

RELATED ACTS¹

1.	Chapter 59, Private Acts of 1961, "Use of fire fighting equipment outside corporate limits"	C-42
2.	Chapter 495, Private Acts of 1967, "Privilege tax on alcoholic beverages"	C-44
3.	Chapter 69, Private Acts of 1979, "Election of mayor and aldermen"	C-47

¹Related acts are private acts amending the charter of the Town of Arlington. Bond authorization acts and acts which did not receive local approval have not been included. A list of all private acts amending the town's charter is at the end of this charter.

CHAPTER NO. 59

House Bill No. 213

(By Frank L. White, Oscar Edmonds, Jr., Joan F. Strong, Jack Bertucci, J. Alan Hanover, Joe Pipkin, Frierson M. Graves, Jr.)

AN ACT to amend the Charter of the Town of Arlington, Tennessee.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Charter of the Town of Arlington, Tennessee be amended as follows:

a. Said Town of Arlington, Tennessee, is empowered in its governmental capacity to use its fire-fighting equipment and personnel outside its corporate limits, when and under such circumstances, limitations and conditions as its governing body may in its sole discretion determine.

b. Said fire-fighting equipment and personnel may be used outside the corporate limits of said Town of Arlington, without limitation as to distance or area, except as limited by the governing body of said Town of Arlington.

c. Said governing body of the Town of Arlington, Tennessee, may in the exercise of its sole discretion, provide or agree to such terms, limitations, restrictions and conditions as may seem proper or advisable to it with respect to such outside use of said equipment and personnel; and it may refuse to permit any such outside use.

d. Whenever said fire-fighting equipment and personnel are so used or employed in fighting fires, or affording fire protection, outside the corporate limits of said Town, the Town of Arlington and its officials, agents, servants and employees authorizing or performing such service shall be entitled to all the immunities and protections from liability to which they are entitled with respect to similar services within the corporation limits of said Town of Arlington, Tennessee.

SECTION 2. Be it further enacted, That in the event any section or part of any section of this Act be questioned in any Court, and shall be held to be invalid, the remainder of the Act shall not be invalidated, but shall remain in full force and effect.

SECTION 3. Be it further enacted, That this Act shall not take effect until and unless and the same shall have been approved by a two-thirds vote of the Mayor and Board of Aldermen of the Town of Arlington, Tennessee, at a regular meeting held after its approval by the Governor of this State; and its approval or non-approval shall be certified by the Mayor of said Town to the Secretary of State.

SECTION 4. Be it further enacted, That this Act take effect from and after its passage, and after its approval, as provided in Section 3, the public welfare requiring it.

Passed: February 13, 1961.

s/James L. Bomar
SPEAKER OF THE HOUSE OF REPRESENTATIVES

s/Wm. D. Baird
SPEAKER OF THE SENATE

Approved: February 18, 1961.

s/Buford Ellington
GOVERNOR

CHAPTER NO. 495

House Bill No. 1973

(By Dunavant)

AN ACT to be entitled: "An Act to amend the Charter of Arlington, Shelby County, Tennessee, so as to authorize the said Arlington, Shelby County, Tennessee, to levy a privilege tax on alcoholic beverages sold at retail in said City, and to provide for the enforcement and collection of said tax."

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Charter of Incorporation of Arlington, Shelby County, Tennessee, as originally certified and granted by the Secretary of State on the 19th day of December, 1900, and all amendments thereto and the same are hereby amended by the addition thereto of the following:

SECTION 2. Be it further enacted,
Definitions:

(a) For the purposes of this Act, the term "alcoholic beverages" shall mean and include whiskey, wine, rum, gin, and all other alcoholic beverages, the definition of alcoholic beverages contained in Section 3 of Chapter 49 of the Public Acts of the General Assembly of 1939, being hereby adopted.

(b) The term "person" shall include individuals, partnerships, corporations and associations.

(c) The term "wholesaler" means a person who sells alcoholic beverages to retailers, and shall include distributors, distillers or any person making sales to retailers.

(d) The term "retailer" means a person who sells alcoholic beverages for consumption and not for resale.

