

CHARTER OF THE TOWN OF JONESBOROUGH, TENNESSEE<sup>1</sup>

## CHAPTER 135

## SENATE BILL NO. 210

AN ACT to incorporate the town of Jonesborough, in Washington County, Tennessee, and to establish the boundaries thereof, and define the rights, powers and liabilities of the same; to appoint the first Board of Mayor and Aldermen, and provide for the election of their successors, and for the appointment of all other officers and agents of the corporation and define their qualifications, powers and duties, and to extinguish the taxing district of Jonesborough as provided by Chapter 43, Acts of 1901.

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<sup>1</sup>Acts of 1903, ch. 135, is the current basic charter act for the Town of Jonesborough, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2019 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 which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

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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#### INCORPORATION; NAME; GENERAL POWERS; BOUNDARIES

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Jonesborough in the county of Washington, and the inhabitants thereof, are hereby constituted and declared a body politic and corporate by the name and style of the Mayor and Aldermen of Jonesborough,<sup>1</sup> and by that name shall have perpetual succession, shall sue and be sued, plead and be impleaded in all the courts of law and equity, and in all actions

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<sup>1</sup>Priv. Acts 1983, ch. 24, sec. 1 changed the name of the town from Jonesboro to Jonesborough by providing only that section 1 of the charter be amended by deleting therefrom the words "Mayor and Aldermen of Jonesboro" and substituting instead the words "Mayor and Aldermen of Jonesborough."

whatsoever; may purchase, receive and hold real, personal and mixed property within said town, and sell, lease and dispose of the same for the benefit of the said town; and may purchase, receive and hold real, personal and mixed property beyond the limits of said town to be used for the burial of the dead, and for the establishment of a hospital, poor house, workhouse or house of correction, or for the purpose of erecting, owning and operating works for supplying the town with water and lights, and may have and use a common seal and change it at pleasure.

The corporate limits of said town shall embrace the territory within the following boundaries, to wit: Beginning at a planted stone in James H. Dosser's meadow, the northeast corner of the present corporate limits, then north 64 degrees 15 minutes east, crossing the Blountsville road 435 1-2 to a stake, on south side of said road in Jas. S. Pritchett's garden; thence south 25 degrees 45 minutes east running east of James S. Pritchett's house, 1,388 feet to a stake in T. H. Reeves' field near the northeast corner of John Marshall's lot; thence same course crossing Johnson City road through A. J. Brown's field into A. B. Cummings' field to a stake corner, 2,888 feet from the beginning of this course; thence south 64 degrees 15 minutes west through A. B. Cumming's orchard, David Argenbright's garden and kitchen, through corner of A. B. Cumming's yard, crossing the Embreeville pike, through A. B. Cumming's spring lot, Mrs. Rinehart's garden, cutting southeast corner of T. W. Grills' lot, crossing East Tennessee, Virginia & Georgia Railroad through Jasper People's lot, crossing Little Limestone creek through field belonging to Greene's heirs, known as Greene's Hill, crossing the Cherokee road at 2,550 feet from beginning of this course; then same course through A. E. Jackson's and the Nat Jackson Property, passing south of the house; thence through Sam Hampton's lot north of his house, crossing the road leading from East Tennessee, Virginia & Georgia Railroad by Jerry Eward's house into Charles E. Dosser's property south of his house to a stake corner in said Dosser's back yard, 5,350 feet from the beginning of this course; thence north 25 degrees 45 minutes west, passing west of Dosser's house, crossing East Tennessee, Virginia & Georgia Railroad, through J. A. Pierce's meadow, crossing the Broylesville road, then through the parsonage lot belonging to the Methodist Episcopal Church South, west of John Broyle's house, diagonally through his barn crossing lane into A. E. Jackson's field, crossing Barkley's branch, through E. A. Shipley's barnyard east of barn, west of his house, cutting corner of smoke house, into his meadow, crossing Barkley's branch to stake corner near said branch, 2,800 feet from beginning of this course, thence north 64 degrees 15 minutes east, crossing Barkley branch and Fall branch road, through E. A. Shipley's vineyard through J. H. Haw's field to the intersection of this line with the west line of the present corporation. The point of intersection is 104 feet of the northwest corner of original corporation corner; thence north 25 degrees 45 minutes, west 104 feet to the original corner of said district; thence north 64 degrees 15 minutes, east 221 poles 12 links

passing an original corner of said boundary at 126 poles and 12 links to the beginning.<sup>1</sup>

## POWERS VESTED IN BOARD OF MAYOR AND ALDERMEN; QUALIFICATIONS OF VOTERS

Sec. 2. Be it further enacted, That the government of said town shall be vested in a Mayor chosen ever two years and four Aldermen to be chosen for four year staggered terms by the qualified voters of the said town, and all persons residing in said town who would be qualified to vote for members of the General Assembly shall be qualified to vote for Mayor and Aldermen and in all town elections. [As amended by Priv. Acts 1999, ch. 9, § 1]

## TERM LIMITS FOR BOARD OF MAYOR AND ALDERMEN--REFERENDUM

Sec. 2(a). (1) Subject to the further provisions of this section, the Board of Mayor and Aldermen is authorized, upon its own initiative and upon the adoption of an ordinance by two-thirds (2/3) vote at two (2) separate meetings, to call for a referendum to establish term limits for the Mayor and Board of Mayor and Aldermen as designated herein below. In the absence of an ordinance as described above, the citizens of the Town of Jonesborough may place the subject of term limits for the Mayor and Board of Mayor and Aldermen on a referendum ballot as designated herein below.

