

CHARTER FOR THE TOWN OF TROY, TENNESSEE¹

CHAPTER NO. 50

HOUSE BILL NO. 420

By Tanner

Substituted for: Senate Bill No. 596

By Hamilton

AN ACT to amend the Charter of the Town of Troy, the same being Chapter 417, Private Acts of 1915 and all amendatory acts thereto.

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¹Priv. Acts 1979, ch.50, is the current basic charter act for the Town of Troy, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2006 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

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

SECTION 1. The Charter of the Town of Troy, Tennessee, the same being Chapter 417 of the Private Acts of 1915, as amended, is hereby amended in its entirety to read as follows:

CHAPTER 1

INCORPORATION

Section 1. Boundaries. Beginning at a stake south of the southwest corner of W. A. Smith's wood house, runs thence in an eastern direction one hundred and sixty poles to the southeast corner of the public bridge that spans Davidson Creek, runs thence in a northern direction seventeen poles to the northwest corner of Dr. J. B. Havner's front yard, as it is now fenced, runs thence in a southeastern direction fifty-two poles to a stake, the southeast corner of the old Sanford Hanks (col) garden, thence from the Sanford Hanks (col) garden in a southerly direction to the southeast corner of J. R. Moffatt's tenant house, now occupied by Story; thence in a southeasterly direction to the southeast corner of P. W. Moffatt's orchard; thence in a westerly direction to Howard Shore's southwest corner; thence north with Shore's and Maxwell's west lines to Mrs. B. S. Maxwell's northwest corner; thence in a westerly direction to a peach tree about seventy-five feet southwest of the southwest corner of the Joe Bright residence in the forks of the public road; runs thence in a northerly direction to the northwest corner of L. A. Smith's yard and thence northeast to the beginning; and all territory annexed in accordance with the provisions of Tennessee Code Annotated, Title 6, Chapter 3.

CHAPTER 2

MUNICIPAL POWERS GENERALLY

Section 1. Corporate capacity and corporate seal. The Town of Troy and the inhabitants thereof are hereby constituted a body politic and corporate by the name and style of the Town of Troy and shall have perpetual succession, that by said corporate name and style it may sue and be sued, may contract and be contracted with, may grant, convey, receive, purchase, and hold real, mixed and personal property and dispose of same for the benefit of the said incorporation; and, if desired, may have and use a corporate seal, which may be altered at pleasure.

Section 2. General powers. The said Town of Troy shall have full power and authority, acting through its Board of Mayor and Aldermen, to enact such by-laws and ordinances as may be necessary and proper to preserve the health, quiet and good order of the town; and to provide and enforce penalties for the violation thereof. The police authority of said Town of Troy shall extend to a distance of one mile from the lawful corporate limits thereof, for the suppression of all disorderly acts and practices forbidden by the general laws of the State.

Section 3. Ordinance adoption. All ordinances passed by the Board of Mayor and Aldermen of said town, before becoming effective, shall be passed on three separate readings and at separate meetings; provided, that any ordinance may be passed at regular or called sessions on first or second reading; provided, further, that if passed at a call or special meeting, the purpose of said call to be set out in the call, said call to be in writing and to be entered on the minutes of such call meeting; and provided, further, that all ordinances, before becoming effective, shall be entered on the ordinance book of said Town and signed by the Mayor and City Recorder, then to be printed and posted in front of the city hall of said Town. The ordinances of said town, when entered on the ordinance book of said town or codified, may be proved in any of the courts of this State by the introduction of the ordinance book or by the code of ordinance when properly adopted by the Board of Mayor and Aldermen.

Section 4. Ordinances to remain effective. All ordinances of said town now in force under former charters of said town and not inconsistent with this Act shall remain in full force and effect until repealed by ordinance properly passed by the Board of Mayor and Aldermen of the said town.

Section 5. Powers of taxation. The Board of Mayor and Aldermen is authorized and empowered to fix the tax rate of said town for municipal taxes on all real and personal property within the said town, and to fix the rate of privilege taxes, and to pass such revenue measures as may be necessary and not inconsistent with the laws of the State.

Section 6. Municipal ownership and contractual obligations. The said Town of Troy shall continue to own all of the property--real, personal, or mixed--now owned by the said town, including the streets and alleys of said town, and all public buildings and furnishings and equipment now owned and controlled by said town under the former laws and charters and amendments to charters of said town, and in the same way and manner as heretofore owned and controlled by said town. The said Town of Troy shall continue all valid contracts now in force made by said town under former laws and charters and in the same way and manner as heretofore.

