

CHARTER OF THE TOWN OF LYNNVILLE<sup>1</sup>

## CHAPTER NO. 289

## House Bill No. 444

(By Lowe)

An Act to amend the charter of the Town of Lynnville, Tennessee.

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<sup>1</sup>Priv. Acts 1965, Ch. 289, is the current basic charter act for the Town of Lynnville, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2018 session of the Tennessee General Assembly and is current with the laws from the 2023 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.

## ARTICLE I

Section 1. [Deleted by 2017 Amendment] [As replaced by Priv. Acts 2018, ch. 34, § 1]

Section 2. Name. The official name of the Town shall be "Town of Lynnville," and by this name it may sue and be sued; contract; acquire and hold property, real and personal, within or without its boundaries for all municipal purposes; and may exercise all the powers granted by this Act or the laws of the State of Tennessee.

Section 3. Corporate limits. The corporate boundaries of the Town of Lynnville are as contained in prior charters and in annexation ordinances or other lawful annexation schemes, which are recorded and kept in the recorder's office of the Town; said boundaries are herewith reaffirmed. Extensions of the corporate boundaries shall be as provided by future annexation action in accordance with Tennessee Code Annotated. [As replaced by Priv. Acts 2018, ch. 34, § 2]

## ARTICLE II

Section 1. Qualification of Voters. Every person registered to vote under the laws of the State of Tennessee for officials of Giles County, Tennessee, and the State of Tennessee, shall be entitled to register and vote in all elections of the Town of Lynnville if the person is a resident of the Town of Lynnville, or if a nonresident of the Town, is the owner of real property within the Town for six (6) months next preceding the day of the election. [As replaced by Priv. Acts 2018, ch. 34, § 3]

Section 2. Regular City Elections. In order to stagger the terms of office of the Mayor and Aldermen, at the June 2005 election the Mayor and the two (2) candidates for the office of Alderman receiving the highest number of votes shall be elected to serve a three (3) year, two (2) month term of office to expire on August 31<sup>st</sup>, 2008. The three (3) candidates for the office of Alderman receiving the next highest number of votes shall be elected to serve a one (1) year, two (2) month term of office to expire on August 31<sup>st</sup>, 2006. Beginning with the August 2006 election and every two (2) years thereafter, a regular election shall be held on the first Thursday in August of even-numbered years for the election of a Mayor and/or Aldermen. At the August 2006 election, the three (3) candidates for the office of Alderman whose terms expire on August 31<sup>st</sup>, 2006 shall be elected to a four (4) year term; and at the August 2008 election, the Mayor and the two (2) candidates for the office of Alderman whose terms expire on August 31<sup>st</sup>, 2008 shall be elected to a four (4) year term. Thereafter all terms of office shall be four (4) year terms. [As replaced by Priv. Acts 1975, ch. 135 § 1; amended by Priv. Acts 1987, ch. 44, § 1; and replaced by Priv. Acts 2004, ch. 130, § 1]

Section 3. Nominations. Any eligible person shall have his name placed on the ballot as a candidate for the office he seeks upon filing with the Commissioners of Elections of Giles County at least forty (40) days before the election a petition nominating him for that office personally signed by himself and by at least twenty-five (25) registered voters of the City.

Section 4. Certification of Results. The candidate receiving the highest number of votes cast for any office shall be declared elected. In the event of a tie vote for any office, the incumbent Board of Mayor and Aldermen shall before the Thursday following the election choose from the tied candidates and declare its choice.

### ARTICLE III

Section 1. Powers. Subject to the limitations in this charter, the Town shall have the power to:

(1) Assess, levy, and collect taxes on all property and privileges taxable by law for state, county for Town purposes.

(2) Expend the money of the Town for all lawful purposes.

(3) 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, for municipal purposes, within or without the Town or state.

(4) Condemn property, real or personal or any easement, interest, or estate or use therein, either within or without the Town for any municipal purpose.

