

HOUSE BILL 2533

By Alexander

AN ACT to amend Chapter 630 of the Private Acts of 1935; and any other acts amendatory thereto, relative to the charter of the Town of Orme.

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

SECTION 1. The Charter of the Town of Orme being Chapter 630 of the Private Acts of 1935, as amended, is amended in its entirety to read as follows:

ARTICLE I  
CORPORATE CAPACITY

Section 1. Incorporation. That the Town of Orme, in the County of Marion, and the inhabitants thereof, are hereby constituted a body politic and corporate, under the name of the Town of Orme and shall have perpetual succession as a municipal corporation, and by the corporate name may sue and be sued; grant, receive and purchase and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of the Town of Orme, and may have and use a common seal and alter the same.

Section 2. Boundaries. Beginning at the school house on the public road at the Tennessee-Alabama line, and running northwardly a direct line to the top bluff of the Mountain; thence, westwardly with the bluff of the Mountain to the head of Orme Cove or Valley; thence southwardly and eastwardly with the top bluff of the Mountain to the Tennessee-Alabama State line; thence with said State line to the point of beginning:

ARTICLE II  
POWERS

Section 1. Powers enumerated. The Town Commission shall have the 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) Provide for municipal planning and zoning control;

(7) Appoint boards, commissions and committees not in conflict with this charter or state law;

(8) Use tax incentives allowed by state law to promote economic and community development;

(9) 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 property used in connection with 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;

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

(11) 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;

(12) 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 state law, or in any other manner provided by law;

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

(14) Acquire, construct, own, operate, maintain, 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 state law;

(15) 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 not longer. The Commission 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 thereafter may be opened;

(16) 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 not longer. The Commission may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with

whom the contract is made in accordance with state and federal law. 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 thoroughfares, and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(17) 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 subdivisions (15) and (16);

(18) 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 therefore under the provisions of state law or any other manner provided by general law;

(19) 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, state law or any other manner provided by general law;

(20) 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 unsanitary conditions, in such manner as may be provided by general law or by ordinance of the Commission;

(21) 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;

(22) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal. The cost of such collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

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

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

(25) 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;

(26) 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;

(27) 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;

(28) Provide and maintain charitable, educational, recreational, curative, corrective, detention, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(29)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction.

(B) No fine may exceed fifty dollars (\$50.00) or the maximum allowable under general state law, whichever is greater, for violation of municipal ordinances.

(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 dispose of in accordance with State regulations;

(31) Call elections as herein provided;

(32) By ordinance, assess, impose, levy and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula is prescribed by ordinance;

(33) To make regulations to secure the general health, safety and welfare of the inhabitants, and to require the owners of property to keep, maintain and repair their property in a manner both safe and conducive to the good health, safety and welfare of the citizens of the town. For that purpose the town shall have the right to adopt ordinances requiring property owners at their expense to repair, close or demolish unsafe and unhealthy structures on their property and requiring property owners, at their expense, to remove unsafe and unhealthy manmade and natural material from their property, including junk motorized and

non-motorized vehicles of every kind and description, debris, trash, litter and garbage, and growth of vegetation, including weeds, trees, vines, grass, and underbrush, and upon the failure or refusal of any property owner to comply with such ordinances, to repair, close or demolish such structures, or to remove from the property such man-made and natural material at the town's expense. The town shall file with the register of deeds in the county where the property lies notice of the town's expense, which notice shall be a lien on the property in favor of the town, second only to liens of the state, county and city for property taxes; any lien of the town for special assessments, and any valid lien, right or interest in such property duly recorded or perfected prior to the filing of such notice. The expenses shall be collected by the town's tax collector at the same time and in the same manner as property taxes are collected;

(34) Borrow money to purchase, acquire, construct, extend, improve, repair or equip any such system and issue its bonds or notes therefor, including refunding bonds, in such form and upon such terms as it may determine. Any such bonds or notes shall be issued pursuant to the procedures set forth in and shall be governed by Tennessee code annotated Title 9, Chapter 21, including provisions dealing with covenants permitted in bond resolutions, security and remedies of bondholders, and the system described in this subdivision shall be deemed to be a "public works project," as defined in Tennessee code annotated Title 9, Chapter 21; and

(35) 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.

