

SENATE BILL 2368

By Gresham

AN ACT to amend Chapter 414 of the Acts of 1903; as amended by Chapter 448 of the Acts of 1907; Chapter 12 of the Private Acts of 1925; Chapter 397 of the Private Acts of 1931; Chapter 236 of the Private Acts of 1961; Chapter 26 of the Private Acts of 1961; Chapter 61 of the Private Acts of 1987 and Chapter 96 of the Private Acts of 2004; and any other acts amendatory thereto.

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

SECTION 1. Section 2 of Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting the section in its entirety and by substituting instead the following:

Section 2:

The corporate boundaries or limits of the Town of Toone shall be and embrace all the territory now within the corporate limits of the Town of Toone as of the effective date of this act, as heretofore established and defined by acts of the General Assembly of Tennessee, by ordinances of the Town of Toone and by law and/or ordinances or as may hereafter be modified by acts of the General Assembly or ordinances of the Town of Toone.

SECTION 2: Section 4 of Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting the section in its entirety and by substituting instead the following:

Section 4:

Be it further enacted, That the Mayor and the Aldermen so elected, before entering upon the discharge of their duties, shall each take an oath before some person authorized by law to administer an oath that they will honestly and faithfully discharge the duties of Mayor or Alderman, as the case may be, of the town of Toone without fear, favor or partiality. The Board of Mayor and Aldermen shall at their first meeting after

each election, elect one of its number to serve as Vice-Mayor. The Board of Mayor and Aldermen shall also appoint a Recorder and a Treasurer who both may, but are not required to be, from among their members. The Recorder and Treasurer shall each give a bond, in the sum required of them by ordinance, before entering on the discharge of their official duties. By vote of the Board of Mayor and Aldermen, the same person may be appointed Recorder and Treasurer.

SECTION 3: Section 5 of Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting the section in its entirety and by substituting instead the following:

Section 5:

Be it further enacted, That the legislative powers of the town of Toone shall be vested in and exercised by the Board of Mayor and Aldermen over whose meeting the Mayor shall preside, and cast the deciding vote when there is a tie; a majority of the Aldermen shall constitute a quorum for the transaction of business. In the absence of the Mayor the Vice-Mayor shall preside over the meeting, and should any of said offices become vacant, the Board of Mayor and Aldermen shall fill the same by electing some one to fill out the unexpired time.

SECTION 4: Section 6 of Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting the section in its entirety and by substituting instead the following:

Section 6:

Be it further enacted, That the Board of Mayor and Aldermen may appoint a town Judge who shall serve at the will of the Board. The Judge shall try all offenses created by this act or any lawful ordinance of said town, and impose penalties, and enforce the collection and payment of the same. In the absence or temporary disability of the Judge, the Mayor may designate a qualified person to serve as Judge. The compensation of the Judge shall be fixed by the Board of Mayor and Aldermen.

SECTION 5: Section 9 of Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting the section in its entirety.

SECTION 6: Section 10 of Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting the section in its entirety and by substituting instead the following:

Section 10:

Be it further enacted, That the Recorder shall keep an accurate minute of the proceedings of the Board; he shall open all privileges, license and collect all privilege taxes and keep a record of same; his compensation shall be fixed by ordinance.

SECTION 7: Section 11 of Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting the section in its entirety and by substituting instead the following:

Section 11:

Be it further enacted. That no ordinance shall become a law of said town of Toone, unless the same shall have passed two readings by a majority vote and shall have been signed by the Mayor, unless he fails to veto same by the next regular meeting of the Board. The Mayor shall examine all ordinances passed by the Board and sign same at once if it meets his approval; if it does not meet his approval, he shall return the same to the next regular meeting of the Board with his objection in writing and no ordinance so vetoed shall go into effect until the same is again passed by a majority of the entire Board.

SECTION 8: Section 12 of Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting the section in its entirety and by substituting instead the following:

Section 12:

Be it further enacted, The Mayor shall temporarily fill all vacancies in the town's work force, subject to the approval of the Board at its next regular meeting. The town's employees shall receive such compensation as allowed by ordinance.

A special called meeting may be called by the Mayor, or by any three Aldermen, and he or they shall state to the Board in writing the purpose of such meeting, which, together with the action of the Board, shall be spread on the minutes of the regular minute book. The Mayor shall take care that all ordinances are duly enforced and observed, and perform other duties such as may by ordinance of the Board be required of him.

The Board of Mayor and Aldermen may, by Ordinance, entered upon the minutes, set the salary of the Mayor and Aldermen. Any ordinance establishing,

increasing, or decreasing such salary shall be adopted at least one hundred and eighty (180) days prior to the next city municipal election and shall be in accordance with Article XI, Section 9 of the Tennessee State Constitution.

SECTION 9: Chapter 414 of the Private Acts of 1903, as amended, is further amended by deleting Chapter 448 of the Private Acts of 1907, relative to a special school district, in its entirety.

SECTION 10: 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 Toone. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body of the Town of Toone and certified by him to the Secretary of State.

SECTION 11: For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 10.