(5) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein within or without the Town; provided, that the town shall have no authority to cease to operate, sell, lease, abandon, or in any other way dispose of any public utility without the approval of a majority of the voters of the Town voting in an election to be held at the request of the Board.

(6) Grant to any person, firm, association, or corporation exclusive or nonexclusive franchises for public utilities and public services to be furnished the Town and those therein. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. 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.

(7) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel from time to time reasonable extensions of facilities for such services, but 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.

(8) 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, and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains and to regulate the use thereof; and to prevent or remove all encroachments or obstructions upon such public ways and grounds.

(9) 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, and to assess a portion of the cost of such improvements upon the property of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys under and as provided by chapters 11 and 12, title 6 T.C.A.

(10) Assess against abutting property the cost of removing from sidewalks all accumulations of snow, ice, and earth.

(11) 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.

(12) Collect and dispose of drainage, sewage, offal, ashes, garbage and refuse, and to impose a charge for such service; or to license and regulate such collection and disposal.

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

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

(15) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, 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 Town; and impose a regulatory fee to defray the cost of regulation; and to exercise general police powers.

(16) 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.

(17) Make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances. The Town shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense shall be secured by lien upon the property for which the expenditure is made, which lien may be collected in the same manner and concurrently with the collection of taxes, or enforced by suit in the chancery court.

(18) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and

safety, and when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean, or safe; to prohibit, regulate or suppress, or provide for the destruction and removal of any building or other structure which may be or become dangerous or detrimental to the inhabitants or to the public.

(19) Provide for the prevention and extinction of fires.

(20) Provide police protection

(21) Provide for the erection and maintenance of all buildings necessary for the use of the Town, or the lease suitable buildings for the necessary use of the Town.

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

(23) 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 and costs imposed upon him, or to contract with the county to keep said persons in the workhouse of said county and to provide by said contract and by ordinance for the commitment of such persons to the workhouse so provided, until such fine and costs shall be fully paid.

(24) Enforce any ordinance, by means of fines, forfeiture, and penalties or by action or proceedings in any court of competent jurisdiction or by any one or more of such means and to impose costs; but no fine, forfeiture, or penalty for any single offense shall exceed fifty dollars (\$50.00). To provide for the arrest and confinement until trial of all disorderly, violent, and riotous persons within the corporate limits by day or night.

(25) Establish, operate and maintain schools; to determine the necessary personnel and fix their compensation, to purchase or otherwise acquire land for school houses, playgrounds and other purposes connected with the schools; to purchase or erect all necessary buildings and to do all other acts necessary to establish, maintain, and operate a complete educational system within the Town.

(26) Prohibit, suppress, regulate, and license the keeping or going at large of animals within the city; to impound the same and in default or redemption to sell or kill the same.

(27) To have and exercise all lawful powers, which now or hereafter it would be lawful to here specifically enumerate, as fully and effectually as though said powers were specifically enumerated herein. [as amended by Priv. Acts 2018, ch. 34, § 4]

Section 2. Powers Not Exclusive. The enumeration of the particular powers in this article 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 city to exercise freely any one (1) or more of such powers as to any or more such objects for any one (1) or more such purposes. [As added by Priv. Acts 2018, ch. 34, § 5]

#### ARTICLE IV

Section 1. Governing Body. The governing body of the Town shall consist of a Mayor and five (5) Aldermen to be known officially as the board of Mayor and aldermen or Board.

Section 2. Qualifications. To be eligible for election and to continue in the office of Mayor or Alderman a person shall meet the following qualifications:

- (1) Be a registered voter in Giles County and the Town of Lynnville; and
- (2) Be a resident of the Town of Lynnville for two (2) years next preceding the date of the election. [As replaced by Priv. Acts 2004, ch. 130, § 3; and amended by Priv. Acts 2016, ch. 45, § 1]

Section 3. Term of Office. The Mayor and Aldermen shall take office at twelve o'clock (12:00) noon on the 31st of August following each regular election to serve until their successors are elected and qualified. [As replaced by Priv. Acts 1975, ch. 135, § 2; amended by Priv. Acts 1987, ch. 44, § 2; and replaced by Priv. Acts 2004, ch. 130, § 2]

Section 4. Oath. Before taking office the Mayor and Aldermen shall take the following oath before some official authorized to administer oaths: "I swear that I will support the Constitution of the United States and the Constitution of Tennessee, and that I will exercise all the powers of my office in conformity with the charter and ordinances of the Town and the laws of the State of Tennessee, and that I will faithfully discharge the duties of the office to which I have been elected."

