

**CHARTER FOR THE TOWN OF SOMERVILLE, TENNESSEE<sup>1</sup>****CHAPTER NO. 169****HOUSE BILL NO. 3426****By Mr. Speaker Naifeh and Representative Walley****Substituted for: Senate Bill No. 3401****By Senator Wilder**

AN ACT to repeal Chapter 409 of the Acts of 1901 as amended by Chapter 77 of the Private Acts of 1979, Chapter 311 of the Private Acts of 1980, Chapter 564 of the Private Acts of 1917, Chapter 225 of the Private Acts of 1961, Chapter 206 of the Private Acts of 1990, Chapter 141 of the Private Acts of 1988, and any other act amendatory thereto, relative to the Town of Somerville and to enact a new Charter thereto.

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<sup>1</sup>Priv. Acts 1998, ch. 169, is the current basic charter act for the Town of Somerville, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2022 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 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 this charter.

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

SECTION 1. This act shall constitute the Charter of the Town of Somerville, Tennessee, deleting and replacing in its entirety the Charter provided by Chapter 409 of the Acts of 1901 and all subsequent amendments thereto. The Town of Somerville, in Fayette County, and the inhabitants thereof, are hereby continued and constituted a body politic and corporate under the name and style of “The Mayor and Aldermen of the Town of Somerville,” and shall have perpetual succession. By this corporate name and style, the town may sue and be sued, contract and be contracted with, grant, sell, receive,

purchase, and hold real, mixed and personal property, or dispose of same for the benefit of the town, and may have and use an official seal.

SECTION 2. The corporate boundaries or limits of the Town of Somerville shall be and embrace all the territory now within the corporate limits of the Town of Somerville as of the effective date of this act, as heretofore established and defined by acts of the General Assembly of Tennessee, by ordinances of the Town of Somerville and by law or ordinances or as may hereafter be modified by acts of the General Assembly or ordinances of the Town of Somerville. [As replaced by Priv. Acts 2008, ch. 85, § 1]

### SECTION 3. ELECTION OF BOARD OF MAYOR AND ALDERMAN.

(A) The Board of Mayor and Aldermen shall consist of a Mayor and six(6) Alderman;

(B) The terms of office for the mayor and aldermen shall be for four (4) year terms with biennial elections to be held on the second Wednesday of May in each even numbered year. The terms of office of the mayor and aldermen shall begin at a12:01 p.m. on the first Monday of June next following their election, and they shall serve until their successors have been elected and qualified. The elections shall be conducted in conformity with the general election laws of this state. It is the intent of this section to designate the existing six (6) aldermanic positions as positions one (1) through six (6). In filing for election, any candidate for alderman shall select and identify the position sought. The mayor and all aldermen shall be elected from the city at large and one (1) alderman shall be elected to each position. The candidates receiving the highest number of votes in an election for each designated position shall be declared elected as mayor and aldermen. In the event of a tie vote in any mayor or alderman's election, the incumbent board shall decide which of the candidates shall serve. At the regular May election held in 2004, elections shall be held for the position of mayor and aldermen's positions one (1), two (2), and three (3). Persons elected on that date shall serve four (4) year terms. At the regular May election held in 2006, elections shall be held for aldermanic positions four (4), five (5), and six (6), and persons elected on that date shall serve four (4) year terms. Such staggered elections shall continue thereafter. The mayor and any alderman shall be eligible for reelection provided they continue to meet all requirements for those offices.

(C) Any elector who has been a resident of the City for at least one (1) year or any resident within any area annexed in a year preceding an election who has resided in that area for one (1) year may be a candidate for the office of Mayor or Alderman.

(D) All registered voters who reside in or who own not less than an undivided one-half interest in a taxable freehold in real estate located within the corporation and who are entitled to vote for members of the General Assembly of Tennessee may vote in municipal elections.

(E) The Board of Mayor and Aldermen, at the first regular meeting after the newly elected Aldermen have taken office after each biennial election, shall elect from its membership a Vice-Mayor for a term of two (2) years. The Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or inability to act.

(F) Any person elected to the office of Mayor or Alderman shall maintain his or her residency in the City.

