

CHARTER OF THE CITY OF RIVES, TENNESSEE¹

CHAPTER NO. 129

HOUSE BILL NO. 1328

By Tanner

Substituted for: Senate Bill No. 1335

By Hamilton

AN ACT to reenact the Charter for the City of Rives, Tennessee; and to repeal Chapter 153 of the Acts of 1905, as amended by Chapter 65 of the Private Acts of 1913 (Ex. Sess), Chapter 87 of the Private Acts of 1913 (Ex. Sess), Chapter 375 of the Private Acts of 1947, Chapter 355 of the Private Acts of 1968, and any other acts amendatory thereto.

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¹Priv. Acts 1981, ch. 129, is the current basic charter act for the City of Rives, 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.

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

SECTION 1.1. CORPORATE CAPACITY AND CORPORATE SEAL. The City of Rives and the inhabitants thereof are hereby constituted a body politic and corporate by the name and style of the City of Rives and shall have perpetual succession, that by said corporate name and style it may sue and be sued, may contract and be contracted with, may grant, convey, receive, purchase, and hold real, mixed, and personal property, and dispose of same for the benefit of the said corporation, and, if desired, may have and use a corporate seal, which may be altered at pleasure.

SECTION 1.2. BOUNDARIES. The boundaries of the incorporation of the City of Rives shall be as follows:

Beginning at the south end of the Illinois Central Gulf Railroad Company bridge across Houser Creek on the north side of Rives; thence west to a point in Caudle ' s field, in direct line with the west boundary line of the school property (Moore's addition to Rives); thence south to and following the said west boundary line and on south to the west line of the Illinois Central Gulf Railroad Company right-of-way; thence southwest with said right-of-way to a point opposite the south boundary line of the Illinois Central Gulf Railroad stockyards; thence due south to a ditch between the lands of Mrs. C. M. Benton and Caldwell; thence east with said ditch to the east line of the Mobile & Ohio Railroad Company right-of-way; thence north with said right-of-way to the northwest corner of W. L. Clemmons ' field; thence east with the north boundary line of said field to Houser Creek; thence in a northerly direction with said creek to the beginning.

SECTION 2.1. GENERAL POWERS. The said City of Rives shall have full power and authority, acting through its Board of Mayor and Aldermen, to enact such bylaws and ordinances as may be necessary and proper to preserve the health, quiet, and good order of the town, and to provide and enforce penalties for the violation thereof. The police authority of said City of Rives shall extent to a distance of one mile from the lawful corporate limits thereof for the suppression of all disorderly acts and practices forbidden by the general laws of the State.

SECTION 2.2. ORDINANCE ADOPTION. All ordinances passed by the Board of Mayor and Aldermen of said City, before becoming effective, shall be passed on two (2) separate readings and at separate meetings; PROVIDED, that any ordinance may be passed at regular or called sessions on first or second reading; PROVIDED, further, that if passed at a called or special meeting, the purpose of said call shall be set out in the call, said call shall be in writing and

shall be entered on the minutes of such called meeting; and PROVIDED, further, that all ordinances, before becoming effective, shall be entered on the ordinance book of said City and signed by the Mayor and City Recorder, then printed and posted in front of the city hall of said City. The ordinances of said City, when entered in the ordinance book of said City or codified, may be proved in any of the courts of this State by the introduction of the ordinance book or by the code or ordinance, when properly adopted by the Board of Mayor and Aldermen.

SECTION 2.3. ORDINANCES TO REMAIN EFFECTIVE. All ordinances of said City now in force under former charters of said City and not inconsistent with this Act shall remain in full force and effect until repealed by ordinance properly passed by the Board of Mayor and Aldermen of said City.

SECTION 2.4. POWERS OF TAXATION. The Board of Mayor and Aldermen is authorized and empowered to fix the tax rate of said City for municipal taxes on all real and personal property within the said City, to fix the rate of privilege taxes, and to pass such revenue measures as may be necessary and not inconsistent with the laws of the State; PROVIDED, that all farm fields included within the boundaries of the City are exempt from taxation until such fields are subdivided and sold as building lots.