(2) Upon receipt of an ordinance calling for a referendum or of a petition referencing this section and setting it out verbatim, containing the signature of ten percent (10%) of the voters in the last mayoral election in the Town of Jonesborough, the County Election Commission shall hold an election on the question providing options to vote "for" or "against" the referendum for

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<sup>1</sup>The boundaries set forth here have been extended by the following annexation Ordinances of record in the recorder's office: Ord. of Sept. 30, 1963; Ord. of Jan. 10, 1964; Ord. of June 8, 1968; Ord. of Jan. 8, 1974; Ord. of Nov. 21, 1978; two Ords. of Nov. 28, 1978; three Ords. of April 10, 1979; Ord. of May 10, 1979; Ord. of June 11, 1979; two Ords. of Nov. 27, 1979; Ord. of July 8, 1980; Ord. of June 16, 1986; Ord. of Sept 1, 1988; Ord. of Jan. 16, 1990; Ord. of April 16, 1990; Ords. #92-17, 92-18, and 92-19 (Nov. 30, 1992); 95-04 (July 3, 1995); 96-10 (Sept. 9, 1996); 96-19 and 96-20 (Nov. 11, 1996); 97-18 (Oct. 1997); 99-14 (Oct. 28, 1999); 2000-01 (Jan. 10, 2000); 2001-04 and 2001-07 (July 9, 2001); 2001-12 (Sept. 10, 2001); 2002-11 (June 2002); 2003-01 (Feb. 2003); 2003-20 (Nov. 2003); 2005-04, 2005-05, 2005-06 (March 2005); 2005-14 (Aug. 2005); 2006-07 (June 2006); 2007-03 (March 2007); 2007-09 (Sept. 2009); 2010-04 (April 2010); 2011-05 (Feb. 2011); 2011-10 (June 2011); and 2013-09 (Nov. 2013).

term limits as provided in this Charter, and a majority vote of those voting in the election shall determine whether the ordinance is to be operative. Any such election is to be held in conjunction with the next regularly scheduled municipal election of the Town of Jonesborough.

(3) If the majority vote is for the referendum, it shall be deemed to be operative on the date the County Election Commission makes its official canvas of the election returns and certifies the same; provided, however, that term limits shall not apply until an election of the Mayor and Board of Mayor and Aldermen is held after term limits are operative. If the majority vote is against the referendum, no such referendum shall be placed on another ballot for a period of four (4) years.

(4) Any such term limits adopted under subdivision (A) or subdivision (B) of this Section 2(a) shall be as follows:

(i) Anyone serving as Mayor shall be limited to four (4) consecutive terms. This shall not prohibit any person from running for office after any number of "nonconsecutive" terms.

(ii) Anyone running for Alderman shall be limited to two (2) consecutive terms. This shall not prohibit any person from running for office after any number of "non-consecutive" terms. [As added by Priv. Acts 2012, ch. 33, § 1]

#### EXERCISE OF POWERS OF BOARD OF MAYOR AND ALDERMEN

Sec. 2(b). The Board of Mayor and Aldermen shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the Board, except through proceedings adopted at some regular or special session. [As added by Priv. Acts 2012, ch. 33, § 1]

#### SPECIAL MEETINGS OF BOARD OF MAYOR AND ALDERMEN

Sec. 2(c). Whenever in the opinion of the Mayor, Vice-Mayor (in the Mayor's absence), or any two (2) Aldermen and the Town Administrator, the welfare of the Town demands it, the Mayor or the Town Administrator shall call a special meeting of the Board of Mayor and Aldermen upon at least forty-eight (48) hours written notice to each member of the Board of Mayor and Aldermen, the Town Attorney, Town Recorder and Town Attorney, served personally or left at such person's usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. [As added by Priv. Acts 2012, ch. 33, § 1]

TERM, QUALIFICATIONS, AND DUTIES OF MAYOR; REMOVAL  
FROM OFFICE; ABSENCE, ETC., OF RECORDER

Sec. 3. That the Mayor shall hold office for a term of two (2) years and until the Mayor's successor shall be elected and qualified. No person shall be elected a Mayor who is not at the time a citizen of the State of Tennessee, a qualified voter and for one (1) year next before the election a bona fide resident in the town. The Mayor may fill all vacancies occurring in offices, except that of Alderman, until such vacancies are filled in the manner provided by this act. It shall be the duty of the Mayor to preside at all meetings of the board but the Mayor will not be permitted to vote for any officer or agent, nor upon any measures, propositions or ordinances before the board, except in the case of a tie, and the Mayor shall then give the deciding vote. In the event the Mayor is absent or does not preside, and in the absence of the Vice-Mayor, such member of the Board of Aldermen shall preside as they may determine by majority vote or ordinance. It shall be the duty of the Mayor to see that all ordinances and laws of the town are duly enforced, observed and obeyed, and the Mayor shall, on application, instruct officers in their duties. Before assuming the duties of office the Mayor shall take an oath to faithfully demean himself or herself in office and discharge duties thereof. It shall be the Mayor's duty from time to time to lay before the Board of Aldermen in writing all matters the Mayor may deem it important to have acted upon, and to call special sessions of the Board of Aldermen whenever the Mayor may deem it necessary and expedient, at which special sessions no other business than that for which the session is called shall be transacted.

