

HOUSE BILL 2149

By Curtiss

AN ACT to amend Chapter 295 of the Acts of 1903; as amended by Chapters 329 and 378 of the Acts of 1907; Chapter 274 of the Acts of 1909; Chapter 188 of the Private Acts of 1921; Chapter 737 of the Private Acts of 1927; Chapter 469 of the Private Acts of 1929; Chapter 194 of the Private Acts of 1931; Chapter 369 of the Private Acts of 1945; Chapter 582 of the Private Acts of 1947; Chapters 283 and 388 of the Private Acts of 1953; Chapter 99 of the Private Acts of 1973; Chapter 8 of the Private Acts of 1974; Chapter 216 of the Private Acts of 1974 and Chapter 154 of the Private Acts of 1996; and any other acts amendatory thereto; and any other acts amendatory thereto, relative to the City of Sparta.

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

SECTION 1. Chapter 295 of the Acts of 1903; as amended by Chapters 329 and 378 of the Acts of 1907; Chapter 274 of the Acts of 1909; Chapter 188 of the Private Acts of 1921; Chapter 737 of the Private Acts of 1927; Chapter 469 of the Private Acts of 1929; Chapter 194 of the Private Acts of 1931; Chapter 369 of the Private Acts of 1945; Chapter 582 of the Private Acts of 1947; Chapters 283 and 388 of the Private Acts of 1953; Chapter 99 of the Private Acts of 1973; Chapter 8 of the Private Acts of 1974; Chapter 216 of the Private Acts of 1974 and Chapter 154 of the Private Acts of 1996; and any other acts amendatory thereto, the same being the charter of the City of Sparta is amended to read as follows:

SECTION 1. The city of Sparta, in the county of White, and State of Tennessee, and the inhabitants thereof, is a body politic and corporate, and under and by the name and style of the "Mayor and Aldermen of the city of Sparta;" may sue and be sued, grant, receive, purchase, and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of said city of Sparta and may have and use a common seal, and change the same at pleasure.

SECTION 2. Municipal Boundaries. The boundaries of the city are those outlined in the Private Acts of Tennessee, on record in the register of deeds office, and the ordinances of the city.

SECTION 3. Elections. Municipal elections shall be held biennially on the first Thursday in August to coincide with the State General Election.

SECTION 4. Terms of office.

(a) The term of office of the mayor elected in the August, 2010 election shall be for a four (4) year term. The terms of the three (3) aldermen elected in August, 2010 shall be for four (4) years. The terms of the three (3) aldermen elected in August, 2008 shall be for four (4) years. Thereafter, the terms of the mayor and aldermen shall be for four (4) years.

(b) The terms of office of the mayor and aldermen shall begin at the first regular meeting next following the election after certification by the county election commission, and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election, providing that it is conducted fairly and in substantial conformity with the requirements of this charter and the general election laws of the state.

SECTION 5. The Board of Mayor and Aldermen.

(a) The mayor and six (6) aldermen elected under this Charter, and the incumbent aldermen until the expiration of their current terms of office, shall compose the city board, in which is vested all corporate, legislative and other powers of the city, except as otherwise provided in this Charter.

(b) The city board is authorized to set the compensation of the mayor and of members of the board by ordinance as provided in this subsection. The salary of the mayor and of members of the board may not be altered prior to the end of the term for which such person was elected.

(c) The board shall meet regularly at least once every month at the times and places prescribed by ordinance. The board shall meet in special session on

written notice of the mayor, any three (3) board members, or the city administrator and served on the other members of the board personally at least twelve (12) hours in advance of the meeting. Only the business stated in the written call may be transacted at a special meeting. The board shall exercise its powers only in public meetings.

SECTION 6. Qualifications for mayor and aldermen.

(a) No person shall be eligible to the office of board member or of mayor unless he has been a resident of the city for twelve (12) consecutive months prior to the date of the election; is eligible to be a registered voter in the city of Sparta, Tennessee; and is twenty-one (21) years of age. A candidate shall run separately and individually for the position of mayor.

(b) No candidate for any office under this Charter shall directly or indirectly give or promise any person or persons anything of value, or any office, employment, benefit or money for the purpose of influencing or obtaining political support, aid or vote for any candidate in any municipal election, and a violation of this provision shall be a bar to such person holding office in this municipality for a period of five (5) years.

SECTION 7. Voter Qualifications. Any United States citizen who is or will be eighteen (18) years old before the next election date and is a Tennessee resident, and a resident of Sparta, or a qualified non-resident property owner, may register to vote unless he or she has been legally disqualified pursuant to Tennessee Code Annotated, § 2-2-102, § 2-2-104, and § 2-2-122.

