

STATE OF TENNESSEE

Office of the Secretary of State

CERTIFICATE OF INCORPORATION

BE IT KNOWN, That "The Town of McMinnville"¹ Warren County Tennessee, with metes and bounds as follows: Beginning at the center of the lane between J. W. Smith's property running north across the railroad thence with the dirt road to a drain out of Reavis' field or Lewis' field thence in a north west direction so as to include the residence and improvements of Mrs. Thomas Faulkner and thence north west so as to include the improvements of Frank Womack and thence west so as to include the residence of T. H. Wieneer and Pierce; thence in a straight line to the Baron Fork River so as to include Drury and James Rankins or where he now lives; thence down the Baron Fork River with its various meanderings to a point opposite the residence of Bradley Rice so as to include his residence, thence to the beginning² is hereby duly, and legally incorporated and as such, is entitled to all the benefits and subject to all the responsibilities of the laws of the state applicable to municipal corporations.

¹The designation of the municipality was changed to "City of McMinnville" by chapter 290 of the private acts of 1967.

²These boundaries have been changed by the following private acts: Pub. Acts 1901, ch. 338; Pub. Acts 1903, ch. 80; Pub. Acts 1903, ch. 156; Pub. Acts 1905, ch. 241; Pub. Acts 1905, ch. 257; Priv. Acts 1911, ch. 421; Priv. Acts 1915, ch. 364; Priv. Acts 1917, ch. 416; Priv. Acts 1917, ch. 452; Priv. Acts 1919, ch. 244; Priv. Acts 1921, ch. 38; Priv. Acts 1921, ch. 353; Priv. Acts 1925, ch. 454; Priv. Acts 1925, ch. 804; Priv. Acts 1929, ch. 905; Priv. Acts 1931, ch. 32; Priv. Acts 1933, ch. 4; Priv. Acts 1935, ch. 809; Priv. Acts 1939, ch. 479; Priv. Acts 1941, ch. 219; Priv. Acts 1947, chapters 653, 694, 695, 704, 839, 843, and 852; and Priv. Acts 1949, ch. 104.

In addition to changes by private act, the boundaries of the city have been changed by ordinances which are of record in the recorder's office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and caused the Great Seal of the State of Tennessee to be attached at office in the City of Nashville, November 5th, 1901; and of American Independence the 126th year.

-(SEAL)-

s/ Jno. W. Morton
Secretary of State

MAYOR-ALDERMANIC CHARTER¹

TABLE OF CONTENTS²

CHAPTER (of Title 6, T.C.A.)	PAGE
1. MAYOR-ALDERMANIC CHARTER--ADOPTION AND SURRENDER	C-4
Part 1--Definitions	C-6
Part 2--Adoption of Charter	C-7
Part 3--Surrender	C-17
Part 4--Officers [Repealed.]	C-19
Part 5--Change of Corporate Name	C-20
2. POWERS OF MUNICIPALITIES WITH MAYOR-ALDERMANIC CHARTER	C-22
Part 1--Ordinances	C-23
Part 2--Municipal Authority Generally	C-24
Part 3--Expenditures and Taxation [Repealed.]	C-28
Part 4--Officers [Repealed.]	C-28
Part 5--Abolition of Charter [Transferred.]	C-28
3. BOARD OF MAYOR AND ALDERMEN	C-29
4. OFFICERS AND DEPARTMENT HEADS	C-35
Part 1--City Administrator	C-36
Part 2--City Recorder	C-37
Part 3--City Judge--City Court	C-38
Part 4--Treasurer--Deposits of Municipal Funds	C-40
5-17. [Reserved.]	C-41

¹This compilation includes chapters 1--17 of Title 6, Tennessee Code Annotated, which contain the basic organizational provisions for this form of government. IMPORTANT NOTE: There are many other general laws affecting municipalities organized under this charter which have been omitted because they apply to all municipalities. These are found in various parts of the Tennessee Code Annotated. This compilation has been amended to reflect legislation passed in the 2008 session of the Tennessee General Assembly.

²See page C-42 for acts affecting the City of McMinnville not included in the charter.

MAYOR-ALDERMANIC CHARTER

CHAPTER 1

MAYOR-ALDERMANIC CHARTER--ADOPTION AND SURRENDER

PART 1 -- DEFINITIONS

SECTION

- 6-1-101. Definitions.
- 6-1-102. Use of "shall" and "may."
- 6-1-103. [Repealed.]

PART 2 -- ADOPTION OF CHARTER

- 6-1-201. Right to adopt charter--Incorporation within specified distances from existing cities.
- 6-1-202. Election to adopt charter.
- 6-1-203. Petition to incorporate under this charter.
- 6-1-204. Registration of voters--Qualifications to vote--Certification of result.
- 6-1-205. Effect of vote.
- 6-1-206. Certification to secretary of state.
- 6-1-207. Election of officers upon incorporation.
- 6-1-208. Succession to old corporation.
- 6-1-209. Sample petition for adoption.
- 6-1-210. General validation provision.
- 6-1-211. Elections valid despite informalities.
- 6-1-212--6-1-218. [Repealed.]
- 6-1-219. New incorporations--situs based taxes.

PART 3 -- SURRENDER

- 6-1-301. Surrender of charter.
- 6-1-302. Conduct of surrender election.
- 6-1-303. Termination of charter--New charter.
- 6-1-304. Election of new officers when charter is surrendered.
- 6-1-305. Succession to assets and liabilities after surrender of charter.
- 6-1-306. Liquidation of affairs.

PART 4 -- OFFICERS

- 6-1-401--6-1-406. [Repealed.]

PART 5--CHANGE OF CORPORATE NAME

- 6-1-501. Right to change corporate name.
- 6-1-502. Manner of changing corporate name.
- 6-1-503. Obligations and liabilities unaffected by change of name.

PART 1 – DEFINITIONS

6-1-101. Definitions.--The following definitions apply in chapters 1-4 of this title unless the context otherwise requires:

- (1) "Board" means the mayor and the aldermen;
- (2) "Department head" means the city administrator, city recorder, treasurer, police chief and any other department heads appointed by the board or mayor;
- (3) "Officer" means the mayor, aldermen, city attorney and city judge;
- (4) "This charter" refers to chapters 1-4 of this title; and
- (5) "Wards" means a geographical subdivision of the municipality established for the purpose of securing representation on the board. [Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, § 1.]

6-1-102. Use of "shall" and "may."--As used in this charter, "shall" is mandatory and "may" is permissive. [Acts 1991, ch. 154, § 1.]

6-1-103. [Repealed.]

PART 2 – ADOPTION OF CHARTER

6-1-201. Right to adopt charter--Incorporation within specified distances from existing cities.--(a) (1) The residents of any incorporated municipality or of any territory wanting to incorporate under this charter may adopt the provisions of this chapter and chapters 2-4 of this title in the manner provided in this chapter. Thereupon the municipality or territory shall be and become incorporated and be governed as herein set forth. No unincorporated territory shall be incorporated under the provisions of this charter unless such territory contains not fewer than one thousand five hundred (1,500) persons, who shall be actual residents of the territory.

(2) No unincorporated territory shall be allowed to hold a referendum on the question of whether or not to incorporate under this charter until a plan of services is documented setting forth the identification and projected timing of municipal services proposed to be provided and the revenue from purely local sources to be payable annually. The plan of services shall be attached to the petition to incorporate when such petition is filed with the county election commission. The plan of services shall include, but not be limited to: police protection, fire protection, water service, sanitary sewage system, solid waste disposal, road and street construction and repair, recreational facilities, a proposed five-year operational budget, including projected revenues and expenditures, and the revenue from purely local sources to be payable annually. Municipalities that are first incorporated on or after July 1, 1993, that produce no local own source revenues in any fiscal year shall not receive any state-shared revenues during the next fiscal year.

(3) Prior to filing the petition with the county election commission, a public hearing on the referendum on the question of whether or not to incorporate under this charter and plan of services shall be conducted. The public hearing shall be advertised in a newspaper of general circulation for two (2) consecutive weeks.

(b) (1) If any part of the unincorporated territory proposed for incorporation is within five (5) miles of an existing municipality of one hundred thousand (100,000) or more according to the most recent federal census and if the governing body of such municipality adopts a resolution by a two-thirds (2/3) vote indicating that the municipality has no desire to annex the territory, such territory may be included in a proposed new municipality. A petition for incorporation shall include a certified copy of such resolution from the affected municipality.

(2) In any county having a population of more than eighteen thousand two hundred (18,200) and less than eighteen thousand five hundred (18,500) according to the 1990 federal census or any subsequent federal census, if any part of the unincorporated territory proposed for

incorporation is within five (5) miles of an existing municipality of one hundred thousand (100,000) or more in population or within two (2) miles of an existing municipality of more than one thousand (1,000) and fewer than one hundred thousand (100,000) in population, according to the 1990 federal census or any subsequent census, then action on the petition as provided in §§ 6-1-202 and 6-1-204 shall be held in abeyance for fifteen (15) months from the date of filing the petition. If, within this period, the existing municipality does not annex at least twenty percent (20%) of the land area or twenty percent (20%) of the population of the territory proposed for incorporation, then proceedings shall be continued as provided in §§ 6-1-202 and 6-1-204 as though the petition had been filed at the conclusion of the fifteen (15) month period. If the existing municipality annexes at least that part of the territory within this period, then the petition shall be null and void.