Section 7. Franchises. The Board of Mayor and Alderman shall have the power and authority to grant to any person, firm or corporation a franchise, exclusive or otherwise, for the operating of a utility service including but not limited to telephone, telegraph, railway or bus service, cable television services within the corporate limits of the town and within one mile thereof, under such terms and conditions as the Board of Mayor and Aldermen may deem proper. However, no such franchise shall be granted for a period of more than twenty (20) years. Such franchise shall be granted by ordinance.

Section 8. Condemnation proceedings. The town shall have the right to condemn real estate within or without the corporate boundaries for building sites, streets, alleys, parks, cemeteries and any and all other public and municipal purposes, but before any property can be condemned and taken by the town it shall be authorized by resolution of the Board of Mayor and Aldermen. The procedure for condemnation and taking shall be as provided by statute for the condemnation and taking of property by the State of Tennessee.

CHAPTER 3

OFFICERS OF THE MUNICIPALITY

Section 1. Composition of Board of Mayor and Aldermen. The said town shall be governed by a Board of Mayor and Aldermen, said Board to consist of a Mayor and five (5) Aldermen. The said Board of Mayor and Aldermen is empowered to pass all ordinances necessary for the

government of said town and in the way and manner as hereinafter provided, and to have in charge the government of said town, and to do and perform all acts necessary and proper for the government of said town not otherwise provided for by this Act.

Section 2. Oath. The Mayor of said town, before entering upon his duties, shall take and subscribe to an oath to support the Constitution of the United States and of the State of Tennessee, and to faithfully perform all the duties of the said office to the best of his skill and ability, and shall enter into a bond in a sum fixed by the Board of Aldermen of Troy and conditioned for the faithful performance of his official duties. The Aldermen provided for by this Act, before entering upon their duties, shall take and subscribe to an oath to support the Constitution of the United States and of the State of Tennessee, and to faithfully perform the duties of their office to the best of their skill and ability.

The said oaths herein provided shall be taken before any County Commissioner of the County of Obion or any Judge of any of the courts of record in this State or before the retiring Mayor of said town; provided, the oath to all offices, except Mayor, may be administered by the Mayor.

Section 3. Duties of Board of Mayor and Aldermen; Vice-Mayor. The duties of the Board of Mayor and Aldermen shall be to pass all laws and ordinances for the government of the town and to do and perform all acts necessary for the government of the town not otherwise conferred on the other officers and not inconsistent with the laws of the state. A Vice-Mayor shall be elected at the first meeting of the incoming Board of Mayor and Aldermen to serve in times when the Mayor is absent.

Section 4. Mayor's duties. It shall be the duty of the said Mayor to collect all taxes and privileges for the Town. He shall take care that all ordinances of the town are fully enforced, respected, and observed within the town limits. He shall have the power to suspend any employee of said corporation. He shall have veto powers over resolutions and ordinances and said resolution or ordinance shall not be valid unless the Board shall by a majority vote pass the same notwithstanding the Mayor's veto.

The Mayor of the town shall not have a vote except in case of a tie vote, but shall be the presiding officer of the Board at its meetings.

Section 5. Board action and meeting time. Three (3) Aldermen and the Mayor shall constitute a quorum for the transaction of all business of the Board. The Board of Mayor and Aldermen shall meet

bi-monthly in regular session and shall also meet upon the call of the Mayor made in writing and served upon each member of the Board of Aldermen or by resolution of the Board. If any member of the Board of Aldermen should be absent from the town, service of notice of extra or called meetings upon three (3) members of the Board shall be sufficient. A majority vote of the Board of Aldermen present shall be necessary for passage of ordinances, resolutions and motions.