For any malfeasance or misfeasance in this office, the Mayor shall be subject to being charged by the Board of Aldermen, and fined and dismissed from office, as the Aldermen may in their wisdom determine for the best; and on such trial the Aldermen shall elect by ballot one (1) of their number to preside, and all shall take an oath to faithfully and impartially try and render judgment on such trial.

The Mayor may be removed from office by the Board of Mayor and Aldermen without cause after missing more than three (3) consecutive regular meetings of the Board of Mayor and Aldermen, upon a majority vote of the other members of the Board voting for such removal. The proceedings for such removal shall be on specific charges in writing as adopted by a majority of the Board, with notice stating the time and place of the hearing to be served on the accused or published at least three (3) times on three (3) successive days in a daily newspaper circulating in the town. The hearing under this section shall be public and the accused shall have the right to appear and defend in person or by counsel and have process of the Board to compel the attendance of witnesses in the accused's behalf. Such approach shall be determined by roll call vote.

Immediately upon the vote for removal, the term of the accused shall expire and the accused's official status, power and authority shall cease without

further action. [As amended by Priv. Acts 2003, ch. 52, § 1; and replaced by Priv. Acts 2012, ch. 33, § 2]

## ELECTION AND DUTIES OF VICE MAYOR

Sec. 3(a). The Board shall elect an Alderman to the office of Vice Mayor, 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. [As added by Priv. Acts 2012, ch. 33, § 3]

## QUALIFICATIONS, OATH, AND DUTIES OF ALDERMEN; VACANCIES; QUORUM; MALFEASANCE IN OFFICE, ETC.

Sec. 4. That no person shall be an Alderman unless they are a citizen of the State of Tennessee, a qualified voter, and for one (1) year next before their election a bona fide resident in the town. Before entering on the duties of his office, each Alderman shall take an oath to faithfully demean himself in office and discharge the duties thereof. Unless otherwise designated by ordinance, the Board of Aldermen shall have full power and authority to appoint all offices, department heads and employees of the corporation as they deem necessary, and to fix their compensation as prescribed in this act, and they, or their designee, shall have the authority to, in accordance with personnel policies and procedures adopted by the board, to promote, discipline, suspend and discharge any officer, department head or employee they appoint.

All vacancies in the Board of Mayor and Aldermen shall be filled for the unexpired term by a majority vote of the remaining Board of Mayor and Aldermen, and for the purpose of this provision only the Mayor and two (2) of the remaining Aldermen shall qualify as a quorum. Three (3) Aldermen shall constitute a quorum to transact other business, and Aldermen shall hold their office for four (4) years and until their successors are elected and qualified. Every Alderman guilty of malfeasance or misfeasance in office shall be subject to be charged and to appear for a hearing before the Board of Aldermen and fined or dismissed from office, as in their wisdom the Board of Aldermen may deem for the best, and at such hearing the Mayor shall preside, and shall cast a vote. Before entering on such hearing each Alderman and the Mayor shall take an oath to faithfully and impartially try the accused and pass judgment.

The Aldermen may be removed from office by the Board of Mayor and Aldermen without cause after missing more than three (3) consecutive regular meetings of the Board of Mayor and Aldermen, upon a majority vote of the other members of the Board voting for such removal. The proceedings for such removal shall be on specific charges in writing, with notice stating the time and place of the hearing to be served on the accused, or published at least three (3) times on three (3) successive days in a daily newspaper circulating in the town. The hearing shall be public and the accused shall have the right to appear and



defend in person or by counsel and have process of the Board to compel the attendance of witnesses in the accused's behalf. Such approach shall be determined by roll call vote.

Immediately upon the vote for removal, the term of the accused shall expire and the accused's official status, power and authority shall cease without further action. [As amended by Priv. Acts 1992, ch. 250, § 1; and Priv. Acts 1999, ch. 9, § 2; and replaced by Priv. Acts 2012, ch. 33, § 4]

### TOWN ADMINISTRATOR

Sec. 4a. The Board of Aldermen may appoint a town administrator who shall be under the direction and control of the board. The town administrator shall report and be responsible to the board. The board may, by ordinance, require the town administrator to perform any or all of the following duties:

- (1) Administer the business of the municipality;
- (2) Make recommendations to the board for improving the quality of the 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 including appointing department heads and employees of the corporation and in accordance with personnel policies and procedures adopted by the board, to promote, discipline, suspend and discharge department heads or employees of the corporation.
- (8) If the Town Administrator resigns, such person must give three (3) months' notice unless waived by the Board of Mayor and Aldermen. If such notice is given or waived by the Board of Mayor and Aldermen, the Town Administrator shall be entitled to receive a minimum severance payment of one (1) week salary per year of service in the position as Town Administrator. This amount shall not be paid if the Board determines by majority vote that the Town Administrator has been guilty of embezzlement, misuse of town funds or property, malfeasance in office or has quit without giving appropriate notice.

