

HOUSE BILL 1562

By Marsh

AN ACT to amend Chapter 272 of the Acts of 1901; as amended and rewritten by Chapter 115 of the Private Acts of 2006; as amended by Chapter 13 of the Private Acts of 2015 and Chapter 42 of the Private Acts of 2022; and any other acts amendatory thereto, relative to the Town of Petersburg.

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

SECTION 1. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, as amended by Chapter 42 of the Private Acts of 2022, and any other acts amendatory thereto, is amended by deleting Article II, Sections 6-9, and substituting instead the following and renumbering the remaining section:

Section 6. Oath of Office. The aldermen before entering upon their duty as aldermen, and the mayor before entering upon his or her duty as mayor, shall each take an oath before a Judge or some other person authorized by law to administer oaths, to support the Constitution of the United States and of the State of Tennessee and the Charter and Ordinances of the Town of Petersburg, and that they will honestly and faithfully discharge the duties of the office without partiality, favor, or affection.

Section 7. Mayor. At the next regularly scheduled meeting of the board following the certification of the election results, the duly elected and qualified aldermen of the Town of Petersburg shall elect by ballot one (1) of their members as mayor. The elected mayor shall serve a two-year term until the results of the next election have been certified after which time the qualified aldermen of the Town of Petersburg shall elect by ballot one (1) of their members as mayor. The mayor serves as the presiding officer, votes only when there is a tie, makes appointments to boards and commissions as authorized by state statute or ordinance, is the chief administrative officer, acts as

purchasing agent, executes all contracts as authorized by the board of mayor and aldermen, and performs other duties that are required by the board.

Except as provided in Article IV, Section 6 or unless otherwise designated by the board by ordinance, the mayor shall have supervisory duties over all employees. The mayor shall make recommendations for hiring, firing, promotion, suspension, and demotion of employees to the board. A majority vote of the aldermen in attendance at that meeting shall be required for the confirmation of the recommendation.

The mayor is authorized and empowered to call upon any inhabitant of the town to aid in enforcing the laws and ordinances of the town, and preserving the peace and safety of the same during declared emergencies. Any person or persons who shall refuse or willfully neglect to obey such call shall, upon conviction thereof, be fined an amount that does not exceed state authorized maximums.

Section 8. Vice Mayor. At the next regularly scheduled meeting of the board following the certification of the election results, the duly elected and qualified aldermen of the Town of Petersburg shall elect by ballot one (1) of their members as vice mayor. The elected vice mayor shall serve a two-year term until the results of the next election have been certified after which time the qualified aldermen of the Town of Petersburg shall elect by ballot one (1) of their members as vice mayor. The vice mayor shall fulfill the duties of mayor when he or she is absent from a meeting or otherwise unable to fulfill the duties of the office. The vice mayor will have a vote in all matters before the board.

Section 9. Board Vacancies. The board of mayor and aldermen of the Town of Petersburg shall have the power to fill any and all vacancies occurring in the board for the remainder of the unexpired term whether the vacancies occur on account of death,

change of residency, removal, resignation, or other cause, even if the vacancies cause the town a lack of a quorum. When there is a lack of a quorum due to vacancies, any vacancy filled must be by a majority vote of the members present. In the event of the death of the mayor, or should his or her office become vacant from any other cause, the board shall proceed at the first regular meeting thereafter to elect one (1) of its members as mayor to fill his or her unexpired term, and shall also elect some other person to fill the vacancy for the unexpired term of the alderman filling the mayor's term.

Section 10. Compensation. The board of mayor and aldermen is authorized to set the salary of the mayor and members of the board by ordinance. The salary of the mayor and members of the board may not be altered prior to the end of the term for which such person was elected.

SECTION 2. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, and any other acts amendatory thereto, is amended by deleting Article III and substituting instead the following:

#### Article III – Municipal Authority Generally

Section 1. General Powers. The board of mayor and aldermen may make all ordinances necessary and proper for executing the powers, rights, and privileges specified in this Act, and make all ordinances that they deem necessary for the good order, health, good government, and general welfare of the Town of Petersburg, and also for the protection and preservation of any property of the town, and enforce such ordinances by proper fine or other penalties.