(c)-(e) [Deleted by 1993 amendment.]

(f) Notwithstanding the provisions of subsection (a) or (b) to the contrary, a territory may be incorporated if the following conditions are fulfilled:

(1) The territory contains two hundred twenty-five (225) residents or more;

(2) The territory is composed of property which is sixteen hundred (1600) feet or more above sea level on the western border of the territory and contiguous with a county boundary on the eastern border of the territory;

(3) The territory is located within an area which is bordered on the west, north and east by the Tennessee River and on the south by the border between Tennessee and another State; and

(4) The territory is located within a metropolitan statistical area.

(g) (1) Notwithstanding the preceding provisions of this section to the contrary, a territory may be incorporated that meets the following conditions:

(A) The territory contains three hundred (300) residents or more;

(B) The territory's western boundary is contiguous with the western boundary of the county in which it is located;

(C) The territory is located within an area bordered on the north by the Loosahatchie River, on the south of the Wolf River;

(D) The territory's eastern boundary is approximately parallel with the western boundary, but in no place is more than eight (8) miles from the western boundary; and

(E) The territory is located within a metropolitan statistical area.

(2) The territory described in this subsection may incorporate notwithstanding the provisions and restrictions in subsections (a) and (b).

(h) Notwithstanding the requirements of this section, or §§ 6-1-202, 6-1-203, and 6-1-209, or any other provision of law to the contrary, a petition for incorporation may consist of a letter from a resident of the territory desiring to incorporate to the county election commission requesting that the question of incorporating the territory be placed on the ballot. The letter shall describe the exact boundaries of the proposed municipality, indicate the name of the proposed municipality, and indicate under which charter the territory desires to incorporate. The letter shall be treated as a petition meeting all the requirements of law.

(i) (1) Notwithstanding any provision of law to the contrary, whenever the governing body of any existing city affected by this section, by a resolution adopted by a majority vote of its governing body, indicates that it has no interest in annexing the property to be incorporated, and when a certified copy of such resolution and a petition requesting that an incorporation election be held are filed with the county election commission, then the proceedings shall continue as provided in this chapter as though the proposed new incorporation were not within the specified distance of such existing city as provided in this section.

(2) The provisions of this subsection shall only apply in counties having a population of not less than 80,000 nor more than 83,000 according to the 1990 federal census or any subsequent federal census; provided, that in an adjoining county an existing municipality that is within the specified distance may also use the procedure authorized by this subsection. [Acts 1991, ch. 154, § 1; Acts 1993, ch. 320, §§ 1, 2; Acts 1995, ch. 13, § 1; Acts 1995, ch. 202; Acts 1996, ch. 666, §§ 1, 4; Acts 1996, ch. 708, § 1, § 3; Acts 1998, ch. 1101, § 27.]

6-1-202. Election to adopt charter.--(a) The county election commission shall hold an election for the purpose of determining whether this charter shall become effective for any municipality or newly incorporating territory upon the petition in writing of at least thirty-three and one-third percent (33 1/3%) of the registered voters of the municipality or territory. The petition shall include a current list of the registered voters who live within the proposed territory. The petition shall state in a sufficient manner the boundaries of the proposed municipal corporation, which may be done by a general reference to the boundaries then existing if there is one. Upon receipt of the petition the county election commission shall examine the petition to determine the validity of the signatures in accordance with Section 2-1-107. The county election commission shall have a period of twenty (20) days to certify whether the petition has the sufficient number of signatures of registered voters. If the petition is sufficient to call for an election on the issue of incorporation, the county election commission shall hold an election, providing

options to vote "FOR" or "AGAINST" the incorporation of the new charter, not less than forty-five (45) days nor more than sixty (60) days after the petition is certified. The date of the election shall be set in accordance with Section 2-3-204. The county election commission shall, in addition to all other notices required by law, publish one (1) notice of the election in a newspaper of general circulation within the territory of the municipality or of the proposed municipality, and post the notice in at least three (3) places in the territory.

(b) At any time not less than thirty (30) days prior to the election provided for in this part, the petition may be withdrawn or may be amended to call for a smaller territory for the proposed municipal corporation so long as all of the proposed smaller territory is contained within the boundaries of the territory described in the first petition. The withdrawal or amendment shall be valid if filed with the county election commission in writing, and if signed by not fewer than fifty-one percent (51%) of those who signed the original petition. In the event such an amended petition is filed, all provisions relating to time periods in § 6-1-201, shall be controlled by the date of the filing of the original petition, notwithstanding the filing of the amended petition, and the county election commission shall publish the notice of election as provided for herein. A petition to withdraw, when filed with and validated by the county election commission, shall render the original petition null and void.

(c) A cash bond equivalent to the costs of the election to incorporate under this charter shall be filed by the petitioners with the county election commission along with the petition for incorporation. [Acts 1991, ch. 154, § 1; Acts 1998, ch. 1101, § 28.]

6-1-203. Petition to incorporate under this charter.--The petition filed in accordance with § 6-1-202 shall be in substantially the form provided in § 6-1-209 and shall include a description of the boundaries of the proposed municipal corporation and the boundaries of the proposed wards, if there is only one (1) alderman to be elected per ward, the wards that will carry the initial two-year term, the proposed name of the municipality and whether it is a city or town. The petition shall include a plan of services setting forth the identification and projected timing of municipal services proposed to be provided and the revenue from purely local sources to be payable annually. The plan of services shall include, but not be limited to: police protection, fire protection, water service, sanitary sewage system, solid waste disposal, road and street construction and repair, recreational facilities, a proposed five-year operational budget, including projected revenues and expenditures, and a property tax rate to be annually levied upon all taxable property in the area to be incorporated. Boundary descriptions shall contain references to tax maps kept in the office of the county assessor. [Acts 1991, ch. 154, § 1; Acts 1993, ch. 320, § 3; Acts 1995, ch. 13, § 2.]

6-1-204. Registration of voters--Qualifications to vote--Certification of result.--(a) All registered voters of the municipality or of the territory of the proposed municipality are eligible to vote in the election.

(b) The county election commission shall determine and declare the result of the election and shall certify the result in accordance with § 2-8-105(3) within forty-eight (48) hours after the election. It shall publish the results in a newspaper of general circulation in the municipality or territory and, if the municipality is already incorporated, shall file the results with the legislative body or the municipality at its first meeting after the certification. The results shall be entered at large on the minutes of the body with which it is filed.

(c) In any election held by municipalities incorporated under this charter registered voters of the municipality may vote in accordance with this subsection. Upon adoption of a resolution approved by two-thirds (2/3) vote of the board of commissioners of any municipality incorporated under this charter which has a population of not less than seven thousand seven hundred ten (7,710) nor more than seven thousand seven hundred twenty (7,720) according to the 2000 federal census or any subsequent federal census, registered voters who own real property located in any such municipality shall be entitled to vote in all municipal elections and municipal referenda held in such municipality. The provisions of § 2-2-107(a)(3) shall apply to such property rights voting within such municipality. The approval or nonapproval of such resolution shall be proclaimed by the presiding officer of such board and certified by such presiding officer to the secretary of state. [Acts 1991, ch. 154, § 1; Acts 2007, ch. 88, § 1; Acts 2007, ch. 88, § 1.]

6-1-205. Effect of vote.--(a) If the majority of the votes cast are in favor of the adoption of this charter it shall be deemed to have been adopted. The newly adopted charter shall not be effective until the first board takes office as provided in § 6-1-207. Except for the provisions of this charter that are adopted by reference in other municipal charters, the provisions of this charter apply only to those municipalities that have adopted this charter by referendum as authorized by law.

(b) Following the defeat of an incorporation in an election held pursuant to § 6-1-202, no new petition for an election may be filed until after the expiration of four (4) years. If, however, the territory included in the boundaries of the newly proposed municipal corporation includes less than fifty percent (50%) of the actual territory subject to incorporation in the previous election the new petition may be filed after the expiration of two (2) years. [Acts 1991, ch. 154, § 1; Acts 1995, ch. 13, § 3.]

6-1-206. Certification to secretary of state.--After certification of the election results, if at least a majority of the votes cast are "for charter," the county election commission shall certify to the secretary of state that notice was duly given, and application in due form of law made, the description of

boundaries, the entire number of votes cast, the number of votes cast "for charter," the number of votes cast for "against charter," and the corporate name of the municipality. [Acts 1991, ch. 154, § 1.]

6-1-207. Election of officers upon incorporation.--(a) The county election commission shall call an election not later than sixty-two (62) days following the election for adoption of this charter, at which time municipal officials shall be chosen who shall take office immediately following the election. The qualifying deadline for filing nominating petitions shall be as described in § 2-5-101.

(b) In the election held pursuant to subsection (a), where there is more than one (1) alderman to be elected per ward, the alderman receiving the higher number of votes in each ward shall serve a four-year term. The alderman receiving the second higher number of votes shall serve an initial two-year term. All terms thereafter will be four (4) years.

(c) The mayor and each alderman shall serve for the term for which elected or until their successors are elected and qualified. [Acts 1991, ch. 154, § 1.]

6-1-208. Succession to old corporation.--(a) (1) This charter shall take effect in any municipality immediately after the election and qualification of the first board of mayor and aldermen and any then-existing charter of the municipality shall immediately become null and void.