Nothing in this section will prohibit the Board of Mayor and Aldermen from contracting for additional severances or benefits with the Town Administrator. [As added by Priv. Acts 1992, ch. 250, § 2; and amended by Priv. Acts 2012, ch. 33, §§ 5 and 6]

### TOWN ATTORNEY

Sec. 4b. (1) The Board of Mayor and Aldermen shall appoint a town attorney, together with such assistant town attorneys as the board shall determine are required. The town attorney shall:

(A) Direct the management of all litigation in which the town is a party, including the functions of prosecuting attorney in the town courts;

(B) Represent the town in all legal matters and proceedings in which the town is a party or interested, or in which any of its officers are officially interested;

(C) Attend any meetings of the Board of Mayor and Aldermen when required by the board;

(D) Advise the board and committees or members thereof, the town administrator, and the heads of all departments and divisions, as to all legal questions affecting the town's interest; and

(E) Approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the town.

(2) The town attorney shall receive a rate of compensation to be fixed by the Board. [As added by Priv. Acts 1997, ch. 30, § 5]

### POWERS AND AUTHORITY OF BOARD

Sec. 5. That the Board of Mayor and Aldermen of Jonesborough shall have full power and authority within the town to:

(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 provided for in this section;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds in accordance with Tennessee Code Annotated, Title 9, Chapter 21, 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 Tennessee Code Annotated, 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 that is of service to the municipality, its inhabitants, or any part of the municipality, and further, may issue debt for these purposes;

(12) Grant to any person, firm, association or municipality, franchises for public utilities and public services to be furnished the municipality and those in the municipality. The power to grant franchises embraces the power to grant exclusive franchises to the extent authorized by statute or federal law. 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 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 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 municipality 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 the municipality and those in the municipality. 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 may be opened after the grant of the contract;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for 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, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, Section 7-31-107 -- Tennessee Code Annotated, Section 7-31-111 and Tennessee Code Annotated, Section 29-16-114, or any other manner provided by the general law;

(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. 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 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 in such manner as provided by general law;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, general 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 contract with the county to keep such persons in the correctional facility of the county;

(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 in accordance with the Municipal Court Reform Act, codified at Tennessee Code Annotated, Title 16, Chapter 18, Part 3;

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for 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 provided in this charter;

(32) 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; and

(33) Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to Tennessee Code Annotated, Title 13, Chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body.

(34) The enumeration of particular powers in this Charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this chapter impair a power granted in any other part of this Charter, and whether powers, objects or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the Town to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes. [As amended by Priv. Acts 1913, ch. 67, § 1; Priv. Acts 1919, ch. 123 ; Priv. Acts 1921, ch. 150, §§ 1 and 2; Priv. Acts 1921, ch. 788, §§ 2 and 3; and Priv. Acts 1997, ch. 31, § 1; and replaced by Priv. Acts 2012, ch. 33, § 7]

#### OATH AND DUTIES OF MARSHAL

Sec. 6. Be it further enacted, That the Marshal of the town of Jonesborough shall take an oath to perform well and truly the duties of his office, and he shall have full power and authority to execute within the corporate limits all State warrants which may come into his hands, as may now be done by district constables under existing laws.

#### APPOINTMENT, OATH, AND DUTIES OF RECORDER

Sec. 7. That the Board of Mayor and Aldermen shall appoint a recorder who shall be the head of the department of finance; and the recorder shall be under the supervision and subject to the at-will removal of the town administrator. The recorder shall receive a salary to be fixed by the Board of Mayor and Aldermen and shall be bonded in such amount as may be provided by ordinance. The recorder shall by his signature and the town seal, attest all instruments signed in the name of the town. The recorder shall have power to administer oaths.

It shall be the duty of the recorder to be present at all meetings of the Board of Mayor and Aldermen and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

The recorder shall have custody of and preserve in the recorder's office, the town seal, the public records, original rolls of ordinances, ordinance books, minutes of the Board of Mayor and Aldermen, contracts, bonds, title deeds, certificates and papers, all official indemnity or surety bonds (except the recorder's own bond, which shall be filed with 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.

The recorder shall provide, and, when required by any office or person, certify copies of records, papers and documents in the recorder's office and charge therefor, for the use of the town, such fees as may be provided by ordinance; and shall cause copies of ordinances to be printed, as may be directed by the Board of Mayor and Aldermen, and kept in the recorder's office for distribution.

The recorder, as head of the department of finance, shall exercise a general supervision over the fiscal affairs for the town, and general accounting supervision over all the town's property, assets and claims, and the disposition thereof. The recorder shall be the general accountant and internal auditor of the town; shall have custody of all papers, records and vouchers relating to the fiscal affairs of the town, and the records in the recorder's office shall show the financial operations and condition, property, assets, claims and liability of the town, all expenditures authorized and all contracts in which the town is interested.

The recorder shall be the treasurer of the town; as such, it shall be the recorder's duty to collect, receive and receipt for the taxes and all monies, other revenues and bonds from all departments of the town, and the proceeds of its bond issues, and to disburse the same.

The recorder shall also perform any other duties as may be required by the Board of Mayor and Aldermen or by the town administrator.

In the temporary absence or disability of the recorder, the assistant recorder, if such position be established, or another employee within the finance department designated by the town administrator, shall serve as acting recorder. [As replaced by Priv. Acts 1993, ch. 35, § 1; and Priv. Acts 2003, ch. 52, § 2; and amended by Priv. Acts 2012, ch. 33, §§ 5 and 8]

## TOWN COURT; TOWN JUDGE

### Sec. 7(a).

(1) There shall be a town court presided over by a town judge or judges appointed by the board or elected as provided in Section 7(c).