SECTION 2.5. MUNICIPAL OWNERSHIP AND CONTRACTUAL OBLIGATIONS. The said City of Rives shall continue to own all the property, real, personal, or mixed, now owned by the said City, including the streets and alleys of said City, all public buildings, furnishings, and equipment now owned and controlled by said City under the former laws and charters and amendments to charters of said City and in the same way and manner as heretofore owned and controlled by said City. The said City of Rives shall continue all valid contracts now in force made by said City under former laws and charters and in the same way and manner as heretofore.

SECTION 2.6. FRANCHISES. The Board of Mayor and Aldermen shall have the power and authority to grant to any person, firm, or corporation a franchise, exclusive or otherwise, for the operation of a utility service, including but not limited to telephone, telegraph, railway, or bus service, and cable television service, within the corporate limits of the City and within one mile thereof, under such terms and conditions as the Board of Mayor and Aldermen may deem proper. However, no such franchise shall be granted for a period of more than twenty (20) years. Such franchise shall be granted by ordinance.

SECTION 2.7. CONDEMNATION PROCEEDINGS. The City shall have the right to condemn real estate within or without the corporate boundaries for building sites, streets, alleys, parks, cemeteries, and any and all other public

and municipal purposes; but before any property can be condemned and taken by the City, it shall be authorized by resolution of the Board of Mayor and Aldermen. The procedure for condemnation and taking shall be as provided by statute for the condemnation and taking of property by the State of Tennessee.

SECTION 3.1. COMPOSITION OF BOARD OF MAYOR AND ALDERMEN. Beginning with the election scheduled for August 5, 2010, the City of Rives shall be governed by a Board of Mayor and Aldermen, which shall consist of a Mayor and three (3) Aldermen. The Board of Mayor and Aldermen is empowered to pass all ordinances necessary for the City of Rives and in the way and manner as hereinafter provided, to have in charge the government of the City, and to do and perform all acts necessary and proper for the government of the City not otherwise provided for by this act. [As replaced by Priv. Acts 2010, ch. 53, § 1]

SECTION 3.2. OATH. The Mayor of said City, before entering upon his duties, shall take and subscribe to an oath to support the Constitution of the United States of America and of the State of Tennessee and to faithfully perform all the duties of the said office to the best of his skill and ability. The Aldermen provided for by this Act, before entering upon their duties, shall take and subscribe to an oath to support the Constitution of the United States of America and of the State of Tennessee and to faithfully perform the duties of their office to the best of their skill and ability.

The said oaths herein provided shall be taken before any person authorized to administer oaths in the State of Tennessee, provided the oaths to all offices, except Mayor, may be administered by the Mayor.

SECTION 3.3. DUTIES OF BOARD OF MAYOR AND ALDERMEN: VICE MAYOR. The duties of the Board of Mayor and Aldermen shall be to pass all laws and ordinances for the government of the City and to do and perform all acts necessary for the government of the City not otherwise conferred on the other officers and not inconsistent with the laws of the State. A Vice Mayor shall be elected at the first meeting of the incoming Board of Mayor and Aldermen to serve in times when the Mayor is absent.

SECTION 3.4. MAYOR'S DUTIES. The Mayor shall take care that all ordinances of the City are fully enforced, respected, and observed within the city limits. The Mayor shall have the power to suspend any employee of said corporation, in accordance with personnel policies and procedures, if any, adopted by the Board. The Mayor shall have veto powers over resolutions and ordinances, and said resolution or ordinance shall not be valid unless the Aldermen shall, by a majority vote, pass the same notwithstanding the Mayor's

veto. The Mayor of the City shall not have a vote except in case of a tie vote, but shall be the presiding officer of the Board at its meetings.