SECTION 3. Be it further enacted, That for the purpose of providing additional revenue for the Town of Arlington, and so as to provide the means of regulation of the liquor business in the TOWN OF ARLINGTON, there is hereby levied upon each purchaser of alcoholic beverage from a retailer in TOWN OF ARLINGTON, a Privilege Tax.¹ The said Privilege Tax shall be measured by the

¹See Tennessee Code Annotated, §§ 57-3-501, et seq.

wholesale price of the alcoholic beverage purchased by such person, paid by the retailer to the wholesaler, and shall be 3% of such wholesale price. The said tax shall be added by the wholesaler to each invoice for alcoholic beverages sold to such retailer and shall be collected by such wholesaler from such retailer and remitted to the said City as hereinafter set out. Each such retailer shall include the amount of such tax paid by him to the wholesaler in the retail price charged by him to the consumer on each package of alcoholic beverage sold.

SECTION 4. Be it further enacted, That the tax hereby levied shall be remitted by all wholesalers who sell alcoholic beverages within the TOWN OF ARLINGTON, to the City Clerk of the TOWN OF ARLINGTON monthly, not later than the 20th day of each month, for the preceding month. The wholesaler is hereby required to collect the said tax from the retailer at the time of delivery of all alcoholic beverages on which said tax is levied, and if credit be granted by the wholesaler to the retailers then the obligation to the City of Memphis for the tax shall be that of the wholesaler. The Board of Mayor and Aldermen of the TOWN OF ARLINGTON, is hereby authorized and empowered to enact an ordinance providing reasonable rules and regulations for the implementation of the provisions of this Act. Without limitation upon the provisions which may be included in such ordinance, said ordinance may provide for the making of a monthly tax return by the wholesaler under oath, with such number of copies thereof as may be reasonably required by the said Clerk, and including such facts and information as may be deemed reasonable for the verification of the tax due, and may provide for and require access to the pertinent records of all wholesalers at reasonable times.

SECTION 5. Be it further enacted, That this Act shall become effective when the same shall have been approved by the Board of Mayor and Aldermen of TOWN OF ARLINGTON, by a vote of not less than two-thirds of the members of said Board, such approval to be made by said Board within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1968, the public welfare requiring it becoming effective at that time, and this Act shall not become effective before such approval. The approval or non-approval of this Act by the Board of Mayor and Aldermen shall be certified by the Mayor of the TOWN OF ARLINGTON to the Secretary of State.

Passed: April 2, 1968.

s/James H. Cummings
SPEAKER OF THE HOUSE OF REPRESENTATIVES

s/Frank C. Gorrell
SPEAKER OF THE SENATE

Approved: April 3, 1968.

s/Buford Ellington
GOVERNOR

CHAPTER NO. 69

SENATE BILL NO. 1294

By Dunavant

Substituted for: House Bill No. 956

By Naifeh

AN ACT To amend the Charter of Arlington, Shelby County, Tennessee, relative to the election of municipal officers.

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

SECTION 1. The Charter of Incorporation of Arlington, Shelby County, Tennessee, as originally certified and granted by the Secretary of State on the 19th day of December, 1900, as amended, is further amended by adding the following paragraph:

Notwithstanding any other provisions of this Charter to the contrary, the election for Mayor and Aldermen and any other municipal officers required to be elected shall be conducted in conformity with the provisions of Tennessee Code Annotated, Title 6, Chapter 5, and shall be held on the third Thursday in September, 1979, and on the third Thursday in September of each fourth year thereafter.

SECTION 2. 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 town of Arlington within sixty (60) days after the sine die adjournment of the General Assembly for the year 1979. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of Mayor and Aldermen and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2 of this act.

PASSED: April 5, 1979

s/John S. Wilder
SPEAKER OF THE SENATE

s/Ned R. McWherter
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED: April 17, 1979

s/Lamar Alexander
GOVERNOR

PRIVATE ACTS RELATING TO ARLINGTON, TENNESSEE

YEAR	CHAPTER	SUBJECT
1911	381 ¹	Authorized issuance of \$3,000.00 water plant bonds. Repealed by ch. 173, Priv. Acts of 1917.
1913	156 ¹	Authorized issuance of \$25,000.00 waterworks and electric plant bonds. Repealed by ch. 173, Priv. Acts of 1917
1917	173 ¹	Authorized issuance of \$20,000.00 waterworks and electric plant bonds. Repealed ch. 381, Priv. Acts of 1911 and ch. 156, Priv. Acts of 1913.
1955	295 ²	Authorized cigarette tax for Shelby County and incorporated municipalities therein.
1961	59	Use of fire fighting equipment outside corporate limits.
1968	495	Authorized alcoholic beverage tax.
1979	69	Election of Board of Mayor and Aldermen.

¹Bond authorization acts, since of a temporary nature, have not been included in the foregoing appendix.

²This act has never received local approval in Arlington and is therefore not included in this appendix.