(2) The right, title and ownership of all property of the municipality and all of its uncollected taxes, dues, claims, judgments, and choses in action, and all of its rights of every kind whatsoever, shall immediately become vested in the new corporation chartered under chapters 1-4 of this title.

(3) The new corporation shall answer and be liable for all debts, contracts and obligations of the corporation it succeeds in the same manner and proportion and to the same extent as the former corporation was liable under existing laws.

(4) All ordinances, resolutions, and bylaws duly enacted and in force under the preexisting charter and not inconsistent with this charter shall remain in full force until repealed, modified, or amended.

(b) Any zoning ordinance applicable to any territory incorporated under this charter shall continue to apply to that territory until the municipality enacts a zoning ordinance, or enacts an ordinance rescinding the zoning that applied to such territory. [Acts 1991, ch. 154, § 1.]

6-1-209. Sample petition for adoption.--Petitions for adoption of this charter shall be in substantially the following form:

PETITION FOR INCORPORATION ELECTION FOR TOWN (CITY) _____,
TENNESSEE TO: The County Election Commission, _____ County,
Tennessee

We the undersigned, being registered voters and residents of the territory herein proposed for incorporation, and being in number in excess of thirty-three and one-third percent (33 1/3%) of the registered voters of the herein described territory hereby request the county election commission to hold an election on the question of whether or not the herein described territory shall be incorporated under the terms of Tennessee Code Annotated, title 6, chapters 1-4, and be known by the name and style of the "Town (City) of _____, Tennessee," all as prescribed in Tennessee Code Annotated, title 6, chapters 1-4.

The territory in question, being part of the _____, Civil District(s) of _____ County, Tennessee is further described as:

(Here insert a description of boundaries with references to tax maps)

The wards of the Town (City) shall be as follows:

(Here insert a description of wards, and if there is only one (1) ward state that the boundaries are as described above)

Wards that will carry an initial two-year term:

(For those municipalities incorporating with more than four wards.)

The proposed plan of services is as follows: (Here insert a description of the Plan of Services as defined in Tennessee Code Annotated, Section 6-1-203).

PETITIONERS' SIGNATURES

_____	_____	_____
Name	Residence Address	Date

(List name and residence as on registration records)

Certificate

I, _____, hereby certify that I, personally, solicited the signatures of the persons appearing on this page and that they, in fact, signed their names to this petition in my presence.

Name

Address

Date

STATE OF TENNESSEE
COUNTY OF _____

On this ___ day of _____, 20__, before me personally appeared _____, to me known to be the person described in, and who executed, the foregoing instrument, and acknowledged that he (she) executed it as his (her) free act and deed.

Signature and Seal of Notary Public

My commission expires: _____
[Acts 1991, ch. 154, § 1; Acts 1993, ch. 320, § 4.]

6-1-210. General validation provision.-- (a) The adoption, heretofore accomplished, of chapters 1-3 of this title, before June 30, 1991, by any territory or municipality is hereby ratified and validated in all respects. No flaw or defect or failure to comply with any technical requirement of incorporation shall invalidate any ordinance passed by any municipality incorporating under chapters 1-4 of this title, after June 30, 1991.

(b) Notwithstanding any provision of this chapter or any other law to the contrary,

IF the registered voters of any unincorporated territory approved a mayor-aldermanic charter and elected municipal officials, acting pursuant to the provisions of this chapter on or before December 31, 1999; AND

IF from the election of such officials until April 26, 2001, the territory has continuously functioned as a mayor-aldermanic municipality; AND

IF the territory, between the date of such election and April 26, 2001, received and expended state funding allocated for municipalities; THEN The adoption of such charter, the incorporation of such territory as a mayor-aldermanic municipality and the election of such officials are hereby ratified and validated in all respects; and no flaw or defect or failure to comply with any requirement of incorporation, set forth in § 6-1-201(b), shall invalidate the territory's status as an incorporated municipality or invalidate any ordinance passed by the board. [Acts 1991, ch. 154, § 1; Acts 2001, ch. 129, § 1.]

6-1-211. Elections valid despite informalities.--No informalities in conducting any election held under this chapter shall invalidate it if the election is conducted fairly and in substantial conformity with the requirements of this chapter and the general election law. [Acts 1991, ch. 154, § 1.]

6-1-212--6-1-218. [Repealed.]

6-1-219. New incorporations--situs based taxes.-(a) Notwithstanding any provisions of law to the contrary, whenever a new municipality incorporates under any form of charter, the county or counties in which the new municipality is located shall continue to receive the revenue from all state and local taxes distributed on the basis of situs of collection, generated within the newly incorporated area, until July 1 following the incorporation, unless the incorporation takes effect on July 1.

(b) If the incorporation takes effect on July 1, then the municipality shall begin receiving revenue from such taxes generated within its corporate boundaries for the period beginning July 1.

(c) Whenever a municipality incorporates, the municipality shall notify the Department of Revenue of such incorporation prior to the incorporation becoming effective for the purpose of tax administration.

(d) Such taxes shall include the local sales tax authorized in § 67-6-103, the income tax on dividends authorized in § 67-2-102, and all other

such taxes distributed to counties and municipalities based on the situs of their collection. [Acts 1998, ch. 651, § 1.]

PART 3 -- SURRENDER

6-1-301. Surrender of charter.--(a) After the adoption of this charter and the election of the first board of mayor and aldermen, no election for the surrender of this charter shall be called or held for a period of four (4) years from the date the first board takes office.

(b) After the expiration of the four-year period, an election to surrender the charter may be held. In order for a surrender election to be held, a petition requesting surrender of the charter must be filed in the same manner and contain the signatures of the same number of registered voters as provided for the adoption of this charter. The petition must pray for a surrender of the charter and must be accompanied by a cash bond to be posted by the petitioners to cover the cost of the election. In case of a failure to surrender the charter, future elections to surrender it shall not be held more frequently than at four-year intervals. [Acts 1991, ch. 154, § 1.]

6-1-302. Conduct of surrender election.--The county election commission has the same duties with respect to an election for the surrender of a charter as it has with respect to an election to adopt a charter under this title. [Acts 1991, ch. 154, § 1.]

6-1-303. Termination of charter--New charter.--If a majority of the votes cast in the election favor the termination of this form of government the provisions of this charter shall terminate at 12:01 A.M. on the sixtieth day next following the date of the election unless this falls upon Sunday or a holiday, in which case it shall terminate at 12:01 A.M. on the next day. If before the adoption of this charter the municipality functioned under a different charter, thereupon the prior charter shall become effective at the time above mentioned. Territory previously unincorporated shall revert to that status. Another charter, however, may be adopted and the question whether or not another charter shall be adopted may be placed on the ballots used in the election herein mentioned, if the petition filed requests that, and if all other necessary legal steps to adopt the other charter have been taken. [Acts 1991, ch. 154, § 1.]

6-1-304. Election of new officers when charter is surrendered.--If there was a previously incorporated municipality or if a new charter is adopted as provided in § 6-1-303, the county election commission shall call an election not more than sixty-two (62) days following the election for surrender of this charter, at which time municipal officials for the newly adopted form of government shall be chosen who shall take office immediately after the election. The previous board shall hold over until the newly elected officers take office. The qualifying deadline for filing nominating petitions shall be as described in § 2-5-101. All registered voters of the municipality may vote in the election. [Acts 1991, ch. 154, § 1.]

6-1-305. Succession to assets and liabilities after surrender of charter.--(a) In case of a reversion to a former charter or adoption of a new one simultaneously with the surrender of the old, all assets, liabilities and obligations of the old municipality shall become those of the new municipality.

(b) In the event a municipality reverts to unincorporated status, the board of mayor and aldermen shall become trustees of the property and funds of the former municipality, and, under such bonds as may be required by the county legislative body, shall proceed to terminate the affairs of the municipality and dispose of its property. [Acts 1991, ch. 154, § 1.]

6-1-306. Liquidation of affairs.--If the property and funds are more than sufficient to meet the municipality's obligations, the surplus shall be paid into the treasury of the county to become a part of its general fund. If the property and funds are insufficient to meet all the municipality's current obligations, the county legislative body may levy and collect taxes upon the property within the boundaries of the former municipality and pay the revenue to the trustees for the purpose of meeting the current deficit. The trustees shall terminate the affairs of the municipality as soon as possible, but in no event shall the trusteeship continue for more than thirty-six (36) months. Any matters, including obligations maturing after thirty-six (36) months, not disposed of within the thirty-six-month period shall become the responsibility of the county legislative body of the county in which the municipality is located. [Acts 1991, ch. 154, § 1.]

PART 4 – OFFICERS

6-1-401--6-1-406. [Repealed.]

PART 5--CHANGE OF CORPORATE NAME

6-1-501. Right to change corporate name. A municipality may amend this charter for the sole purpose of changing the corporate name of the municipality, including the municipality's designation as a town or city in the manner provided in Section 2 of this part. [Acts 2000, ch. 702, § 1.]

6-1-502. Manner of changing corporate name. The corporate name of a municipality may be changed only in the following manner.

(1) The proposed name change must be approved by resolution by a vote of not less than two thirds (2/3) of the board in the manner provided for ordinances in Section 6-2-102.