Effective at the first regular Board meeting following the August 2010 municipal election, immediately after assuming office, the Mayor shall appoint the following standing committees, which shall each be composed of two (2) members: (1) street and sidewalk committee; (2) finance committee; and (3) sanitation committee. All committee members shall be Aldermen, and the Alderman whose name stands first in order of appointment shall act as chairperson of that committee. [As replaced by Priv. Acts 2010, ch. 53, § 2]

SECTION 3.5. BOARD ACTION AND MEETING TIME. Effective at the first regular Board meeting following the August 2010 municipal election, two (2) Aldermen and the Mayor shall constitute a quorum for the transaction of all business of the Board. In the absence of the Mayor, a quorum shall consist of the Vice Mayor and two (2) Aldermen. The Board of Mayor and Aldermen shall meet monthly in regular session and shall also meet upon the call of the Mayor, made in writing and served upon each Alderman, or by resolution of the Board. If any Alderman should be absent from the City, service of notice of extra or called meeting upon two (2) Aldermen shall be sufficient. A majority vote of the Aldermen present shall be necessary for passage of ordinances, resolutions, and motions. [As replaced by Priv. Acts 2010, ch. 53, § 3]

SECTION 3.6. CITY RECORDER. In addition to the officers for said corporation hereinbefore set out, there shall be elected by the Board of Aldermen a City Recorder, preferably a member of the Board or any other resident or citizen of the corporation, the said City Recorder to be elected for a term of one (1) year, subject to reappointment annually, and to be elected by the incoming Board of Aldermen at their first meeting after taking office, with compensation fixed by the Board of Mayor and Aldermen. The duties of the said City Recorder shall be to receive all funds of said City collected for municipal purposes and from the various sources, to pay out said funds as authorized by the Board of Mayor and Aldermen of said City, with the number of signatories to be determined by the Board as designated by ordinance; and said City Recorder is to keep a correct record of all funds received by him and all disbursements of same made by him; the said City Recorder shall execute a bond to the said City in such sum as the City, by its Board of Mayor and Aldermen, may require, conditioned for the faithful performance of his duties as said City Recorder and for the faithful handling of the funds coming into his hands belonging to said City and as required in Section 14 (B) hereof.

The Recorder of the Board of Aldermen shall act as Clerk to the Board of Aldermen and write the minutes of the Board of Mayor and Aldermen, shall

enter all ordinances in the ordinance book of the City, and shall do and perform all the duties of the Secretary of the Board of Mayor and Aldermen.

SECTION 3.7. CITY ATTORNEY. The Board of Aldermen shall, at its first meeting after election, elect a City Attorney, who shall serve for one (1) year, subject to reappointment annually, and fix a retainer fee to be paid, as other expenses of said City are paid, and shall pay said attorney such other reasonable fees for services rendered as they deem proper.

SECTION 3.8. CHIEF OF POLICE. The Chief of Police shall be appointed by the incoming Board of Aldermen for a term of one (1) year, subject to reappointment annually, to be subject to removal by a majority vote of the Board at any time for inefficiency, neglect of duty, or for any other good cause shown. The compensation shall be fixed by the Board on an annual basis.

The Chief of Police of the City shall have direct supervision of the police force of the City, subject, however, to the direction of the Board of Mayor and Aldermen of the City.

SECTION 3.9. POLICEMEN. The Board of Mayor and Aldermen may also provide for the appointment of such policemen for said City as the said Board of Mayor and Aldermen may deem necessary. The additional policemen provided for by this section shall be subject to the direction of the Chief of Police of said City; provided however, that said policemen and said Chief of Police shall be subject to the direction of the Board of Mayor and Aldermen. Compensation for police officers shall be fixed annually by the Board.

SECTION 3.10. CITY JUDGE. The Board of Mayor and Aldermen shall, in its discretion, have the power or authority to elect any person as City Judge and fix the salary therefor. The City Judge shall be elected by the incoming Board of Mayor and Aldermen to serve for one (1) year, subject to reappointment annually. In the event of the death, resignation, disability, or refusal to act of the City Judge, the Board of Mayor and Aldermen shall have the power to appoint one to serve in his stead. The City Judge or, in the case of vacancy in office, the one appointed to serve in his stead, is authorized and empowered to enforce the attendance of witnesses by subpoenas issued from the court and is empowered to do and perform all the duties of the police court for the municipality, to assess fines and collect the same, and to issue all orders and process necessary to the enforcement of the judgments of the court. The City Judge may appoint one to serve in his stead, upon his inability to perform, but such appointment shall be for a day or case specific.