The board of mayor and aldermen shall manage and control the finances and all property of the corporation, real, personal, and mixed, and may:

- (a) Assess, levy, and collect taxes upon all property and privileges within its limits which are or shall be taxable by the laws of the state, and to assess,

levy, and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly forbidden by the general law of the State of Tennessee;

(b) Adopt such classifications with reference to all subjects or objects of taxation, not otherwise expressly prohibited by law;

(c) Make special assessments against abutting or adjoining property for local improvements;

(d) Contract and be contracted with;

(e) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner herein provided;

(f) Issue and give, sell, pledge, or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes, or orders of the Town, upon the credit of the Town or solely upon the credit of specific property owned by the Town or solely upon the credit income derived from any property used in connection with any public utility owned or operated by the Town, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(g) License and regulate all persons and firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade so long as such licensure or regulation is not forbidden by general law;

(h) Expend the revenues, monies, and property of the town for all lawful municipal purposes;

(i) Purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, or any estate or interest therein, either within or without the city or state;

(j) Establish, open, locate, relocate, vacate, alter, abandon, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle, and clean public highways, streets, alleys, boulevards, parks, squares, bridges, culverts, sewers, drains, and public grounds and properties within or without the corporate limits, and to regulate the use thereof;

(k) Construct and reconstruct, improve and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys, or other public properties within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, avenues, alleys, or other public properties;

(l) Regulate the storage of illuminating oils, gunpowder, or other explosive or combustible material, and to regulate or prohibit the use of firearms or fireworks, in accordance with general law;

(m) Prevent and restrain breaches of the peace, fighting, drunkenness, or disorderly conduct, and to prevent and punish all disturbances, disorderly assemblages in any streets, house, or place in the town;

(n) Remove all obstruction from the streets, alleys, and sidewalks and curbstones within the corporation, or have the same done, and to prevent and remove all obstructions and encroachments into or upon all or any streets, pavements, alleys, or sidewalks within the corporate limits;

(o) Erect and maintain a workhouse or jail, and to provide for the regulation and government thereof;

(p) Regulate, tax, license, or suppress the keeping or running-at-large of animals within the town; to impound the same, and in default of redemption to otherwise dispose of the same;

(q) Acquire, own, erect, build, construct, maintain, and operate, or to sell, lease, mortgage, pledge, or otherwise dispose of any public utility, or any estate or interest therein, or property, real or personal, used in connection therewith, or any utility of service to the town, its inhabitants, or any part thereof;

(r) Grant to any person, firm, corporation, or association franchises for public utilities and public services to be furnished to the town and its inhabitants. The power to grant franchises shall include the power to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be deemed as exclusive not only as against any other person, firm, corporation, or association, but also as against the town itself. Franchises may be granted for the period of twenty-five (25) years, but not longer, and the town is fully empowered to prescribe and regulate in each grant of a franchise, the rates, fares, charges, and other regulations that may be made by the grantee of the franchise. Franchises may by their terms apply only to the territory within the corporate limits at the dates of the franchises, or to the territory as said limits may thereafter be enlarged; and to the then-existing streets, alleys, and other thoroughfares, or to any other streets, alleys, and other thoroughfares that thereafter may be opened;

(s) Make contracts with any person, firm, corporation, or association for public utilities and public services to be furnished to the town and its inhabitants. The power to make contracts shall include the power to make exclusive contracts; and when an exclusive contract is entered into, it shall be deemed as exclusive not only against any other person, firm, corporation, or association, but also as against the town itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer, and the town is fully empowered to prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, corporation, or association

with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the town at the date of the contract, and as said corporate limits thereof may be enlarged; and to the then-existing streets, alleys, and thoroughfares, and to any other streets, alleys, or other thoroughfares that thereafter may be opened;