### ARTICLE III ELECTIONS

Section 1. Date of general town election. A general town election shall be held on the first Tuesday after the first Monday in November and every four years thereafter.

Section 2. General election laws apply. All elections shall be conducted by the Commissioners of Elections of Marion County in accordance with the general election laws of the State and of this Charter.

Section 3. Voter qualification requirements. Any person who is a resident of the Town of Orme and qualified to vote for members of the General Assembly and other civil officers for Marion County shall be entitled to vote in elections for Commissioners. The same qualifications for voting in all other town elections or referenda shall apply unless otherwise provided by law.

#### ARTICLE IV TOWN COMMISSION

Section 1. Composition, eligibility, election, terms, and re-election.

(a) Composition. There shall be a Town Commission composed of the three (3) commissioners.

(b) Eligibility. Only registered voters for the town who will be at least 21 years of age prior to taking office, who are bona fide citizens, and residents of the town, for at least twelve (12) months previous to the election shall be eligible to seek and hold the office of Commissioner.

(c) Election and Terms.

(1) Beginning at the general town election to be held on the first Tuesday after the first Monday of November 2014, three candidates for town shall be elected to serve a term of four (4) years until their successors are elected at the general town election to be held on the first Tuesday after the first Monday of November 2018. The terms of the Mayor and of all Commissioners shall be four (4) years and until their successors shall be elected, qualified and take their oath of office at the first Commission meeting following the election. Any Commissioner shall be eligible for re-election.

Section 2. Compensation; expenses. The Town Commission may, by ordinance, establish a salary for the Mayor and Commissioners. Any ordinance creating or increasing salaries must be preceded by seven (7) days public notice and must receive final approval no less than ninety (90) days prior to the next general town election and shall become effective for those officials elected at the general town election following such approval. The Town Commission may, by ordinance, adopt a policy to reimburse the actual and necessary expenses incurred by the Mayor and Commissioners in the performance of their duties of office.

Section 3. Mayor; duties.

(1) Upon adoption of this private act and at the first regular meeting following each regular town election the Town Commission shall elect a member of the Commission to the office of Mayor.

(2) The Mayor shall:

(A) Shall be the chief executive officer of the municipality and shall preside at meetings of the Commission;

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

(C)

(i) May call special meetings of the Commission upon adequate notice to the Commission and adequate public notice;

and

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

(D) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party unless this duty has been assigned to some other officer of the town by ordinance of the Commission;

(E) Shall serve as the chief administrator for the town;

(F) Shall make appointments to boards and commissions as authorized by law;

(G) See that the laws and ordinances are enforced, and upon knowledge or information of any violation thereof, see that prosecutions are instituted in the town court;

(H) Unless otherwise provided by ordinance, employ, promote, discipline, suspend and discharge any employees, in accordance with personnel policies and procedures, if any, adopted by the Commission;

(I) Supervise and control the work of any employees and of all departments and divisions created by this charter or that hereafter may be created by the Town Commission;

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

(K) Prepare and submit the annual budget and capital program to the Commission for their adoption by ordinance;

(L) Make recommendations to the Commission for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the town;

(M) Keep the Commission fully advised as to the conditions and needs of the town;

(N) Report to the Commission the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed;

(O) Recommend to the Commission and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the town;

(P) Recommend specific personnel positions, as may be required for the needs and operations of the town, and may propose personnel policies and procedures for approval of the Commission; and

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

(3) Nothing in this charter or in any personnel policies and procedures adopted by the Commission shall be construed as granting a property interest to employees or department heads in their continued employment, and all such employees and department heads shall serve at the pleasure of the Mayor or any other city official who is authorized by the charter to exercise the personnel powers of the Mayor contained in Article IV, Section 3, subdivision (3).

Section 4. Vice-mayor.