SECTION 3.11. REMOVAL FROM OFFICE: EMPLOYEES. The Mayor may suspend any employee for inefficiency or neglect of duty, such suspension

being subject to review by the Board of Mayor and Aldermen. If the Mayor's action in suspending said employee is sustained by a majority vote of the Board, the Board shall have the power to elect or hire another in place of the one suspended.

SECTION 3.12. COMPENSATION. The outgoing Board of Mayor and Aldermen shall fix the salaries of the incoming Board of Mayor and Aldermen at the last regular meeting before the election, which compensation shall not be changed, increased or diminished, during the term for which they were elected.

SECTION 3.13. OTHER EMPLOYEES AND COMPENSATION. The Mayor of the City of Rives shall, subject to the approval of the Board of Mayor and Aldermen, employ such assistants or clerks as may be necessary for the proper and efficient administration of the business of the City. Compensation of these employees and other employees shall be fixed or approved by the Board of Aldermen.

SECTION 3.14. BOND.

(A) **BOND OF CHIEF OF POLICE AND POLICEMEN.** The Chief of Police and each Policemen elected by the Board of Mayor and Aldermen shall each enter into bond, to be approved by the Board of Mayor and Aldermen, at a sum of not less than five thousand (\$5,000.00) dollars, conditioned upon the faithful performance of their respective offices.

(B) **BOND OF CITY RECORDER.** The City Recorder, before entering upon the duties of his office, shall take and subscribe to the same oath as provided herein for the Mayor and shall enter into bond, to be approved by the Board of Mayor and Aldermen and to be fixed by the said Board, at a sum of not less than ten thousand (\$10,000.00) dollars, conditioned for the faithful performance of his duties as City Recorder and for the faithful accounting to the City of Rives for all funds and monies coming into his hands as said City Recorder, belonging to said City.

SECTION 3.15. RECORDS AND REPORTS.

The City Recorder provided for in this Act shall make a quarterly or more frequently, if directed by the Board, report setting forth a full financial statement of the affairs of said City. The City Recorder shall keep the several separate accounts of the said City in a way and manner so as to show how the funds of the City have been expended and shall keep all warrants drawn on the City properly filed as a part of the records of said City.

SECTION 3.16. ELECTIONS. The Board of Mayor and Aldermen elected to office on January 10, 1998, or serving as a result of election by the Board of Mayor and Aldermen in the case of a vacancy, shall continue to serve until August 1, 2002. On August 1, 2002, and on the first Thursday in August, every four (4) years thereafter, the county commissioners of elections shall conduct non-partisan elections to fill the offices of Board of Mayor and Aldermen for four (4) year terms. If there is a tie vote for the position of Mayor, a run-off election shall be held to determine the winner. If there is a tie vote for Alderman, the incumbent Board shall determine which of the candidates shall serve. The terms of the office of the Mayor and Aldermen shall begin at the regular Board meeting next following their election and they shall serve until their successors have been elected and qualified. [As replaced by Priv. Acts 2000, ch. 128]

SECTION 3.17. QUALIFICATIONS. A qualified voter is any person who resides in the corporate limits of the City and is a registered voter or any person who owns real property in the corporate limits of the City and is a registered voter in a corporate precinct.

The qualified voters shall vote for all candidates. The Mayor and Aldermen and any candidate for such offices shall be a resident of and domiciled in the City at least one (1) year before the election.