(2) If approved by the board, the resolution shall be published in a newspaper of general circulation in the municipality within fourteen (14) days of final approval by the board or the first available opportunity for publication, whichever is sooner. Such resolution shall become operative sixty (60) days after its adoption by the board unless ten percent (10%) of the qualified electors of the municipality sign a petition and present it to the board during such sixty (60) day period requesting that the resolution be referred to the electors, in which case it must receive the approval of a majority of the electors voting thereon at an election held as provided in subdivision (3). If such a petition is not received within such sixty-day period, the resolution shall become operative at the end of such sixty-day period and the Mayor shall file a copy of the resolution indicating the new corporate name of the municipality with the Secretary of State.

(3) Upon receipt of a petition filed in the manner provided in subdivision (2), a certified copy of the resolution shall be sent to the county election commission, which shall place the question whether to approve the resolution on the ballot of the next scheduled municipal election or General Election at which members of the General Assembly are chosen, whichever is sooner. The ballot shall provide options to vote "FOR" or "AGAINST" the resolution. The qualifications for voting shall be the same as otherwise provided in Section 6-1-204 in the election to adopt the original charter under this chapter.

(4) If the majority vote is for the resolution, it shall be deemed to be operative on the date that the county election commission makes its official canvass of the election returns. The county election commission shall then promptly certify the results of the election to the Secretary of State and the new corporate name of the municipality.

(5) If the majority vote is against the election, the question of approving the resolution shall not be included on any subsequent election ballot unless a new resolution is first approved by the board in the manner provided in this section. [Acts 2000, ch. 702, § 1.]

6-1-503. Obligations and liabilities unaffected by change of name.

Any change in the name of any municipality under this part shall have no effect whatever on any obligations or liabilities of the municipality, in contract, tort, or otherwise, all of which shall remain the same as prior to the name change.
[Acts 2000, ch. 702, § 1.]

CHAPTER 2

**POWERS OF MUNICIPALITIES WITH MAYOR-ALDERMANIC
CHARTER**

PART 1 -- ORDINANCES

SECTION

- 6-2-101. Publication of ordinances--Codification.
- 6-2-102. Ordinance procedure.
- 6-2-103. Annual operating budget--Publication--Budgetary comparison
[Effective January 1, 1993].
- 6-2-104. [Repealed.]
- 6-2-105. Ordinances ratified and confirmed.

PART 2 -- MUNICIPAL AUTHORITY GENERALLY

- 6-2-201. General powers.
- 6-2-202--6-2-204. [Repealed.]
- 6-2-205. Special court cost.

PART 3 -- EXPENDITURES AND TAXATION

- 6-2-301--6-2-308. [Repealed.]

PART 4 -- OFFICERS

- 6-2-401--6-2-404. [Repealed.]

PART 5 -- ABOLITION OF CHARTER

- 6-2-501--6-2-506. [Transferred.]

PART 1 – ORDINANCES

6-2-101. Publication of ordinances–Codification.--Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. [Acts 1991, ch. 154, § 1.]

6-2-102. Ordinance procedure.--An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. [Acts 1991, ch. 154, § 1; Acts 1998, ch. 621, § 1.]

6-2-103. Annual operating budget–Publication–Budgetary comparison [Effective January 1, 1993].--(a) Notwithstanding the provisions of any other law to the contrary, the governing body shall publish the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) which information shall include the following:

(1) Revenues and expenditures for the following governmental funds: general, streets/public works, general purpose school and debt service.

(2) Revenues for each fund shall be listed separately by local taxes, State of Tennessee, federal government and other sources.

(3) Expenditures for each fund shall be listed separately by salaries and other costs.

(4) Beginning and ending fund balances shall be shown for each fund.

(5) The number of full-time equivalent employee positions shall be shown for each fund.

(b) The publication shall be in a newspaper of general circulation and shall be published not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget. [Acts 1991, ch. 484, § 8; Acts 1992, ch. 760, § 2.]

6-2-104. [Repealed.]

6-2-105. Ordinances ratified and confirmed.--All ordinances adopted on or prior to June 30, 1991, are hereby ratified and confirmed. [Acts 1992, ch. 612, § 2.]

PART 2 – MUNICIPAL AUTHORITY GENERALLY

6-2-201. General powers.--Every municipality incorporated under this charter may:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

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

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The

board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The 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 thereafter may be opened;

(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 herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (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 the provisions of §§ 7-31-107--7-31-111 and 29-16-114, 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;

This subsection may not be construed to prohibit a municipality with a population of not less than seven hundred (700) nor more than seven hundred

five (705) according to the 1990 federal census or any subsequent federal census from installing and maintaining a traffic control signal within its corporate limits, and any such municipality is expressly so authorized; provided, however, no device shall be installed to control traffic on a state highway without the approval of the Commissioner of Transportation.

(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 removal, 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, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(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;

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

(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 workhouse for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the municipality who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

(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.

(B) Provide by ordinance for court costs;

(29) Establish schools, 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 herein provided;

(32) Create a design review commission which shall have the authority to develop general guidelines and to develop procedures for the approval of such guidelines for the exterior appearance of all non-residential property, multiple family residential property, and any entrance to non-residential developments within such municipality; provided that such 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 such guidelines may appeal a decision by the design review commission to such municipality's planning commission or if there is no planning commission to the entire municipal legislative body; and

(33) 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. [Acts 1991, ch. 154, § 1; Acts 1995, ch. 13, § 4; Acts 1998, ch. 621, § 2; Acts 1998, ch. 1126, § 1; Acts 2006, ch. 796, § 1.]

6-2-202--6-2-204. [Repealed.]

6-2-205. Special court cost. (a) It is the intent and purpose of this section to authorize the collection of a special court cost for each summons, warrant, citation, presentment, or indictment which:

(1) Is filed and heard in a criminal court, general sessions court or municipal court;

(2) Involves behavior occurring within the corporate limits of any municipality to which this section applies that leads to the filing of charges for a traffic or criminal offense; and

(3) Involves enforcement by a municipal law enforcement officer.

(b) The special court cost is ten dollars (\$10) and shall be charged and collected in addition to other authorized court costs by the appropriate court clerk.

(c) The special court cost funds shall be collected by the clerks for each traffic or criminal offense which:

(1) Is enforced by a municipal law enforcement officer; and

(2) Involves conduct occurring within the corporate limits of any municipality to which this section may apply.

(d) The funds collected from this special court cost by the clerks shall be transferred to the city treasurer on an annual basis, and the treasurer shall establish a special fund for municipal traffic regulation and enforcement.

(e) All funds collected under this section shall be used for the sole purpose of traffic regulation and enforcement within the municipality.

(f) The provisions of this section shall in no manner modify or repeal other requirements to collect court costs under any other public or private act applicable to the county where such municipality is located.

(g) (1) The provisions of this section shall be applicable to any municipality having a population of not less than five thousand three hundred eighty (5,380) nor more than five thousand three hundred ninety (5,390) according to the 1990 federal census or any subsequent federal census.

(2) This section shall have no effect unless it is approved by a two-thirds (2/3) vote of any municipal legislative body to which it may apply. [Acts 1997, ch. 213.]

PART 3 -- EXPENDITURES AND TAXATION

6-2-301--6-2-308. [Repealed.]

PART 4 -- OFFICERS

6-2-401--6-2-404. [Repealed.]

PART 5 -- ABOLITION OF CHARTER

6-2-501--6-2-506. [Transferred.]

CHAPTER 3**BOARD OF MAYOR AND ALDERMEN****SECTION**

- 6-3-101. Election of board--Municipalities incorporating under chapters 1-4 of this title after June 30, 1991.
- 6-3-102. Election of board by municipalities incorporated under chapters 1 and 2 of this title, on or prior to June 30, 1991.
- 6-3-103. Residence requirements for officers.
- 6-3-104. Dates for municipal elections.
- 6-3-105. Oaths of office.
- 6-3-106. Duties of mayor.
- 6-3-107. Vicemayor--Vacancies in office.
- 6-3-108. Duties of the board.
- 6-3-109. Compensation.

6-3-101. Election of board--Municipalities incorporating under chapters 1-4 of this title after June 30, 1991.--(a) Any municipality incorporating under this charter after June 30, 1991, shall have at least one (1) ward but not more than eight (8) wards. Any municipality having a population of less than five thousand (5,000) shall upon incorporation have one (1) ward, and its board shall consist of a mayor and two (2) aldermen elected at large. Any municipality having a population of more than five thousand (5,000) shall upon incorporation have two (2) wards, and its board shall consist of a mayor to be elected at large and two (2) aldermen elected from each ward. The mayor and aldermen elected to the first board shall serve the four (4) and two (2) year terms prescribed by § 6-1-207(b). At each election thereafter the mayor and aldermen shall be elected to four (4) year terms, except in transitional elections prescribed by subsection (c). Any municipality that incorporated under this charter after June 30, 1991, and that has a population of less than five thousand (5,000) and has only one (1) ward, may by ordinance increase the number of aldermen to a maximum of four (4) without increasing the number of wards. The ordinance shall provide for staggered four (4) year terms in accordance with § 6-1-207(b), but may provide for transitional terms of less than four (4) years.