SECTION 8. Non-resident Property Owner's Voting. Persons owning at least fifty percent (50%) fee simple interest in a parcel of real property of at least five thousand square feet (5,000') or appraised for tax purposes at no less than five thousand dollars (\$5,000) for the six (6) month period immediately preceding an election and who are otherwise qualified to vote in Tennessee state elections shall be eligible to vote in city elections provided the person is properly registered in accordance with applicable state law.

SECTION 10.

(a) The board shall have the following powers:

(1) To make and pass such laws and by-laws as are necessary to prevent or remove nuisances;

(2) Subject to meeting any general law requirements, to provide for licensing and regulating auctions, taxing, regulating or restraining theatricals or public amusements, shows, or exhibitions within the boundary of the corporation;

(3) For restraining or prohibiting gambling houses in accordance with general law;

(4) To regulate the sale of beer;

(5) To establish night and day watches and patrol;

(6) 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 or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefore under the provisions provided by the general laws of the state;

(7) Construct, improve, reconstruct and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within and without the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, state law;

(8) Assess against abutting property within and without the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(9) 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 inside and outside the municipality;

(10) To provide for the establishment and regulation of a fire company, the sweeping of chimneys, and the safe condition of flues;

(11) To impose and appropriate fines, penalties, and forfeitures for breach of by-laws and ordinances;

(12) To levy and collect taxes of privileges, real, and personal property, for the benefit of the city;

(13) Prevent engines and cars from blockading public highways at their crossing, or standing in certain prescribed distances from crossing of said highway for a longer time than actually necessary to transact lawful business;

(14) To establish fire limits and such general regulations by ordinance, for the prevention and extinguishment of fire, as they may deem expedient;

(15) To regulate the storage and transportation of illuminating oils, high explosives, gunpowder, tar, pitch, resin, and other explosives and combustible material in accordance with general law;

(16) To prevent and restrain riots, noise, disturbances, or disorderly assemblages in any streets, houses, or places within the city of

Sparta, breaches of the peace, fighting or disorderly conduct; and to suppress bawdy houses;

(17) To prohibit and punish the abuse of animals in accordance with the general law;

(18) To provide the city with water, to erect hydrants and pumps, construct cisterns and reservoirs, to lay pipes for conducting and distributing water over the city, and keep the same in repair;

(19) To acquire water companies organized for the purpose of supplying water for domestic, irrigating, mechanical, or other purposes, to build and construct reservoirs for the storage of water; to construct or purchase waterworks for the use of the city, and enlarge their capacity, from time to time and keep the same in repair, and generally to do whatever may be needful and necessary to be done by contracting with water companies, or otherwise, in order to supply the town with water for fire, domestic, irrigating, mechanical, and other purposes, and regulate the same and fix the price to be charged private consumers thereof;

(20) To establish and enforce quarantine laws and regulations in accordance with state laws;

(21) To restrain cattle, horses, hogs, sheep, dogs, and other animals from running at large and to authorize the summary sale or other disposition of horses, cattle, sheep, dogs, and all other animals running at large in the city;

(22) To regulate or prevent the use of fireworks in accordance with general law and to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires;

(23) To require parties to obtain a building permit from the city before erecting any building or structure;

(24) To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this Charter, and to

make all ordinances which it may deem necessary or requisite for the good order, health, good government or general welfare of the city, and also for the protection and preservation of any city properties, privileges, and franchises, and enforce the same by proper fine, or other penalties. The corporation shall have full power and authority to loan its credit to any water company organized for the purpose of supplying said city with water for domestic, irrigating, mechanical or other purposes by purchasing the bonds or securities of such water company upon the approval of three-fourths ($\frac{3}{4}$) of the qualified voters of said city who vote in an election at which the question of such proposed loan is submitted to such qualified voters in accordance with the provisions of Section 29, Article II, of the Constitution of said State, and to make and pass such laws, by-laws and ordinances as are necessary to carry into effect the power herein granted;

(25) The Board shall have full power and authority by ordinance to provide for the sanitary measures necessary to prevent sickness; and

(26) To require the owners of real estate abutting on any street or alley of the said city of Sparta, Tennessee, to construct sidewalks on or along their property so abutting any of the said streets or alleys of the city.

(b) Enumeration of powers not exclusive. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this section impair a power granted in any other part 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 such powers as to any one (1) or more such objects for any one (1) or more such purposes.

SECTION 11. Oath of Office. Before assuming the duties for which they were elected or appointed, the aldermen and all municipal officers shall take an oath to faithfully and impartially perform the duties as the law directs, during their term of office.