Section 5. Vice Mayor. An alderman shall be designated as vice mayor by the board of mayor and aldermen at the first regular meeting following the August general election in even-numbered years. The vice mayor shall preside at meetings in the absence of the mayor and perform all the duties of the mayor during the absence of the mayor. [as replaced by Priv. Acts 2018, ch. 34, § 6]

Section 6. Compensation; reimbursement of expenses.

- (a) The mayor or any alderman may be reimbursed for expenses incurred while on official business outside of the town, as the board of mayor and aldermen may authorize.

(b) The mayor and each alderman shall receive as compensation a sum as established by ordinance. No increase or decrease in the compensation of the mayor shall become effective during the term of office of the mayor, nor shall any increase or decrease in the compensation of an alderman become effective during the term of office of any individual alderman. [As replaced by Priv. Acts 1975, ch. 135 § 3; amended by Priv. Acts 1987, ch. 44, §§ 3 and 4; and replaced by Priv. Acts 2016, ch. 45, § 2]

Section 7. Vacancies. The office of Mayor or Alderman shall be vacated by death; resignation accepted by a majority of the other members of the Board; removal; or failure to maintain any of the qualifications provided in Section 2 of this article. The Vice Mayor shall be Mayor for the unexpired term if a vacancy occurs in the office of Mayor, and his office of Alderman shall thereby be vacated. A vacancy in the office of Alderman shall be filled for the unexpired term by a majority vote of the Mayor and the remaining Aldermen.

## ARTICLE V

Section 1. Exercise of Powers. The exercise of all powers granted in this charter or by general law to municipalities is vested in the Board of Mayor and Aldermen except as otherwise provided. The Board of Mayor and Aldermen shall speak solely through its minute or journal entries which shall be authenticated by the Mayor or two Aldermen after reading and approval.

Section 2. Meetings.

(a) Regular meetings of the board of mayor and aldermen shall be held once each month, the date, time and place to be fixed by the board. Unless changed by the board, regular meetings shall be held at 7:00 p.m. on the first Thursday in each month.

(b) Special meetings may be held at such times, and on such dates upon the call of the mayor or three (3) aldermen, and in such case written notice shall be given to the mayor, aldermen and recorder, either served personally or left at their usual place of residence, a minimum of seventy-two (72) hours before the meeting. Each call for a special meeting shall set forth the purpose for which such meeting is called and the character of business to be discussed and considered at such meeting. [As replaced by Priv. Acts 2018, ch. 34, § 7]

Section 3. Procedure. The Mayor shall preside at all meetings. He shall be a member of the Board but shall have no vote except in the event of a tie or as otherwise provided in this charter. Four members of the Board shall be a quorum, but three (3) members may adjourn a regular meeting to a later day. An affirmative vote of three members of the Board shall be required for the passage of any ordinance, resolution or motion, except as otherwise provided in

this Act. The record shall show by roll call how each member of the Board voted on every matter before the Board. The Board shall by ordinance or resolution establish its own rules of procedure not inconsistent with this charter, and such rules until amended or abolished shall be as binding upon the Board as though contained in this charter.

Section 4. Ordinances.

(a) All ordinances shall begin with the clause, "Now therefore be it enacted by the Board of Mayor and Aldermen of the Town of Lynnville, Tennessee."

(b) All ordinances shall be in writing when offered for adoption, and must pass on two (2) readings on two (2) different days in open session to be adopted.