Section 6. City Recorder. In addition to the officers for said corporation hereinbefore set out, there shall be elected by the Board of Aldermen, a City Recorder; the said City Recorder to be elected for a term of two (2) years and to be elected by the incoming Board of Aldermen at their first meeting after taking office and shall serve at the pleasure of the Board of Mayor and Aldermen. The duties of the said City Recorder shall be to receive all funds of said town collected for municipal purposes and from the various sources, to pay out said funds upon the warrants of the Mayor of said town when countersigned by the Mayor and one Alderman appointed by the Board of Aldermen, or an alternate Aldermen as designated by ordinance; the said City Recorder to keep a correct record of all funds received by him and also all disbursements of same made by him; the said City Recorder to execute a bond to the said town in such sum as the town, by its Board of Mayor and Aldermen, may require, conditioned for the faithful performance of his duties as said City Recorder and for the faithful handling of the funds coming into his hands belonging to said town.

The Recorder of the Board of Aldermen shall act as Clerk to the Board of Aldermen, and write the minutes of the meetings of the Board of Mayor and Aldermen and shall enter all ordinances in the ordinance book of the city and shall do and perform all the duties of the Secretary of the Board of Mayor and Aldermen.

Section 7. City Attorney. The Board of Aldermen shall, at its first meeting after the election, elect a City Attorney who shall serve at the will of the Board of Mayor and Aldermen and fix a retainer fee to be paid as other expenses of said town are paid, and shall also pay said attorney such other reasonable fees for services rendered as they deem proper.

Section 8. Chief of Police. The Chief of Police shall be appointed by the incoming Board of Aldermen for a term not exceeding two (2) years, to be subject to removal by a majority vote of the Board at any time for inefficiency, neglect of duty, or for any other good cause shown.

The Chief of Police of the town shall have direct supervision of the police force of the town, subject, however, to the direction of the Board of Mayor and Aldermen of the town.

Section 9. Policemen. The Board of Mayor and Aldermen may also provide for the appointment of such policemen for said town as the said Board of Mayor and Aldermen may deem necessary. The additional policemen provided for by this section shall be subject to the direction of the Chief of Police to said town; provided, however, that said policemen and said Chief of Police shall be subject to the direction of the Board of Mayor and Aldermen.

Section 10. City Judge. The Board of Mayor and Aldermen shall, in its discretion, have the power or authority to elect any person as City Judge and fix the salary therefor. The City Judge shall be elected by the incoming Board of Mayor and Aldermen to serve at the will of the Board as provided by ordinance. In the event of the death, resignation, disability or refusal to act of the City Judge, the Board of Mayor and Aldermen shall have the power to appoint one to serve in his stead. The City Judge, or in the case of vacancy in office, the one appointed to serve in his stead, is authorized and empowered to enforce the attendance of witnesses by subpoenas issued from the court and is empowered to do and perform all the duties of the police court for the municipality and to assess fines and collect the same, and to issue all orders and process necessary to the enforcements of the judgements of the court.

Section 11. Removal from office - Employees. The Mayor may suspend any employee for inefficiency or neglect of duty such suspension being subject to review by the Board of Mayor and Aldermen. If the Mayor's action in suspending said employee is sustained by a majority vote of the Board, the Board shall have the power to elect or hire another in place of the one suspended.

Section 12. Compensation. The outgoing Board of Mayor and Aldermen shall fix the salaries of the incoming Board of Mayor and Aldermen at the last regular meeting before the election, which compensation shall not be changed, increased, or diminished during the term for which they were elected.

Section 13. Other employees and compensation. The Mayor of the Town of Troy shall, subject to the approval of the Board of Mayor and Aldermen, employ such assistants or clerks as may be necessary for the proper and efficient administration of the business of the town. The

compensation of such employees shall be fixed or approved by the Board of Aldermen.

Section 14. Bond.

(A) Bond of Mayor, Chief of Police and Policemen, and Alderman to Cosign Checks. The Mayor, Chief of Police and each Policemen elected by the Board of Mayor and Aldermen, and the Alderman appointed by the Board to cosign checks shall enter into bond to be approved by the Board of Mayor and Aldermen, in the sum of five thousand dollars (\$5,000), conditioned upon the faithful performance of their respective offices.

(B) Bond of City Recorder. The City Recorder, before entering upon the duties of his office, shall take and subscribe to the same oath as provided herein for the Mayor, and shall enter into bond, to be approved by the Board of Mayor and Aldermen, to be fixed by the said Board, at a sum of not less than ten thousand dollars (\$10,000), conditioned for the faithful performance of his duties as City Recorder, and for the faithful accounting to the Town of Troy for all funds and moneys coming into his hands as said City Recorder belonging to said town.

Section 15. Records and Reports.

