable by law for state, county or municipal purposes; and

(37) 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.

### ARTICLE III

#### ELECTIONS - QUALIFICATION OF COMMISSIONERS - SCHOOL DIRECTORS

Section 1. Commissioners - number, term and qualifications. The government of the town be, and the same is hereby, vested in five (5) commissioners to be elected by the qualified voters of such town as hereinafter provided, and who shall hold their office for two (2) years or until their successors are elected and qualified. Each of the commissioners shall be a bona



fide citizen, resident of, and qualified voter in the town, and shall have been such for one (1) year next preceding his election.

Section 2. School directors - number, term and qualifications. At the same time the town commissioners are elected there shall be elected a board of three (3) school directors to serve for two (2) years or until their successors are elected and qualified. Each of the directors shall be a bona fide citizen, resident of, and qualified voter in Lookout Mountain and shall have been such for one (1) year next preceding their election.

Section 3. General election laws apply. All elections shall be conducted by the commissioners of elections of Hamilton County in accordance with the general election laws and this charter.

Section 4. Pre-election meeting. It shall be the duty of the mayor to call, every two (2) years, prior to the date set for the regular election, a town meeting for discussions of town matters, speeches of candidates or their sponsors, etc. If the mayor fails to call such meeting before ten (10) days prior to the date herein fixed for the regular election, a majority of the commissioners may call such meeting.

Section 5. Date of elections. On the first Thursday in August in each even numbered year hereafter there shall be held an election in the town for the purpose of electing five (5) commissioners and three (3) school directors, as provided for in Sections 1 and 2 of this article.

Section 6. Voter qualifications. Persons who are bona fide citizens of the Town of Lookout Mountain and meet the residency requirements prescribed by the election laws of the State of Tennessee, shall be eligible to vote in town elections provided such person is properly registered in accordance with the applicable laws of Tennessee.

Section 7. Elected officials. The five (5) persons receiving the highest number of votes for town commissioners at such election shall respectively be declared elected as such commissioners for the term hereinbefore provided, and the three (3) candidates receiving the highest number of votes among the candidates for school directors shall constitute the board of school directors of such town, and each shall receive a certificate of such election from the officer or officers who hold such election.

Section 8. Election expenses. The expense of holding such election shall be paid out of funds of such town.

Section 9. Recall of commissioners and school directors. Any commissioner or school director of such town elected under this act may be removed from office by the qualified voters of such town. The procedure to effect such removal shall be as follows:

(a) A petition signed by qualified voters equal in number to at least twenty-five percent (25%) of the total number of registered voters actually voting in the last preceding town election demanding an election of a successor to the person sought to be removed shall be filed with the commissioners of election of Hamilton County, which petition shall contain a general statement of the grounds for which the removal is sought.

(b) The signatures to such petition need not be appended to one (1) paper, but each signer shall add to his signature his place of residence.

(c) One (1) of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements made therein are true as the signer believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(d) Within fifteen (15) days from the date of filing such petition the board of election commissioners shall examine the same and ascertain whether it is signed by the required number of persons and whether such persons are qualified voters as shown by the registration books, and they shall attach to such petition their certificates showing the result of such examination.

(e) If by the certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of such certificate.

(f) The board of election commissioners shall within fifteen (15) days after such amendment make like examination of the amended petition; and if their certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same. If by their certificate the petition is shown to be sufficient, the board of election commissioners shall at once order and fix a date for holding such election, not less than thirty (30) days nor more than sixty (60) days from the date of their certificate showing that a sufficient petition has been filed.

(g) The commissioners of election shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared and the expenses thereof paid in all respects as in other town elections.

(h) The successor of any commissioner or director so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the commissioners shall place such person's name on the official ballot without nomination.

(i) In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some person other than the incumbent receives the highest number of votes, the incumbent shall

thereupon be deemed removed from the office upon the qualification of his successor.

(j) In case the person who received the highest number of votes shall fail to qualify within ten (10) days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, the incumbent shall continue in office. Such method of removal shall be cumulative and additional to the methods heretofore existing by law.