(c) An ordinance may be read by caption or title only, provided that a copy of the proposed ordinance shall have been made available to the board of mayor and aldermen and made available for public inspection in the office of the town recorder at least three (3) days prior to the time and date of the meeting at which the ordinance shall be read for the first time.

(d) It shall not be necessary to copy ordinances in the minutes, but reference to them shall be made in the minutes by subject matter.

(e) After passage, each ordinance shall be authenticated by the mayor or two (2) aldermen. [As replaced by Priv. Acts 2004, ch. 130, § 4, and Priv. Acts 2018, ch. 34, § 8]

Section 5. Form of Action. Except as otherwise provided by general law or this charter, action by the Board of Mayor and Aldermen shall be by ordinance when granting, renewing or extending public franchises; creating, abolishing or combining departments or offices; regulating the rate charged for its services by a public utility; fixing fees, service charges and utility rates; exercising the police power; levying taxes; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed. Any other legislative action may be by ordinance or resolution. [As amended by Priv. Acts 2018, ch. 34, § 9]

Section 6. Resolutions.

(a) All resolutions shall begin with the clause, "Now therefore be it resolved by the Board of Mayor and Aldermen of the Town of Lynnville, Tennessee."

(b) All resolutions shall be in writing when offered for adoption, and shall be effective from and after adoption on one (1) reading.

(c) A resolution may be read by caption or title only, provided that a copy of the proposed resolution shall have been made available to the board of mayor and aldermen and made available for public



inspection in the office of the town recorder at least three (3) days prior to the time and date of the meeting at which the resolution shall be presented. [As added by Priv. Acts 2018, ch. 34, § 10]

## ARTICLE VI

Section 1. Fiscal Year. The Town shall operate on a fiscal year beginning July 1 and ending June 30. [As amended by Priv. Acts 2018, ch. 34, § 11]

Section 2. Budget Required. The adoption of an annual budget shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

Section 3. Preparation of Budget. At least sixty days before the beginning of the fiscal year the Mayor shall prepare the following information:

(1) Detailed estimates of all recommended expenditures for each department, board, office or other agency of the Town.

(2) A statement of the bonded and other indebtedness of the Town and the principal and interest on such, and other contract obligations that will be due in the next fiscal year.

(3) Detailed estimates of all anticipated revenues except property and merchants' ad valorem taxes in the next fiscal year, including, however, an estimate of taxes delinquent in the current or prior years which it is anticipated will be collected in the next fiscal year. Statement of estimated revenues shall also include all State funds which may be received by the Town.

(4) A statement of the estimated balance or deficit at the end of the current fiscal year.

(5) A statement of the amount of property and merchants' ad valorem taxes which will be necessary to balance the budget, the total assessment of all taxable property in the Town, including merchants' capital, and the proposed tax rate.

(6) A comparative statement of revenues and expenditures for the preceding fiscal year, and of estimated revenues and expenditures at the end of the current fiscal year, with the estimate revenues and expenditures for the next fiscal year, showing increases or decreases by departments.

(7) Such other information as the Board may by ordinance require.

Section 4. Proposed Budget. After the Board has studied the tentative budget and made modifications it deems necessary or desirable, it shall by motion recommend it as the proposed budget.

Section 5. Public Hearing on Budget. A public hearing on the proposed budget shall be held before its final adoption by the Board, at such time and

place as the Board shall direct, and notice of such hearing shall be posted in at least two public places in the Town ten days in advance of the date of the hearing.

Section 6. Adoption of the Budget. After the public hearing the Board may make such modifications in the proposed budget as it considers necessary or desirable, and shall by resolution adopt it as the budget for the next fiscal year. The budget shall be finally adopted before the beginning of the next fiscal year.

Section 7. Appropriations and Tax Levy. After adoption of the budget the Board shall pass an appropriations and tax levy ordinance. Appropriations shall not exceed revenues estimated in the budget, and need not be in more detail than a lump sum for each department or office. The tax levy shall not exceed the amount necessary to balance the budget, and shall be levied by a single rate for the general fund, except as otherwise provided by law.