SECTION 12. Vice-Mayor-Board Vacancies.

(a) At the first meeting following the biennial election, the board shall elect a vice-mayor from among its members. The vice-mayor shall perform the duties of the mayor during his absence.

(b) Vacancies in the office of mayor and aldermen may be filled by an election of the board. Such officials shall serve until the next municipal election. If the mayor is unable to complete his term of office, the vice-mayor shall have the option of serving out the term of the mayor, or resume the aldermanic term for which the vice-mayor was elected. If the vice-mayor elects to serve out the term of the mayor, the vice-mayor's aldermanic seat shall become vacant upon ascension to mayor.

SECTION 13. Meetings and Quorum. The city board has the authority in public assembled session with a quorum present, either regular, special or called, to exercise all expressly granted and implied powers. Four (4) affirmative votes are required for any measure to be adopted. Four (4) members of the city board, which may include the mayor, constitute a quorum; however, a smaller number may adjourn from time to time and compel the attendance of absent members. The mayor shall have a voice, a vote, but no veto power. The mayor may introduce resolutions and ordinances.

SECTION 14. Duties of the Board.

The city board shall:

- (1) Determine its rules of procedure and provide for their enforcement;
- (2) Determine the place, date and hour of its meetings;
- (3) Adjourn or call meetings;
- (4) Provide and keep all necessary books, accounts, statements, etc., and minutes of its own proceedings, and tax rolls and tax receipts;
- (5) Take proof, either oral or by deposition, and administer oaths;

(6) Exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the board except through proceedings adopted at some regular or special session; and

(7) Call for elections as required.

SECTION 15. Ordinances.

(a) No ordinance shall be introduced before the board unless having first been presented to the city recorder and no such ordinance shall become effective without having been passed on at least two (2) readings and no more than one (1) reading shall be had on any one (1) day. Before any ordinance shall become effective, it shall receive no fewer than four (4) affirmative votes. Every ordinance and amendment shall be retained in the custody of the recorder. All ordinances, when they have been finally passed or adopted, shall be signed by the mayor. The caption of every ordinance shall be read prior to its consideration for approval. A record of all yes and no votes shall be entered into the minutes for all ordinance votes.

(b) All ordinances shall contain the following enacting clause:

“Be it enacted by the Board of Mayor and Aldermen of the city of Sparta, Tennessee” and they shall take effect immediately upon final passage, or at a time fixed within the ordinance.

(c) In accordance with Tennessee Code Annotated, Section 6-54-512, the following actions of the city board shall be by ordinance unless otherwise allowed by general law to be done by resolution:

(1) Any action required by general law or this Charter to be by ordinance; or

(2) Any action that:

(A) Levies a tax;

(B) Makes a special assessment;

(C) Is permanent in nature; or

(D) Has a regulatory or penal effect.

SECTION 16. Powers and duties of mayor.

The mayor:

(1) Shall be the chief legislative officer of the municipality and preside at meetings of the board;

(2) Shall have a vote on all matters but no veto power;

(3) Shall be the ceremonial head of the city;

(4) Shall sign all ordinances and resolutions upon their final passage;

(5) Shall sign deeds, bonds and contracts when authorized by the Board of Mayor and Aldermen to do so;

(6) Shall be the officer to accept process against the city;

(7) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;

(8) Shall make appointments to boards and agencies as provided by Tennessee law and shall report such appointments to the board at its next regular meeting;

(9) May call special meetings of the board upon adequate notice to the board and adequate public notice;

(10) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(11) May countersign checks and drafts drawn upon the treasury by the treasurer and shall sign all contracts, ordinances and resolutions, except purchase orders, to which the municipality is a party;

(12) Such other duties as may be designated or required by the board or state law; and

(13) Shall perform other duties imposed by this Charter and ordinances not inconsistent with this Charter.

SECTION 17. Duties of city administrator.

The board shall appoint a city administrator who shall be under the control and direction of the board. The city administrator shall be the chief administrative officer of the city and shall be responsible to the board. In the absence of a city administrator, the board shall appoint an interim city administrator.

