

CHARTER OF THE CITY OF ARDMORE, TENNESSEE¹

CHAPTER NO. 801

House Bill No. 1662

(By Henry, by Request)

A BILL to be entitled: "AN ACT to create a municipal corporation, to be known as the 'Town of Ardmore,' Tennessee, to define its rights, powers, duties and obligations, and to repeal all laws or parts of laws in confliction with the provisions of this Act."

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¹Priv. Acts 1949, ch. 801, is the current basic charter act for the City of Ardmore, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2015 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

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ARTICLE I

CORPORATE NAME AND BOUNDARIES

Section 1. Popular Title of Act. To be enacted by the General Assembly of the State of Tennessee, That this Act shall be known, designated and may be cited as the "Ardmore Charter of 1949."

Chapter 801 of the Private Acts of 1949 and the creation of the City of Ardmore are hereby ratified and confirmed, all official acts and proceedings heretofore performed and undertaken by the Board of Mayor and Aldermen of said city are hereby legalized and validated and said city shall in all respects be governed pursuant to the provisions of said Chapter 801 as herein amended. [As amended by Priv. Acts 1957, ch. 17, § 3, and Priv. Acts 1967, ch. 278, § 2]

Sec. 2. Name, Etc. Be it further enacted, That the municipal corporation known as the "City of Ardmore" shall be and continue a municipal corporation under the name "City of Ardmore," Tennessee, and shall be vested with any and all powers which municipal corporations are, or may hereafter be, required or

permitted to exercise or provide for in their Charters under the Constitution and general laws of the State of Tennessee, as fully and completely as though the powers were specifically enumerated herein, except for such limitations and restrictions as are provided in this Charter, and no enumeration of particular powers of the City of Ardmore, Tennessee, in this Charter shall be held to be exclusive or restrictive. Said municipal corporation shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, in all actions whatsoever; may purchase, receive and hold property, real and personal, within and without said City, for the benefit of the City, and may sell, lease and dispose of the same for the benefit of the City to the same extent as natural persons and said City may have and use a common seal and change it at pleasure. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 3. Boundaries.¹ Be it further enacted, That the territory embraced within the municipal corporation hereby chartered and created is bounded as follows:

Located in the First Civil District of Giles County, Tennessee, on the border of the Giles-Lincoln County line and the Alabama State line and described by metes and bounds as follows:

BEGINNING at the intersection of the Lincoln County line and the Alabama State line in the southeast corner of Giles County; thence with this Alabama State line 387.5 W. 6754 feet to an iron spike; thence N. 3 W. 1241 feet to an iron spike, this point being known as the Magusson and Hargrove property line; thence S. 88 E. 3712.5 feet to an iron spike, this being the road commonly called U. S. No. 31 detour; thence with the road N. 12 W. 1100 feet to an iron spike; thence N. 87.5 E. 3202 feet to an iron spike in the Lincoln County line; thence with the Lincoln County line S. 3 E. 2103.7 feet to the beginning, as per survey of James Ed Sanders, of date April 6, 1949.

Sec. 4. Wards. Be it further enacted, That the Board of Mayor and Aldermen may divide the City of Ardmore, Tennessee, into as many wards as they deem right and proper and define their boundaries by ordinance, and from time to time alter the same, if such is deemed expedient. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 5. Change of Corporate Boundaries. Be it further enacted, That the territory adjoining the City of Ardmore, Tennessee, may be added thereto and included within the corporate limits thereof in the manner herein set out. If the owners of all the property sought to be added to the territory embraced in said

¹The corporate boundaries as set out herein have been altered by annexation ordinances of record in the city recorder's office.

corporate limits shall desire to be included in said corporation, they shall join in a petition to the Board of Mayor and Aldermen, setting out the territory desired to be added, by metes and bounds, that petitioners are the owners of all of said property, and that they desire to be included in the corporate limits of the City of Ardmore, Tennessee, and the said petition shall be verified by the oath of at least one of the petitioners.

If said petition be approved by the Board of Mayor and Aldermen, an ordinance shall be passed declaring said territory to be a part of the City of Ardmore, Tennessee, and the same shall from that time constitute and form a part of said corporation; and said petition shall be spread upon the minutes of the Board.

All property that is now surrounded by property within the corporate limits of the City of Ardmore, Tennessee, or that may hereafter be surrounded by property within the corporate limits of said City by additions in accordance with this section, shall constitute and form a part of said corporation.

In the event any one of the owners of the property proposed for annexation does not desire to be added to said corporation, then said territory may be added thereto and included as follows: Five freeholders in the territory proposed to be added and included in said corporation limits, shall sign a petition in writing under their signatures, in which they shall describe by metes and bounds said addition for consideration and approval by ordinance. If approved by the Board of Mayor and Aldermen, the same shall be submitted, in pursuance of proper ordinance, to the qualified voters within the territory proposed to be annexed, the qualifications for voters to be the same as hereinafter fixed, at the expense of said petitioners, and if approved by a majority of said electors, at said election, to be held by the Election Commission of Giles County, and due return made thereof, the same shall be declared by ordinance, and shall be a part of said municipality. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE II

POWERS

Section 1. General. Be it further enacted, That the City of Ardmore, Tennessee, shall have all powers which the constitution, statutes and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 2. Construction of Charter. Be it further enacted, That in this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power was not mentioned. The Charter shall be liberally construed, to the end

that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that towns may assume pursuant to the laws of this State now in force or those that may hereinafter be enacted. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 3. Powers. Be it further enacted, That the City of Ardmore, Tennessee, shall have power, by ordinance:

(1) To assess, levy, and collect taxes upon all property and privileges within its limits which are, or shall be, taxable by the laws of the State, and to assess, levy and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly forbidden by general laws of the State of Tennessee.

(2) To adopt such classifications with reference to all subjects or objects of taxation, not otherwise expressly prohibited by law.

(3) To make and levy special assessments against abutting or adjoining property for local improvements, and to exercise the specific powers granted under the Abutting and Adjacent Property Improvement Law, as contained in Sections 3408--3493 of the Code of Tennessee of 1932.

(4) To contract and be contracted with, provided, however, all contracts shall be signed by the Mayor or the Vice-Mayor in his absence, after authority given by ordinance by the Board of Mayor and Aldermen.

(5) To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof.

(6) To issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest bearing or non-interest bearing warrants, bonds, promissory notes or orders of the City, upon the credit of the City, or solely upon the credit of specific property owned by the City, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds or special assessments of local improvements, or upon any two or more, or a combination of any two or more, of such credits.

(7) To expend the revenues, monies and property of the City for all lawful municipal purposes.

(8) To purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property real and personal, or any estate or interest therein, either within or without the City or State.

(9) To effectually exercise the right of eminent domain, and to condemn property, real or personal, or any easement, interest, estate or use therein, either within or without its territorial limits for present or future public use, such right of eminent domain to be exercised in accordance with the terms and provisions of Section 3109, et seq., of the Code of Tennessee, or in such other manner as may be lawfully provided.

(10) To receive and hold property in trust, real or personal, either within or without the City or State, and to administer such trusts for public use and benefit.

(11) To acquire, own, erect, build, construct, maintain and operate, or to sell, lease, mortgage, pledge or otherwise dispose of any public utility, or any estate or interest therein, or property, real or personal, used in connection therewith, or any utility of service to the City, its inhabitants, or any part thereof.

(12) To grant to any person, firm, corporation or association, franchises for public utilities and public services to be furnished the City and its inhabitants. The power to grant franchises shall include the power to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be deemed and treated as exclusive not only as against any other person, firm, corporation, or association, but also as against the City itself. Franchises may be granted for the period of twenty-five (25) years, but not longer, and the City is fully empowered to prescribe and regulate in each grant or a franchise, rates, fares, charges and other regulations that may be made by the grantee of the franchise. Franchises may by their terms apply only to the territory within the corporate limits at the dates of the franchises, or to the territory as said limits may thereafter be enlarged; and to the then existing streets, alleys and other thoroughfares, or to any other streets, alleys and other thoroughfares that thereafter may be opened.