(A) City Recorder. The City Recorder provided for in this act shall make a monthly report to the Board of Mayor and Aldermen of said town, setting forth a full financial statement of the affairs of said town. The City Recorder shall keep the several separate accounts of the said town in a way and manner so as to show how the funds of the town have been expended, and shall keep all warrants drawn on him properly filed as a part of the records of said town.

Section 16. Elections. Beginning in 2006, and every two (2) years thereafter, the election for the positions of mayor and aldermen shall be held on the first Tuesday after the first Monday in November, coinciding with the state and federal elections. The mayor and aldermen shall be elected for terms of two (2) years. The officers elected shall qualify and assume their duties at the first regular meeting following the election. In the event of a tie in the election, the outgoing board of mayor and aldermen shall vote to break the tie, and the outgoing mayor shall not cast a vote except in case of a tie.

The two-year terms of office for those municipal officials elected in May 2003 are hereby extended until the date of the first regular meeting

following the November election in 2006. [As replaced by Priv. Acts 2005, ch. 8]

Section 17. Qualifications. The qualified voters residing in the town shall vote for all candidates. The Mayor and Aldermen and any candidate for such offices shall be a resident of and domiciled in the town at least one year before the election.

Section 18. Vacancies. In case of a temporary vacancy in the office of Mayor by sickness or otherwise, where such temporary vacancy does not extend beyond sixty (60) days, or for a period not exceeding sixty (60) days following a permanent vacancy in the office of the Mayor, by death, resignation, or otherwise, and pending the election by the Board of the Mayor and Aldermen by a special election of a new Mayor as hereinafter provided, the Vice-Mayor shall for such time become Mayor and shall be vested with all the rights, duties, and authority of the Mayor. In the event of a permanent vacancy in the office of the Mayor by reason of death, resignation, or otherwise, within twelve (12) months of the expiration of the term of office, the Board of Aldermen shall elect a person to fill the unexpired term who may or may not be a member of the Board of Aldermen. Such election shall be by a majority vote of the members of the Board of Aldermen. In the event of a permanent vacancy in the office of Mayor by death, resignation, or otherwise, more than twelve (12) months before the expiration of the term, or when there is a tie vote in the election of the Mayor, such vacancy shall be filled by a special election to be called immediately by the Board of Aldermen, by ordinance or resolution, and which election shall be held according to the laws governing any other municipal election, according to the general election laws of the state. In the event of a vacancy in the office of a member of the Board of Aldermen, at any time within the term, by death, resignation, or removal from the corporation, the remaining members of the Board of Mayor and Aldermen shall elect a person to fill the unexpired term. If an Alderman fails to attend six (6) consecutive regular meetings, then the remaining members of the Board of Mayor and Aldermen may, in their discretion, declare the office of that Alderman vacant, and appoint his successor. Such election shall be by majority vote of the Board. In the event of a tie vote, the Mayor may cast the deciding ballot.

Section 19. Termination date of present city officials. All of the present officers of said town shall hold their respective offices until their present terms expire.

CHAPTER 4

FISCAL AFFAIRS

Section 1. Corporate indebtedness. All of the indebtedness of said town, including the bonded indebtedness of the town heretofore contracted under the former charters and amendments of charters of said town, shall continue to be a just and binding obligation upon the said Town of Troy according to the provisions thereof.

Section 2. Delinquent taxes. The Board of Mayor and Aldermen shall enforce the payment of delinquent taxes as provided by the laws of the State of Tennessee.

Section 3. Borrowing monies. The Board of Mayor and Aldermen of the Town of Troy is authorized and empowered to borrow money and to execute the notes of the town for the same to run not longer than five years from the date thereof, and to draw interest at rate not to exceed the maximum contractual rate authorized by State law for individual or corporate borrowing; to be used for the purpose of paying any outstanding floating indebtedness of said city, and overdraft accounts, and outstanding notes as the same become due, and said notes when authorized by the Board of Mayor and Aldermen by resolution to be executed by the Mayor of said town and the City Recorder of said town.

Section 4. Issuance of notes. The authority to issue notes under this Act shall be continuing and that the full faith and credit of the Town of Troy may be pledged to the payment of the notes, and interest thereon, that may be issued from time to time under the authority of this Act, and the Board of Mayor and Aldermen shall levy and collect, in addition to all other taxes required, a tax sufficient to pay the interest on said notes and the principal as the same mature; that no notes issued under the authority of this Act shall be subject to taxation by the State of Tennessee or by any county or municipality thereof; that notes under this Act may be issued without regard to any debt limit or assessed valuation of property.

