

HOUSE BILL 2381

By Winningham

AN ACT to amend Chapter 26 of the Acts of 1905; as amended by Chapter 633 of the Private Acts of 1919; and any other acts amendatory thereto, relative to the town of Gainesboro.

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

SECTION 1. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, and any other act amendatory thereto, is amended by deleting the following language in Section 9:

ELECTION OF RECORDER. TREASURER, MARSHAL, AND SCHOOL DIRECTORS

Be it further enacted, That upon the organization of the first board, and all other boards thereafter, or as soon thereafter as practicable, the Mayor and Board of Aldermen shall elect a Town Recorder, a Town Treasurer, and a Town Marshal, and shall provide for the compensation of said officers. No person shall be eligible to any of these offices unless at the time he would be eligible to the office of Mayor. They shall also upon the organization of the first board, elect three qualified voters in said town, who can read and write as Town School Directors, one of whom shall hold his office for one year, one for two years, and one for three years, and annually thereafter they shall elect one member of said board for a term of three years. They shall also, from time to time, appoint all necessary committees to carry out the provisions of the charter, and all ordinances passed by them hereunder, and shall fill all vacancies in the offices above stated at the time they occur.

and by substituting instead the following:

MAYOR AND BOARD APPOINTMENTS

Be it further enacted, that The Board shall employ a Recorder and a Chief of Police, and the city shall provide for the compensation of said officers. They shall also, from time to time, appoint all necessary committees to carry out the provisions of the charter and all ordinances passed by said board hereafter and shall fill all vacancies in the office above stated at the time they occur.

SECTION 2. Chapter 26 of the Acts of 1905, and any other act amendatory thereto, is further amended in Section 11 by deleting the following language:

Be it further enacted, That the Recorder shall hold his office for a term of two years and until his successor is elected and qualified unless he is sooner removed by the board for good cause. He shall try all offenders brought before him for a violation of any of the town ordinances, and he shall have, and he is hereby given, all the rights, authority, duties, powers and jurisdiction in all cases, both criminal and civil that Justices of the Peace in Jackson County have or may have and for his services in all cases, including cases for violation of the town ordinances he shall receive such fee as a Justice of the Peace receives for similar services. He shall keep a Recorders Docket, such as is kept by the Justices of the Peace and in the same way. He shall keep his corporation cases on pages of said book to themselves. He shall be the town Tax Assessor and the tax collector as herein stated. He shall, before entering upon his duties give a bond in such amount and condition as the board shall prescribe and take an oath to faithfully discharge his duties. He shall draw all orders when directed by the board on the City Treasury disbursing the funds of the town. He shall settle with the town Treasurer as often as the board may prescribe, but not less than once in every three months, and shall have such other powers, and do and perform such other duties as the board may from time to time grant and direct.

and by substituting instead the following:

Be it further enacted, that the Recorder or the Chief of Police may be removed for cause by the board. The recorder shall be the town tax collector. The recorder shall before entering upon duties of said office give a bond in such amount and condition as

the board shall prescribe, and take an oath to faithfully discharge the duties of the office.

The recorder shall draw all orders when directed by the board on the city's treasury.

SECTION 3. Chapter 26 of the Acts of 1905, and any other act amendatory thereto, is further amended by deleting Section 13 in its entirety.

SECTION 4. Chapter 26 of the Acts of 1905, and any other act amendatory thereto, is further amended by deleting Section 14 in its entirety.

SECTION 5. Chapter 26 of the Acts of 1905, and any other act amendatory thereto, is further amended by deleting Section 16 in its entirety.

SECTION 6. Chapter 26 of the Acts of 1905, Chapter 633 of the Acts of 1919, and any other act amendatory thereto, is amended in Section 15 by deleting the following language:

Be it further enacted, That as soon as the Board of Equalization has adjourned the Recorder shall make out the tax books in duplicate, one copy to be held by the Mayor and the other to be kept by him. The taxes for each year shall be due and payable on the first day of June of each year. The Recorder shall be the town tax collector and in collecting said taxes he shall have all the powers, rights and authority that belong to the County Treasurer in the collecting of State and county taxes. He shall make out a list of all the delinquent taxes remaining in his hands on the first of October of each year for which said taxes were levied. The list shall go into the hands of the town Marshal immediately, and the Marshal shall proceed to levy and collect the same. The town Marshal is given the same power and authority as is now vested in Constables and delinquent tax collectors collecting State and county delinquent taxes, and he shall receive the same compensation, to be paid by said delinquent taxpayers and he shall make his return of taxes to the Treasurer on the first Monday in January of each year. Before receiving said taxes he shall enter into bond in such penalty as the Mayor shall prescribe. If the Marshal shall fail to collect any delinquent taxes, and shall make levy upon any real estate to enforce collection of the same, the Mayor, upon such return shall place said taxes in the hands of an attorney, who shall proceed to collect the same by proper suit to enforce the lien secure by said levy; provided, that the Mayor and Board of aldermen may direct the Recorder to advertise and sell the real estate so levied upon,

and in the event he shall so direct, the Recorder shall proceed in the manner provided for the sale of delinquent realty by the officers of the county in the collection of delinquent State and county taxes, and make deed as herein provided, which deed shall vest title in the purchaser. All taxes levied upon property in said corporate limits shall constitute a lien on said property, which lien shall continue until said taxes are paid to the Recorder, who is hereby designated to collect the privilege taxes in the town. The Recorder shall have the same rights, powers and compensation as is now provided for County Court Clerks in the collection of privileges due to the State and county.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Gainesboro. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town of Gainesboro and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.