(13) To make contracts with any person, firm, corporation or association for public utilities and public services to be furnished the City and its inhabitants. The power to make contracts shall include the power to make exclusive contracts; and when an exclusive contract is entered into, it shall be deemed as exclusive not only against any other person, firm, corporation or association, but also as against the City itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer, and the City is fully empowered to prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, corporation or association with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the City at the date of the contract, and as said corporate limits thereof 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.

(14) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel, from time to time, reasonable extensions of facilities for such services, but 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 subsection (12) and (13) of this Section.

(15) To establish, open, locate, relocate, vacate, alter, abandon, close, sell, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle

and clean public highways, streets, alleys, boulevards, parks, squares, bridges, culverts, sewers, drains and public grounds and properties within or without the corporate limits, and to regulate the use thereof within the corporate limits.

(16) To construct and reconstruct, improve and reimprove, by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public properties within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, avenues, alleys or other public properties, as provided by Sections 3408--3493 of the Code of Tennessee.

(17) To purchase, acquire, hold, construct, maintain and regulate market places, public properties and buildings, bridges, culverts, sewers and other structures, works and public improvements.

(18) To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse in any manner not in conflict with General Laws, or to license and regulate such collection and disposal.

(19) To license and regulate all persons, firms, corporations or associations engaged in any business, profession, vocation, occupation, or trade not forbidden by law, and to impose a license tax upon any property, thing, business, profession, vocation, occupation or trade not prohibited by law.

(20) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, professions, vocations or 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 City, and in conjunction with the powers herein set out to demand and receive fees and costs of permits and inspections incident to effectual regulation.

(21) To prescribe locations, zones and limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, comfort or general welfare of the inhabitants of the City may lawfully be established, conducted or maintained.

(22) To regulate the location, bulk, occupancy, area, lot, height, construction and materials of all buildings, and structures, and to inspect all buildings, lands, and places as to their condition for health, cleanliness and safety, and when necessary prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(23) To provide and maintain charitable, educational, curative, recreative, corrective, detentive or penal institutions, departments, facilities, conveniences and services, or to contract with any outside agency to provide and maintain, or to render the functions and services contemplated herein.

(24) To purchase, acquire, establish and maintain a City workhouse for the confinement and detention of any person convicted in the City Court of offenses prohibited by ordinances of the City, who fails to secure the fine and cost imposed upon him, or to contract with Giles County to keep and confine in

the County workhouse any such person, and to provide by ordinance for the commitment of such person to the County workhouse, until such fine and cost shall be fully paid.

(25) To enforce all ordinances, rules or regulations by means of fines, forfeitures and penalties, or by action or proceedings in any Court of competent jurisdiction, or by any one or more of such means, but no fine, forfeiture or penalty shall exceed the sum of fifty (\$50.00) dollars.

(26) To establish and maintain schools, provide for the necessary boards, officers and teachers required therefor, and to fix and determine their compensation, to purchase or otherwise acquire lands for school purposes, schoolhouses, playgrounds and other purposes connected with the schools of the City, and to erect all necessary buildings and improvements, and to do all other acts necessary to establish, maintain and operate a complete and adequate educational system within the City.

(27) To regulate, tax, license or suppress the keeping or running-at-large of animals within the City; to impound the same, and in default of redemption to sell or otherwise dispose of the same.

(28) To call upon the Board of Election Commissioners of Giles County to call, provide for, and control all municipal elections, including all elections respecting bond issues, and to provide for and regulate the registration of voters, and to certify the results of such elections.

(29) To make all reasonable regulations to prevent the spread of contagious diseases within the City, and to make and enforce regulations to promote sanitation, health and general welfare of the inhabitants of the City.

(30) To provide for an adequate system of assessment of property, real, personal or mixed, for municipal tax purposes; to elect for said City and to fix and define the duties to be imposed in connection therewith; and to fix and determine the method of his election, term of office and compensation, as hereinafter provided.

(31) To provide for and regulate a Board of Equalization to equalize and adjust all tax assessments on real and personal property within the limits of the City of Ardmore, Tennessee.

(32) To enter into contracts with the Tennessee Valley Authority for the purchase and distribution of electric power for the purpose of use by the City and its inhabitants and others.

(33) To create such offices and provide for the appointment or election of all officers as may be necessary for the good government of the City.

(34) To pass all ordinances necessary for the health, convenience, safety and general welfare of the inhabitants of the City, and to carry out the full intent, corporate purposes and meaning of this Act as fully as if specifically authorized.

(35) To have and exercise all lawful powers, which now or hereafter it would be lawful to here specifically enumerate, as fully and effectually as

though said powers were specifically enumerated herein. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 4. Be it further enacted, That the enumeration of the particular powers in this Article is not exclusive, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this Article impair the powers granted in any subsequent Article or section 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 or more of such powers as to any one or more such objects for any one or more such purposes. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE III

FORM OF GOVERNMENT

Section 1. Be it further enacted, That the corporate authority of said City shall be vested in a Mayor, who shall be the Chief Executive Officer, the Board of Mayor and Aldermen, which shall be the legislative body, and in such boards, committees or commissions as the Board of Mayor and Aldermen shall, from time to time, ordain and establish. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE IV

MAYOR

Section 1. Qualifications. Be it further enacted, That the Mayor shall be an elector of the City at the time of the election of said Mayor, and he must have been a resident of Giles County at least one (1) year and of said City at least six (6) months immediately preceding that time and must be not under thirty (30) years of age at the time of qualification. [As amended by Priv. Acts 1967, ch. 278, §§ 2 and 3]

Sec. 2. Election and Term of Office. That the Mayor shall be elected at the regular municipal election and every four (4) years thereafter for a term of four (4) years, commencing on the Second Thursday in January, 1964, and shall serve until his successor is elected and qualified. The Mayor in office on the effective date of this Act shall continue in the office until the expiration of his term as fixed by this Charter under which he was elected. [As replaced by Priv. Acts 1963, ch. 79, § 2]

Sec. 3. Vacancy in Office. Be it further enacted, That when the Mayor is absent or inaccessible, or is unable for any cause to perform his duties, the Vice-Mayor shall be acting Mayor, but shall not thereby cease to be a member

of the Board of Mayor and Aldermen, nor shall he surrender his right to vote as a member of said Board. In case of the death, resignation or removal of the Mayor or his ceasing to reside within the City, the Vice-Mayor shall become Mayor and shall serve until the next regular municipal election, and his office as Alderman shall thereby become vacant. In the event the Vice-Mayor shall become acting Mayor, the age requirement contained in Section 1 of this Article shall not apply. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 4. Ineligibility, Malfeasance, Etc. Be it further enacted, That no person shall be eligible to the office of Mayor who shall have been convicted of malfeasance in public office, or of any violation of the election laws of the State of Tennessee, or of a crime or corrupt practice, and if any Mayor shall be so convicted, he shall forfeit his office.

Sec. 5. Salary. Be it further enacted, That the Board of Mayor and Aldermen shall by ordinance establish the amount of the salary of the Mayor. Such ordinance shall be enacted prior to the election of the Mayor. Such salary shall not be increased or diminished during the term for which the Mayor is elected. The ordinance shall establish the manner in which the salary is payable. [As replaced by Priv. Acts 1967, ch. 278, § 3; as replaced by Priv. Acts 1998, ch. 158, § 5]

Sec. 6. Oath. Be it further enacted, That the Mayor shall, before entering upon the duties of the office, take and subscribe to the following oath:

"I do solemnly swear that I will support the constitution of the State of Tennessee and of the United States, and that I will faithfully, zealously and impartially discharge the duties of Mayor, without fear or favor and for the public welfare. So help me God."