Section 8. Obligations and Expenditures to be Within Appropriations. No obligation shall be created nor expenditure made from appropriated funds until it shall have been determined that an appropriation has been made for that purpose and that there is unexpended in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure.

Section 9. Section 9. [Deleted by 2017 Amendment] [As replaced by Priv. Acts 2018, ch. 34, § 11]

Section 10. Accounting and Audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the Town shall be made after the end of each fiscal year by a public accountant or certified public accountant chosen by the Board.

## ARTICLE VII

Section 1. Assessment of Property. All property within the Town not exempt by general law shall be assessed for taxation upon the same principles established in regard to state and county taxation. If county assessments are adopted by the Town, the assessment book of the Town shall be prepared from the county assessment books not later than September 1 of each year. The proper officer of the Town shall have the same powers and duties to back assess property as the county trustee.

Section 2. Due and Delinquent Dates. Penalties. The Board may provide by ordinance the dates taxes shall be due and delinquent and the penalties and interest for delinquencies. If no such provision is made by ordinance, property taxes shall be due and delinquent on the same dates as county taxes and shall be subject to the same penalties and interest.

Section 3. Collection. The Board may provide for the collection of taxes by the county trustee or through officers of the Town. In the collection of delinquent taxes the proper officer of the Town shall have the same powers of the county trustee.

Section 4. Suit for Taxes. On December 31 of each year all taxes which have been delinquent more than one year shall be certified to a delinquent tax attorney who shall file suit for such taxes as provided by general law.

Section 5. Merchants' Ad Valorem and Privilege Taxes. The proper officer of the Town shall have all the powers of county court clerks in the collection of merchants' ad valorem and privilege taxes of the Town.

## ARTICLE VIII

Section 1. Duties of Mayor.

(a) The mayor shall

(1) Be the chief executive officer of the municipality and shall preside at meetings of the board;

(2) Communicate any information needed, and recommend measures the mayor deems expedient to the board;

(3) Make temporary appointments of the town recorder, treasurer, police chief, fire chief, and any department head, and shall report such temporary appointment to the board at its next regular meeting, to which the board may confirm the mayor's temporary appointments, or, at its discretion, make its own appointments;

(4) Countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party; and

(5) Make appointments to boards and commissions as authorized by law.

(b) Unless otherwise designated by the board by ordinance, the mayor shall perform the following duties:

(1) Hire, supervise, promote, discipline, suspend and discharge all employees in accordance with personnel policies and procedures, if any, adopted by the board, except as otherwise provided in this charter, however, nothing in this charter shall be

construed as granting a property interest to employees or department heads in their continued employment;

(2) Act as purchasing agent in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;

(3) Prepare and submit the annual budget; and

(4) Carry out other duties as may be designated by the board. [As replaced by Priv. Acts 2018, ch. 34, § 13]

#### Section 2. Town Recorder.

(a) A town recorder, who may also be appointed as treasurer, shall be appointed by the board of mayor and aldermen.

(b) The recorder shall be present at all meetings of the board, and keep a full and accurate record of all business transacted by the board, to be preserved in permanent form.

(c) The recorder shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds, except the recorder's bond, which shall be in the custody of the mayor, and all other bonds, oaths and affirmations and all other records, papers and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index of such material. All such records shall be the property of the municipality.

(d) The recorder shall provide, copy, and, when required by any officer or person, certify copies of records, papers and documents in the recorder's office. Fees for copying and certification shall be charged as established by ordinance. [As amended by Priv. Acts 1987, ch. 44, §§ 5, 6 and 7, and replaced by Priv. Acts 2018, ch. 34, § 13]

#### Section 3. Treasurer.

(a) A treasurer, who may also be appointed as town recorder, shall be appointed by the board of mayor and aldermen.