(b) (1) Any municipality incorporated after June 30, 1991 may increase or reduce the number of wards, except that municipalities having a population of more than five thousand (5,000) shall not reduce the number of wards below two (2). The board of any municipality having between one (1) and four (4) wards shall consist of a mayor elected at large and two (2) aldermen elected from each ward, except that municipalities having more than one (1) ward may reduce the number of aldermen from each ward from two (2) to one (1). The board of any

municipality having between five (5) and eight (8) wards shall consist of a mayor elected at large and one (1) alderman elected from each ward. In wards having more than one (1) alderman, the aldermen shall serve staggered terms of office within their wards.

(2) Any municipality that has only one (1) ward may provide by ordinance for numerical designations for aldermanic positions. After numerical positions have been designated, candidates for alderman shall qualify by indicating on the qualifying petition the position the candidate is seeking. Ballots shall indicate the position to be filled by the selection of candidates listed under "Alderman, position 1," "Alderman, position 2," and so on. Any qualified person residing in the municipality may seek an open aldermanic position, but may qualify in any election for only one (1) position.

(c) All increases and reductions in the number of wards and aldermen under this section shall be accomplished only by ordinance passed by a two-third (2/3) vote of the entire membership to which the board is entitled. The ordinance shall:

(1) Take effect at the next municipal election, but shall not affect the present terms of members of the board of mayor and aldermen;

(2) Where appropriate, establish and describe the new ward boundaries;

(3) Provide for a transitional election following the adoption of the ordinance in which the mayor and/or aldermen running for office shall be elected for terms that will expire at the next municipal election;

(4) At the second municipal election following the adoption of the ordinance provide for a system of staggered terms of office under which the mayor is elected for a term of four (4) years, in cities with an even number of wards half the total number of mayor and aldermen running for office are elected to four (4) year terms, in cities with an uneven number of wards one (1) more or one (1) less than half the total number of mayor and aldermen running for office, are elected to four (4) year terms, in both classes of cities the remaining aldermen are elected to two (2) year terms, and following which all aldermen shall be elected for four (4) year terms;

(5) In the case of a ward that has been abolished provide that any alderman whose term extends past the life of a ward shall serve as an alderman at large for the remainder of the term. [Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, §§ 3, 4; Acts 1996, ch. 652, § 1; Acts 1997, ch. 77; Acts 2003, ch. 261, § 1.]

6-3-102. Election of board by municipalities incorporated under chapters 1 and 2 of this title, on or prior to June 30, 1991.--(a) (1) A municipality incorporated under chapters 1 to 2 of this title, on or before June 30, 1991, may, by ordinance, establish wards, increase or decrease the number

of wards, increase or decrease the number of aldermen to no fewer than two (2) and no more than eight (8) in accordance with § 6-3-101.

(2) Any municipality that has only one (1) ward may provide by ordinance for numerical designations for aldermanic positions. After numerical positions have been designated, candidates for alderman shall qualify by indicating on the qualifying petition the position the candidate is seeking. Ballots shall indicate the position to be filled by the selection of candidates listed under "Alderman, position 1," "Alderman, position 2," and so on. Any qualified person residing in the municipality may seek an open aldermanic position, but may qualify in any election for only one (1) position.

(b) (1) A municipality whose board has staggered two-year terms may by ordinance change to staggered four-year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board of mayor and aldermen, shall provide for the transitional election of some members of the board of mayor and aldermen for three (3) year terms. After this initial election, all members of the board of mayor and aldermen shall be elected for four (4) year terms.

(2) A municipality whose board has nonstaggered two-year terms may by ordinance change to staggered four-year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board, shall provide for the transitional election of some members of the board for two-year terms. After this initial election, all members of the board shall be elected for four-year terms.

(3) A municipality whose board has nonstaggered two-year terms may by ordinance change to nonstaggered four-year terms. The ordinance shall take effect for the next municipal election and shall not affect the present terms of members of the board.

(4) A municipality whose board has nonstaggered four-year terms may by ordinance change to staggered four-year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board, shall provide for the transitional election of some members of the board for either two (2) or six-year terms. After this initial election, all members of the board shall be elected for four-year terms.

(5) A municipality whose board has staggered two (2) year terms may, by ordinance, change to non-staggered two (2) year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board of mayor and aldermen, shall provide that the members elected at the next election will serve transitional terms of three (3) years. After such election, all members of the board shall be elected to serve two (2) year terms.

(6) A municipality whose board has non-staggered or staggered four-year terms may, by ordinance, change to two-year non-staggered or staggered terms. The ordinance shall not affect the present terms of members of the board serving four-year terms and shall take effect for the next appropriate municipal election following the adoption of the ordinance. After such election, all members of the board shall be elected to serve two-year terms.

(c) (1) Notwithstanding any provision of this chapter to the contrary, any municipality incorporated under this charter that is located within two (2) counties and has a population of not less than one thousand four hundred fifty (1,450) nor more than one thousand four hundred seventy-five (1,475) according to the 1990 federal census or any subsequent federal census may by ordinance provide for the election of its mayor to a four-year term and the election of its aldermen to staggered four-year terms beginning with municipal elections that are conducted after January 1, 2001.

(2) Nothing in subdivision (c)(1) shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

(3) Subsection (c)(1) shall have no effect unless it is approved by a two-thirds (2/3) vote of any municipality within two (2) counties and has a population of not less than one thousand four hundred fifty (1,450) nor more than one thousand four hundred seventy-five (1,475) according to the 1990 federal census or any subsequent federal census. Its approval or nonapproval shall be proclaimed by the presiding officer of such municipality and certified to the Secretary of State. [Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, §§ 5, 6, 7; Acts 1994, ch. 574, § 1, § 2; Acts 1998, ch. 691, § 1; Acts 1998, ch. 954, § 1; Acts 2000, ch. 613, §§ 1, 2; Acts 2003, ch. 261, § 2; Acts 2007, ch. 90, § 1]

6-3-103. Residence requirements for officers.--(a) No person shall be eligible for the office of mayor unless such person has resided within the municipality for at least one (1) year next preceding the election.

(b) No person shall be eligible for the office of alderman unless such person has resided within the ward for at least one (1) year next preceding the election.

(c) Residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section.

(d) Any officer moving from such officer's ward, in the case of an alderman, or moving from the municipality, in the case of the mayor, during the term of office shall be presumed to have vacated the office, and it shall be declared vacant, and filled as provided in § 6-3-107. [Acts 1991, ch. 154, § 1.]

6-3-104. Dates for municipal elections.--The board may by ordinance change the date of municipal elections. The new election date shall not become effective until after the next election. The ordinance changing the election date shall provide for the extension of the terms of members of the board necessary to meet the election date, but no term may be extended for more than two (2) years beyond its regular expiration date. [Acts 1991, ch. 154, § 1.]

6-3-105. Oaths of office.--The mayor, after his election, shall take an oath of office to support the constitution of the state and faithfully discharge the duties of the mayor's office, before any officer authorized to administer oaths. This officer or the mayor shall then induct the aldermen into office by administering to them a similar oath of office. Oaths of office shall be filed in the archives of the municipality. [Acts 1991, ch. 154, § 1.]

6-3-106. Duties of mayor.--(a) The mayor:

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

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

(3) (A) Shall make temporary appointments of any officer or department head as those terms defined in § 6-1-101, except that of alderman, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the board at its next regular meeting.

(B) The board may confirm or reject the mayor's temporary appointments, or, at its discretion, make its own temporary appointments. The board shall make appointments to fill vacancies in office.

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

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

(5) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(6) As a member of the board, may make motions and shall have a vote on all matters coming before the board;

(7) Shall make appointments to boards and commissions as authorized by law.

(b) Unless otherwise designated by the board by ordinance, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(1) Those duties set forth in § 6-4-101, if the board does not appoint a city administrator or if someone else is not designated by the board to perform those duties.

(2) (A) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

(B) Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

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

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

(5) Such other duties as may be designated or required by the board. [Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, § 8; Acts 1997, ch. 27, §§ 1, 3.]

6-3-107. Vicemayor--Vacancies in office.--(a) The board shall elect an alderman to the office of vicemayor who shall serve as mayor when the mayor is absent or unable to discharge the duties of the mayor's office, and, in case of a vacancy in the office of mayor, until the next regular municipal election.

(b) (1) By affirmative vote of a majority of the remaining members, the board shall fill a vacancy in the office of alderman for the unexpired term, but any portion of an unexpired four-year term for alderman or mayor that remains beyond the next municipal election shall be filled by the voters at that election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

(2) All such elections by the board shall be made by voice vote, on the calling of the roll. If a tie vote occurs in filling a vacancy on the board, the presiding officer shall vote a second time to break the tie. [Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, § 9.]

6-3-108. Duties of the board.--In the absence of the mayor and vice-mayor, the board may elect an alderman to act as presiding officer. [Acts 1991, ch. 154, § 1; Acts 1997, ch. 27, § 2.]

6-3-109. Compensation.--(a) The compensation of all officers shall be established in the ordinance adopting the annual budget and capital program.

(b) The compensation of the mayor may not be diminished during the mayor's term of office. [Acts 1991, ch. 154, § 1.]

CHAPTER 4

OFFICERS AND DEPARTMENT HEADS

PART 1 -- CITY ADMINISTRATOR

SECTION

6-4-101. Duties of city administrator.

PART 2 -- CITY RECORDER

6-4-201. City recorder--Appointment.