Sec. 7. Ouster. Be it further enacted, That the Mayor shall be subject to ouster under the general laws of the State, and to removal from office in the manner hereinafter specified.

Sec. 8. Powers and Duties of Mayor. Be it further enacted, That the Mayor shall have the following powers and duties:

A. Legislative

1. The Mayor shall preside over all meetings of the Board and shall have a vote on all matters the same as Aldermen. It shall be his duty to sign the minutes of all meetings in his official capacity, and all ordinances passed by the Board.

B. Executive

1. The Mayor shall be the Chief Executive Officer of the City, and as such shall be held responsible for the proper execution of all laws, ordinances and contracts of the City. He shall supervise the administration of the City's affairs and shall exercise control over all departments and divisions.

2. The Mayor shall have the power and authority to appoint, promote, transfer and reduce; subject to the provisions of this Charter, all officers and employees of the City, except those required by this Charter to be elected and except those whose terms are fixed by this Charter.

3. The Mayor may, without the consent of the Board, for disciplinary purposes, suspend, without pay, any officer or employee except those required by this Charter to be elected and except those whose terms are fixed by this Charter, for any length of time not exceeding thirty (30) days in any twelve month period, provided, however, that the Mayor shall report such action to the next regular meeting of the Board, at which time the Board shall pass upon such suspension. If charges are not sustained, the Board may, in its discretion, order the officer or employee reinstated and paid for the time suspended, or such part thereof as it may determine.

4. The books, records and official papers of all departments, boards, committees, commissioners, offices and employees of the City shall at all times be open to the Mayor's inspection and examination. The Mayor shall take special care that the books and records of all the departments, boards, commissions, officers and employees are kept in legal and proper form. The Mayor shall from time to time issue instructions to the various officials and departments regarding such matters as he may deem beneficial to the public interest. The Mayor shall have general supervision of all activities of the City and shall see that they are honestly and lawfully conducted.

5. The Mayor shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose the Mayor may use and command the Police Force and if such Police Force is insufficient the Mayor may summon and specially commission as police officers any able bodied citizens of the City. He may also call upon the Governor for military aid, so that such riots and tumults may be promptly and effectually suppressed.

6. The Mayor shall be recognized as the official and ceremonial head of the City government.

7. The Mayor shall perform all such other and additional duties as are consistent with his office, or as may be imposed upon him by ordinance. [As amended by Priv. Acts 1967, ch. 278, § 2, and Priv. Acts 1967, ch. 345, §§ 1 and 2]

ARTICLE V

BOARD OF MAYOR AND ALDERMEN

Section 1. Legislative Powers Vested. Be it further enacted, That the legislative power of the City of Ardmore, Tennessee, shall be exclusively vested in a legislative body which shall be known and designated as the "Board of Mayor and Aldermen." Said Board may, by ordinance or resolution, not inconsistent with the provisions of this Charter, prescribe the manner in which all powers of the municipality shall be exercised, provide the necessary administrative means, and do all things and perform all acts within or without the City or State to effectually exercise the powers herein granted, to protect the rights and interests of said City. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 2. Composition of Board. Be it further enacted, That the Board of Mayor and Aldermen shall consist of the Mayor and six (6) Aldermen, each of whom shall be elected by the qualified voters of their respective wards. [As replaced by Priv. Acts 1957, ch. 17, § 1, and amended by Priv. Acts 1963, ch. 79, § 3]

Sec. 3. Term of Office. That upon the expiration of the terms of each Alderman serving at the time this Act becomes effective, each Alderman shall be elected for a term of four (4) years as provided for in this Charter. [As replaced by Priv. Acts 1963, ch. 79, § 4]

Sec. 4. Qualifications. Be it further enacted, That each Alderman shall be at least 25 years of age and shall have been a resident of Giles County for at least one (1) year and of the City of Ardmore, Tennessee, for at least six months immediately preceding the election and shall be a resident of the ward from which he seeks election. [As amended by Priv. Acts 1967, ch. 278, §§ 2 and 4]

Sec. 5. Vacancy on Board. Be it further enacted, That whenever a vacancy shall occur on said Board by reason of the death, resignation, ouster, prolonged absence or inability to serve of any Alderman, such vacancy shall be filled until the next regular election by election by the remaining members of said Board, provided, however, no vacancy shall be filled by the Board of Mayor and Aldermen under this Article when said Board already has two (2) members thereof so elected. When a vacancy should occur under such circumstances, the Board shall forthwith, by resolution, call upon the Election Commissioners for

Giles County to call a Special Election for the purpose of filling such additional vacancy, whereupon said Election Commissioners shall immediately call such Special Election and appoint the necessary officers therefor, and such Special Election shall be held in the same manner as, and subject to the regulations in this Charter, respecting general town elections, provided, however, that no such special election shall be called unless the Alderman elected at such time would have at least six (6) months to serve on the unexpired term.

Sec. 6. Regular Meetings. Be it further enacted, That the Board of Mayor and Aldermen may, by ordinance, fix the date, time and place at which regular meetings of said Board shall be held. Unless otherwise provided by ordinance, the regular meetings of said Board shall be held at the City Hall in Ardmore, Tennessee, at an hour to be fixed by the Board of Mayor and Aldermen, on the first and third Thursday of each month. In no event shall said Board fail to meet at least once per month.

Sec. 7. Special Meetings. Be it further enacted, That special or call meetings of the Board of Mayor and Aldermen may be held at such times, and on such dates, as the Mayor may deem necessary and the Mayor is hereby empowered to call special meetings of said Board, in his discretion. The Vice-Mayor, when authorized to act in the place and stead of the Mayor, is likewise given the authority, acting in his discretion, to call special meetings of said Board. If, at any time, in the opinion of any four (4) Aldermen, the welfare of the City demands that a special meeting be called, and the Mayor be absent from the City, or unable for any reason to call such meeting, or shall refuse to do so, the Recorder shall, upon the written request of said four (4) Aldermen, call such meeting. In the event of the calling of a special meeting, written notice shall be given to each Alderman, the Recorder, the City Attorney, and if not called by him, the Mayor shall likewise be notified in writing. Said notices shall be served by a police officer of the City and the fact of such service shall be noted on the call over the signature of the officer. Said call shall specify the purpose of said meeting, and, together with the officer's return, shall be spread upon the minutes of the meeting; however, nothing in this Charter shall be construed to prevent said Board from transacting other matters of business not specified in the call. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 8. Quorum. Be it further enacted, That a majority of the Aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as the Board may provide.

Sec. 9. Rules. Be it further enacted, That the Board of Mayor and Aldermen may determine its own rules of procedure, provided, however, no rule promulgated by said Board shall be contrary to the General Law nor

inconsistent with the provisions of this Act. Robert's Rules of order shall govern in all cases not covered by the rules adopted by said Board.

Sec. 10. Organization. Be it further enacted, That at the first regular meeting after the effective date of this Charter, the Board of Mayor and Aldermen shall meet and organize by selecting one from their number as Vice-Mayor; thereafter, on the second Thursday in January, 1950, and on the second Thursday in January every two years thereafter, said Board shall hold its organizational meeting, at which time a Vice-Mayor for the ensuing two years period shall be elected by and from said Board. All committees shall be appointed and the annual budget and tax rate adopted at the first meeting in each year. All officers elected or appointed by said Board shall be chosen at the first meeting in each year, except that vacancies or any extra or additional employees may be elected or appointed when the necessity arises.

