

CHARTER FOR THE TOWN OF BRIGHTON, TENNESSEE¹

CHAPTER NO. 98

SENATE BILL NO. 1429

By Davis

Substituted for: House Bill No. 1472

By Naifeh

AN ACT To amend the Charter of the Town of Brighton, Chapter 39 of the Private Acts of 1913 (Ex. Sess.), to provide for a new charter for the Town of Brighton and to repeal Chapter 224 of the Private Acts of 1917, Chapters 246 and 658 of the Private Acts of 1925, Chapter 20 of the Private Acts of 1931, Chapter 62 of the Private Acts of 1953, Chapter 187 of the Private Acts of 1955, Chapters 4 and 10 of the Private Acts of 1961, Chapter 30 of the Private Acts of 1973, and Chapter 71 of the Private Acts of 1975.

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¹Priv. Acts 1977, ch. 98, is the current basic charter act for the Town of Brighton, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2004 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 IN ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Charter of the Town of Brighton, Chapter 39 of the Private Acts of 1913 (Ex. Sess.) is amended to provide for the following charter for such town:

The Town of Brighton, County of Tipton, and the inhabitants thereof, be, and hereby constituted a body politic and corporate under and by the name of the "Town of Brighton;" that said body politic, corporation and town may sue and be sued, may grant, receive, purchase, and hold real, mixed and/or personal property, and may dispose of the same for the use and benefit of said town; that said town may have and use a common seal and change the same at pleasure; and that boundaries of said town hereby incorporated are hereby established as follows:

Beginning at an iron stake on the south bank of Hatchel Creek and on the south side of the Brighton to Clopton public road; thence north 36

degrees 15 minutes west 2670 feet to an 8 inch elm 8 feet east of J. W. Smith's northeast corner of house; thence north 45 degrees 30 minutes west 3640 feet to a stake in J. W. Tanner's field; thence north 31 degrees 15 minutes west 870 feet to a stake north 38 degrees east 14 feet from the northeast corner of Lorene Morgan's house; thence north 81 degrees 30 minutes west 465 feet to a stake 22 feet from the northeast corner of Harvey Banks' house; thence south 42 degrees 30 minutes west 350 feet to a stake in field; thence south 9 degrees 30 minutes west 470 feet to a 24 inch sweet gum approximately 100 feet northeast of Ollis Alston's house; thence south 64 degrees west 1355 feet to a stake; thence north 87 degrees west 2248 feet to a stake in the field; thence south 11 degrees 5 minutes west 4300 feet to a stake corner with Tipton County Penal Farm property; thence south 2 degrees 5 minutes west 2111 feet to a stake in Mrs. Ode Elam's southeast corner; thence north 86 degrees west 2019 feet to a 30 inch sweet gum tree; thence south 1 degree 45 minutes west 546 feet to a stake E. Paine's southeast corner; thence north 75 degrees west 881 feet to a stake; thence south 81 degrees 45 minutes west 1010 feet to a stake; thence south 3 degrees 30 minutes west with Abernathy's east line 3036 feet to a stake; thence south 81 degrees 15 minutes east 73 feet to a stake; thence south 3 degrees 15 minutes west 343 feet to a stake corner with Henry Alston; thence south 86 degrees 30 minutes east 1221 feet to a stake; thence north 79 degrees 45 minutes east 822 feet to a stake in the center of U. S. Highway No. 51 northbound lane; thence with the same north 43 degrees 40 minutes east 1720 feet to a stake 45 feet north of concrete culvert; thence south 69 degrees east 1909 feet to a stake in the west right-of-way line of Illinois' Central Railroad property; thence with the same north 40 degrees 15 minutes east 4160 feet to a stake; thence north 41 degrees 45 minutes east 350 feet to a stake; thence north 42 degrees 30 minutes east 350 feet to a stake; thence north 43 degrees 15 minutes east 250 feet to a stake; thence north 44 degrees 45 minutes east 310 feet to a stake; thence north 45 degrees 45 minutes west 20 feet to a stake; thence north 47 degrees 20 minutes east 1916 feet to a stake; thence south 83 degrees east 1409 feet to a stake a 30 inch sweet gum; thence south 87 degrees 45 minutes east 1155 feet to a stake a 36 inch walnut in J. E. Simonton's field; thence south 68 degrees 15 minutes east 820 feet to a stake on the east side of the road; thence north 47 degrees east 533 feet to the beginning.