(2) The board may, by ordinance, appoint or create the position for election as provided in Section 7(c), a second town judge or assistant town judge as it deems necessary.

(3) The town judges shall have jurisdiction in and over all cases for the violation of, and all cases arising under, the laws and ordinances of the municipality. [As added by Priv. Acts 1993, ch. 35, § 2; replaced by Priv. Acts 2003, ch. 52, § 3; and amended by Priv. Acts 2012, ch. 33, § 8]

TOWN JUDGE -- QUALIFICATIONS AND COMPENSATION;  
GENERAL SESSIONS JUDGE OF COUNTY MAY ACT AS JUDGE;  
TOWN RECORDER CAN BE JUDGE

Section 7(b).

(1) (A) Where the town judges are appointed, the town judges shall have the qualifications and receive the compensation and have the term, if any, 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 town judge.

(C) Whenever the office of town judge is not filled by the appointment of some other person, the town recorder shall be the town judge.

(2) In the absence or disability of the town judge, the Mayor may designate a qualified person to serve as town judge or may designate the General Sessions Court Judge of the county or counties in which the municipality lies to be acting town judge until one can be appointed at the next regularly scheduled meeting of the board, or as otherwise provided by ordinance. [As added by Priv. Acts 1993, ch. 35, § 2; replaced by Priv. Acts 2003, ch. 52, § 3; and amended by Priv. Acts 2012, ch. 33, § 8]

TOWN JUDGE -- QUALIFICATIONS; TEMPORARY ABSENCES

Sec. 7(c).

(1) The board may require, by ordinance, that the town judges meet the constitutional qualifications and be elected in the same manner as judges of an inferior court. Constitutional provisions applicable to judges of inferior courts shall apply to the elected judges. In addition to jurisdiction over the violation and alleged violation of municipal ordinances, a town judge elected pursuant to this subdivision is vested with concurrent jurisdiction and authority with courts of general sessions, as set forth in title 40, in all cases of the violation or alleged violation of the criminal laws of this state within the limits of the municipality.

(2) If an elected town judge is unable, temporarily, to preside over town court for any reason, then the judge shall appoint any 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 town judge shall appoint an attorney, meeting the same qualifications as a General Sessions Judge, to sit temporarily. [As added by Priv. Acts 1993, ch. 35, § 2; replaced by Priv. Acts 2003, ch. 52, § 3; and amended by Priv. Acts 2012, ch. 33, § 8]

Sec. 8. [As deleted by Priv. Acts 2012, ch. 33, § 9]

Sec. 8a.<sup>1</sup> [Priv. Acts 1937, ch. 787, § 1, as deleted by Priv Acts 2012, ch. 33, § 10]

### TAXES TO BE LIEN; OFFICIAL BONDS

Sec. 9. Be it further enacted, That all taxes assessed by the Mayor and Aldermen on property shall have the same lien (subject to State taxes) as is prescribed by law for State taxes, and in assessing and imposing taxes, the basis and mode of assessment prescribed by law for State taxes may be observed with such modifications as may be deemed suitable and proper for the town. All taxes shall be collected upon certificate of the Recorder by the Town Marshal in the manner as State taxes are collected by law when parties shall fail to pay. And the corporation shall take from its officers and agents bonds in such amounts and with such conditions as may be lawful for the faithful discharge of duty and accounting for and paying over all money or other things of value that may come into their hands; and it shall be unlawful for the Recorder, Town Marshal or other officer or agent charged with or empowered to receive moneys of the corporation to enter on their offices until they shall have executed a good and sufficient bond in such amount as shall be prescribed by the Board of Mayor and Aldermen.

Sec. 10. [As deleted by Priv. Acts 2012, ch. 33, § 11]

### CORRECTION OF TAX ASSESSMENTS; REMISSION OF FINES

Sec. 11. Be it further enacted, That the Board of Aldermen shall have power to correct the assessment of taxes and reduce and enlarge the same in all proper cases and release the same when improperly assessed, and may remit or

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<sup>1</sup>The provisions in this section were originally added to Jonesborough's charter by chapter 787 of the private acts of 1937 without any indication as to where they should be placed. They were been added here as unofficial section 8a because of their subject matter. This section was later deleted by chapter 33 of the Private Acts of 2012.

release fines imposed by the Recorder, when in their judgment the best interests of the town will be promoted thereby.

## COMPENSATION OF OFFICERS

Sec. 12. That the Mayor and Aldermen shall serve without compensation, except as provided herein; that the recorder's, town marshal's and city attorney's compensation shall be fixed by the Board of Mayor and Aldermen, but the fees and commissions of the respective officers, to wit, recorder and town marshal, shall be reported and taken into account as part of their compensation.

The Board of Mayor and Aldermen shall receive for its compensation the amount set initially in this section after the municipal election to take place in the year 2012. No increase in such amount will go into effect without an affirmative vote by referendum as described in subdivisions (A) and (B) below.

(A) Subject to the provisions of this section, the Board of Mayor and Alderman is authorized upon its own initiative and upon the adoption of an ordinance by two-thirds (2/3) vote at two (2) separate meetings to call for a referendum to change the compensation rate for the Mayor and Board of Mayor and Aldermen as designated herein below. In the absence of an ordinance as described above, the citizens of the Town of Jonesborough may place the subject of a change in the level of compensation for the Board of Mayor and Aldermen on a referendum ballot as designated herein below.