Sec. 11. Minutes. Be it further enacted, That the Board of Mayor and Aldermen shall cause minutes of its proceedings to be kept by the City Recorder. Upon the request of any member, the Mayor excepted, the ayes and nays upon any question before it shall be taken and a record of the vote entered upon the minutes. Said minutes shall be open for inspection by the public at all times.

Sec. 12. Public Meetings. Be it further enacted, That all meetings of the Board of Mayor and Aldermen shall be open to the public.

Sec. 13. Procedure. Be it further enacted, That at all meetings of the Board of Mayor and Aldermen, each Alderman shall be entitled to a vote on all matters properly presented to the Board of Mayor and Aldermen for action, and a majority vote of those present shall be necessary for affirmative or negative action by the Board.

Sec. 14. Compensation. Be it further enacted, That the Board of Mayor and Aldermen shall by ordinance establish the compensation of each Alderman. Such ordinance shall be enacted prior to the election of the Aldermen and shall establish the manner in which the compensation is payable. No other compensation for any service whatever shall be paid to any Alderman. No member of such Board shall be interested directly, or indirectly, in any contracts made by the Board under penalty of forfeiture of his office. The compensation of an Alderman shall not be increased or diminished during the term for which the Alderman is elected.

The ordinance establishing the compensation of the members of the Board of Mayor and Aldermen may provide for such members to be reimbursed for their actual and reasonable business and travel expenses incurred in the performance of their duties as members of such Board. [As amended by Priv. Acts 1967, ch. 278, § 4; as replaced by Priv. Acts 1998, ch. 158, § 14]

Sec. 15. Removed From Office. Be it further enacted, That the Mayor or any Alderman may be removed from office for any malfeasance, misfeasance and nonfeasance in office, crime or other offense against the laws of the State of Tennessee or for any violation of this ordinance or for any of the causes or reasons for which public officials may be ousted under the general law of the State. Written charges may be preferred by the City Attorney or upon the petition of ten or more citizens and freeholders of the City or by any member of the Board of Mayor and Aldermen, and when, in the opinion of a majority of the members of said Board, the charges are sufficient to warrant a hearing, the Board shall cause a copy of said written charges to be served by any policeman upon the accused, accompanied by a written notice stating the time and place of the hearing. The accused shall have the right to appear and defend in person and by counsel, and shall have the right to process and subpoena to compel the attendance of witnesses in his behalf. At the termination of the hearing a roll call shall be taken of the Board, exclusive of the accused, and the names of the members voting shall be recorded in the Journal of the meeting, and in the event of a vote for removal, the term of the accused shall be immediately terminated and his official status, power and authority shall cease without further action. Any person removed under the provisions of this section shall have the remedy of certiorari to the proper court of appellate jurisdiction, but pending the determination of the appeal his office shall be vacant and the Board shall proceed to fill such vacancy in the same manner as though such vacancy shall have occurred for any other cause. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE VI

CITY RECORDER

Section 1. Qualifications. Be it further enacted, That the City Recorder shall be not under twenty-five (25) years of age at the time of qualification. [As amended by Priv. Acts 1967, ch. 278, §§ 2 and 5, and Priv. Acts 1991, ch. 69]

Sec. 2. Election and Term of Office. Be it further enacted, That the City Recorder shall be elected by the Board of Mayor and Aldermen at its organizational meeting in the next January immediately after the present term of said city recorder has expired, and every four (4) years thereafter for a term of four (4) years, commencing on the date of his election. [As replaced by Priv. Acts 1963, ch. 79, § 5, and Priv. Acts 1967, ch. 278, § 5]

Sec. 3. Vacancy in Office. Be it further enacted, That whenever a vacancy shall occur in the office of City Recorder, by reason of the death, resignation, ouster, prolonged absence or inability to serve as said City Recorder, such vacancy shall be filled for the unexpired term of such office by election by the Board of Mayor and Aldermen.

Sec. 4. Salary. Be it further enacted, That the salary of the city recorder shall be fixed by the Board of Mayor and Aldermen in such monthly amount as to the Board of Mayor and Aldermen is reasonable. [As replaced by Priv. Acts 1967, ch. 278, § 5]

Sec. 5. Oath. Be it further enacted, That the City Recorder shall, before entering upon the duties of the office, take and subscribe to the following oath:

I do solemnly swear that I will support the constitution of the State of Tennessee and the United States, and that I will faithfully, zealously and impartially discharge the duties of City Recorder without fear or favor and for the public welfare, and that I will faithfully and honestly account for all funds coming into my hands, so help me God.

Sec. 6. Ouster. Be it further enacted, That the City Recorder shall be subject to ouster under the general laws of the State and he shall likewise be subject to removal in the same manner as is prescribed in Article 5, Section 15, for the removal of members of the Board of Mayor and Aldermen.

Sec. 7. Bond. Be it further enacted, That the City Recorder shall give and execute a good and solvent bond in such amount as the Board of Mayor and Aldermen may establish by ordinance conditioned upon his faithful discharge of the duties of his office and upon his properly accounting for all money and property coming into his hands. Said bond shall be approved by the Board of Mayor and Aldermen and filed with the Mayor. A copy of the same shall be spread upon the journal of the Board. In the event the bond provided for herein shall be made by an Indemnity Company, the City of Ardmore, Tennessee, shall bear the expenses of the same. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 8. Duties. Be it further enacted, That the City Recorder shall have the following powers, duties and authority:

(1) To keep full and complete records of the Board of Mayor and Aldermen.

(2) To keep a current record of all ordinances passed by the Board of Mayor and Aldermen in a properly bound book called the Ordinance Book, in which all ordinances and resolutions shall be recorded and indexed.

(3) To countersign all contracts entered into by the City, after authority given by ordinance.

(4) To be present at all meetings of the Board of Mayor and Aldermen and to keep a full and accurate account of all business transactions by said Board and to preserve a record of the same in permanent book form.

(5) To serve as Treasurer of the City and in that capacity to receive and account for all revenues of the City, but he shall not pay out any part of the

same except on authority of the Board of Mayor and Aldermen and all warrants or checks shall show specifically the purpose for which they were issued.

(6) To keep his office open for business during such hours and on such days as the Board of Mayor and Aldermen may fix by ordinance.

(7) To have custody of the official seal of the City of Ardmore, Tennessee, the public records, the original ordinances, all contracts, deeds and certificates relative to the title of any property of the City, all official indemnity or security bonds except his own, which shall be filed with the Mayor, and all such other records, documents and papers as are not required to be deposited with some other official.

(8) To certify under his hand and the official seal of the City all copies of such original documents, records and papers in his office as may be required by any officer or person and to charge therefor, for the use of the City of Ardmore, Tennessee, such fees as are allowed Clerks or the courts of record in this State for like services.

(9) To do and perform such other, further and additional duties, consistent with his office as may be imposed upon him by this Charter or by ordinances of the Board of Mayor and Aldermen. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE VII

JUDICIAL DEPARTMENT

Section 1. Recorder to Try Offenses. Be it further enacted, That the Recorder of the City of Ardmore, Tennessee, is hereby vested with full power and authority to try all offenses for the violation of the ordinances and by-laws of said City; and in cases for the violation of the ordinances of the City, he shall have the power to issue warrants of arrest and subpoenas for witnesses and may compel the attendance of witnesses by fine for contempt, and render judgment for all fines and forfeitures and issue execution therefor to any officer authorized under the law to execute process, but executions upon said judgments may be stayed for three months upon the defendant in said judgment, giving good and sufficient security therefor.

Executions. Executions shall be returned within thirty days. Said court shall have power and authority to preserve order and decorum while in session, and shall be invested with the same power to punish for contempt by fine and imprisonment as are incident to courts of records in the State. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 2. Docket. Be it further enacted, That it shall be the duty of the Recorder to keep a docket of cases, as required by law of Justices of the Peace.