Section 5. Assessments. All taxes levied on real and personal property shall become due and payable on October 1st, of the year for which they are assessed, and shall be paid on or before the first day of March of the year following the year for which they are assessed.

Section 6. Report on delinquencies. On taxes for municipal purposes not paid by said date of March 1st, of the year following the year

for which they are assessed shall become delinquent, and it shall be the duty of the Mayor to make a report to the Board of Aldermen of all delinquent taxes by May 1st of said year.

Said report to set forth fully a list and description of property on which the taxes are delinquent, with the respective names of the owners thereof.

The said report shall be prima facie evidence that said taxes reported in said report as delinquent are delinquent.

Section 7. Recovery of delinquent taxes. The Board of Mayor and Aldermen may then institute a suit to recover the delinquent taxes against the delinquents in the Chancery Court at Union City, Tennessee, and may join as many as twenty delinquent defendants in one complaint, the said suit to be conducted in the same way and manner as other causes in Chancery. The certified report of list of delinquents made by the Mayor shall be prima facie evidence that said taxes set forth in said report as delinquent are delinquent.

Section 8. Lien against property. A lien shall exist on all property for the taxes assessed against said property from January 1st of the taxing year, said lien to be enforced by decree of the Chancery Court in said proceedings said lien to cover the costs, penalties, and Attorney's fees as hereinafter provided.

Section 9. Penalty. All taxes not paid before the delinquent date shall bear interest at the rate of one percent (1%) per calendar month until paid.

In the event said taxes and interest have not been paid prior to the filing of the complaint or the enforcement of the tax lien as hereinbefore provided, there shall be added to each delinquent a penalty for nonpayment of ten percent (10%) of the tax and an attorney's fee of ten dollars (\$10.00) for the filing and prosecution of the suit to enforce said lien.

In the event any property shall be sold in any suit for the enforcement of said lien, said property may be redeemed by the owner or his heirs or devisees within two (2) years from the date of the sale upon payment to the purchaser at said sale the amount paid by said purchaser together with ten percent (10%) per annum increase.

Section 10. Financial contracts. The Board of Mayor and Aldermen of said city shall have the power to make all necessary contracts connected with the financial affairs of said city, and to provide by proper resolution for temporary loans and bank overdrafts necessary to meet the financial needs of said city.

Section 11. Special taxes. The Board of Mayor and Aldermen shall have the right to levy special tax for cemetery, streets, parks, and public libraries and public school purposes. The said Board of Mayor and Aldermen, by resolution of said Board, may make such arrangements with any Cemetery Association as it may deem expedient for the expenditure of the special cemetery tax. The Board of Mayor and Aldermen of said town may also make such arrangements as it may deem expedient with any organization in said city having as its aim and purpose the civic improvement of said town, for the expenditure of special civic improvement taxes.

Section 12. Enforcement. The town may, by ordinance, make rules and regulations and impose penalties for the violation of the provisions of this Act and for the enforcement of the provisions hereof and for the collection of the tax herein levied.

SECTION 2. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional, invalid or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby expressed and declared, that this Act would have been adopted even if such unconstitutional, invalid or void matter had not been included therein.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Troy at a regular or called meeting of the Board. Its approval or non-approval shall be certified by the Mayor and Secretary of the Board of Mayor and Aldermen to the Secretary of State.

SECTION 4. For the purposes of approving this Act as provided in section 3, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall become effective upon being approved as provided in section 3.

PASSED: March 8, 1979

Ned R. McWherter,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

John S. Wilder,
SPEAKER OF THE SENATE

APPROVED: March 29, 1979

Lamar Alexander,
GOVERNOR

This is to certify that according to the official records in this office, House Bill No. 420, which is Chapter No. 50 of the Private Acts of 1979, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

GENTRY CROWELL
Secretary of State

ACTS COMPRISING THE CHARTER OF THE TOWN OF
TROY, TENNESSEE

YEAR	CHAPTER	SUBJECT
1979	50	Basic Charter act. Replaces Priv. Acts 1915, ch. 417, as amended.
2005	8	Replaced chapter 3, § 16 relative to elections.