SECTION 2. The corporation shall have full power and authority:

(1) To enact such bylaws and such ordinances as may be proper and necessary to preserve the health, quiet, peace, and good order of the town.

(2) To ascertain and declare the boundaries of streets and alleys, condemn property, to open same, and to grant privileges in their use.

(3) To provide for the paving, building, or improving of streets, alleys, sidewalks, bridges, sewers, and drains, and to pave and build sidewalks.

(4) To appropriate money and provide for the debts and expenses of the town.

(5) To provide for the organization, equipment, and maintenance of a fire department.

(6) To assess property for taxes, or to levy and collect by the proper officers taxes upon all real, personal and/or mixed property, and to impose and collect street, electrical, water, sewer and other utility taxes and privileges taxable under the state law, with the limitations hereinafter provided; and to impose such other reasonable charges, fees and/or taxes as may be deemed necessary to provide for the health and welfare of its citizenry.

(7) To provide for the lighting of streets and public buildings

(8) To provide the town with water by contract, purchase or erection of waterworks, either within or without the corporation limits, for corporate purposes.

(9) To provide the town with sewers and sewage treatment facilities deemed necessary to the health and welfare of its citizens.

(10) To appropriate money for the support of any school that may be located within the corporate limits.

(11) To regulate and control the rates charged the public and the town by all quasi-public corporations operating within the corporation limits.

(12) To regulate, tax or license, or regulate the keeping or going at large of animals within the town, and to impound said animals, and, in default of redemption, sell or dispose of same.

(13) To regulate, license and collect taxes from all business, amusements, and exhibitions which are or shall be taxable by the state laws, as hereinafter limited.

(14) To provide all necessary buildings for the use of the town.

(15) To establish a police department for the town when necessary, and to impose fines, forfeitures and penalties for the breach of any ordinance of the town, and to provide for their recovery and appropriation.

(16) To commit any person or persons who may violate the criminal ordinances of said town to the jail or workhouse of said town for a period not to exceed thirty days and to impose fines and costs as appropriate. Said corporation may either erect or buy a workhouse and jail within or without its limits, or may contract with Tipton County to be allowed to commit persons to the jail or workhouse of said county upon such terms as can be agreed upon.

(17) To provide for the collection of garbage, trash and other refuse and to perform other services necessary to the health and welfare of its citizens.

(18) To pass all ordinances not contrary to the constitution and laws of the state that may be necessary and proper to carry out the provisions and full intent and meaning of the object of this corporation.

SECTION 3. The corporation shall confer upon the Board of Aldermen of said town the power to regulate sale and use of fireworks in said town.

SECTION 4. Said Board of Aldermen shall also have the power to regulate the storage and keeping of gasoline or other explosives in said town, and shall also have the power to regulate the storage and keeping of fireworks within the corporate limits of the town.

SECTION 5. Said Board of Aldermen shall be authorized and empowered to elect a town tax assessor, fix his term of office and compensation, and define his powers and duties.

SECTION 6. Such assessor, when so elected, shall for the purpose of making assessments of property within said corporation for municipal purposes have and possess all power and authority conferred upon the county tax assessor and be charged with all the duties required by law of county tax assessors.

SECTION 7. In case said Board of Aldermen shall elect a town tax assessor under the provisions of this act, then the mayor and aldermen of said town shall constitute said Board of Equalization and as such shall meet in regular session at such time and places as may be prescribed by said Board of Aldermen. The assessor of said town shall deliver the assessment list to said Board of Equalization on the first day of its session, and it shall be the duty of said board to carefully examine the same and to correct any errors, eliminate any property improperly assessed, and to raise or lower assessments so as to equalize assessments for municipal purposes in said town. Said board is vested with the power and it is hereby made its duty to raise or reduce the assessments, either the entire assessment roll, or any assessment therein, so as to make all assessments conform to the actual cash value of the property assessed. However, the assessment of no person shall be increased until the property owner or owners affected thereby shall have been notified of such proposed increase and given an opportunity to be heard before said Board of Equalization. Before entering upon its duties, members of said Board of Equalization shall take substantially the same oath and shall possess the same powers with respect to the examination of witnesses and the hearing of proof, now conferred by law upon County Boards of Equalization. Upon the completion of its work said Board of Equalization shall report to the mayor and Board of Aldermen the results of its findings with a tabulated statement of the changes made by it in the assessment roll delivered to said board by the town assessor and return to said assessor the assessment roll delivered to it. Said report shall in all events be made by said Board of Equalization within sixty days after the adjournment of its regular session.