Sec. 3. In Absence of Recorder. Be it further enacted, That in the absence, disability, or incompetency of the Recorder, the Mayor is hereby authorized to act in his stead, or in case of his absence or unwillingness to act. But the causes so tried shall be entered on the Recorder's docket.

Sec. 4. Right of Appeal. Be it further enacted, That in all cases in which a person is charged with the violation of the ordinances or by-laws of the City of Ardmore, Tennessee, shall be tried in said Recorder's Court, the accused or the City of Ardmore, Tennessee, through the Mayor, shall have the right to appeal from the judgment of said Court to the Circuit Court of Giles County, where the cause shall be tried de novo, but no appeal shall be granted the defendant unless the same shall be prayed and obtained, and proper appeal bond, conditioned to secure fine and costs, and costs of appeal (in no case less than \$100), with solvent security to be approved by the Recorder, to be filed within ten days, Sundays excepted, after the rendition of the judgment; provided, that such person, on taking the oath prescribed for poor persons, may appeal on giving bond in the sum of Two Hundred and Fifty Dollars for appearance at the Circuit Court. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 5. Process. Be it further enacted, That all process issuing from said Recorder's Court shall run in the name of the State of Tennessee for the use of the City of Ardmore, Tennessee. Subpoenas for witnesses from said Court may be served in any county in the State, by any executive officer thereof, under the same rules governing like process issuing from courts of record in this State. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 6. No Cost Except for Witness Fees. Be it further enacted, That the Chief of Police and policemen shall receive no fees for making arrests and serving process, nor shall the Recorder receive any fees for issuing same; and no costs shall be taxed except witness fees, which shall be the same allowed witnesses in trials before the Sessions Court, and the jail fees, which shall be the amount paid, or contracted to be paid, the Sheriff by the City of Ardmore, Tennessee. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 7. Duties of Police Officers. Be it further enacted, That it shall be the duty of the Chief of Police and all members of the police force to arrest any person guilty of a breach of the ordinances of the City or a crime against the laws of the State, committed in his presence; and to procure warrants where they have information of such violation; and they are empowered to serve process of any character issuing out of the Recorder's Court, and to serve within the City, process in all criminal cases. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 8. Serve Court Process. Be it further enacted, That the Chief of Police and policemen are empowered to serve any and all process which may issue out of any court in Giles County in any proceeding instituted for the enforcement of any City ordinance, or punishment for violation thereof, or for the collection of any fines and forfeitures which may be incurred under the ordinances of the City. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE VIII

CITY ATTORNEY

Section 1. Qualifications. Be it further enacted, That the City Attorney shall be an attorney-at-law admitted to the practice of law within this State and actively engaged in practicing law, if the Board of Mayor and Aldermen desire a City Attorney; if not, the Board of Mayor and Aldermen is hereby given the power to employ an attorney from time to time as one is needed.

Sec. 2. Election and Term of Office. Be it further enacted, That if a City Attorney is desired, he shall be elected by the Board of Mayor and Aldermen on the second Thursday in January, 1950, and every two years thereafter, for a term of two years, commencing on the date of his election.

Sec. 3. Vacancy. Be it further enacted, That whenever a vacancy shall occur by reason of the death, resignation, ouster, prolonged absence or inability to serve, of said City Attorney, such vacancy shall be filled for the unexpired term of such office by election by the Board of Mayor and Aldermen.

Sec. 4. Compensation. Be it further enacted, That the compensation paid the City Attorney shall be fixed by the Board of Mayor and Aldermen at such sum or sums as said Board may deem proper.

Sec. 5. Duties. Be it further enacted, That it shall be the duty of the City Attorney:

(1) To represent the City in all legal matters and functions and proceedings of whatsoever kind or nature, including the function of prosecuting attorney in the City Court.

(2) To direct the management of all litigation in which the City is a party.

(3) To attend all meetings of the Board of Mayor and Aldermen.

(4) To advise the Board of Mayor and Aldermen and the several departments of the City as to all legal questions affecting the City's interests.

(5) To approve in writing all contracts, deeds, bonds, ordinances, resolutions and other documents, to be signed in the name of, or made by or within the City.

(6) To perform such other and further duties, consistent with his office, as the Board may direct, by ordinance.

(7) To compile and publish a supplement to the official Code of the City of Ardmore, Tennessee, one year after the ordinance of the City of Ardmore, Tennessee, has been codified and published and each year thereafter. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 6. Additional Counsel. Be it further enacted, That special or additional counsel shall not be employed by the City of Ardmore, Tennessee, or any of its officers or departments except upon request of the City Attorney and in the event such counsel is employed, after the request of the City Attorney, such counsel shall receive for his services such sums as the Mayor, the Chairman of the Finance Committee, and the City Attorney may deem reasonable. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE IX

POLICE DEPARTMENT

Section 1. Police Department Created. Be it further enacted, That there is hereby created a Police Department, consisting of a Chief of Police and such number of policemen as the Board of Mayor and Aldermen shall from time to time fix.

Sec. 2. Chief of Police; Qualification, Election and Term of Office. Be it further enacted, That the Chief of Police shall be thirty (30) years of age or older; shall be elected by the Board of Mayor and Aldermen on the second Thursday in January at the organizational meeting, and every two (2) years thereafter for a term of two (2) years, commencing on the date of his election, and shall serve until his successor is elected and qualified. The Chief of Police in office on the effective date of this amendment shall continue in office until the expiration of his term. [As replaced by Priv. Acts 1967, ch. 278, § 6]

Sec. 3. Vacancy. Be it further enacted, That whenever a vacancy shall occur in the office of Chief of Police because of the death, resignation, ouster, prolonged absence, or inability to serve as said Chief of Police, such vacancy shall be filled for the unexpired term of such office by election, by the Board of Mayor and Aldermen.

Sec. 4. Salary. Be it further enacted, That the salary of the Chief of Police shall be fixed by the Board of Mayor and Aldermen at a sum which, in the discretion of the Board of Mayor and Aldermen, is reasonable and consistent with the experience and ability of said Chief of Police. Said salary shall be fixed at the date of his election and may be increased or decreased during his term of

office in the discretion of the Board of Mayor and Aldermen. [As replaced by Priv. Acts 1967, ch. 278, § 6]

Sec. 5. Policemen, Qualification and Selection. Be it further enacted, That each member of the police force shall be twenty-one (21) years of age or older. The Mayor, subject to the approval of the Board of Mayor and Aldermen, may appoint such number of policemen as may be fixed by ordinance and said policemen so appointed shall serve at the pleasure of the Board of Mayor and Aldermen. The provisions of paragraph B3 of Section 8, Article IV, are expressly made applicable to the members of the police force, exclusive of the Chief of Police who shall be subject to ouster under the general laws of the State and shall likewise be subject to removal in the same manner as is prescribed in Article V, Section 15, for the removal of members of the Board of Mayor and Aldermen. The salary of each member of the police department shall be fixed by the Board of Mayor and Aldermen at such sum which, in its discretion, is reasonable and consistent with the qualifications and duties of such policemen and shall be payable weekly or monthly in said discretion of the Board of Mayor and Aldermen. [As replaced by Priv. Acts 1967, ch. 278, § 6, and amended by Priv. Acts 1978, ch. 228, § 1]

Sec. 6. Duties of Police Department. Be it further enacted, That the Police Department, and all members thereof, shall be charged to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect the rights of persons and property, guard the public health, preserve order at elections, and to enforce every law of the State and ordinances of the City relating to the suppression and punishment of crime and disorder or to the public health. The members of the Police Department shall, in addition, possess all of the common law and statutory power of Constables, except for the service of civil process.