(G) The Board may by ordinance change the date of municipal elections. The new election date shall not become effective until after the next election. The ordinance changing the election date shall provide for the extension of the terms of members of the Board of Mayor and Aldermen necessary to meet the next election date, but no term may be extended for more than six (6) months beyond its regular expiration date. [As amended by Priv. Acts 2004, ch. 68]

**SECTION 4. CITY ADMINISTRATOR.** The Board of Mayor and Aldermen may appoint a Chief Administrative Officer. The City Administrator shall have the following powers and duties:

(A) To see that the laws and ordinances are enforced, and upon knowledge or information of violation thereof, to see that prosecutions are instituted in the City Court.

(B) To select and discipline personnel or authorize the head of any department to take such actions regarding subordinates in such department, in accordance with any personnel rules and regulations adopted by ordinance or resolution of the board; provided however, department heads shall be appointed or terminated only by the board.

(C) To supervise and control the work of the officers of all departments and divisions created by this Charter or which hereafter may be created by the Board of Mayor and Aldermen.

(D) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility or franchise are faithfully done, kept and performed, and upon knowledge or information of any violation thereof, to call

the same to the attention of the City Attorney who is hereby required to take such steps as are necessary to enforce the same.

(E) To attend all meetings of the Board of Mayor and Aldermen, with the right to take part in the discussion, but not to vote.

(F) To recommend to the Board of Mayor and Aldermen for adoption such measures as the City Administrator may deem necessary or expedient.

(G) To act as budget director and to keep the board fully advised as to the financial condition and need of the town.

(H) To act as purchasing agent for the Town and to purchase all materials, supplies, and equipment for the proper conduct of the Town's business. The Board of Mayor and Aldermen shall prescribe by resolution the maximum expenditure which the City Administrator may make without specific authorization of the Board.

(I) To serve in the capacity of City Recorder and Treasurer if designated by the Board.

(J) To perform such other duties as may be prescribed by this Charter or required by resolution or ordinance of the Board of Mayor and Aldermen. [As amended by Priv. Acts 2008, ch. 85, § 2]

SECTION 5. In case of any vacancy in the office of Mayor or Aldermen of the Town, occasioned by death or otherwise, such vacancy shall be filled by appointment by the remaining members thereof, for that period of the unexpired term, which occurs prior to a regular city election at which time the remainder of the term shall be filled by the election. The Mayor and Aldermen of the Town shall, before entering upon the duties of their offices, take an oath before some elected public official authorized to administer oaths in Fayette County to faithfully, uprightly and honestly demean themselves as Mayor and Aldermen of the corporation during their continuance in office. It is the duty of the Mayor to preside at all meetings of the Board; to take care that all the ordinances of the Town are duly enforced, respected and observed within the Town; and to call special sessions of the Board when he may deem it expedient. The Mayor shall make such suggestions and give such instructions in reference to the action of the Board, as will be the most conducive to the interest of the corporation. The Mayor shall give orders in connection with the recorder upon the Treasurer of the Town of Somerville, whenever the board directs same to be done, for the payment of any money that may be due from the corporation. The Mayor shall make temporary appointments of any officer, except Alderman or Department Head in case of sickness, absence, or other temporary disability. The Board may

confirm the Mayor's appointment or otherwise appoint a person to fill the vacant office unless this duty has been delegated as authorized in this Charter. In the absence of a City Administrator, the Mayor is responsible for those duties as well. The Mayor shall recommend to the Board the employment of legal counsel on behalf of the corporation, with the advice and consent of the Board, when they may deem it necessary. The Mayor shall be allowed one (1) vote, as any other Alderman, on all questions coming before the Board for consideration. The Mayor shall not be allowed a second vote in case of a tie; but unless a majority of the Board present shall vote in favor of any proposition coming before the Board, the same shall be declared lost. [As amended by Priv. Acts 2013, ch. 18, § 1]

SECTION 6. The Board of Mayor and Aldermen shall have full power and authority to appoint all department heads, officers and agents of the corporation, such as they may deem necessary, and may provide by ordinances; provided, that two-thirds (2/3) of the Board of Mayor and Aldermen concur in the appointment. Each such department head, officer or agent shall serve at the pleasure of the Board of Mayor and Aldermen and may be dismissed or removed by them; provided, that two-thirds (2/3) of the Board of Mayor and Aldermen concur in the removal or dismissal. [As replaced by Priv. Acts 2008, ch. 85, § 3]