6-4-202. Recorder's functions at board meeting.

6-4-203. Custody of official records.

6-4-204. Copies of records and ordinances.

PART 3 -- CITY JUDGE--CITY COURT

6-4-301. City judge--Jurisdiction--Appointment--Qualifications and compensation--Elections.

6-4-302. Power to enforce ordinances.

PART 4 -- TREASURER--DEPOSITS OF MUNICIPAL FUNDS

6-4-401. Appointment and duties of treasurer.

6-4-402. Depositories of municipal funds.

PART 1 – CITY ADMINISTRATOR

6-4-101. Duties of city administrator.--(a) The board may appoint a city administrator who shall be under the control and direction of the board. The city administrator shall report and be responsible to the board.

(b) The board may, by ordinance, require the city administrator to perform any or all the following duties:

- (1) Administer the business of the municipality;
- (2) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
- (3) Keep the board fully advised as to the conditions and needs of the municipality;
- (4) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;
- (5) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;
- (6) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval of the board; and
- (7) Perform such other duties as may from time to time be designated or required by the board. [Acts 1991, ch. 154, § 1.]

PART 2 – CITY RECORDER

6-4-201. City recorder--Appointment.--The board shall appoint a city recorder, who also may be appointed to the positions of finance director or treasurer, or both. [Acts 1991, ch. 154, § 1.]

6-4-202. Recorder's functions at board meeting.--The recorder or his designee shall be present at all meetings of the board, and keep a full and accurate record of all business transacted by the board to be preserved in permanent form. [Acts 1991, ch. 154, § 1.]

6-4-203. Custody of official records.--(a) The recorder or the recorder's designee shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the recorder's bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

(b) All such records shall be the property of the municipality. [Acts 1991, ch. 154, § 1.]

6-4-204. Copies of records and ordinances.--(a) The recorder shall provide, copy, and, when required by any officer or person, certify copies or records, papers and documents in the recorder's office.

(b) Fees for copying and certification shall be charged as established by ordinance. [Acts 1991, ch. 154, § 1.]

PART 3 – CITY JUDGE–CITY COURT

6-4-301. City judge--Jurisdiction--Appointment--Qualifications and compensation--Elections.--(a) There shall be a city court presided over by a city judge appointed by the board or elected as provided in subsection (c).

(b) (1) (A) Where the city judge is appointed, the city judge shall have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance.

(B) The board may appoint the general sessions court judge of the county or counties in which the municipality lies to act as city judge.

(2) In the absence or disability of the city judge, the mayor may designate a qualified person to serve as city judge or may designate the general sessions court judge of the county or counties in which the municipality lies to be acting city judge until one can be appointed at the next regularly scheduled meeting of the board, or as otherwise provided by ordinance.

(c) (1) The board may require, by ordinance, that the city judge meet the constitutional qualifications and be elected in the same manner as a judge of an inferior court. Constitutional provisions applicable to judges of inferior courts shall apply to the elected city judge.

(2) If an elected city judge is unable, temporarily, to preside over city court for any reason, then the judge shall appoint a general sessions judge of the county or counties within which the municipality lies to sit in the judge's place. If no general sessions judge is available, then the city judge shall appoint an attorney, meeting the same qualifications as a general sessions judge, to sit temporarily. [Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, § 10; Acts 1996, ch. 652, §§ 2, 3; Acts 2004, ch. 914, § 6.]

6-4-302. Power to enforce ordinances.--(a) The city judge may impose fines, costs and forfeitures, and punish by fine for violation of city ordinances.

(b) The judge may preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed.

(c) In default of payment, or good and sufficient security given for the payment of any fines or forfeitures imposed, the judge shall commit the offender to the workhouse or other place provided for this purpose, and to any labor provided by ordinance until the fines or forfeitures are fully paid at the rate set in § 40-24-104. No such imprisonment shall exceed the period of time established in § 40-24-104, for any one (1) offense. Fines may be paid in installments in the manner provided by ordinance. The city judge may remit,

with or without condition, fines and costs imposed for violation of any ordinance provision. [Acts 1991, ch. 154, § 1; Acts 1995, ch. 13, § 5.]

PART 4 – TREASURER--DEPOSITS OF MUNICIPAL FUNDS

6-4-401. Appointment and duties of treasurer.--(a) The board shall appoint a treasurer.

(b) The treasurer shall collect, receive and receipt for the taxes and all other revenue (and bonds) of the municipality, and the proceeds of its bond issues, and disburse them.

(c) The board may appoint the recorder as treasurer. [Acts 1991, ch. 154, § 1.]

6-4-402. Depositories of municipal funds.--Depositories of the municipal funds shall be designated by ordinance. The board shall require any financial institution that becomes a depository of municipal funds to secure such funds by collateral in the same manner and under the same conditions as state deposits under Title 9, Chapter 4, Parts 1 and 4, or as provided in a collateral pool created under Title 9, Chapter 4, Part 5. [Acts 1991, ch. 154, § 1; Acts 1994, ch. 752, § 4.]

CHAPTERS 5-17

[Reserved.]

RELATED PRIVATE ACTS¹

		PAGE
1.	Chapter 486, Acts of 1901, "Sidewalks--responsibility of abutting owners as to construction, etc."	C-43
2.	Chapter 522, Private Acts of 1929, "Officers--election, duties, etc."	C-44
3.	Chapter 350, Private Acts of 1931, "Aid to W. H. & Edgar Magness Community House and Library"	C-46
4.	Chapter 225, Private Acts of 1937, "Zoning"	C-49
5.	Chapter 52, Private Acts of 1941, "Officers"	C-52
6.	Chapter 290, Private Acts of 1967, "Redesignation from town to city"	C-53
7.	Chapter 103, Private Acts of 1979, "Salaries of mayor and aldermen"	C-54

¹Private acts of continuing significance amending the charter of the City of McMinnville are included herein. The validity of some or all these acts is questionable since the city operates under the general law mayor-aldermanic charter. One public act--chapter 187, Public Acts of 1975--applied only to McMinnville, but since that act apparently failed to receive local approval as required in the act, it has not included.

CHAPTER 486

Senate Bill No. 392

AN ACT to authorize the Board of Mayor and Aldermen of the town of McMinnville to construct sidewalks on the streets and alleys of the said town, to regulate the width and grades thereof, and to provide for the sweeping and cleaning the same, at the expense of the owners of property abutting thereon, and declaring a lien on the abutting lands and houses and lots for their construction.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Board of Mayor and Aldermen of the town of McMinnville shall have power to provide for the construction of all sidewalks and curbing, to regulate the grade and width thereof, to specify the kind of material that shall be used in the construction of the same, at the expense of the owners of ground fronting thereon.

Sec. 2. Be it further enacted, That if any owner or owners of such lot or lots fronting on any street or alley within the corporate limits of the town of McMinnville should fail to construct, or cause to be constructed, a sidewalk or pavement, to repair or reform such a sidewalk or pavement, as above required, after having received ten days' notice by the street committee of the said town, it shall be the duty of the said street committee to cause the same to be done at the expense of the owners of the said lot or lots, and the same, when put in by the said Board of Mayor and Aldermen shall become a lien on all the abutting property thereon to be recovered against the said property owners by a suit at law.

Sec. 3. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 19, 1901.

NEWTON H. WHITE,
Speaker of the Senate.

E. B. WILSON,
Speaker of the House of Representatives.

Approved April 20, 1901.

BENTON McMILLIN,
Governor.

CHAPTER 522

House Bill No. 787

(By Mr. Brown of Warren)

(By Request)

AN ACT to amend Chapter XCII of the Acts of 1875, entitled, "An Act to regulate and organize Municipal Corporations of certain population, and for the increase and diminution of their powers," passed March 20, 1875, and approved March 23, 1875, provided, that this Act shall apply to such municipalities having a population between 2,809 and 2,819, as shown by the Federal Census of 1920, or any subsequent Federal Census.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Chapter XCII of the Acts of 1875, passed March 20, 1875, and approved March 23, 1875, the caption of which if fully set out in the caption hereof, be, and the same is hereby, amended so that Section 8 of said Act shall read as follows:

Sec. 8. Be it further enacted, That the officers of each municipality shall consist of a Mayor, two aldermen for each ward, and not exceeding twelve in all, one half of the Aldermen to be elected, on organization, for one year, and the other half for two years, and their successors annuilly thereafter; a Recorder, who shall not be an Alderman, a Chief of Police, all of whom shall be elected by the Qualified voters of said municipality; and such other officers as they may deem necessary for the proper administration of municipal affairs, to be elected by the Board of Mayor and Aldermen. Said Recorder and Policeman, so elected, shall hold their offices for two years or until their successors are elected and qualified.¹

Sec. 2. Be it further enacted, That Section 12 of said Act be, and the same is hereby, amended by inserting at the end of said Section the following, to wit:

"He shall have the power to vote on all questions before the Board of Mayor and Aldermen when there is a tie vote by the Aldermen, his vote having the same effect as if he were an alderman on said board; but this power shall not exist except in case of a tie vote by the Aldermen present, in which event his vote shall be determinative of the question before the board.

¹See § 6-3-101 and § 6-4-201 of the city's charter.

Sec. 3. Be it further enacted, That all laws, or parts of laws, in conflict with this Act, be, and the same are hereby, repealed.