(B) Upon receipt of an ordinance calling for a referendum or of a petition referencing this section and setting it out verbatim, and containing the signature of ten percent (10%) of the voters in the last mayoral election in the Town of Jonesborough, the County Election Commission shall hold an election on the question providing options to vote "for" or "against" the referendum for a change in the compensation for the Board of Mayor and Aldermen as provided in this Charter, and a majority vote of those voting in the election shall determine whether the ordinance is to be operative. Any such election is to be held in conjunction with the next regularly scheduled municipal election of the Town of Jonesborough. The ordinance is to be operative. Any such election is to be held in conjunction with the next regularly scheduled municipal election of the Town of Jonesborough.

(C) If the majority vote is for the referendum, it shall be deemed to be operative on the date the County Election Commission makes its official canvas of the election returns and certifies the same.

Initial amounts of compensation are as follows:

(i) One hundred dollars (\$100) per month for attendance at one (1) board meeting, and one (1) committee meeting.

(ii) Two hundred dollars (\$200) per month for attendance at one (1) regular board meeting and two (2) or more committee meetings.

Qualifying committee meetings shall be determined by ordinance.

No board member shall enter into a contract with the town. Nor shall a board member allow any company or entity in which the board member owns or has a controlling interest in to enter into a contract with the town without following normal purchasing procedures; with such ownership or controlling interest to be reported to the Board of Mayor and Aldermen and spread upon the minutes of a regular or called Board meeting. The Board of Mayor and Aldermen must adopt an ethics policy to determine what gifts or meals can be accepted by members of the Board of Mayor and Aldermen from the town or otherwise.

Members of the Board of Mayor and Aldermen may receive the health insurance benefits a full-time Town employee receives if they pay the entire premium themselves and if such health insurance is approved each year during the budget process by the Board of Mayor and Aldermen. [As replaced by Priv. Acts 2012, ch. 33, § 12]

## FIRST OFFICERS

Sec. 13. Be it further enacted, That the first Board of Mayor and Aldermen of the town of Jonesborough under this charter shall be the following named persons to wit: R. C. Thomas, Mayor, and J. S. Stuart, J. H. Epis., John P. White and W. E. May, Aldermen, and they shall hold their office and exercise all the powers conferred, and perform all the duties imposed by this Act until their successors have been duly elected and qualified.

## ELECTIONS

Sec. 14. Be it further enacted, that the terms of the present Mayor and Board of Aldermen are extended until the date of the state General Election in November 2000, or until their successors are elected and qualified.

Beginning with the year 2000, the election of the Board of Mayor and Aldermen will be held biennially with the state general election in November. At the November 2000 election, the two (2) candidates for aldermen receiving the highest number of votes shall be elected for terms of four (4) years, beginning the first Monday following their election, and the two (2) candidates for aldermen receiving the next highest number of votes shall be elected for terms of two (2) years beginning the first Monday following their election and the terms for all the Aldermen thereafter elected shall be for four (4) years, or until their successors are elected and qualified. At the November 2000 election, and every two (2) years thereafter, there shall be elected by the qualified voters,

a mayor who shall serve a term of two (2) years, beginning the first Monday after the election, or until a successor is duly elected and qualified.

No person shall be a candidate for the office of Mayor and the office of Aldermen in the same election, nor shall any person hold both offices at the same time.

The election commissioners of Washington County, or such officers as are charged with holding county elections shall appoint the officers, judges and clerks to hold said election under the general rules and regulations prescribed for the civil district in which the town is situated in elections for members of the Legislature, and all persons qualified to vote under the provisions of this Act shall be entitled to vote at said election.

The officers holding the election shall certify the results to the County Election Commissioners or other officers charged by law with such duties, who shall canvass the returns on the next Monday following the election, and declare and certify the results. [As amended by Priv. Acts 1999, ch. 9, § 3]

#### TIE-BREAKING

Sec. 14(a). In the event of a tie in the election of either the Mayor or Aldermen, the two (2) incumbent Aldermen and the Alderman with the highest vote count at the recent election shall constitute a panel of three (3) members to vote to break the tie in either the Mayor's election or another Alderman's election. Such votes shall be certified by the panel and the town recorder to the County Election Commission to allow election results to be certified. [As added by Priv. Acts 2012, ch. 33, § 13]

#### OFFICIALS AND EMPLOYEES RUNNING FOR TOWN OR COUNTY POSITIONS, TENNESSEE LEGISLATURE; RESIGNATION

Section 14(b). (1) Any elected official of the Town of Jonesborough who seeks to run for a Town or County elected office or a seat in the Tennessee Legislature shall be required to resign their position with the Town prior to qualifying for the election to such position, with the exception of any current elected position they hold with the Town and for which they are seeking reelection.