(a) Upon adoption of this private act and at the first regular meeting following each regular town election the Town Commission shall elect a member of the Commission to the office of Vice-mayor who shall serve as Mayor when the Mayor is absent or unable to discharge the duties of the Mayor's office.

Section 5. Prohibitions. Holding Other Office. No member of the Town Commission shall hold any other town, county, state or federal elected office during the term for which he is elected to the Town Commission. No member of the Town Commission shall hold any compensated appointive office or employment with the town until after the expiration of the term for which elected or appointed to the Town Commission.

Nothing in this section shall be construed to prohibit the Town Commission from selecting any current or former member of the Town Commission to represent the town on the governing board of any regional or other intergovernmental agency.

Section 6. Vacancies; forfeiture of office; filling of vacancies.

(a) Vacancies. The office of Mayor or Commissioner shall become vacant upon the member's death, resignation, removal from office or forfeiture.

(b) Forfeiture of Office. The Mayor or Commissioner shall forfeit that

office if the Mayor or Commissioner:

(1) Lacks, at any time during the term of office for which elected, any qualification for the office prescribed by this Charter or by law;

(2) Violates any express prohibition of this Charter;

(3) Is convicted of a state or federal felony or crime involving moral turpitude, appeals notwithstanding;

(4) Fails to attend three (3) consecutive regular meetings of the Town Commission without being excused by the Town Commission; or

(5) Fails to maintain a bona fide residence within the town.

(c) Filling of Vacancies. A vacancy in the Office of Commissioner shall be filled until the next regular town election by a majority vote of all of the remaining members of the Town Commission, at which election the balance of the term for that Office of Commissioner shall be filled.

Section 7. Time and place of meetings. The Town Commission shall, by ordinance, fix the time and place at which the regular meetings of the Town Commission shall be held. Until otherwise provided by ordinance, the regular meeting of the Town Commission shall be held at 7:00 P.M. Central Time on the first Monday of each month. When such day falls on a legal holiday, the meeting shall be on the following Monday unless otherwise prescribed by the Town Commission. The Commission shall meet at least six (6) times per year. Whenever in the opinion of the Mayor, any two (2) Commissioners, or the welfare of the town demands it, the Mayor shall call a special meeting of the Town Commission by publishing, posting or broadcasting, whenever possible, a notice at least twenty-four (24) hours before the meeting. The notice shall state the matters to be considered at the special meeting and the action of the Commission shall be limited to those matters.

Section 8. Oath of office. Before entering upon their duties the Mayor and Commissioners shall, at the first Town Commission meeting following the election, each take an oath before someone authorized to administer oaths, to support the Constitution

of the United States and of the State of Tennessee and the Charter and Ordinances of the Town of Orme, and that they will faithfully discharge the duties of their office.

Section 9. Quorum. Two (2) members of the Town Commission shall constitute a quorum for the transaction of business, but any smaller number may adjourn from day to day. The affirmative vote of a majority of the members of the Town Commission present and constituting a quorum, will be necessary to adopt any motion, resolution or ordinance, or to pass any measure.

Section 10. Procedure for adopting ordinances. All ordinances shall begin with the clause, "Be it ordained by the Commission of the Town of Orme, Tennessee." An ordinance may be introduced by the Mayor or any Commissioner. The body of ordinances may be omitted from the minutes on first passage, but reference therein shall be made to the ordinance by title and subject matter. The Mayor or a designee shall read the caption of the ordinance out loud at the meeting. Every ordinance shall be passed on two (2) different days, at regular, special or adjourned meetings, with at least one (1) passage occurring at a regular meeting. Copies of the text of every ordinance must be made available to the public during every meeting in which the ordinance is subject to passage. Every ordinance must receive at least, a majority vote on each passage as defined in Section 10 of this Article. Every ordinance shall be effective upon final passage unless, by its terms, the effective date is deferred. Every ordinance upon final passage shall be signed by the Mayor. Once final passage is affirmed the ordinance shall be signed by the Mayor, immediately taken charge of by the Mayor and numbered, copied in an ordinance book and there authenticated by the signature of the Mayor, and filed and preserved at Town Hall.