(k) Candidates for commissioner or director in the case of a recall election, except as to the incumbent subject of recall, shall be qualified as provided in Section 1 of Article III, hereof.

## ARTICLE IV

### THE COMMISSIONERS - TREASURER AND CLERK

Section 1. Commissioners and school directors - assumption of office. The town commissioners and school directors shall assume office at the time herein provided for the next regular monthly meeting in September following their election.

Section 2. Election of mayor, mayor pro-tem, treasurer and clerk. At the first meeting of the newly elected commissioners such commissioners shall elect one (1) of their number mayor, another mayor pro-tem, another treasurer, and another clerk of such town; provided, however, that the treasurer and clerk may be one and the same person. At such meeting or as soon thereafter as practicable, the mayor shall designate the departments of which each of the other commissioners are to be in charge: department of fire and police, department of education, department of public works and department of parks and playgrounds. The commissioners so designated to a department shall have supervision of the activities of such department, subject at all times however to control by the board of commissioners.

Section 3. Quorum. A majority of the commissioners of the town shall constitute a quorum for the transaction of business.

Section 4. Commission meetings. The commissioners shall hold regular monthly meetings, as provided by ordinance, at the town hall for the transaction of business. The meetings shall be at such time of the day as the commissioners shall designate within the ordinance. The mayor, or a majority of the commissioners, may call special meetings, notice of which shall be given by the clerk of all commissioners, if practicable, at least twenty-four (24) hours in advance of the holding of any special meeting. Regular and special meetings shall be advertised in a local newspaper of general circulation.

Section 5. Mayor - mayor pro-tem. It shall be the duty of the mayor to preside at all meetings of the commissioners and to exercise general supervision over all the affairs of such town, including its fiscal affairs. In the absence of the mayor, or in case of the mayor's inability to act, the mayor pro-tem shall possess and exercise all the functions of the mayor; but should both the mayor and mayor pro-tem be absent or incapable of acting, the commissioners shall elect one (1) of their number to act.

Section 6. Treasurer - general financial duties. The treasurer shall have supervision of the financial and accounting affairs of the town, including the recording of tax and license assessments, their collection and deposit.

Section 7. Treasurer - money management duties. It shall be the duty of the treasurer of the town to receive all sums collected, from taxation, fines or other sources, and all other funds which may belong to the town arising from any source whatever and to properly account for same.

Section 8. Treasurer - to be bonded. Before assuming the duties, the treasurer shall execute bond in a responsible bonding company, the expense for which shall be paid out of funds of the town, payable to the town, to be approved by the mayor, in such penalty as may be fixed by ordinance of the town, and shall be conditioned to faithfully account for all funds coming into the treasurer's hands and to faithfully perform the duties of the treasurer's office.

Section 9. Assistant treasurer. All disbursements shall be made by the treasurer of the Town of Lookout Mountain by check or voucher check, or by an assistant treasurer to be designated by the board of commissioners from time to time. Such assistant treasurer, before assuming the office and duties of assistant treasurer, shall execute bond in a responsible bonding company, the expense for which shall be paid out of funds of the town, payable to the town, to be approved by the mayor, in such penalty as may be fixed by ordinance of the town, and shall be conditioned to faithfully account for all funds coming into the assistant treasurer's hands and to faithfully perform the duties of the assistant treasurer's office. All funds received by the treasurer shall be deposited in a depository designated by the commissioners of the town.

Section 10. Clerk - duties. It shall be the duty of the clerk to keep a record of all business transacted by such commissioners at their regular or special meetings, to give public notice of all meetings of commissioners and to perform such other duties as may be required of the clerk by ordinance or resolution of the commissioners.

Section 11. Vacancies on commission. A vacancy shall exist if a commissioner resigns, dies, moves his residence from the town, has been

continuously disabled for a period of six (6) months so as to prevent the commissioner from discharging the duties of the commissioner's office, accepts any state, county or other municipal office or position of employment which is filled by public election or which is remunerative, except as a notary public or member of the National Guard, or is convicted of malfeasance or misfeasance in office, a felony, or a violation of the election laws of the state. A vacancy shall be filled within sixty (60) days by an affirmative vote of the majority of the remaining commissioners, the appointee to serve until the next regular town election. If a tie vote by the commissioners to fill a vacancy is unbroken for sixty (60) days, the mayor shall appoint a qualified person to fill the vacancy. No appointment to fill the vacancy shall be made within sixty (60) days prior to any regular town election.