(2) Any employee of the Town of Jonesborough who seeks to run for a Town elected office or a seat in the Tennessee Legislature shall resign their position with the Town prior to qualifying for the election to such position. [As added by Priv. Acts 2012, ch. 33, § 13]

## ORDINANCES TO BEGIN

Sec. 15. All ordinances shall begin, "Be it ordained by the Board of Mayor and Aldermen of the Town of Jonesborough as follow": [As replaced by Priv. Acts 1997, ch. 30, § 1]

## READING AND AMENDMENT OF ORDINANCES

Sec. 15a. (1) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings. As used in this section, "read" means the reading of the caption of the ordinance. Copies of such ordinance shall be available during regular business hours at the office of the Town Recorder and during sessions in which the ordinance has its first and second readings.

(2) No ordinance shall be amended except by a new ordinance. [As added by Priv. Acts 1997, ch. 30, § 2]

Sec. 15b.<sup>1</sup>

## DIGEST OF ORDINANCES

Sec. 15c. That there shall be prepared and published within twelve (12) months after said first Board of Mayor and Aldermen shall qualify and be inducted into office, a digest of all the ordinances, laws and resolutions having a regulatory effect or of general application which are to be contained in force and a like digest in every five (5) years thereafter, if deemed necessary by the Board of Mayor and Aldermen. [As added by Priv. Acts 1997, ch. 30, § 3]

## EFFECT OF FAILURE TO HOLD ELECTION

Sec. 16. Be it further enacted, That the powers, rights, and privileges of this Act shall not be lost or forfeited by a failure to hold an election as herein provided but shall continue and be exercised at any time by the Mayor and Aldermen when elected in accordance with the provisions of this charter; and if for any cause an election for Mayor and Aldermen should not occur on the day fixed by this Act, it shall be held within thirty days thereafter, on ten days' notice.

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<sup>1</sup>Priv. Acts of 1997, ch. 30 did not provide for a section 15b.

## ACT DECLARED PUBLIC ACT

Sec. 17. Be it further enacted, That this Act is declared to be a public Act and may be read in evidence in all courts of law and equity, and all ordinances and proceedings of the Board of Mayor and Aldermen may be proved by the seal of the corporation and attestation of the Recorder, and if no seal, then by the attestation of the Recorder alone.

## ADMINISTRATION OF OATHS OF OFFICE

Sec. 18. That the oath of office required herein to be taken by the Mayor and Aldermen and other officers shall be administered by an officer of the state authorized to administer oaths. The oath of office shall be as follows:

"I solemnly swear (or affirm) that I possess all the qualifications prescribed for the office (or position) of \_\_\_\_\_, as prescribed by the Charter of the Town of Jonesborough, Tennessee, and that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the Charter and Ordinances of the Town of Jonesborough, and that I will faithfully discharge the duties of the office (or position) of \_\_\_\_\_." [As replaced by Priv. Acts 2012, ch. 33, § 14]

## BOARD TO ADOPT RULES GOVERNING ITS PROCEEDINGS

Sec. 18a. The Board of Mayor and Aldermen may, subject to any limitation in this charter, adopt rules governing its proceedings, including rules for the punishment of its own members and for the removal of spectators, for conduct detrimental to the good order of the proceedings. It shall have power to subpoena witnesses, to order the production of books and papers relating to any subject within its jurisdiction, and to call upon its own officer or chief of police to execute its process. The presiding officer may administer oaths to witnesses. [As added by Priv. Acts 1997, ch. 30, § 4]

TRANSFER OF CORPORATE ASSETS AND OBLIGATIONS;  
CONTINUATION OF OFFICERS AND ORDINANCES

Sec. 19. Be it further enacted, That upon the Mayor and Aldermen of the town of Jonesborough, who are designated and appointed by this Act, taking the oaths of office and organizing and electing a Recorder and taking bond as required by this Act, the taxing district of the town of Jonesborough shall become extinct and the title, rights and ownership of all property, uncollected taxes, dues, claims, judgments, decrees and choses in action held or owned by said taxing district of Jonesborough, shall pass to and be vested in the Board of

Mayor and Aldermen organized to supersede said taxing district, but the obligation of any existing contract into which said taxing district has entered, and all debts and obligations of said taxing district of Jonesborough, shall be a charge upon the territory included in said corporation incorporated by this Act, and shall be valid and binding obligations of the said town of Jonesborough hereby and herein incorporated by the name of the Mayor and Aldermen of Jonesborough to the same extent as the taxing district of Jonesborough is bound.

The officers of said taxing district of Jonesborough shall continue to discharge the duties of their offices respectively until the Board of Mayor and Aldermen appointed by this Act are qualified, as provided in this Act, and all ordinances in force in the taxing district of Jonesborough shall continue in force and have the effect of laws, so far as not repugnant to this Act and the laws of Tennessee, until repealed or amended by the Board of Mayor and Aldermen of Jonesborough.

Sec. 20. [As deleted by Priv. Acts 2012, ch. 33, § 15]

#### EFFECTIVE DATE

Sec. 21. Be it further enacted, That this Act take effect from and after the hour of noon on Friday, the first day of May, 1903, the public welfare requiring it.

Passed March 11, 1903.

Ed. T. Seay,  
Speaker of the Senate.

L. D. Tyson,  
Speaker of the House of Representatives.

Approved March 23, 1903.

James B. Frazier,  
Governor.

RELATED ACTS

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Priv. Acts 1981, ch. 131, "Privilege tax on the occupancy of hotels and motels, etc." . . . . .	C-25
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CHAPTER NO. 131

HOUSE BILL NO. 1330

By Robinson (Washington), King (Washington)

Substituted for: Senate Bill No. 1336

By Burleson

AN ACT to authorize the Town of Jonesboro to levy a privilege tax on the occupancy of hotels and motels and to regulate collection of such tax.