SECTION 3.18. VACANCIES. In case of a temporary vacancy in the office of Mayor, by sickness or otherwise, where such temporary vacancy does not extend beyond sixty (60) days, or for a period not exceeding (sixty) 60 days following a permanent vacancy in the office of the Mayor, by death, resignation, or otherwise, and pending the election by the Board of Mayor and Aldermen by a special election of a new Mayor, as hereinafter provided, the Vice Mayor shall for such time become Mayor and shall be vested with all the rights, duties and authority of the Mayor. In the event of a permanent vacancy in the office of Mayor by reason of death, resignation, or otherwise, within twelve (12) months of the expiration of the term of office, the Board of Aldermen shall elect a person to fill the unexpired term who may or may not be a member of the Board of Aldermen. Such election shall be by a majority vote of the members of the Board of Aldermen. In the event of a vacancy in the office of a member of the Board of Aldermen at any time within the term, by death, resignation, or removal from the corporation, the remaining members of the Board of Mayor and Aldermen shall elect a person to fill the unexpired term.

SECTION 3.19. TERMINATION DATE OF PRESENT CITY OFFICIALS. All of the present officers of said City shall hold their respective offices until their present terms expire and their successors are elected and qualified.

SECTION 3.20. REIMBURSEMENT OF EXPENSES OF MAYOR AND ALDERMEN. The Mayor and each member of the Board of Aldermen shall be paid a per diem allowance of \$50.00 per day for each day during which they spend more than four hours in travel and/or attendance at meetings outside Obion County, Tennessee, in the discharge of their duties as mayor or alderman. This allowance shall be payable only if the attendance by the mayor and/or aldermen was authorized in advance by official action of the Board of Mayor and Aldermen. This allowance is in addition to any reimbursement for out-of-pocket expenses incurred by such Mayor and/or alderman including, but not limited to, reimbursement for use of a privately-owned vehicle at the standard mileage rate established by the Board of Mayor and Aldermen. [As added by Priv. Acts 1991, ch. 34]

SECTION 4.1. CORPORATE INDEBTEDNESS. All of the indebtedness of said City, including the bonded indebtedness of the City heretofore contracted under the former charters and amendments to charters of said City, shall continue to be a just and binding obligation upon the said City of Rives according to the provisions thereof.

SECTION 4.2. DELINQUENT TAXES. The Board of Mayor and Aldermen shall enforce the payment of delinquent taxes, as provided by the laws of the State of Tennessee.

SECTION 4.3. BORROWING MONIES. The Board of Mayor and Aldermen of the City of Rives is authorized and empowered to borrow money and to execute the notes of the City, for the same to run not longer than the time allowed by the Comptroller of the State of Tennessee, and to draw interest at a rate not to exceed the maximum contractual rate authorized by State Law for individual or corporate borrowing, to be used for the purpose of paying any outstanding floating indebtedness of said City and overdraft accounts and outstanding notes, as the same become due, and said notes, when authorized by the Board of Mayor and Aldermen by resolution, to be executed by the Mayor of said City and the City Recorder of said City.

SECTION 4.4. ISSUANCE OF NOTES. The authority to issue notes under this act shall be continuing and such that the full faith and credit of the City of Rives may be pledged to the payment of the notes and interest thereon, which may be issued from time to time under the authority of this act, and the Board of Mayor and Aldermen shall levy and collect, in addition to all other taxes required, a tax sufficient to pay the interest on said notes and the principal, as the same mature; that no notes issued under the authority of this Act shall be subject to taxation by the State of Tennessee or by any county or municipality thereof; that notes under this Act may be issued without regard to any debt limits or assessed valuation of property.

SECTION 4.5. ASSESSMENTS. All taxes levied on real and personal property shall become due and payable on October one of the year for which they are assessed and shall be paid on or before the first day of March of the year following the year for which they are assessed.

SECTION 4.6. REPORT ON DELINQUENCIES. All taxes for municipal purposes not paid by said date of March one of the year following the year for which they are assessed shall be delinquent, and it shall be the duty of the City Recorder to make a report to the Board of Mayor and Aldermen of all delinquent taxes by May one of said year.

Said report shall set forth fully a list and description of property on which taxes are delinquent, with the respective names of the owners thereof.

Said report shall be PRIMA FACIE evidence that said taxes reported in said report as delinquent are delinquent.

