



State of Tennessee

PRIVATE CHAPTER NO. 31

HOUSE BILL NO. 1454

By Representative Shaw

Substituted for: Senate Bill No. 1466

By Senator Gresham

AN ACT to amend Chapter 112 of the Private Acts of 1920; as amended by Chapter 833 of the Private Acts of 1921; Chapter 129 of the Private Acts of 1953; Chapter 94 of the Private Acts of 1959; Chapter 120 of the Private Acts of 1986; Chapter 70 of the Private Acts of 2004; and any other acts amendatory thereto, relative to the Charter of the Town of Hornsby.

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

SECTION 1. Chapter 112 of the Private Acts of 1920, as amended by Chapter 833 of the Private Acts of 1921, Chapter 129 of the Private Acts of 1953, Chapter 94 of the Private Acts of 1959, Chapter 120 of the Private Acts of 1986, Chapter 70 of the Private Acts of 2004, and any other acts amendatory thereto, relative to the Town of Hornsby is amended by rewriting the Charter to read as follows:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Town of Hornsby, in Hardeman County, Tennessee, and the inhabitants thereof are hereby constituted a body politic and corporate under the name and style of "The Town of Hornsby," and shall have perpetual succession, and by the corporate name may sue and be sued, contract and be contracted with, may grant, receive, purchase and hold property, real, personal and mixed, and dispose of same, for the benefit of the Town, and have and use a common seal, and may own real estate out of the corporate limits for the purpose of maintaining cemeteries, hospitals and pest houses.

Section 2. Be it further enacted that the boundaries of said Town of Hornsby shall be as follows, to-wit: Beginning at the northwest corner of K. E. Hornsby's Crawford tract of land and runs thence south 70 poles to a stake on the bank of a ditch; thence west 72 poles to a stake in J. W. Major's field; thence south 62 poles to a stake in Eva Brint's pasture; thence south 77 degrees east 153 3-5 to a stake in G. B. Malstead's pasture; thence north 7 degrees east 139 1-5 poles to a stake; thence north 49 degrees west 34 12-25 poles to a stake on the G. M. & N. R. R. right-of-way; thence north 11 1-2 degrees east 51 3-4 poles to a poplar on the creek bank; thence north 57 degrees west 38 10-25 poles to a stake; thence north 34 1-2 degrees west 62 20-25 poles to a stake; thence south 83 degrees west 34 poles to a stake; thence south 11 degrees east 72 poles to a hickory; thence south 1-2 degrees east 40 11-25 poles to the beginning.

Section 3. Be it further enacted, That on the regular November election, the first Tuesday following the first Monday in November 2020, and on the same day each fourth year thereafter, an election shall be held in said Town of Hornsby for the purpose of electing a Mayor and a board of five (5) Aldermen for said Town, whose term of office shall begin on the first Tuesday in December, and who shall serve for a term of four (4) years and until their successors are elected and qualified. All elections for said Town shall be held by the Election Commissioners of Hardeman County, Tennessee at the same hours and places for holding general elections and under the general election laws of the state. The incumbents in the positions of mayor and alderman as of the effective date of this Act shall continue to serve in the positions for which they were elected until such time as their successors are elected and qualified, or their positions are abolished.

Section 4. Be it further enacted, That the Mayor, Recorder and Aldermen, before entering upon the discharge of their duties, shall each take and subscribe to an oath before some persons authorized by law to administer oaths, that they will honestly and faithfully, to the best of their skill and ability, discharge the duties of their respective offices, without fear, favor or partiality.

Section 5. Be it further enacted, That the Mayor, before entering upon the discharge of the Mayor's duties, shall execute a good and solvent bond in the sum of Two Hundred and Fifty Dollars (\$250), conditioned as required by law for the faithful discharge of the Mayor's duties, which bonds are to be approved by the Board of Mayor and Aldermen and filed by the Recorder and copied in full upon the minute books of the Board by the Recorder.

Section 6. Be it further enacted, That the Recorder shall give a good and solvent bond in double the amount of money coming into the Recorder's hands as the collecting officer of said Town of Hornsby; the Treasurer shall also give bond in double the amount of money coming into his or her hands as Treasurer of said Town of Hornsby. Said bonds are to be approved by the Mayor and filed with the Recorder and by him or her entered in full upon the minutes of the Board.

Section 7. Be it further enacted, That in addition to the officers to be elected under this Act, for said Town of Hornsby, as hereinafter provided, the Board of Mayor and Aldermen shall at the first meeting after their election, appoint a state certified Municipal Financial Officer and Recorder for said Town, who may, but are not required to be, from among their members. In the event an alderman is appointed as Municipal Financial Officer or Recorder, the alderman shall perform the duties of Municipal Financial Officer or Recorder in addition to the alderman's responsibilities as Alderman. The Recorder shall serve as treasurer and, like the Municipal Financial Officer, shall perform all duties required of the Recorder by law and ordinance of said Town of Hornsby.

Section 8. Be it further enacted, That the legislative powers of the Town of Hornsby shall be vested in and exercised by the Board of Mayor and Aldermen, over whose meetings the Mayor shall preside and cast the deciding vote when there is a tie; a majority of the Aldermen shall constitute a quorum for the transaction of business. In the absence temporarily of the Mayor, the Board shall elect a member of the Board to preside over its meetings. In the event of the death, resignation, or removal of the Mayor, the Board shall proceed at its next regular meeting thereafter to elect a person to fill the unexpired term, and they shall have the power to fill all vacancies occurring in the Board.

Section 9. Be it further enacted, That no person shall be eligible to the office of Mayor, Recorder, Treasurer or Alderman unless he or she is a resident of the Town, qualified voter of the Town and shall have resided in the corporate limits of said Town three months next preceding his or her election.