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

SECTION 1. As used in this Act unless the context otherwise requires:

(a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.

(e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided

to the person is complimentary from the operator and no consideration is charged to or received from any person.

(f) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.

SECTION 2. The legislative body of Jonesboro is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this Act.

SECTION 3. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel and be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the town.

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the town.

SECTION 4. The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the town to the town treasurer, such tax to be remitted to such officer no later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the town for such tax shall be that of the operator.

SECTION 5. The town treasurer shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the town treasurer by the operator with such number of copies thereof as the treasurer may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the treasurer and approved by the legislative body of the Town of Jonesboro prior to use. The treasurer shall audit each operator in the town at least once per year and shall report on the audits made on a quarterly basis to the legislative body. The legislative body is authorized to adopt ordinances or resolutions to provide reasonable rules and regulations for the implementation of the provisions of this Act.

SECTION 6. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 7. Taxes collected by an operator which are not remitted to the treasurer on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition, a penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50).

SECTION 8. It shall be the duty of every operator liable for the collection and payment to the town of the tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the town, which records the treasurer shall have the right to inspect at all reasonable times.

SECTION 9. The treasurer in administering and enforcing the provisions of this Act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Title 67, Chapter 23, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this Act. The treasurer shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, for the county clerks with respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the treasurer and the ordinance or resolution authorizing levy of the tax shall designate a town officer against whom suit may be brought for recovery.

SECTION 10. The treasurer is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the town general fund. Such funds may be used for the promotion of tourism.

SECTION 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 12. 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 Jonesboro. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and shall be certified by him to the Secretary of State.

SECTION 13. 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, this Act shall take effect upon being approved as provided in Section 12.

PASSED: May 13, 1981

Ned R. McWherter,  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

John S. Wilder,  
SPEAKER OF THE SENATE

APPROVED: May 28, 1981

Lamar Alexander,  
GOVERNOR

ACTS COMPRISING THE CHARTER OF  
THE TOWN OF JONESBOROUGH, TENNESSEE

Year	Chapter	Subject
1903	135	Basic charter act.
1907	394*	Bonds not exceeding \$10,000 for establishment of water works.
1911	422*	Bonds not to exceed \$25,000 for street railway.
1913	67	Eminent domain; operation of public utilities.
1919	123	Tax assessment.
1921	150	Tax assessment; repealed by ch. 788, pr. acts of 1921.
1921	788	Tax assessment and compensation for marshal and recorder; repealed ch. 150, pr. acts of 1921.
1923	259*	Bonds not exceeding \$25,000 school building.
1923	447*	Bonds not exceeding \$100,000 for sewer and water system.
1925	448*	Bonds not exceeding \$35,000 school building.
1929	527*	Bonds not exceeding \$180,000 for waterworks and sewerage system.
1937	787	Teachers' pensions.

\*Bond authorization and validation acts, since they are of a temporary nature, have not been included in the foregoing compilation of the town's charter.

Year	Chapter	Subject
1941	545*	Water works refunding bonds in the sum of \$96,000.
1949	99**	Validated \$30,000 in bonds for water works.
1981	131	Related private act.
1983	24	Amends section 1 of the charter changing the name of the town Jonesborough.
1992	202**	Amends section 7 of the charter relative to the office of municipal judge, and section 12 relative to compensation for the board of mayor and aldermen.
1992	250	Amends section 4 of the charter relative to appointment of employees by the board of aldermen and the appointment of a city administrator.
1993	35	Amends section 7 of the charter relative to the recorder and the city judge.
1997	30	Amends section 15; adds sections 15a and 15c relative to ordinances; adds section 18a relative to the Board of Mayor and Aldermen adopting rules governing its proceedings; and adds section 40 relative to a town attorney.
1997	31	Amends section 5 relative to power and authority of board.

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\*Bond authorization and validation acts, since they are of a temporary nature, have not been included in the foregoing compilation of the town's charter.

\*\*This act was not approved locally and therefore not a part of this charter compilation.

Year	Chapter	Subject
1999	9	Amends section 2; section 4; and section 14.
1999	27	NOT APPROVED LOCALLY.
2000	147	NOT APPROVED LOCALLY.
2003	52	Amends section 3, changing "recorder" to "city administrator"; and replaced sections 7, 7a, 7b, and 7c.
2012	33	Adds sections 2(a) relative to term limits for board of mayor and aldermen, 2(b) relative to exercise of powers of board of mayor and aldermen, and 2(c) relative to special meetings of board of mayor and aldermen; replaces section 3 relative to qualifications and duties of mayor; adds section 3(a) relative to election and duties of vice mayor; replaces section 4 relative to qualifications and duties of aldermen; amends sections 4, 4a and 7, changing "city administrator" to "town administrator"; amends section 4a relative to town administrator; replaces section 5 relative to powers and authority of the board; amends sections 7, 7(a), 7(b), and 7(c), changing "city" to "town"; deletes section 8, 8a, and 10; replaces section 12 relative to compensation of officers; adds sections 14(a) relative to tie-breaking and 14(b) relative to resignation of officers and employees running for office; replaces section 18 relative to administration of oaths of office; and deletes section 20.