The administrator shall have the following powers and duties:

- (1) Administer the business of the municipality;
- (2) Have authority to direct and control the work of all officers and employees, except as otherwise provided in this Charter and amendments thereto;
- (3) Prepare and recommend a municipal budget to the city board;
- (4) Have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made unless within budget limitations;
- (5) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees;
- (6) Keep the board fully advised as to the conditions and needs of the municipality;
- (7) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;
- (8) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the city;
- (9) Recommend specific personnel positions, as may be required for the needs and operations of the city;
- (10) Employ, promote, discipline and discharge employees in accordance with board approved personnel policies. Board approval shall be required to employ and discharge department heads or directors. Departments shall be defined as major divisions of a governmental function such as finance, city

administration, public works, electric utilities, fire, police, etc. A division is a division of a governmental function under a department;

(11) Serve as municipal purchasing agent or appoint a designee pursuant to this charter;

(12) Approve all payments made to the city attorney, prior to presentation for payment;

(13) Approve bills payable;

(14) Be responsible for the enforcement of laws, rules and regulations, ordinances and franchises in the city; and

(15) Perform such other duties as may from time to time be designated or required by the board.

SECTION 18. City Recorder-Duties. The city administrator shall, with approval of the board, appoint a city recorder. The city recorder shall keep all records, minutes, and books, ordinances, resolutions, contracts and agreements, and financial records safely; and be responsible for and account for all moneys belonging to the city that may come into the recorder's possession, or for which the recorder may be responsible. The city recorder may sign checks for any expenses of the city, act as tax collector of the city, and perform other duties as directed by the city administrator. The city administrator may designate the city recorder to serve as finance director or city treasurer, or both finance director and city treasurer.

SECTION 19. Bond Required. The city recorder, finance director, treasurer, and other officials charged with the collection, safekeeping, and disbursements of the 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; provided, the bond of the recorder shall not be less than one hundred thousand dollars (\$100,000).

SECTION 20. City Attorney.

(1) The mayor, with the approval of the city board, may employ a city attorney. The city attorney shall receive a salary to be fixed by the Board of Mayor and Aldermen. The duties of the city attorney shall include:

(A) Direct the management of all litigation in which the city is a party, including the functions of prosecuting attorney in the city courts;

(B) Represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested;

(C) Attend any meetings of the board when required by the Board of Mayor and Aldermen;

(D) Advise the board and committees or members thereof, the city administrator, and the heads of all departments and divisions, as to all legal questions affecting the city's interest; and

(E) Approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city.

SECTION 21. City Court.

(a) The board shall appoint a city judge to preside over the city court. He may receive such compensation as is provided by ordinance. The city judge shall meet the qualifications established by the board. The city judge may be removed from his office by a majority vote of the city board.

(b) The city judge shall be responsible for the trial of persons charged with violation of the ordinances of the city. In accordance with the Municipal Court Reform Act, compiled in Tennessee Code Annotated, Title 16, Chapter 18, Part 3, the city judge may levy fines, penalties, court costs and forfeitures not exceeding state authorized maximum limits for each violation; impose costs authorized by ordinance; issue all necessary process; administer oaths; and punish for contempt allowed by law.

(c) The city judge shall keep or cause to be kept a docket. The city board may by ordinance require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as deemed necessary.

SECTION 22. Property Assessments.

(a) All property shall be assessed as of January 1 of each year and all taxes due on the basis of such assessments and the levy of the city shall be due and payable on the same date that state and county taxes are due and payable and such taxes shall become delinquent if unpaid on the same date as state and county taxes become delinquent. From and after such date all delinquent taxes shall bear interest and a penalty as provided by law.

(b) On or after the first day of April next succeeding the date upon which city taxes become due, the city tax collector shall certify to the city attorney or the county trustee, if the trustee is collecting delinquent taxes, the list of all delinquent taxes remaining unpaid. Either the city attorney may be directed to file suits in the name of the city or the trustee shall process the delinquent taxes in the same manner that county delinquent taxes are processed.

(c) All taxes assessed and levied on real estate shall be and remain a lien on the property until such taxes are paid in full with all penalties, interest and court costs; such lien shall be enforced as other liens are enforced by suits in equity and in such suits there may be included any number of distinct pieces or tracts of land, the owners thereof being made defendants to the bill and no such suit shall be subject to objection for misjoinder by reason of the distinct interests which the several defendants have in property proceeded against.

SECTION 23. Franchises. The board may grant to any person, firm, association or corporation (including the city) franchises for public utilities, telecommunications systems, and public services to be furnished both inside and outside the city and to inhabitants 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. Franchises may be granted for a period of time to be fixed by the board but not to exceed twenty (20)

years. 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 city at the date of the franchises, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing streets, alleys and thoroughfares that thereafter may be opened.

SECTION 24. The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

SECTION 25. Laws in Conflict. All laws and parts of laws, and acts and parts of acts, in conflict herewith are hereby repealed.

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 city of Sparta . Its approval or nonapproval shall be proclaimed by the mayor and certified 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 as provided in Section 2.