Section 10. Be it further enacted, That the Board of Mayor and Aldermen of the Town of Hornsby shall be the judge of the qualifications and elections of its members, including the Mayor, and shall determine contest of elections, and from its action of these items any party aggrieved may appeal to the Circuit Court. The Board shall prescribe its own rules of procedure and may punish by fine or suspension its members for misconduct in office. Two-thirds (2/3) of the Aldermen voting to concur may expel a member or the Mayor, for misconduct in office; provided such officer so expelled may have the right of an appeal to the Circuit Court within ten (10) days from the date of his or her expulsion. A less number than a majority may adjourn from day to day and the Board shall hold its regular meetings at such times as it may determine, but not more than two (2) regular meetings in each month.

Section 11. Be it further enacted, That those who shall have the right to vote for said officers must reside within the corporate limits of the Town of Hornsby or must own and pay taxes on real estate therein.

Section 12. Be it further enacted, That the Board of Mayor and Aldermen of said Town shall have the power, by ordinance, within the corporate limits 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 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 provided for in this section;

(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 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;

(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 that is of service to the municipality, its inhabitants or any part of the municipality, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in title 9, chapter 21;

(12) Grant to any person, firm, association or municipality, franchises for public utilities and public services to be furnished the municipality and those in the municipality. The power to grant franchises embraces the power to grant exclusive franchises. When 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, except as provided in § 65-4-107. The Board may prescribe, in each grant of a franchise, the rates, 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 may be opened after the grant of the franchise;

(13) Make contracts with any person, firm, association or corporation for public utilities and public services to be furnished the municipality and those in the municipality. 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 Board 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. 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 may be opened after the grant of the contract;

(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 in this subdivision (14) 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 (12) and (13);

(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 §§ 7-31-107 - 7-31-111 and 29-16-203, or any other manner provided by general laws;

(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, 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 removing, abolishing and prohibiting of closets and privies, in such 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, businesses, occupations, callings, trades, uses 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 in such manner as may be provided pursuant to title 47, chapter 26, part 9;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, 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 services;

(27) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the Town, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law;

(28)

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

(B) Provide by ordinance for court costs as provided in the Municipal Court Reform Act, compiled in title 16, chapter 18, part 3;

(29) Establish schools, to the extent authorized pursuant to general law, 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) Call elections as provided in this charter;

(32) 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; and

(33) Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to title 13, chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body.

Section 13. Be it further enacted, That all of the public streets, alleys, bridges, sidewalks, culverts, etc., dedicated in the opening and laying off of said Town and on the plan thereof, shall be and is by this Act declared to be the property of the Town of

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Hornsby, and the Board of Mayor and Aldermen shall take charge of the same for the use of said Town.

Section 14. Be it further enacted, That the Recorder shall attend the meetings of the Board and keep an accurate minutes of the proceedings. The Recorder shall also collect all privilege taxes and merchants' ad valorem tax and issue all privilege licenses and keep a complete record of the same and pay all moneys collected by the Recorder over to the Town and take proper receipt therefor. The Recorder shall also perform all other duties which may be imposed upon him or her by ordinance, and shall receive such compensation as may be allowed the Recorder by ordinance.

Section 15. Be it further enacted, That all ordinances introduced before the Board of Mayor and Aldermen shall be in writing and shall pass two (2) readings by a majority of votes on two (2) separate days, and shall have been signed by the Mayor, unless the Mayor vetos the same by the next regular meeting of the Board before the same shall become effective.

The Mayor shall examine all ordinances and affix his or her signature at once, if the same meets the Mayor's approval; if it does not, the Mayor shall return the same to the next regular meeting of the Board with his or her objection in writing, and no ordinances so vetoed shall go into effect unless and until it again passes by a majority of the Board.

Section 16. Be it further enacted, That there shall be a city court presided over by a city judge appointed by the board. In the absence or disability of the city judge, the mayor may designate a qualified person to serve as city judge. In case a vacancy occurs, the Mayor shall have the right to fill same until the next regular meeting. The mayor, when necessary, shall increase the police force and shall appoint special deputies. The Mayor shall call special meetings of the Board and he or she shall state in writing the purpose of such meetings, which statement, together with the proceedings of the Board, shall be put on the minutes.

Section 17. Be it further enacted, That the Recorder of said Town shall receive and receipt for all moneys belonging to the Town, coming into the Recorder's hands from the tax, or from any other source, and shall safely keep an account for said funds and shall pay out the same on the proper warrants or orders of the Board of Mayor and Aldermen.

SECTION 2. 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 Hornsby. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body 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.

HOUSE BILL NO. 1454

PASSED: May 10, 2017

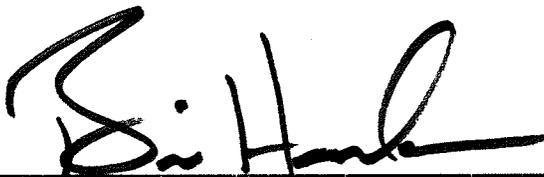


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 6th day of June 2017



BILL HASLAM, GOVERNOR

Tennessee Secretary of State

Tre Hargett



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February 12, 2018

The Honorable Tre Hargett
Tennessee Secretary of State
State Capitol, 1st Floor
Nashville, TN 37243

Dear Secretary Hargett,

On December 9, 2017, the Department of State received a record of local action taken on Private Chapter No. 31 of the Private Acts of 2017. We determined through communication with local officials that the chapter was not properly ratified, as it was approved after the specified date required in the Act. Please allow this correspondence to serve as notification of same.

Sincerely,

Robert A. Greene
Assistant Director of Publications