

SENATE BILL 2984

By Yager

AN ACT to amend Chapter 211 of the Private Acts of 1917; as amended by Chapter 256 of the Private Acts of 1955 and Chapter 87 of the Private Acts of 1983; and any other acts amendatory thereto, relative to the charter of the Town of Oneida.

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

SECTION 1. Chapter 211 of the Private Acts of 1917, as amended by Chapter 256 of the Private Acts of 1955, and Chapter 87 of the Private Acts of 1983, and any other acts amendatory thereto, is amended by deleting Section 6 and substituting instead the following:

Sec. 6. Be it further enacted, That the Mayor and Board of Aldermen of the Town of Oneida 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 town purposes;
2. Adopt classifications of the subjects and objects of taxation that are not contrary to law;
3. Make special assessments for local improvements;
4. Contract and be contracted with;
5. Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner provided for in this section;
6. Issue and give, sell, pledge, or in any manner dispose of negotiable or nonnegotiable interest-bearing bonds, warrants, promissory notes, or orders of the town, upon the credit of the town or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the town, 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 town 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 town or state;

9. Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the town for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law;

10. Take and hold property within or without the town or state upon trust, and administer trusts for the public benefit;

11. Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein or any other utility that is of service to the town, its inhabitants, or any part of the town, and further may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code Annotated, Title 9, Chapter 21;

12. Grant to any person, firm, association, or municipality franchises for public utilities and public services to be furnished to the town and those in the town. The power to grant franchises embraces the power to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the town itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer, except as provided in Tennessee Code Annotated, § 65-4-107(b). The board may prescribe, in each grant of a franchise, the rates, fares,

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

13. Make contracts with any person, firm, association, or corporation for public utilities and public services to be furnished to the town and those in the town. 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 town at the date of the contract, and as the corporate limits may be enlarged, and to the then-existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that may be opened after the grant of the contract;

14. Prescribe reasonable regulations regarding the constructions, maintenance, equipment, operation, and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing in this subdivision (14) shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

15. Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public

highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits; regulate their use within the corporate limits; assess fees for the use of or impact upon such property and facilities; and take and appropriate property therefor under Tennessee Code Annotated, §§ 7-31-107 – 7-31-111 and Title 29, Chapter 16, 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, Tennessee Code Annotated, Title 7, Chapters 32 and 33;

17. Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

18. Acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers, and other structures, works, and improvements;

19. Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of

collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees, or other charges;

20. License and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not prohibited by law;

21. Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law;

22. Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the town, and exercise general police powers;

23. Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to 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 town, and charge reasonable fees therefore, and provide standards of weights, tests, and measures in such manner as may be provided pursuant to Tennessee Code Annotated, Title 47, Chapter 26, Part 9;

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

26. Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services;

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

28.

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

(b) Provide by ordinance for court costs as provided in the Municipal Court Reform Act, compiled in Tennessee Code Annotated, Title 16, Chapter 18, Part 3;

29. Regulate, tax, license, or suppress the keeping or going at large of animals within the town;

30. Call elections as provided in this charter; and

31. 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.

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

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.