SECTION 7. The Board of Mayor and Aldermen shall have power 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, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any public utility owned or operated by the municipality, or solely upon the credit of the proceeds

of special assessments for local improvements, or upon any two (2) or more such credits;

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

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

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

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

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility 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, codified in Tennessee Code Annotated, Title 9, Chapter 21;

(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 twenty-five (25) years or less, but no 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 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 hereafter 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. These contracts may

be entered into for a period of twenty-five (25) years or less, but no longer. The Board may prescribe in each such contract entered into, the rates, fare, charge, 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 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 items (12) and (13) of this section;

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107 through 7-31-111 and Section 29-16-114, or any other manner provided by general law;

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

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish; street lighting, street sweeping, street sprinkling, street flushing, and street oiling; the cleaning and rendering, sanitary or removal, abolishing, and prohibiting of closets and privies, in such a 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 service;

(27) Purchase or construct, maintain, and establish a workhouse for the confinement and detention of any person convicted in the City Court of offenses against the laws and ordinances of the municipality, 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;

(28) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction. Fines may be imposed by ordinance up to the maximum amount as prescribed by state law.

(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) To authorize the use of the town's firefighting equipment and personnel outside the corporate limits to suppress or extinguish fires, subject to such conditions and limitations as the Board may determine;

(32) To establish the compensation of the Mayor and of the Aldermen; provided, however, no change in compensation shall become effective during the term of a Mayor or during the term of an Alderman.

(33) To establish, by ordinance, a mosquito abatement program and to finance such program through the imposition of fees to be included in the monthly utility bills issued by the Town.

(34) 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.

(35) To establish, abolish, merge, or consolidate offices, positions of employment, and departments; to provide that the same person may fill any number of offices or positions of employment; and to transfer or change the functions and duties of officers, positions of employment and departments. [As amended by Priv. Acts 2008, ch. 85, § 4; Priv. Acts 2013, ch. 18, § 2; and Priv. Acts 2014, ch. 61]

SECTION 8. If an appeal is taken to the Circuit Court of Fayette County from any fine or costs imposed by the City Judge for the violation of any of the

ordinances of the Town, the person so appealing shall give bond and security in twice the amount of the fine and all costs imposed, conditioned to abide by and perform the judgment of the court on appeal.

SECTION 9. The police authority of the Town shall extend to a distance of one (1) mile from the lawful corporate limits thereof, for the suppression of all disorderly acts or practices forbidden by the General Laws of the State and of the corporation.

#### SECTION 10. CITY JUDGE

(A) There shall be a city court presided over by a City Judge appointed by the Board. The City Judge shall have jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the municipality.

(B) (1) The City Judge shall have the qualifications and receive the compensation the board may provide by ordinance. The Board may appoint the General Sessions Court Judge of the county or counties in which the municipality lies to act as City Judge. Whenever the office of City Judge is not filled by the appointment of some other person, the City Recorder shall be the City Judge.

(2) In the absence or disability of the City Judge, the Mayor may designate a qualified person to serve as City Judge or may designate the General Sessions Court Judge of the county or counties in which the municipality lies to be acting City Judge until one can be appointed at the next regularly scheduled meeting of the Board, or as otherwise provided by ordinance.

(3) The City Judge may impose fines, costs, and forfeitures, and punish by fine for violation of city ordinances. The Judge may preserve and enforce order in the court and enforce the collection of all fines, costs, and forfeitures imposed. In default of payment, or good and sufficient security given for the payment of any fines or forfeitures imposed, the Judge shall commit the offender to the workhouse or other place provided for this purpose, and to any labor provided by ordinance until the fines or forfeitures are fully paid as provided in Tennessee Code Annotated, Section 40-24-104. No such imprisonment shall exceed the period of time established in Tennessee Code Annotated, Section 40-24-104, for any one (1) offense, and fines may be imposed up to the maximum penalty as prescribed by state law. Fines may be paid in installments as provided by ordinance. The City Judge may remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

SECTION 11. The corporation herein granted shall assume and be liable for all bonds, obligations and debts contracted and warrants issued by the Board of Mayor and Aldermen acting under the previous Charter of the former Town of Somerville; and the Mayor and Aldermen herein provided for are hereby empowered, and it shall be their duty, to levy taxes for the payment of same; and all the rights and title to all the property, real and personal, debts and chose in action owned and claimed by the former Town of Somerville is hereby divested out of same and vested in the corporation hereby created, to hold, collect and use in as full and ample a manner as if they had been purchased and acquired under the powers and rights of this Charter, and it is the duty of the corporation hereby created to perform, execute and perfect all executory contracts lawfully made and entered into by the old corporation of the Town of Somerville.