Sec. 4. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1929.

Chas. H. Love,
Speaker of the House of Representatives.

S. R. Bratton,
Speaker of the Senate.

Approved April 8, 1929.

Henry H. Horton,
Governor.

CHAPTER NO. 350.

Senate Bill No. 667.

(By Mr. Lester Doak)

"AN ACT to enable, empower and authorize the present Board of Mayor and Aldermen of the Town of McMinnville, Tennessee, to contract and bind itself, and the succeeding Boards of said town for a term of years not exceeding 99 years, with the W. H. & Edgar Magness Community House and Library, Inc., to provide funds annually not exceeding Twenty-four Hundred (\$2,400.00) Dollars in amount, for the operation and maintenance of said W. H. & Edgar Magness Community House and Library, Inc., setting forth the terms, conditions and considerations of said contract therein authorized; and setting forth the means, powers and duties of said Board and the succeeding Boards of said town and the mandatory action necessary to be taken by said Boards with reference to the raising of the funds necessary to be raised by said town for its performance of the contract and for the payment of said funds to W. H. & Edgar Magness Community House and Library, Inc.; setting forth that said funds shall be raised by appropriation or by levy of special tax for said purposes, within the discretion of the Board."

Whereas, The W. H. & Edgar Magness Community House and Library, an incorporation chartered under the public welfare laws of this State, is now and has been by public aid and support promoting, maintaining and supporting a public library in Warren County, Tennessee, at McMinnville, and has also by such aid been promoting, maintaining and supporting in connection therewith a public rest room and a community house, all of which has been made possible through the donation of W. H. Magness, said institution having been operated in the past for the public benefit of the Town of McMinnville, Tennessee, Warren County, Tennessee, and its facilities and benefits being free to the citizenship of said town; and

Whereas, The Board of Mayor and Aldermen of the Town of McMinnville, Tennessee has seen fit in the past to make annual appropriations toward the upkeep, maintenance and operation of said worthy institution, is also having a like appropriation for said purposes from the Quarterly Court of Warren County, Tennessee, and

Whereas, The said W. H. Magness has proposed to donate to said W. H. & Edgar Magness Community House and Library, Inc., a sufficient sum of money of approximately \$35,000.00 to provide a new, modern and commodious building to house said welfare institution upon the same real estate where the present W. H. & Edgar Magness Community House and Library, Inc., is now located, so that the same may be operated to a greater advantage and benefit to

the citizenship of the Town of McMinnville, Tennessee, under the provisions that the said institution is insured by Warren County, Tennessee, and the Board of Mayor and Aldermen of the Town of McMinnville, Tennessee, that sufficient and adequate sums will be provided each year by said county and town for the adequate and reasonable maintenance and operation of said public welfare institution, and of the objects and purposes which it fosters, and

Whereas, It will be to the public benefit and good of all of the citizens of the Town of McMinnville, Tennessee, that definite assurance be made to the said institution and to its proposed donor, of a future annual appropriation or furnishing of funds by the Town of McMinnville, Tennessee, to the upkeep, maintenance, and operation of said institution, so that it may be perpetuated, and also that the proposed donation of W. H. Magness may be obtained, and that he may be assured that the object of his philanthropy will be adequately and sufficiently maintained and operated in the future, therefore

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Town of McMinnville, Tennessee, acting through and by its present Board of Mayor and Aldermen, be and hereby is, enabled, empowered and authorized to enter into a valid and binding contract by its ordinance or resolution, binding itself and all succeeding Boards of said town to the provisions of said contract herein authorized by this Act, for the term of years herein set forth, namely, a term of years not exceeding 99 years from the date of the execution of said contract, with the said W. H. & Edgar Magness Community House and Library, Inc., that in the consideration of the said W. H. Magness making said donation referred to in the preamble hereof for the erection of a new and modern building for the said W. H. & Edgar Magness Community House and Library Inc., and for the objects which it fosters, and that said institution will be operated and maintained for the public benefit of the citizenship of the Town of McMinnville, Tennessee, that the Town of McMinnville, Tennessee, through its Board, will appropriate therefor and contribute to the maintenance and operation of said institution a sum of money not exceeding Twenty-four Hundred (\$2,400.00) Dollars, each and every year of the contract, the said sum to be provided annually by said Board but payable monthly to the proper officials of said W. H. & Edgar Magness Community House and Library, Inc., for use in the operation and maintenance of said institution.

Sec. 2. Be it further enacted, That said Board of Mayor and Aldermen of the Town of McMinnville, Tennessee, upon its entrance into said contract with the said W. H. & Edgar Magness Community House and Library, Inc., shall thereupon provide adequate and sufficient funds for the fulfillment of its contract during the term of said contract, said funds to be raised in the discretion of the Board either by appropriation each year from the general funds of the Town of McMinnville, Tennessee, or by a special levy of taxes each year

at such a rate as will be sufficient to provide said funds; and, further, that upon its entrance into said contract that such action upon the part of said Board of Mayor and Aldermen of the Town of McMinnville, Tennessee, to raise the funds necessary to carry out and perform said contract is hereby required and made mandatory and binding upon the said Board entering into said contract and also upon each succeeding Board of said town during the term of the said contract.

Sec. 3. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed June 8, 1931.

A. B. Broadbent,
Speaker of the Senate.

Walter M. Haynes,
Speaker of the House of Representatives.

Approved June 9, 1931.

Henry H. Horton,
Governor.

CHAPTER NO. 225

House Bill No. 436

(By Mr. Hammer.)

AN ACT to empower all municipalities having a population of not more than 3,920 nor less than 3,910, according to the Federal Census of 1930, or any subsequent Federal Census, to provide for the establishment of districts or zones within the corporate limits of said towns, and to empower such municipalities by ordinance, to regulate within such zones and districts, the use or uses of land, the kind, height, area, and the size and location of the buildings therein, and the purpose for which said buildings may be used, etc., and to provide a penalty for the violation thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the legislative body of all municipalities having a population of not more than 3,920 nor less than 3,910, according to the Federal Census of 1930, or any subsequent Federal Census, may regulate and restrict by ordinance, the location of trades and industries, and the uses and the location of buildings designed for specified uses, and for said purposes, divide the municipality or municipalities into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act, and to provide therein a penalty for violation thereof.

For each of such districts regulations may be imposed by ordinance, designating the uses for which buildings may or may not be erected or altered, and designating the trades, industries and uses that shall be excluded or subjected to special regulations. Such regulations shall be in accordance with the place, designed to lessen congestion on the public streets, to promote the public health, safety, convenience and general welfare, and shall be made with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values, and the direction of building development.

Sec. 2. Be it further enacted, That such legislative body may regulate by ordinance and limit the height and bulk of buildings hereafter erected or altered, and regulate and determine the percentage of land area to be devoted to yards, courts and other open spaces, and for said purposes, divide the municipality or municipalities into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act. Such regulations shall be uniform for each class of buildings throughout each district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to lessen congestion on the public

streets, to secure safety from fires and other dangers and nuisances, to promote the public health and welfare, including provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of buildings erected in each district, the character of buildings erected in each district, the value of the land, and the use to which it may be put, to the end that such regulations will promote the public health, safety and welfare, the most desirable use for which the land of each district may be adopted; and tend to conserve the value of buildings and to stabilize the value of land throughout such district.

Sec. 3. Be it further enacted, That the legislative body may create an Administrative Board to administer the details of the application of the ordinances and regulations, and may delegate to such Board, the power to hear and determine applications for permits thereunder, to grant or deny the same, in accordance with the provisions set forth in such ordinances and regulations, and to otherwise exercise jurisdictional and administrative powers with respect to the ordinances and regulations as specified herein.

Sec. 4. Be it further enacted, That the lawful use of the building existing at the time of adoption of an ordinance under the provisions of this Act, although such use does not conform to the provisions of such ordinance, may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein.

Where no structural alterations are made in a building of a non-conforming use, such use may be changed to a use of a similar or higher classification, according to the provisions of ordinances and regulations adopted under the authority of this Act. The lawful use of a premises existing at the time of adoption of an ordinance under the provisions of this Act, although such use does not conform to the provisions of such ordinance, may be continued; or if such non-conforming use is discontinued, any future use of such premises shall be in conformity with the provisions of ordinances and regulations adopted under the authority of this Act, for the district in which such building is located. When the boundary line of any such district divides the parcel of ground in common ownership, at the time of the adoption of the ordinance, under the provisions of this Act, nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of ground, to the entire parcel, but for a distance of not greater than 25 feet.

Nothing in this Act shall be taken to prevent the restoration of a building destroyed to the extent of not more than 75 per cent of its reasonable value, by fire, explosion, an Act of God, or the public enemy, and the occupancy or use of such building or part thereof, if such use existed at the time of such partial destruction.

Sec. 5. Be it further enacted, That should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole or any part thereof, except the part so held to be unconstitutional.

Sec. 6. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1937.

Walter M. Haynes,
Speaker of the House of Representatives.

Byron Pope,
Speaker of the Senate.

Approved February 18, 1937.

Gordon Browning,
Governor.

CHAPTER NO. 52

House Bill No. 36

(By Lester Doak.)