It shall be the further duty of the Police Department to execute and return all processes, notices and orders of the City Court, the City Judge, the Mayor and City Recorder, and to execute all other processes, notices and orders as may be provided in this Charter or by ordinance.

It shall be the future duty of the Police Department to cooperate fully with the City Attorney in all matters in connection with the proper prosecution or defense of all litigation in which the City may be involved. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 7. Fees. Be it further enacted, That no members of the Police Department shall receive any fees for making arrests or serving process, provided, however, nothing in this Charter shall be construed to prevent members of the Police Department from collecting witness fees for their appearance in any courts of this State, except the City Court, nor from accepting rewards.

Sec. 8. Emergencies. Be it further enacted, That the Mayor, in time of riot or other emergency, shall have the power to summon any male citizen of the City to assist the Police Force, and should any citizen so summoned fail or refuse to heed the same, he shall be forfeited the sum of \$50.00 to be recovered by the City upon suit instituted in City Court at the instance of any officer of the City. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 9. Leave. Be it further enacted, That each regular member of the Police Department shall be entitled to 15 days of annual leave without loss of pay and the time of such leave shall be designated by the Chief of Police. The time of such leave to be taken by the Chief of Police shall be designated by the Mayor. Each member of the Police Department shall have one day off each week.

Sec. 10. Legal Services. Be it further enacted, That it shall be the duty of the City Attorney to defend any suit instituted against a Police Officer based on an official act performed by such officer in the course of his duty. Such service shall be rendered without charge to such officer.

ARTICLE X

FIRE DEPARTMENT

Section 1. Fire Department Created. Be it further enacted, That there is hereby created a Fire Department, consisting of a Fire Chief, who shall be selected by and serve at the pleasure of the Board and who shall serve, ex officio, as Fire Marshal and such number of firemen as the Board of Mayor and Aldermen shall from time to time fix by ordinance.

Sec. 2. Salaries. Be it further enacted, That the salaries of the Fire Chief and all firemen shall be fixed by ordinance.

Sec. 3. Duties. Be it further enacted, That the Chief of the Fire Department shall be responsible for all fire prevention and fire fighting activities in the City of Ardmore, Tennessee, and, at the scene of fires, he shall have the same police powers as the Chief of Police under such regulations as may be prescribed by ordinance. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 4. Duties of Fire Marshal. Be it further enacted, That the Fire Marshal shall investigate the cause, origin and circumstances of fires and the loss occasioned thereby, and shall assist in the prevention of arson.

ARTICLE XI

ELECTIONS

Section 1. Regular Elections. Be it further enacted, That a Regular City Election shall be held on the second Thursday in November, 1949, and every two years thereafter for the election of appropriate officials.

Sec. 2. Special Elections. Be it further enacted, That the Board of Mayor and Aldermen shall prescribe the time, manner, means and qualifications of voters for any special election, and the same shall be publicized in such manner as the Board may determine.

Sec. 3. Regulation of Elections. Be it further enacted, That except as herein otherwise provided, the general election laws of the State shall be applicable to and control all city elections which may be held in accordance with the provisions of this Act.

Sec. 4. Qualifications of Voters. Be it further enacted, That all persons qualified to vote in Giles County for members of the General Assembly, as prescribed by the general law, shall be qualified to vote in any election held in accordance with the provisions of this Act, provided, however, that no person shall be qualified to vote in any such election who shall not have been a bona fide resident of the City for at least six months immediately preceding the date of such election. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE XII

ORDINANCES

Section 1. Form. Be it further enacted, That all City ordinances shall begin by an enacting clause as follows: "Be it enacted by the Mayor and Board of Aldermen of Ardmore, Tennessee," and shall, at the end of the ordinance, contain the provisions: "This ordinance shall take effect from and after its passage, the public welfare requiring it," otherwise the same shall not take effect until twenty (20) days after its passage, unless another date is fixed therein.

Sec. 2. Passage. Be it further enacted, That all ordinances shall be read in open session of the Board on two different days before being placed on third and final reading, provided however, any ordinance may be introduced, read twice, once in full and once by title, and passed on third and final reading by unanimous vote of all members of the Board present at any meeting. In the event an ordinance is so passed, it will contain the following provision in the

body thereof, immediately following the public welfare clause, "This ordinance was passed unanimously on three readings on this the ___ day of _____, 19___, the public good and welfare demanding that its passage not be postponed."

Sec. 3. Amendments. Be it further enacted, That all amendments to existing ordinances shall be in the form of new ordinances and shall be adopted in the same manner.

Sec. 4. Publication. Be it further enacted, That the Board may, by resolution, direct that any ordinance pending before the Board, or under consideration by it, be published in some newspaper circulated within the City, before taking final action thereon, and may, in like manner, direct the publication of any ordinance after its passage on third and final reading. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE XIII

TAXATION AND REVENUE

Section 1. Subjects and Objects of Taxation. Be it further enacted, That the City of Ardmore, Tennessee, is hereby expressly authorized and empowered to assess, levy and collect taxes upon all property and privileges within its limits, which are or shall hereafter be subject to taxation by the laws of the State of Tennessee and to assess, levy and collect taxes on any and all subjects or objects of taxation either for general or special purposes not expressly prohibited by the General Laws of the State of Tennessee. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 2. Assessment. Be it further enacted, That as soon as practicable each year after the assessment books for the State and County are complete which shall be after the equalization boards provided for by the general law shall have finished the equalization of taxes, it shall be the duty of the Recorder to prepare or cause to be prepared a Tax Book similar to that required by the general law to be made out for the County Trustee, embracing all such properties and persons as are liable for taxes within the City of Ardmore, Tennessee. Such Tax Book, when certified to be true, correct and complete, by the Recorder shall be the assessment for taxes in said City for all municipal purposes, provided, however, that there may be an assessment by the Recorder at any time of any property subject to taxation, found to have been omitted. No assessment shall be invalid because the size and dimensions of any tract, lot, or parcel of land have not been properly stated, or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any object or informality merely technical,

but all such assessments shall be good and valid. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 3. Recorder, ex officio Tax Assessor. Be it further enacted, That the City Recorder of the City of Ardmore, Tennessee, shall be and he is hereby made ex officio Tax Assessor for the City of Ardmore, Tennessee, with the power and authority to assess properties within the corporate limits of the City for the purposes of taxation. He shall also be custodian of the tax books and tax collector for the City. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 4. Levy. Be it further enacted, That it shall be the duty of the Recorder each year as soon as the assessment roll for the City is complete to submit to the Board of Mayor and Aldermen a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the City limits together with a certified statement of the revenue derived by the City from privilege tax, merchants ad valorem tax and fines, and forfeitures for the preceding year. Said statement shall be presented to the Board of Mayor and Aldermen which shall proceed, by ordinance, to make a proper levy to meet the current expenses of the City for the current fiscal year not exceeding however, a total levy for all purposes, except schools, in one year of \$2.50 upon every \$100.00 of property of the total assessment of property within the City for the year.