SECTION 12. The Recorder, Treasurer and other officials charged with the collection, safekeeping and disbursement of taxes, fines, costs or other corporation funds, shall give bond in such sum or sums as the Board of Mayor and Aldermen may require for the faithful performance of their duties in respect to said funds.

### SECTION 13. THE CITY RECORDER.

(1) The Board shall appoint a City Recorder, who also may be appointed to the positions of Finance Director or Treasurer, or both. The Recorder shall become State Certified within the time prescribed by general law.

(2) The Recorder or designee shall be present at all meetings of the Board of Mayor and Aldermen, and keep a full and accurate record of all business transacted by the Board to be preserved in permanent form.

(3) The Recorder or designee 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 thereof. All such records shall be the property of the municipality.

(4) The Recorder shall provide, copy, and when required by any officer or person, certify copies or records, papers, and documents in the office. Fees for copying and certification shall be charged as established by ordinance.

(5) The Recorder shall give bonds in sum or sums as the Board of Mayor and Aldermen may required for the faithful performance of the Town of Somerville.

SECTION 14. THE TREASURER.

(1) The Board shall appoint a Treasurer.

(2) The Treasurer shall collect, receive, and receipt for taxes and all other revenue (and bonds) of the municipality, and the proceeds of its bond issues and disburse them.

(3) The Treasurer shall give bond in sum or sums as the Board of Mayor and Aldermen may require for the faithful performance of their duties in respect to said funds.

(4) The Board may appoint the Recorder as Treasurer.

SECTION 15. DEPOSITORIES OF MUNICIPAL FUNDS.

(1) Depositories of the municipal funds shall be designated by ordinance, and the board shall require such security for city deposits as its deems necessary, but the security shall not be less than that required for state deposits pursuant to Tennessee Code Annotated, Title 9, Chapter 4, Parts 1 and 4.

(2) Notwithstanding any provision of this section or any other law to the contrary, the municipality may, without requiring security from the depository, deposit its funds in any bank or savings and loan association whose deposits are insured by an agency of the federal government to the extent of the insurance coverage provided by the agency.

SECTION 16. ORDINANCES.

(1) Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published.

(2) All ordinances shall be considered on two (2) separate days and may be passed by approval on both days by a majority of the members present, if a quorum is present by calling AYES and NAYS. A quorum is a majority of the board. All AYES and NAYS on all votes on all ordinances shall be recorded.

SECTION 17. This Act is hereby declared to be a private act and this act upon approval, constitutes prima facie evidence of the Town's Charter, and may be received in courts of law and equity in this State as such.

SECTION 18. Repeal Chapter 409 of the Acts of 1901 as amended by Chapter 77 of the Private Acts of 1979, Chapter 311 of the Private Acts of 1980, Chapter 564 of the Private Acts of 1917, Chapter 225 of the Private Acts of 1961, Chapter 206 of the Private Acts of 1990, Chapter 141 of the Private Acts of 1988, and any other Act amendatory thereto, relative to the Charter of the Town of Somerville.

SECTION 19. 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 Somerville. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Municipal Governing Body and certified by the Secretary of State.

SECTION 20. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 19.

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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

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JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 7<sup>th</sup> day of May 1998

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DON SUNDQUIST, GOVERNOR



COMPRISING THE CHARTER OF THE TOWN  
OF SOMERVILLE, TENNESSEE

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YEAR	CHAPTER	SUBJECT
1998	169	Basic charter act.
2004	68	Amended § 3, relative to the terms of office for the mayor and aldermen.
2008	85	Replaced § 2, relative to boundaries; replaced § 4(B), relative to city administrator's authority over personnel; replaced § 6, relative to appointment and dismissal of department heads; added § 7(34), relative to employment, departments, and positions.
2013	18	Amended § 5, relative to vacancies in the office of mayor or aldermen; and amended § 7, relative to powers of the board of mayor and aldermen.
2014	61	Amended § 7 by adding a new subsection (33) and renumbering the remaining subsections.