SECTION 4.7. RECOVERY OF DELINQUENT TAXES. The Board of Mayor and Aldermen may institute a suit to recover the delinquent taxes against the delinquents in the Chancery Court at Union City, Tennessee, or other appropriate court of competent jurisdiction, and may join as many as twenty delinquent defendants in one complaint, the said to be conducted in the same way and manner as other causes in Chancery. The certified report of list of delinquents made by the City Recorder shall be PRIMA FACIE evidence that said taxes set forth in said report as delinquent are delinquent.

SECTION 4.8. LIEN AGAINST PROPERTY. A lien shall exist on all property for the taxes assessed against said property from January one of the taxing year, said lien to be enforced by decree of the Court in said proceedings, said lien to cover the costs, penalties, and attorney ' s fees, as hereinafter provided.

SECTION 4.9. PENALTY. All taxes not paid before the delinquent date shall bear interest at the rate prescribed by the Board of Mayor and Aldermen of the City Rives.

In the event said taxes and interest have not been paid prior to the filing of the complaint or the enforcement of the tax lien, as hereinbefore provided, there shall be added to each delinquent a penalty for non-payment of ten percent (10%) of the tax and an attorney's fee of ten dollars (\$10.00) for the filing and prosecution of the suit to enforce said lien.

In the event any property shall be sold in any suit for the enforcement of said lien, said property may be redeemed by the owner or his heirs or devisees

within two (2) years from the date of the sale upon payment to the purchaser at said sale the amount paid by said purchaser, together with ten percent (10%) per annum increase.

SECTION 4.10. FINANCIAL CONTRACTS. The Board of Mayor and Aldermen of said City shall have the power to make all necessary contracts connected with the financial affairs of said City and to provide, by proper resolution, for temporary loans and bank overdrafts necessary to meet the financial needs of said City.

SECTION 4.11. SPECIAL TAXES. The Board of Mayor and Aldermen shall have the right to levy special taxes for cemetery, streets, parks, public libraries, and public school purposes. Said Board of Mayor and Aldermen, by resolution of the board, may make such arrangements with any cemetery association as it may deem expedient for the expenditure of any special cemetery tax. The Board of Mayor and Aldermen of said City may make such arrangements as it may deem expedient with any organization in said City having as its aim and purpose the civic improvement of said City, for the expenditure of special civic improvement taxes.

SECTION 4.12. ENFORCEMENT. The City may, by ordinance, make rules and regulations and impose penalties for the violation of the provisions of this Act and for the enforcement of the provisions hereof and for the collection of the tax herein levied.

SECTION 5.1. Chapter 153 of the Acts of 1905, as amended by Chapter 65 of the Private Acts of 1913 (Ex. Sess.), Chapter 87 of the Private Acts of 1913 (Ex. Sess.), Chapter 375 of the Private Acts of 1947, Chapter 355 of the Private Acts of 1968, and any other acts amendatory thereto is repealed.

SECTION 5.2. SEVERABILITY CLAUSE.

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

SECTION 5.3. APPROVAL AND CERTIFICATION. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the City of Rives at a regular or called meeting of the Board. Its approval or non-approval shall be certified by the Mayor and Recorder of the Board of Mayor and Aldermen to the Secretary of State.

SECTION 5.4. EFFECTIVE DATE. For the purposes of approving this Act, as provided in Section 5.3, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall become effective upon being approved, as provided in Section 5.3.

PASSED: May 20, 1981

Ned R. McWherter
SPEAKER OF THE HOUSE OF REPRESENTATIVES

John S. Wilder
SPEAKER OF THE SENATE

APPROVED: May 28, 1981

Lamar Alexander
GOVERNOR

This is to certify that according to the official records in this office, House Bill No. 1328, which is Chapter No. 129 of the Private Acts of 1981, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

GENTRY CROWELL
Secretary of State

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF
RIVES, TENNESSEE

| YEAR | CHAPTER | SUBJECT |
|------|---------|---|
| 1981 | 129 | Basic charter act. |
| 1991 | 34 | A d d e d § 3 . 2 0 , "Reimbursement of expenses of mayor and aldermen." |
| 2000 | 128 | R e p l a c e d § 3 . 1 6 "Elections." |
| 2010 | 53 | Replaced §§ 3.1, 3.4 and 3.5 |