(b) The treasurer shall collect, receive and receipt for the taxes and all other revenue and bonds of the municipality, and the proceeds of its bond issues, and disburse them. [As replaced by Priv. Acts 1975, ch. 135, § 4, and Priv. Acts 2018, ch. 34, § 13]

#### Section 4. Town Attorney.

(a) A town attorney shall be appointed by the board of mayor and aldermen and shall serve at the will and pleasure of the board. The

attorney shall be an attorney-at-law licensed to practice law in the courts of this state, and be in good standing with the disciplinary board of the supreme court of the State of Tennessee.

(b) It shall be the duty of the 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 or nature, including the function of prosecuting attorney in the town court; attend all meetings of the board of mayor and aldermen; advise the board, mayor and the several departments of the town as to all legal questions affecting the town's interests; and to approve in writing all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by or with the town.

(c) Additional qualifications, if any, and salary shall be fixed by the board of mayor and aldermen. [As replaced by Priv. Acts. 2018, ch. 34, § 13, and Priv. Acts 2018, ch. 34, § 13]

#### Section 5. Police Department.

(a) A chief of the police department, and such other members of the police force, may be appointed.

(b) It shall be the duty of the chief of police and members of the police force to preserve order in the town; to protect the inhabitants and property owners therein from violence, crime and all criminal acts; to prevent the commission of crime, violence, violations of the law and of the city ordinances; to perform general police duty; and to execute and return all lawful processes, notices and orders. [As replaced by Priv. Acts 2018, ch. 34, § 13]

#### Section 6. Fire Department.

(a) A chief of the fire department, and such other members of the fire department, may be appointed.

(b) It shall be the duty of the fire chief and the members thereof to take all proper steps toward fire education, fire prevention, fire suppression and the provision of emergency medical services and rescue services.

(c) While responding to, operating at or returning from an emergency, the fire chief, or any member serving in capacity of fire officer-in-charge, shall have the authority to:

(1) Control and direct the activities at the scene of the emergency;

(2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;

(3) Blockade any public highway, street or private right-of-way temporarily while at such scene,

(4) Trespass at any time without liability while at such scene;

(5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;

(6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;

(7) Inspect for preplanning all buildings, structures or other places in the municipality, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish or other combustible material that is or may become dangerous as a fire menace to such buildings, structures or other places has been allowed to accumulate, or where such chief or the chiefs designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;

(8) Direct, without liability, the removal or destruction of any fence, house, motor vehicle or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

(10) Order the disengagement or discouplement of any convoy, caravan or train of vehicles, craft or railway cars, if deemed necessary in the interest of safety of persons or property.

(d) When responding to an emergency outside the municipality, the department shall, at all times, be subject to the control of the fire chief or designated representative in whose fire district the emergency occurs. [As amended by Priv. Act 1987, ch. 44, §§ and 9, and replaced by Priv. Acts 2018, ch. 34, § 13]

Section 7. Additional Offices and Personnel. The board of mayor and aldermen may provide for such other officers and employees as it deems necessary for the proper administration of the town's affairs, and prescribe their duties. [As replaced by Priv. Acts 2018, ch. 34, § 13]

Section 8. Compensation and benefits. Compensation and benefits of employees shall be as determined by the board of mayor and aldermen. [As added by Priv. Acts 2018, ch. 34, § 13]

Section 9. Bonds. The mayor, recorder and treasurer and every employee having duties embracing the receipt, custody, handling or disbursement of money, shall, before entering upon these duties, be covered under an individual or blanket fidelity bond, with some surety company authorized to transact business within the State of Tennessee, in such amounts and in such form as may be prescribed by the board of mayor and aldermen. The cost of fidelity bonds shall be paid by the town. [As added by Priv. Acts 2018, ch. 34, § 13]

## ARTICLE IX

Section 1. Municipal Judge and Court. There shall be a municipal court presided over by a municipal judge appointed by the board of mayor and aldermen. The judge shall serve at the will and pleasure of the board unless a fixed term of office is established by the board. The judge shall be an attorney licensed to practice law in the courts of this state and be in good standing with the disciplinary board of the supreme court of the State of Tennessee. Other qualifications, term of office, if any, and the compensation of the judge shall be as established by the board of mayor and aldermen. [As replaced by Priv. Acts 2018, ch. 34, § 14]