Section 12. Oath of office. All elected and appointed officials as hereinafter provided for, shall each before entering upon their respective duties take and subscribe to an oath to honestly and faithfully discharge their duties as such officers of such town.

## ARTICLE V

### THE BOARD OF SCHOOL DIRECTORS

Section 1. Duties. It shall be the duty of the school directors to act in an advisory capacity to the board of commissioners on all matters relating to the operation of the public schools in the town.

Section 2. Vacancies on board. Should a vacancy occur in the board of school directors, it shall be filled for the unexpired term by the commissioners of the town.

Section 3. Budget request. The school directors shall prepare and submit to the commissioners a budget of estimated expenses for the ensuing scholastic year; and if the same should exceed the amount which, in the judgement of the commissioners, the town can afford to expend, the commissioners shall have the right to reduce the budget or estimate to such sum as they may deem for the best interest of the town.

## ARTICLE VI

TOWN ATTORNEY

Section 1. Town attorney. The commissioners shall elect a town attorney or attorneys who shall be attorney or attorneys at law entitled to practice in Tennessee and federal courts. The duties of such town attorney or attorneys shall be such as are prescribed by the commissioners by resolution or motion duly adopted.

## ARTICLE VII

TOWN COURT

Section 1. Appointment, oath compensation, jurisdiction and restrictions on office of town judge. A Town Judge who shall preside over and constitute the Town Court shall be elected in the general election of the Town to serve for a term of eight (8) years. The judge shall be elected by majority vote of the qualified voters voting in the municipal election. The Town Judge shall be at least thirty (30) years of age, shall have been a resident of the State of Tennessee for five (5) years prior to the election and shall have been a resident of the Town for one (1) year prior to the election. The Town Judge shall be a lawyer licensed to practice law in the State of Tennessee. The Town Judge shall have jurisdiction in and over all cases for violation of the ordinances of the town. In addition, the Town Judge is vested with concurrent jurisdiction and authority with courts of general sessions in all cases involving the violation of the criminal laws of Tennessee occurring within the boundaries of the municipality. The Town Judge shall meet all of the qualifications of an inferior court judge required by Article VI, Section 4 of the Constitution of Tennessee. Such judge shall take the same oath as required of inferior court judges in the State of Tennessee. The Town Judge shall receive compensation as may be provided by ordinance provided such compensation shall not be increased or decreased during such judge's term of office. [As replaced by Priv. Acts 1993, ch. 64]

Section 2. Absence, Disability in Office of the Town Judge. The Town Judge shall appoint a person to serve in the judge's absence; provided, however, when the absences exceed two (2) consecutive sessions of the Town Court, or in the event of the disability of the Town Judge, the Mayor and Board of Commissioners shall designate a qualified person to serve in the absence or disability of the Town Judge until the next General Election when the vacancy shall be filled. The Mayor and Board of Commissioners shall determine the conditions which will create a vacancy in the office of Town Judge, how such vacancy shall be filled, and such other matters as the Mayor and Board of

Commissioners deem necessary and appropriate. [As replaced by Priv. Acts 1993, ch. 64]

## ARTICLE VIII

### ORGANIZATION

Section 1. Departments, offices and agencies generally. The mayor and board of commissioners may establish town departments, offices or agencies in addition to those created by this charter, and may prescribe the functions of all departments, offices and agencies not inconsistent with this charter.

Departments, offices and agencies created by the board of commissioners may be abolished or combined.

## ARTICLE IX

### ORDINANCES

Section 1. Ordinances. Ordinances making appropriations shall be confined to the subject of appropriation. Any resolution may be passed and adopted on one (1) reading. Each ordinance shall be passed on two (2) separate days before the same is operative. Each ordinance must be in written form before its second and final reading.

Section 2. Previous ordinances. All ordinances and resolutions now in force in the town shall be and remain in force unless they are in conflict with the provisions of this act, in which event they shall be of no force or effect.