Section 11. Legislative action which must be exercised by ordinance. Except as otherwise provided by general law or this Charter, legislative action of the Town Commission shall be by ordinance when granting, renewing or extending public franchises; creating, abolishing or combining departments or offices; authorizing the borrowing of money; regulating the rate charged for its services by a public utility; fixing fees, service charges and utility rates; levying taxes; providing a fine or other penalty or

establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance.

## ARTICLE V TOWN ATTORNEY

Section 1. Qualifications. The Town Attorney shall be an attorney at law and licensed to practice in the courts of the State of Tennessee.

Section 2. Appointment, duties, and compensation. The Town Attorney shall be appointed by the Town Commission and shall direct the management of all litigation in which the town is a party, including the function of prosecuting attorney in city court; representing the town in all legal matters and proceedings in which the town is a party or interested, or in which any of its officers is officially interested; attending any meeting when requested by the Town Commission; advising the Town Commission, and committees or members thereof, the Mayor, and the heads of all departments and divisions as to all legal questions affecting the town's interests; and approving 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 town. The Town Attorney's compensation shall be as fixed by the Town Commission and he shall serve at the will of the Town Commission. Appointment of the Town Attorney shall solely depend on the Town's financial status as determined by a majority of the Commission.

## ARTICLE VI RECORDER

Section 1. Appointment, compensation, and specific requirements, powers and duties of office. The Recorder shall be appointed by and shall serve at the will and pleasure of the Town Commission. The Recorder shall, unless otherwise provided by ordinance, be the head of the Department of Finance. The Recorder may receive a salary to be fixed by the Town Commission. The Recorder shall give bond to the town for not less than fifty thousand dollars (\$50,000), or as may be provided by ordinance. The cost of such bond shall be an expense of the town. When required the City

Recorder shall by his signature and the town seal, attest instruments signed in the name of the town and official acts of the Mayor.

Section 2. All duties of the Recorder shall be the duties of the Mayor unless a Recorder has been selected.

Section 3. Shall keep minutes. It shall be the duty of the Recorder to be present at all meetings of the Town Commission and to keep a full and accurate record of all business transacted by the Commission, to be preserved in permanent book form.

Section 4. Shall be custodian of public records, bonds, etc. The Recorder shall have custody of and preserve in his office, the town seal, the public records, ordinance books, minutes of the Town Commission, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds except his own bond, which shall be in the custody of the Mayor, 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. The Recorder shall register them by numbers, dates and contents, and keep an accurate and modern index thereof.

Section 5. Shall provide and certify copies of records, papers, etc. The Recorder shall provide and, when required by any officer or person, certify copies of records, papers and documents in his office and charge therefore, for the use of the town, such fees as may be provided by ordinance. The Recorder shall cause copies of ordinances to be printed, as may be directed by the Town Commission, and kept in his office for distribution.

Section 6. Shall generally supervise and keep records of fiscal affairs. As head of the department of finance the Recorder shall exercise a general supervision over the fiscal affairs of the town, and general accounting supervision over all the town's property, assets and claims. The Recorder shall be the general accountant and auditor of the town and shall have custody of all papers, records and vouchers relating to the fiscal affairs of the town; the records in his office shall show the financial operations and condition, property, assets, claims and liability of the town, all expenditures authorized, and all contracts in which the town is interested.

Section 7. Shall be Treasurer. The Recorder shall be the Treasurer of the town; as such it shall be his duty to collect, receive and receipt for the taxes and all other revenues and bonds of the town, and the proceeds of its bond issues, and to disburse the same. The Town Commission may delegate these duties to another person by ordinance.

Section 8. Shall perform any other duties imposed.

## ARTICLE VII ADMINISTRATION

Section 1. Departments, offices, and agencies generally. The Town Commission may establish, by ordinance, town departments, offices, or agencies in addition to those created by this Charter, and may prescribe the functions of all departments, offices and agencies not inconsistent with this Charter. Departments, offices and agencies created by the town may be abolished or combined.