It shall be the duty of the City Recorder immediately after the levy of taxes by the Board of Mayor and Aldermen to cause the said levy to be extended upon the said Tax Book, prepared by the Recorder in the same manner that extensions are made on the Tax Book in the hands of the County Trustee. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 5. When Due--Interest; Penalty. Be it further enacted, That all taxes due the City of Ardmore, Tennessee, except privilege and merchant's ad valorem taxes, shall be due and payable on the first Monday in November of the year for which the taxes are assessed, at the office of the Recorder. A penalty of 1% per month on all taxes remaining unpaid on and after the first day of July following the year for which taxes are assessed, shall be imposed and collected by the Recorder, and by him paid into the City treasury. On and after the first day of July as aforesaid, the Tax Books in the hands of the Recorder shall have the force and effect of a judgment of a court of record, and the Recorder shall have the power to issue distress warrants, and alias and pluries distress warrants, in the name of the State of Tennessee for the use of the City of Ardmore, Tennessee, to enforce the collection of said taxes against the person owning the property assessed January 10 of the year for which the tax is assessed, by levy upon the personalty of such taxpayer; and such distress warrant shall be executed by the Chief of Police or any policeman of the City of Ardmore, Tennessee, by levy upon the sale of the goods and chattels of such

taxpayer, under the same provisions as prescribed by law for the execution of such process from Justices of the Peace. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 6. Lien. Be it further enacted, That all municipal taxes on real estate in the City of Ardmore, Tennessee, and all interest, penalties, and costs accruing thereon are hereby declared to be a lien on said realty, from and after the 10th of January of the year for which the same are assessed, superior to all other liens, except of the State of Tennessee and of the County of Giles, for taxes legally assessed thereon, with which it shall be a coordinate lien. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 7. Delinquent Tax Collection. Be it further enacted, That for the purpose of collecting delinquent taxes and enforcing the liens securing the same, the Board of Mayor and Aldermen shall, by proper resolution, direct the City Attorney to institute proceedings, in which event the City Attorney shall certify a list of all real estate upon which municipal taxes remain due and unpaid, together with the interest and penalty thereon, to the City Attorney, who in turn shall prepare and file proper bills to enforce the liens of such taxes due the City of Ardmore, Tennessee, under the provisions of the general law of this State as it now exists, or any future laws governing such matters. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE XIV

LIGHT DEPARTMENT

Section 1. Creation. Be it further enacted, That there is hereby created a City Light Department and the City of Ardmore, Tennessee, in its corporate capacity, is hereby authorized and empowered to purchase, construct, lease or otherwise acquire and to maintain, improve, operate and regulate, within or without the corporate limits of said City, an electric light and power plant and/or distribution station or substation, together with all necessary or appropriate equipment, appliances and appurtenances for the proper operation thereof for the purpose of lighting public buildings, streets, parks and all other municipal property and for all other purposes and for the sale of electric service or current for light, heat, power, or any other purpose whatsoever, and to any person, firm or corporation, or to any other user or consumer of electric power energy, both within and without, the corporate limits of the City of Ardmore, Tennessee, provided however, that nothing in this Charter should be construed to alter, modify, amend or effect in any way or manner, the contract with the Tennessee Valley Authority in effect on the effective date of this Charter, it being the intent of this Article to authorize and empower the City of Ardmore, Tennessee, in its corporate capacity to procure, generate, transmit and/or distribute electrical

power and energy in such manner as the Board of Mayor and Aldermen of said City may deem to be to the best interest of the City. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 2. Rates. Be it further enacted, That the Board of Mayor and Aldermen shall fix the rates to be charged for current, power, light and heat or other services furnished, which rates shall be fair, reasonable and uniform for all customers in the same class, but different rates or schedules may be applied to different classes of customers as may be determined by said Board. Rates may, in the City of Ardmore, Tennessee, be less, but shall in no event be greater than rates for the same class or services outside of the City. [As amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE XV

WATER DEPARTMENT

Section 1. Creation. Be it further enacted, That there is hereby created a Water Department of the City of Ardmore, and said City is authorized and empowered to purchase, construct, lease or otherwise acquire, and to maintain, improve, operate and regulate, within or without the corporate limits of said City, and within or without the boundaries of the State of Tennessee, a waterworks system, including a waterworks plant and a source of supply and including all necessary or appropriate equipment, appliances and appurtenances for the proper operation of said system, for the purpose of supplying said City and the residents thereof, and all persons, associations, corporations and public bodies within or without the City of Ardmore and within or without the State of Tennessee, and said City is authorized to enter into any contracts or agreements to carry out the expressed powers above. Said City is also authorized to sell, lease, convey, mortgage or otherwise dispose of or encumber said waterworks system, in whole or in part, and to adopt all necessary proceedings therefor. The Board of Mayor and Aldermen is authorized and empowered to fix rates to be charged for water and services to be supplied by said waterworks system, which rates shall be fair, reasonable and uniform to all customers in the same class, but different rate schedules may be applied to different classes of customers as may be determined by said Board. [As replaced by Priv. Acts 1957, ch. 17, § 2, and amended by Priv. Acts 1967, ch. 278, § 2]

ARTICLE XVI

OFFICERS AND FIRST ELECTION

Section 1. First Election. Be it further enacted, That on the second Thursday in November, 1949, an election shall be held in the City of Ardmore, Tennessee, for the election of six Aldermen and, if the Board of Mayor and Aldermen creates three (3) Wards, there shall be elected two (2) Aldermen from each Ward. One (1) Alderman in each Ward to be elected for one (1) year after his qualification and entrance in office from the first Thursday in January, 1950. The other Alderman in each Ward shall be elected for two (2) years from the first Thursday of January, 1950. Thereafter, the Aldermen are to be elected as provided for in Article XI hereof. There shall also be elected a Mayor and Recorder, both to take office on the first Thursday of January and to hold office for the term herein prescribed. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 2. First Officers. Be it further enacted, That until the officers of said Corporation are elected and qualified as herein provided for, the officers of said corporation shall be as follows: Mayor, S. B. Mimms; Recorder, Mabron Lewter; Aldermen, Toney Rainy, C. P. Forbs, J. G. Jones, C. W. Austin, George Hickey and Ira Smith.

ARTICLE XVII

MISCELLANEOUS

Section 1. Sinking Fund. Be it further enacted, That for the purpose of providing the means for the liquidation and retirement of the bonded indebtedness of the City of Ardmore, Tennessee, a sinking fund is hereby created into which shall be paid so much of the revenue derived from taxation as is specifically so designated in the tax levy and all such other sums as the Board of Mayor and Aldermen shall, from time to time, direct. The monies paid into said fund may be loaned out on good real estate security by the Recorder or on notes, with solvent sureties under the direction, and with the approval of the Board of Mayor and Aldermen. Said sinking fund shall not be used in whole or in part for the payment of the current expenses of the City or for any purpose except as herein provided. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 2. Construction of Sidewalks and Curbing. Be it further enacted, That the Board of Mayor and Aldermen is hereby authorized and empowered to pass appropriate ordinances providing for sidewalks and for curbing and to require by ordinance that the owner or owners of any property fronting upon or adjoining a paved street shall be required to construct or bear the expenses of constructing such sidewalk or curbing within such time as may be prescribed by

such Board and in the event any such owners shall fail or refuse to comply with the provisions of such ordinances as may be enacted for that purpose, then said Board may cause the same to be constructed at the expense of said property owner or owners and the expense of said construction shall be borne by the property owner and may be recovered by suit in the name of and for the use of the City of Ardmore, Tennessee, before the City Court or any court of law or equity in the State of Tennessee having jurisdiction of the amount. The costs of such construction shall constitute a lien on the property involved. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 3. Contracts. Be it further enacted, That all contracts made and entered into by the City shall be in writing and signed by the Mayor and countersigned by the City Recorder under the seal of the corporation after authority given by ordinance or resolution. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 4. Legal Process. Be it further enacted, That all legal process against the City shall be served upon the City Attorney and he shall give written notice of the same to the Mayor and City Recorder, stating the style of the cause, the nature of the action and from what court issued. In the absence of the City Attorney, said process may be served upon the Recorder, who shall notify the Mayor. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 5. Sewerage. Be it further enacted, That the Board of Mayor and Aldermen shall have the power to establish, operate, maintain and extend a system of sewerage within the limits of the City of Ardmore, Tennessee, and to prescribe, by ordinance, all rules and regulations necessary to accomplish this purpose. Said Board, is specifically authorized to make such sewerage connection charge as it may deem necessary. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 6. Sheriff to Receive Prisoner. Be it further enacted, That it shall be the duty of the Sheriff of Giles County to receive and safely keep in custody all persons who may be committed to his charge for violation of the ordinances of the City of Ardmore, Tennessee, and all riotous and disorderly persons committed to his custody by the Chief of Police or any member of the Police Department, for which he shall receive the same fee as in other cases of imprisonment. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 7. Municipal Property Exempt from Seizure. Be it further enacted, That the public property of the City of Ardmore, Tennessee, of every character and description, shall be exempt from seizure by attachment, execution or other legal process and no funds in the hands of the City Recorder or any department