AN ACT to amend Section 1 of Chapter 522 of the Private Acts of 1929, being entitled: "AN ACT to amend Chapter XCII of the Acts of 1875, entitled 'AN ACT to regulate and organize Municipal Corporations of certain population, and for the increase and diminution of their powers,' passed March 20, 1875, and approved March 23, 1875, provided, that this Act shall apply to such municipalities having a population of between 2,809 and 2,819, as shown by the Federal Census of 1920, or any subsequent Federal Census."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Section 1 of Chapter 522 of the Private Acts of 1929, the caption of which is fully set out in the caption hereof, be, and the same is, hereby amended by striking out all of said Section and substituting in lieu thereof the following:

"The officers of each municipality, unless otherwise provided, shall consist of a Mayor, two Aldermen for each ward, one-half of the Aldermen to be elected, on organization for one year, and the other half for two years, and their successors annually thereafter; and such officers as they may deem necessary for the proper administration of municipal affairs, to be elected by said Board of Mayor and Aldermen."

Sec. 2. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 20, 1941.

John Ed O'Dell,
Speaker of the House of Representatives.

Blan R. Maxwell,
Speaker of the Senate.

Approved: January 24, 1941.

Prentice Cooper,
Governor.

CHAPTER NO. 290

House Bill No. 1132

Substituted For: Senate Bill No. 1104

(By Crouch)

AN ACT to designate the municipality heretofore known as the Town of McMinnville as the City of McMinnville.

Be it enacted by the General Assembly of the State of Tennessee:

Section 1. The municipality which has heretofore been known, designated, and referred to as the Town of McMinnville, Tennessee and which was issued a Certificate of Incorporation on November 5, 1901, pursuant to Chapter 92, Acts of Tennessee of 1875, is hereafter to be known, designated and referred to as the City of McMinnville, Tennessee.

Section 2. This Act shall have no effect unless it is approved by two-thirds vote of the governing body of McMinnville on or before the next regular meeting of the governing body occurring more than thirty days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve and shall be certified by him to the Secretary of State.

Section 3. This Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 2 herein.

Passed: May 17, 1967.

James H. Cummings,
Speaker of the House of Representatives.

Frank C. Gorrell,
Speaker of the Senate.

Approved: May 24, 1967.

Buford Ellington,
Governor.

PRIVATE CHAPTER NO. 103

SENATE BILL NO. 1361

By Crouch

Substituted for: House Bill No. 1327

By Hillis, Rhinehart

AN ACT To increase the compensation of the Mayor and Aldermen of the City of McMinnville and to repeal Chapter 186 of the Private Acts of 1953 and all other acts or parts of such acts amendatory thereto.

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

SECTION 1. The salaries of the Mayor and Aldermen of the City of McMinnville are hereby increased¹ so that such salaries, payable on a monthly basis, shall be as follows:

(a) The Mayor shall receive as compensation the sum of three hundred dollars (\$300.00) a month.

(b) Each Alderman shall receive as compensation the sum of one hundred dollars (\$100.00) a month.

SECTION 2. Chapter 186 of the Private Acts of 1953 and all other acts or parts of such acts amendatory thereto are repealed.

SECTION 3. This act shall have not effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of McMinnville before September 6, 1979. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of McMinnville and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective December 15, 1979.

¹See § 6-3-109 of the city's charter.

Passed: May 2, 1979

John S. Wilder,
Speaker of the Senate.

Ned R. McWherter,
Speaker of the House of Representatives.

Approved this 15th day of May 1979.

Lamar Alexander,
Governor.

Charter and Related Acts for the City of
McMinnville, Tennessee¹

YEAR	CHAPTER	SUBJECT
1901	338 ²	Changes the corporate limits.
1901	468 ³	Amends the charter of McMinnville as passed on February 11, 1832, to provide for the election of the marshal by the qualified voters of the town.
1901	486	Authorizes public construction projects.
1903	80 ²	Changes the corporate limits.
1903	156 ²	Changes the corporate limits.
1905	241 ²	Changes the corporate limits.
1905	257 ²	Changes the corporate limits.
1911	421 ²	Changes the corporate limits.
1915	364 ²	Changes the corporate limits.
1917	216 ³	Amends the charter of McMinnville as passed on February 11, 1932, with regard to the election, term of office, and compensation of the marshal.
1917	416 ²	Changes the corporate limits.

¹The basic charter act of the City of McMinnville is the General Law Mayor-Aldermanic charter, Tennessee Code Annotated, title 6, chapters 1-17.

²Acts which change the corporate limits have not been included herein.

³This act, since it amends a charter which was no longer in force at the time the act was passed, and since it is no longer used by the city, and since it appears to suspend the general law, has not been included herein.

YEAR	CHAPTER	SUBJECT
1917	452 ¹	Changes the corporate limits.
1917	682 ²	Amends the charter of McMinnville as passed on October 11, 1832, to provide for the election of the recorder by the qualified voters of the town.
1919	244 ¹	Changes the corporate limits.
1919	598 ³	Abutting property law.
1921	38 ¹	Changes the corporate limits.
1921	294 ³	Amends the abutting property law.
1921	353 ¹	Changes the corporate limits.
1921	526 ³	Amends the abutting property law.
1921	861 ³	Amends the abutting property law.
1921	941 ³	Amends the abutting property law.
1923	315	Authorizes a tax levy.
1925	454 ¹	Changes the corporate limits.
1925	804 ¹	Changes the corporate limits.

¹Acts which change the corporate limits have not been included herein.

²This act, since it amends a charter that was no longer in force at the time the act was passed, and since it is no longer used by the city, and since it appears to suspend the general law, has not been included herein.

³Abutting property laws have not been included herein because there are now general laws with substantially similar provisions for use by all municipalities.

YEAR	CHAPTER	SUBJECT
1929	522	Amends the public acts of 1875, chapter 92, sections 8 and 12 (sections 6-127 and 6-132, <u>Tennessee Code Annotated</u>) with regard to the officers of the municipality--type, number, election, and terms of office--and power of the mayor.
1929	569 ¹	Makes an exception to the abutting property law.
1929	905 ²	More definitely establishes the corporate limits.
1931	32 ²	Changes the corporate limits.
1931	350	Authorizes the making of a specific contract for a public library.
1933	4 ²	Changes the corporate limits.
1935	12 ³	Authorizes a \$15,000 bond issue.
1935	806	Requires voters to register as provided by section 1996 through 2026 of the 1932 Code of Tennessee (repealed by pr. acts 1945, ch. 381).

¹Abutting property laws have not been included herein because there are now general laws with substantially similar provisions for use by all municipalities.

²Acts which change the corporate limits have not been included herein.

³Bond authorization and validation acts, since of a temporary nature, have not been included herein.

YEAR	CHAPTER	SUBJECT
1935	807 ¹	Relieves and forgives penalties on delinquent taxes for the years 1929 through 1931.
1935	809 ²	Changes the corporate limits.
1937	225	Provides for the establishment of zones.
1937	238 ³	Authorizes a \$25,000 bond issue.
1939	479 ²	Changes the corporate limits.
1941	52	Amends the private acts of 1929, chapter 522, section 1 with regard to the officers of the municipality--type, number, election, and terms of office.
1941	219 ²	Changes the corporate limits.
1945	381	Repeals chapter 806, private acts of 1935 requiring voters to register as provided by sections 1996 through 2026 of the 1932 Code of Tennessee.
1945	602 ⁴	Repeals the poll tax.

¹This act, since of a temporary nature, has not been included herein.

²Acts which change the corporate limits have not been included herein.

³Bond authorization and validation acts, since of a temporary nature, have not been included herein.

⁴This act was declared unconstitutional as a suspension of the general law in the 1945 Supreme Court Case of Town of McMinnville v. Curtis, 183 Tenn. 442, 192 S.W.2d 998, and since the poll tax has since become a moot issue, this act has not been included herein.

YEAR	CHAPTER	SUBJECT
1947	10 ¹	Validates a \$150,000 bond issue.
1947	558 ²	Authorizes a \$50,000 bond issue.
1947	653 ³	Establishes the corporate limits.
1947	694 ³	Changes the corporate limits.
1947	695 ³	Changes the corporate limits.
1947	704 ³	Changes the corporate limits.
1947	839 ³	Changes the corporate limits.
1947	843 ³	Changes the corporate limits.
1947	852 ³	Changes the corporate limits.
1949	104 ³	Changes the corporate limits.
1953	185 ⁴	Authorizes and empowers the municipality to levy taxes and limits tax rate.

¹Bond authorization and validation acts, since of a temporary nature, have not been included herein.

²This act was declared unconstitutional as a suspension of the general law in the 1945 Supreme Court Case of Town of McMinnville v. Curtis, 183 Tenn. 442,192 S.W.2d 998, and since the poll tax has since become a moot issue, this act has not been included herein.

³Acts which change the corporate limits have not been included herein.

⁴This act, insofar as it authorizes property taxation, is merely duplicative of charter provisions already existing, and the limitation on the tax rate contravenes § 67-643, Tennessee Code Annotated. Therefore, this act is not contained herein.

YEAR	CHAPTER	SUBJECT
1953	186	Increases the compensation of the mayor and aldermen (repealed by pr. acts 1979, ch. 103).
1967	290	Changes the Town of McMinnville to the City of McMinnville.
1979	103	Increases salaries of mayor and aldermen. Repeals pr. acts 1953, ch. 186.