Section 2. Vacancy in Office. In the event the office of municipal judge shall become vacant for any cause, including resignation, removal, death or continuous disability which prevents the judge from discharging the duties of the office, the board of mayor and aldermen shall appoint some qualified person to fill the position. The qualified person appointed shall be vested with the same powers and shall perform the same duties hereby bestowed and imposed upon the presiding officer of said court. [As replaced by Priv. Acts 2018, ch. 34, § 14]

Section 3. Absence from Court. Where the judge finds it necessary to be absent from holding court, the judge may designate in writing, to be filed with the clerk of the court, a name of a special judge to hold court in the judge's place and stead; said person shall be a person who has the qualifications of municipal judge and the special judge shall take the same oath and have the same authority as the regular municipal judge to hold court for the occasion. [As replaced by Priv. Acts 2018, ch. 34, § 14]

Section 4. Duties and Powers.

(a) The municipal judge shall preside over the municipal court and shall have the power and authority to impose fines and forfeitures; punish by fine violations of town ordinances; preserve and enforce order in the court; enforce collection of all such fines, costs and forfeitures imposed by the court; and to accept and receive good and sufficient security for any fines or forfeitures imposed by the court.

(b) The judge shall have the authority to impose a monetary penalty in an amount not to exceed fifty dollars (\$50.00) for each and every day for violation of a town ordinance. [As replaced by Priv. Acts 2018, ch. 34, § 14]

Section 5. [As deleted by Priv. Acts 2018, ch. 34, § 14]

## ARTICLE X

Section 1. [Deleted by 2017 Amendment] [As replaced by Priv. Acts 2018, ch. 34, § 15]

Section 2. [Deleted by 2017 Amendment] [As replaced by Priv. Acts 2018, ch. 34, § 15]

Section 3. Severability. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected. [As replaced by Priv. Acts 2018, ch. 34, § 15]

Section 4. [Deleted by 2017 Amendment] [As replaced by Priv. Acts 2018, ch. 34, § 15]

Section 5. [Deleted by 2017 Amendment] [As replaced by Priv. Acts 2018, ch. 34, § 15]

Passed: March 4, 1965

William Barry,  
Speaker of the House of Representative.

Jared Maddux,  
Speaker of the Senate.



Approved:

This is to certify that according to the official records on file in this office, House Bill No. 444, which is Chapter No. 289 of the Private Acts of 1965, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

Joe C. Carr,  
Secretary of State.

ACTS COMPRISING THE CHARTER OF THE CITY OF  
LYNNVILLE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1965	289	Basic Charter Act.
1975	135	Amended Article II, § 2, regular city elections; amended Article IV, §§ 3 and 6, Mayor and Aldermen term of office and compensation.
1987	44	Amended Article II, § 2, regular city elections; amended Article IV, §§ 3 and 6, Mayor and Aldermen term of office and compensation; and amended Article VIII, §§ 5, 6 and 7 duties of the Mayor and the recorder and compensation of officers and employees.
2004	130	Replaced Article II, § 2, regular city elections; Article IV, §§ 2 and 3, qualifications and term of office; and Article V, § 4, ordinance adoption.
2016	45	Amended Article IV, § 2(2), qualifications, and replaced Article IV, § 6, compensation.
2018	34	Replaced Article I, §§ 1 and 3, chapter amendment and boundaries; replaced article II, § 1, voter qualifications; amended Article III, § 1, powers; added Article III, § 2, powers not exclusive; replaced Article IV, §

5, vice mayor; replaced Article V, § 2, meetings; replaced Article V, § 4, ordinances; amended Article V, § 5, form of action; replaced Article V, § 6, resolutions; amended Article VI § 1, fiscal year; replaced Article VI, § 9, revenue anticipating borrowing; replaced Article VIII, §§ 1-7 and added §§ 8-9, duties of mayor; replaced Article IX, §§ 1-5, municipal court; and replaced Article X, §§ 1-5, severability.