

HOUSE BILL 2665

By Williams

AN ACT to amend Chapter 35 of the Private Acts of 1915; as amended by Chapter 401 of the Private Acts of 1968; Chapter 78 of the Private Acts of 1989; Chapter 109 of the Private Acts of 1989; Chapter 171 of the Private Acts of 1994; Chapter 23 of the Private Acts of 1997; and any other acts amendatory thereto, relative to the charter of the City of Baxter.

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

SECTION 1. Chapter 35 of the Private Acts of 1915, as amended by Chapter 78 of the Private Acts of 1989, Chapter 109 of the Private Acts of 1989, Chapter 171 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting Section 1 of Article 2 and substituting instead the following:

Section 1. Terms and qualifications of office. Be it further enacted, that the government of the Town of Baxter shall be vested in a mayor and four (4) aldermen to be elected to staggered terms as follows:

(a) The terms of the mayor and aldermen elected on the first Saturday in March, 1993, shall be extended to the date of the regular August election held on the first Thursday in August, 1996.

(b) At the regular August election held on the first Thursday in August, 1996:

(1) The mayor shall be elected to a four (4) year term of office.

(2) The two (2) candidates for the office of alderman who receive the highest number of votes shall be elected to a four (4) year term of office.

(3) The two (2) candidates for the office of alderman who receive the lowest number of votes shall be elected to a two (2) year term of office.

(c) Thereafter, the city election shall be held on the date of the regular August election on the first Thursday in August of even-numbered years, and the candidates elected to the office of mayor and alderman, as appropriate, on that date shall be elected to a four (4) year term of office.

The mayor and aldermen shall be elected by the qualified voters domiciled within the limits of the town, and by qualified voters domiciled outside the limits of the town who own a bona fide freehold interest in the town. No person shall be qualified to hold, or continue in, the office of mayor or alderman who is not a domiciliary of the town. In the event of the death, removal, resignation, or change in domicile of the mayor or any alderman, the office held by the person who has died, been removed, resigned, or changed his or her domicile from the City of Baxter shall be deemed automatically vacated on the effective date of such change or transition, and the board of mayor and aldermen shall appoint a qualified person to fill the vacancy for the unexpired term.

SECTION 2. Chapter 35 of the Private Acts of 1915, and any other acts amendatory thereto, is amended by deleting Section 1 of Article 4 and substituting instead the following:

Section 1. Oath of mayor and aldermen. Be it further enacted, That the Mayor and Aldermen of said town shall, before entering upon the duties of their office, take an oath before some judge, county mayor, or other officer authorized to take oaths such as a Notary Public holding office in or having jurisdiction over Putnam County, Tennessee, to faithfully, uprightly, and honestly perform their duties as Mayor and Aldermen of the City of Baxter during their continuance in office.

SECTION 3. Chapter 35 of the Private Acts of 1915, and any other acts amendatory thereto, is further amended by deleting in Section 10 of Article 4 the language "and Recorder".

SECTION 4. Chapter 35 of the Private Acts of 1915, as amended by Chapter 109 of the Private Acts of 1989, Chapter 23 of the Private Acts of 1997, and any other acts amendatory thereto, is amended by deleting Article 5 and substituting instead the following:

ARTICLE 5.

CITY RECORDER AND CITY JUDGE

Section 1. The office of City Recorder is abolished in the City of Baxter.

Section 2. Appointment and compensation of city judge. Be it further enacted, That the Board of Mayor and Aldermen is authorized to elect a City Judge, to serve at the will of the Board of Mayor and Aldermen. The compensation of the City Judge shall be fixed by the Board of Mayor and Aldermen. The City Judge shall have original jurisdiction to try all offenses for violations of the municipal ordinances and such jurisdiction as is otherwise provided for by Tennessee law for municipal judges.

SECTION 5. Chapter 35 of the Private Acts of 1915, as amended by Chapter 109 of the Private Acts of 1989, and any other acts amendatory thereto, is amended in Section 1 of Article 6 by deleting the language "the Recorder" and substituting instead the language "the appropriate officer or employee of the City".

SECTION 6. Chapter 35 of the Private Acts of 1915, as amended by Chapter 401 of the Private Acts of 1968, Chapter 109 of the Private Acts of 1989, and any other acts amendatory thereto, is amended by deleting Section 3 of Article 6 and substituting instead the following:

Section 3. Delinquent taxes. Be it further enacted, That when any tax shall be imposed on any real estate within the bounds of said corporation for any year and said tax is not paid by the owner or occupant of said property on or before the first day of May of the ensuing year and no personal property of the owner of said lot can be found within the bounds of said corporation, out of which said taxes can be made, then it shall be the duty of an appropriate officer or employee of the City to certify the same to the first term thereafter of the Circuit or Chancery Court of Putnam County, giving a full description of said property in each case so certified to in said Court. It shall be the duty of said Court at the term to which said list is so certified to enter a judgment for the amount of the

taxes due said corporation, interest thereon and the costs, and direct that a writ of sale shall issue to the Sheriff of Putnam County, who shall sell said real estate for the satisfaction of said taxes, interest and costs; and in making said sale the Sheriff shall be governed by the same laws and regulations which now governs sheriffs in selling land levied on under execution of said Court, and sales made under writs of venditioni exponas, which tax when collected by the Sheriff shall be paid by the Sheriff to the said town for the use of said corporation, and the purchaser at such sale shall acquire a legal title to said land, subject however to the right of redemption for two years from the date of sale in favor of the party whose land is sold or any creditor of such party and in case of redemption under sales on process from said Court.

SECTION 7. Chapter 35 of the Private Acts of 1915, as amended by Chapter 109 of the Private Acts of 1989, Chapter 23 of the Private Acts of 1997, and any other acts amendatory thereto, is amended in Section 1 of Article 7 by deleting the language "the Recorder" and substituting instead the language "the appropriate officer or employee of the City".

SECTION 8. Chapter 35 of the Private Acts of 1915, as amended by Chapter 109 of the Private Acts of 1989, Chapter 171 of the Private Acts of 1994, Chapter 23 of the Private Acts of 1997, and any other acts amendatory thereto, is amended by deleting Section 3 of Article 9 in its entirety.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Baxter. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 10. 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 9.