or official of said City shall be subject to garnishment or other legal process. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 8. Public Act. Be it further enacted, That this Act is hereby declared to be a Public Act and may be received and read in evidence in all courts of law and equity which shall take judicial notice thereof, and all ordinances, resolutions, and proceedings of said City may be proved by the certificate of the Recorder under the seal of the City, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Whenever words including one gender or sex appear in this Charter, the same shall be construed to include both genders or sexes, unless the context requires a different interpretation. [As amended by Priv. Acts 1967, ch. 278, § 2]

Sec. 9. Severance Clause. Be it further enacted, That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

Sec. 10. Be it further enacted, That all laws or parts of laws in conflict with this Act be and the same are hereby repealed and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1949.

McAllen Foutch,
Speaker of the House of Representatives.

Walter M. Haynes,
Speaker of the Senate.

Approved: April 14, 1949.

Gordon Browning,
Governor.

RELATED ACTS

PAGE

Priv. Acts 1978, ch. 218,
"Privilege Tax on Hotels, etc." C-38

CHAPTER NO. 218

SENATE BILL NO. 2413

By Koella

Substituted for: House Bill No. 2462

By Ford (Cocke), Atchley

AN ACT Authorizing the levy of a privilege tax on the occupancy of any rooms, lodgings, or accommodations furnished to transients by any hotel, inn, tourist court, tourist cabin, motel or any place in which rooms, lodgings, or accommodations are furnished transients for a consideration in municipalities having populations of not less than 1300 persons nor more than 1400 persons according to the 1970 Federal Census, or any subsequent federal census, and in which a certain percent of the assessed valuation of the real estate in the municipality consists of the hotels, motels, and tourist courts accommodations; providing for its collection and administration; providing penalties; and providing for the expending and distributing of the proceeds of the tax for certain purposes.

WHEREAS, Certain cities within the State of Tennessee are in a unique situation in that they are visited by a large number of tourists each year and yet they have only a relatively small permanent population and that this influx of tourists places a heavy burden upon the local inhabitants to provide public facilities including roads, streets, utilities, meeting places, and other public services out of proportion to the local citizens' needs and since at least a portion of these expenses should be borne by the tourists who make use of the needed facilities and services; now, therefore,

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

SECTION 1. Definitions. As used in this act, unless a different meaning clearly appears from the context, the following definitions shall apply:

(a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(b) Hotel. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist

court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days.

(e) Consideration. "Consideration" means the consideration charged whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(f) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(g) Tourism. "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the municipality tourists, visitors and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same purposes. It also means the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourist, conventions, and recreational business.

SECTION 2. Levy of Tax. Municipalities having a population of not less than 1300 nor more than 1400 persons according to the federal census of 1970, or any subsequent federal census and in which at least twenty-five percent (25%) of the assessed valuation (as shown by the tax assessment rolls or books of the municipality) of the real estate in the municipality consists of hotels, motels, and tourist accommodations, are hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of three percent (3%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinafter provided.

SECTION 3. Tax Added to Room Invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the Department of Finance of the municipality in which the hotel is located.

SECTION 4. Remittance to Director of Finance. The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the Director of Finance of the municipality in which the hotel is located, to be remitted to such officer not later than the 20th day of each month next following collection from the transient.

For the purpose of compensating the operator in accounting for and remitting the tax levied by this act, said operator shall be allowed two percent (2%) of the amount of tax due and accounted for and remitted to the Director of Finance in the form of a deduction in submitting his report and paying the amount due by him; provided the amount due was not delinquent at the time of payment.

SECTION 5. Offer to Absorb Tax Prohibited. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

SECTION 6. Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the Department of Finance on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the Department of Finance.

SECTION 7. Records. It shall be the duty of every operator liable for the collection and payment to the municipality of any tax levied under the authority granted by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the Director of Finance shall have the right to inspect at all reasonable times.

SECTION 8. Administration. In administering and enforcing the provisions of this act, the Director of Finance shall have as additional powers the powers and duties with respect to collection of taxes provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-2313, it

being the intent of this act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this act; provided, the Director of Finance shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under the authority of this act and to direct the refunding of the same. Notice of any tax paid under protest shall be given to the Director of Finance, and suit for recovery shall be brought against him.

SECTION 9. Expending and Distributing Tax. The proceeds from the tax levied herein shall be retained by the municipality and distributed as follows:

(1) One-third (1/3) of the proceeds shall be used for direct promotion of tourism.

(2) One-third (1/3) of the proceeds shall be used for tourist related activities.

(3) One-third (1/3) of the proceeds shall be deposited in the general funds of the municipality.

Proceeds of this tax may not be used to provide a subsidy in any form to any hotel or motel.

SECTION 10. Tax is Additional Tax. The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

SECTION 11. Severability. If any clause, sentence, paragraph, section or any part of this act shall be held or declared to be unconstitutional, it shall not affect the remainder of this act notwithstanding the part held to be invalid, if any, and to that end the provisions of this act are declared to be severable.

SECTION 12. Local Approval. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the municipal governing body of any municipality to which it may apply. Its approval or nonapproval shall be proclaimed by the presiding officer of the governing body and certified by him to the Secretary of State.

SECTION 13. For the purpose of approving this act as provided in Section 12, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall become effective upon being approved as provided in Section 12.

PASSED: March 8, 1978

John S. Wilder,
SPEAKER OF THE SENATE

Ned R. McWherter,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED: March 16, 1978

Ray Blanton,
GOVERNOR

This is to certify that according to the official records in this office, Senate Bill No. 2462, which is Chapter No. 218 of the it Private Acts of 1978 was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

GENTRY CROWELL
Secretary of State

CHARTER AND RELATED ACTS FOR THE CITY OF
ARDMORE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1949	801	An Act to incorporate the Town of Ardmore, Tennessee.
1957	17	Replaced art. V, § 2 relative to composition of board, and art. XV, § 1 relative to creation of water department.
1963	79	Replaced art. IV, § 2 relative to election and term of office of mayor; amended art. V, § 2 relative to composition of board; replaced art. V, § 3 relative to term of office of board, and art. VI, § 2 relative to election and term of office of city recorder.
1967	278	Changed "Town of Ardmore" to "City of Ardmore" throughout charter; amended art. IV, § 1 relative to qualifications of mayor; art. V, §§ 4 and 14 relative to qualifications and compensation of board; art. VI, § 1 relative to qualifications of city recorder; replaced art. IV, § 5 relative to salary of mayor; art. VI, §§ 2 and 4 relative to election, term of office, and salary of city recorder; and art. IX, §§ 2, 4, and 5 relative to police department.
1967	345	Amended art. IV, §§ 8A1 and 8A2 relative to powers and duties of mayor.
1978	218	Authorized levy of privilege tax on hotels, motels, etc. (See Related Acts at the end of charter.)

YEAR	CHAPTER	SUBJECT
1978	228	Amended art. IX, § 5 relative to police department.
1991	69	Amended art. VI, § 1 relative to qualification of city recorder.