## ARTICLE VIII FINANCE

Section 1. Fiscal year. The fiscal year of the town shall begin on the first day of July and end on the last day of June.

Section 2. Town required to prepare and submit annual budget and explanatory message. At least sixty (60) days before the beginning of the fiscal year there shall be prepared and submitted to the Town Commission a budget for the ensuing fiscal year and an accompanying message. The message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other materials as deemed desirable.

Section 3. Required content and organization of budget. The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year, and, except as required by law or this Charter, shall be in such form as deemed

desirable by the Town Commission, and include a history of the current year estimated and the two (2) prior year actuals.

Section 4. Amendments to budget, when budget must be adopted, and effect of adoption. The Town Commission shall adopt the budget by ordinance. The Town Commission may amend the budget by ordinance, but no amendment shall decrease expenditures required by law for debt service. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. The Town Commission shall also adopt an ordinance establishing a property tax levy, if one exists.

Section 5. Supplemental appropriations. If, during the fiscal year, the Mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Town Commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

Section 6. Deficits. If at any time during the fiscal year it appears probable to the Mayor that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Town Commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The Town Commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by resolution, reduce appropriations.

Section 7. Transfer of unencumbered appropriations. At any time during the fiscal year the Town Commission may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. The Town Commission may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

Section 8. Lapsing of appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

Section 9. Incurrence and discharge of obligations. No payment shall be made or obligation incurred against any appropriation unless the Mayor first certifies that an appropriation has been made for that purpose and that there is, unexpended and unencumbered in the appropriation for that purpose, an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 10. Accounting records and audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the town shall be required by action of the Town Commission and same be made after the end of each fiscal year by a public accountant skilled in such work.

## ARTICLE IX TAXATION

Section 1. Assessment and levy. All property within the town not exempt by general law may be assessed for taxation upon the same principles established in regard to state and county taxation.

Section 2. Due and delinquent dates; penalties and interest. Property taxes shall be payable on and after October 1 in the year for which assessed and shall become delinquent on the following March 1. Unless otherwise provided by ordinance, an interest and penalty of one and one-half of one percent (1.5%) per month of the amount of the delinquent taxes shall also be added on the first day of March, in which the taxes become delinquent, and one and one-half of one percent (1.5%) shall be added on the first day of each month thereafter.

Section 3. Collection of delinquent taxes. The Town Commission may provide, by ordinance, for the collection of delinquent real property taxes by the Recorder as provided by general law, or by the Town Attorney acting in accordance with general laws providing for the collection of delinquent town or county taxes. If not otherwise collected, the Town Attorney, or other attorney designated by the Town Commission, shall file suit for collection of all delinquent taxes not later than eighteen (18) months following date of delinquency.

Section 4. County may collect taxes. The town may contract with the county for the collection of town taxes in accordance with general law.

#### ARTICLE X TOWN COURT

Section 1. Town court. The Town hereby establishes a Town Court in accordance with State law.

#### ARTICLE XI MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Section 1. Corporate existence, existing ordinances and resolutions. The corporate existence of the Town of Orme is continued. All existing ordinances, resolutions or other actions of the Town Commission not inconsistent with this Charter shall remain in full force and effect until amended or repealed in the manner herein provided.

Section 2. Expiration of terms of elected officers. The Town Commission in office when this Act is ratified shall continue in office as the Town Commission until their successors are elected and qualified.

Section 3. Legal effect of this Act. This Act is declared to be the Charter of the Town of Orme, and may be read in evidence into all courts of law and equity. All ordinances and resolutions and proceedings of the Town Commission created by this Charter may be proven by the seal of Corporation, attested by the Recorder, and, when printed and published by the authority of said Corporation and certified by the Recorder, shall be received in evidence in all courts and places without further proof.

Section 4. Severability. If any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

Section 5. Gender. Wherever, in this Charter, "man, men, him, his" or their related pronouns may appear, either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense to include both females and males.

SECTION 2. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Orme. Its approval or non-approval shall be proclaimed by presiding officer of the legislative body and certified to the secretary of state.

SECTION 4. 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 3.