SECTION 8. Said assessor and said Board of Equalization shall be governed by the same rules applicable to assessments for county purposes in said county with respect to the value of the property assessed, and said assessments shall be made as of the same date as assessments for county purposes. Said assessor before entering upon the discharge of his duties shall take substantially the same oath that is required of county tax assessors.

SECTION 9. If the Board of Aldermen of said town shall deem best not to elect a town tax assessor, that the assessment made by the county assessor of the property within the corporate limits of said town shall be the basis or assessed value for the levy and collection of municipal taxes and the clerk or recorder and treasurer of such town, or such other person as may be designated by its Board of Aldermen shall copy from the books as made out by the county assessor the property assessed by such county assessor and lying within the corporate limits of the Town of Brighton, Tennessee, including in the assessment both real and personal property and polls as fixed by the County Board of Equalization.

SECTION 10. The Board of Aldermen may in its discretion, if it deems best, instead of performing the duties of a Board of Equalization, as herein set forth, elect three citizens and freeholders of said town, not members of the Board of Aldermen, and who when so elected shall constitute the Board of Equalization for said town and be vested with all powers and authority and charged with all duties herein conferred upon the Board of Equalization of said town.

If said Board of Aldermen elect to serve as such Board of Equalization, they shall not be entitled to any additional compensation for such services, but if they elect a board composed of persons other than members of the Board of Aldermen, as provided in this section, the members of such board shall receive such compensation and serve for such term as may be fixed by the Board of Aldermen in the resolution or ordinance authorizing their appointment.

SECTION 11. The officers of the corporation shall consist of a mayor, four aldermen, a marshal, an auditor and a town recorder. [As amended by Priv. Acts 1994, ch. 131, § 2]

SECTION 12. On the second Saturday in May every fourth year, there shall be elected by the qualified voters of said corporation a mayor, and four aldermen, who shall take office on the first day of July following their election and who shall serve for a term of four years and until their successors are elected and qualified. Of the elected aldermen, the one alderman who receives more votes than any other alderman elected, shall serve as vice-mayor of the corporation. The said mayor and aldermen by majority vote shall appoint an auditor, recorder and a marshal to serve at their pleasure. Said election shall be called and held by the Board of Election Commissioners of Tipton County as other general elections are held, and all of the laws applicable to general elections shall apply thereto. No person shall be eligible to hold any of said offices unless he shall reside in said corporation and be a freeholder, or a householder and qualified to vote for members of the General Assembly of Tennessee. In the case of death, removal from office, or resignation of any of said officers, the mayor and aldermen shall have the power to fill by appointment the vacancy created thereby for the unexpired term.

The vice-mayor shall serve in the absence or during the disability of the mayor and shall exercise all powers and authority which the mayor has when present. [As amended by Priv. Acts 1982, ch. 199, § 1; and Priv. Acts 1994, ch. 131, § 3]

SECTION 13. The Election Commissioners shall, previous to holding said election for mayor and aldermen, appoint six respectable citizens of Brighton, three of whom shall act as judges and three as clerks of said election,

whose duties shall be the same as other clerks of said election, whose duties shall be the same as other clerks and judges of popular elections.

SECTION 14. All persons living within the limits of said corporation who would be qualified to vote for members of the General Assembly of the state shall be entitled to vote in the election of mayor and aldermen.

SECTION 15. Within five (5) days after their election the Election Commissioners shall furnish to the mayor-elect and aldermen-elect certificates of their election; and it shall be the duty of the said officers, upon receiving their certificates, to at once effect an organization and proceed upon the management and control of the corporation affairs at the beginning of their term.

SECTION 16. It shall be the duty of the mayor to preside at all meetings of the Board of Aldermen; to see that all ordinances and bylaws of the corporation are enforced; to call special meetings of the board; to make such suggestions and give such instructions in reference to the action of the board as, in his judgment, will benefit the corporation; to sign all ordinances; to give orders upon the auditor whenever directed to do so by the Board; to employ counsel in behalf of the corporation whenever, in his opinion, the same may be necessary; and to perform all duties incumbent upon the office he occupies.