## ARTICLE X

### TAXATION AND REVENUE

Section 1. Town's authority to tax. For corporation and governmental purposes, the town shall have authority to assess, levy and collect taxes on all property and privileges within its limits which are or shall be taxable by the laws of this state; provided, that the town shall have authority to levy and collect additional taxes sufficient to pay the interest on any bonds heretofore or hereafter issued by it and to create a sinking fund for the retirement thereof.

Section 2. Tax delinquency date. The taxes levied by the town shall become delinquent at the same time the state and county taxes are declared by law to be delinquent.

Section 3. Discount for early payment. The board of commissioners may by resolution provide for a reasonable discount to be allowed on taxes of such town for prompt or early payment thereof.

Section 4. Collection of delinquent taxes. The mayor and board of commissioners may provide by ordinance for the collection of delinquent real property taxes by the treasurer as provided by law; or by the town attorney acting in accordance with general laws providing for the collection of delinquent town or county taxes; or by the use of any other available legal process and remedies. If not otherwise collected, the town attorney, or other attorney designated by the mayor and board of commissioners shall file suit for collection of all delinquent taxes. Delinquent personal property taxes shall be collected by distress warrants issued by the treasurer and placed in the hands of the sheriff for collection.

Section 5. Employment of attorney to collect taxes. The commissioners may employ an attorney to handle or assist in collection of delinquent taxes, the compensation of such attorney to be limited to a reasonable percentage of such delinquent taxes collected by the attorney or through the attorney's efforts.

Section 6. Interest and penalties on delinquent taxes. Interest and penalties upon delinquent taxes shall be the same as attached to delinquent state and county taxes.

Section 7. Collection by trustee of Hamilton County. The commissioners shall have authority, in the exercise of their judgment and discretion, to make arrangements with the Trustee of Hamilton County to collect the taxes on real estate and personal property due in the town.

## ARTICLE XI

### BUDGET AND FINANCES

Section 1. Treasurer to submit budget. Within thirty (30) days after the beginning of a fiscal year, each commissioner shall submit to the treasurer estimates of his budgetary requirements for such fiscal year. From the estimates, at not later than the second regular monthly meeting of the commissioners, the commissioners shall adopt a budget for the fiscal year.



Section 2. Fiscal year. The fiscal year of the Town of Lookout Mountain shall be fixed by resolution of the town commissioners.

Section 3. Contracts to be signed by mayor and treasurer. All contracts made and entered into by the town shall be signed in the name of the town by the mayor and treasurer thereof.

Section 4. Purchasing policy. The mayor and board of commissioners shall, by ordinance, provide a policy for purchasing that establishes limits and assigns authority.

Section 5. Annual audit to be performed. As soon as practicable after the close of each fiscal year, the commissioners shall have an independent audit made of all accounts of the town government by qualified public accountant or accountants who have no personal interest directly or indirectly in the affairs of the town government or any of its officers.

## ARTICLE XII

### GENERAL PROVISIONS

Section 1. Charter declared to be a public act. This act is hereby declared to be a Public Act and may be read in evidence in all the courts of law and equity in this state, without proof.

Section 2. Codification of town ordinances of a general and permanent nature. The mayor and board of commissioners are vested with power to codify, and from time to time, to re-codify all ordinances of the town of a general and permanent nature.

SECTION 2. This act shall receive a liberal construction and interpretation, and the provisions of this act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this act shall continue in full force and effect, it being the legislative intent hereby declared that this act would have been adopted even if such unconstitutional and void matter had not been included herein.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the mayor and board of commissioners of the Town of Lookout Mountain within one hundred (100) days of its signing by the Governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the mayor and board of commissioners and certified to the Secretary of State.

SECTION 4. 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 3.

PASSED: April 16, 1992

s/Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

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

APPROVED this 28th day of April 1992

s/Ned McWherter  
NED McWHERTER, GOVERNOR

PRIVATE ACTS COMPRISING THE CHARTER OF  
LOOKOUT MOUNTAIN, TENNESSEE

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Year	Chapter	Subject
1992	210	Basic charter act.
1993	64	Replaced art. VII, concerning town judge.

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