SECTION 17. A city court is hereby created, over which the city judge shall preside and try all cases of offenses against the bylaws and ordinances of said corporation and the peace and dignity of the town; and to this end the judge is vested with full power and authority to try all offenses for the violation of the ordinances and bylaws of said corporation, and is further vested with concurrent jurisdiction with General Sessions Judges in all cases of violation of the criminal laws of the state or of the ordinances or bylaws of the town within the corporate limits of said town. He shall be invested with the same powers to suppress disorder in the courtroom as are incident to the General Sessions Judges. He shall keep a regular docket in a well-bound book, and shall docket every case tried by him, and shall show amount of bills of costs of the same.

Immediately after this act becomes effective and at the third regular meeting of the Board of Aldermen of every odd year, the Board of Mayor and Aldermen of the Town of Brighton shall elect a city judge, who shall hold office for two (2) years, or until his successor shall be elected and qualified; that the salary of the city judge shall be established by the Board of Mayor and Aldermen of the town of Brighton, Tennessee; that in the absence, incompetency, or other disability of the city judge, the mayor shall act as city judge, and the mayor shall be invested with the same powers as the city judge while so acting; that in the case of the death or resignation of the city judge, the mayor shall act as city judge and shall be invested with the same powers as the

city judge while so acting, until a city judge is elected by the Board of Mayor and Aldermen; and that all papers issuing from said city court shall run in the name of the State of Tennessee.

In all cases in which a person is charged with a violation of the ordinances of Brighton shall be tried in said city's court, the accused or the corporation shall have the right to take two days after the trial to appeal from the judgement of the court to the Circuit Court of Tipton County; and from thence to the Supreme Court. The accused shall be entitled to appeal upon executing bonds for his appearance before the court to which an appeal is prayed.

SECTION 18. The mayor shall have no vote on the board except on a tie, and no ordinance shall become a law if vetoed by the mayor unless it is passed by the unanimous vote of the board.

SECTION 19. The auditor and recorder shall receive, receipt for, and be custodian of all the money of the town received from any source whatever. He shall receive from the mayor and the marshal all of the taxes, fines, and any other money belonging to the town that may come into their hands from all sources, and shall make settlement for same, and pay out all sums ordered paid out by the mayor under the direction of the board; and for this and for all other purposes he shall be the bookkeeper of the town and keep all such books as the board may direct. He shall make as many reports and statements monthly or quarterly as the board may direct. He shall give bond, with good securities, payable to the mayor and board of the Town of Brighton, and in such amount as may be prescribed by ordinances, for the faithful discharge of the duties of his office, and shall perform such other duties as the board may direct. He shall prepare each year, as soon as the state and county books are completed, a tax book, embracing all property--real, personal, or mixed--within the corporate limits subject to taxation under the state laws, observing in making said assessments the values fixed by the tax assessor of Tipton County and State of Tennessee; and he is hereby vested with the powers conferred by law on the collectors of state and county taxes to collect same, and lands shall be condemned and sold for failure to pay taxes in accordance with the laws of the state, for state and county purposes; and the mayor and board shall, by ordinance, fix the mode of collecting delinquent or back taxes. He shall issue all licenses for privileges and collect all privileges and ad valorem taxes growing out thereof. He shall keep the minutes of the council. The salary of the auditor shall be fixed by the board by ordinance, but not to exceed in any one year four percent of the receipts of his office for the said year.

SECTION 20. The marshal, before entering upon his duties as such, shall give bond, with good security, payable to said corporation, in the sum of

\$500 for the faithful discharge of the duties of the office and to account for all moneys collected by him. He shall acquaint himself thoroughly with all the laws and ordinances of the town; and it shall be his duty to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand, said authority to extend one mile in either direction outside of the corporation limits as well as inside the limits. He shall have the power to execute state warrants and other processes which constables generally have within the corporate limits, and he shall be entitled to and receive for such services the same fees allowed by law for constables in such cases. He shall be chief of any police force or patrol organization within the town. He shall have supervision and control of all prisoners if the board shall so direct, and shall perform such other duties as may be imposed upon him by ordinance. In addition to the fees allowed him above, he shall receive such salary as may be fixed by the board. [As amended by Priv. Acts 1994, ch. 131, § 1]

SECTION 21. The compensation of the mayor, auditor, marshal, aldermen and city judge shall be fixed by the mayor and Board of Aldermen by ordinance, but, the compensation of any such officer shall not be increased or diminished during the term for which he is elected.

SECTION 22. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term or altering the salary prior to the end of the term for which such officer was selected.

SECTION 23. The mayor and Board of Aldermen shall have full power and authority to remove any officer or agent appointed by them for incompetence, or any violation, neglect, or disregard of the duties imposed upon them by the ordinances of said corporation.

SECTION 24. The Board of Aldermen shall have the power and authority to levy taxes for town purposes upon all taxable property--real, personal, and mixed--within the limits of the town, not exceeding in the total levy for all general purposes in any one percent of the total assessment of said property for town purposes for that year. The annual tax levy of the town shall be fixed by the board at some meeting in November; and said taxes, when levied, shall have all the force and effect given by law to state and county taxes in this state, and shall be payable at the same time and subject to the same penalties.

SECTION 25. The mayor and Board of Aldermen are hereby authorized to contract any indebtedness on behalf of the town, and upon the credit thereof, by borrowing money and issuing bonds of the city at a rate not exceeding seven per cent per annum for the purpose of erecting public buildings, including the

erection and equipment of school buildings, constructing and maintaining public sewers for the town; for the purpose of grading and paving streets, alleys, and constructing sidewalks, curbing, and guttering, and other improvements; for the purpose of constructing bridges and their approaches; for the purchase, construction, or erection of waterworks and the necessary machinery, pipes, conduits, and appurtenances for their operation, or any other specific purpose; to improve the streets of the town or for the lighting of the same; provided, that the aggregate indebtedness to be incurred for the purposes above set forth shall never exceed three per cent of the assessed valuation of the taxable property of the town as shown by the town assessment of the year preceding the one in which the loan is voted; provided, always, that no bonds shall be disposed of for less than par, and that no loan shall be made and no bonds shall be issued for any purpose except by ordinance, which shall be unrepealable until the indebtedness therein provided for and the bonds issued in pursuance thereof shall have been fully paid; and such ordinance shall specify the purpose to which funds received for the bonds to be issued are to be applied, and shall also provide for the levy upon the taxable property of the town sufficient to pay the annual interest thereon, and extinguish the principal of such debts and bonds within the time limited for the same, which shall not be less than five years nor more than thirty years; and provided further, that said taxes, when collected, shall only be applied to the purpose in said ordinance specified until the indebtedness and bonds have been paid and discharged; but no such debt shall be created nor bonds issued unless the question of incurring the same and issuing bonds therefor shall be submitted to a vote of the qualified electors of the town and two-thirds majority of said voters upon the question by ballot shall vote in favor of creating such indebtedness and issuing said bonds.

SECTION 26. Chapter 224 of the Private Acts of 1917, Chapters 246 and 658 of the Private Acts of 1925, Chapter 20 of the Private Acts of 1931, Chapter 62 of the Private Acts of 1953, Chapter 187 of the Private Acts of 1955, Chapters 4 and 10 of the Private Acts of 1961, Chapter 30 of the Private Acts of 1973 and Chapter 71 of the Private Acts of 1975 are repealed.

SECTION 27. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the mayor and council of the Town of Brighton. Its approval or nonapproval shall be proclaimed by the presiding officer of the council and certified by him to the Secretary of State.

SECTION 28. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 27.

PASSED: May 16, 1977

John S. Wilder,
SPEAKER OF THE SENATE

Ned R. McWherter,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED: May 28, 1977

Ray Blanton,
GOVERNOR

This is to certify that according to the official records in this office, Senate Bill No. 1429, which is Chapter No. 98 of the Private Acts fo 1977, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

GENTRY CROWELL
Secretary of State

PRIVATE ACTS COMPRISING THE CHARTER OF THE TOWN OF
BRIGHTON, TENNESSEE

YEAR	CHAPTER	SUBJECT
1982	199	Amended § 12 relative to time of elections.
1994	131	Amended § 20 relative to salary of town marshal; amended § 11 by removing vice-mayor from town officers; and amended § 12 relative to time of elections.