(t) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel, from time to time, reasonable extensions of facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted, or any exclusive contract entered into under subsections (r) and (s) of this section;

(u) In accordance with state law, prevent the introduction and spreading of contagious diseases, and to secure and promote the health of the inhabitants of the town by any means necessary; to regulate or prevent the carrying on of any business or occupation within the corporation which may be dangerous or detrimental to the public health; and to declare, prevent, or abate nuisances on public or private property, and the cause thereof;

(v) Prohibit by ordinance any act, thing, or offense now, or that may hereafter be declared a misdemeanor under state law as authorized under Tennessee Code Annotated, Section 16-18-302 and to provide for the punishment of the same;

(w) Effectually exercise the right of eminent domain, and to condemn property, real or personal, or any easement, interest, estate, or use therein, either within or without its territorial limits, for present or future public use, such right of eminent domain to be exercised in any such manner as may be lawfully provided;

(x) Regulate the location, bulk, occupancy, area, lot, location, height, construction, and materials of all buildings and structures, and inspect all buildings, lands, and places as to their condition for health, cleanliness, and safety, and when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean, or safe; and

(y) Have and exercise all lawful powers, which now or hereafter it would be lawful to here specifically enumerate, as fully and effectually as though said powers were specifically enumerated herein.

Section 2. Powers not exclusive. The enumeration of the particular powers in this article is not exclusive, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this article impair the powers granted in any subsequent article or section 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 (1) or more of such powers as to any or more such objects for any one (1) or more such purposes.

Section 3. Exemption of property from taxation prohibited. The board of mayor and aldermen shall possess no power and is hereby expressly forbidden to exempt any property of whatsoever kind or character, or any person, firm, corporation, or association, from taxation, unless such property or person, persons, firm, corporation, or association is exempted from taxation for state or county purposes under the general laws of the state in such cases made and provided.

SECTION 3. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, as amended by Chapter 13 of the Private Acts of 2015, and any other acts amendatory thereto, is amended by deleting the fourth paragraph in Article IV, Section 1, and substituting instead the following:

The board of mayor and aldermen shall fill any vacancy occurring in the position of recorder, treasurer, town administrator, town attorney, chief of police, or town judge, or other office provided by the board, whether the vacancy occurs on account of death, removal, resignation, or other cause.

SECTION 4. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, as amended by Chapter 13 of the Private Acts of 2015, and any other acts amendatory thereto, is amended by deleting Article IV, Sections 2-4 and substituting instead the following:

Section 2. Town Recorder.

(a) The board shall appoint a recorder, who also may be appointed to the position of treasurer.

(b) The recorder shall be the collector of taxes of the town, and for that purpose has all the powers of the municipal, county, and state tax collector under state law.

(c) The recorder, or his or her designee, shall be present at all meetings of the board, and keep a full and accurate record of all business transacted by the board to be preserved in permanent form.

(d) The recorder or the recorder's designee shall have custody of, and preserve in the recorder's office, the town seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the recorder's bond, which shall be in the custody of 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. All such records shall be the property of the municipality.

(e) The recorder shall provide, copy, and, when required by any officer or person, certify copies or records, papers, and documents in the recorder's office. Fees for copying and certification shall be charged as established by ordinance.

Section 3. Police. The board shall appoint a chief of police. The chief of police, or any police officer of the Town of Petersburg shall have power to execute within the corporate limits of the town state warrants and other process which law enforcement officers generally have power to execute, and shall also have the power and authority to immediately arrest without warrant and take into custody any person who commits or attempts to commit in his or her presence, or within his or her view, any breach of the peace or offense prohibited by Act of the Legislature, and without delay, upon such arrest, convey such offender or offenders before the proper officer that he or she may be dealt with according to law.

It shall be the duty of the chief of police or any police officer or member of the police department of the Town of Petersburg to preserve order in the town; to protect the inhabitants and property owners therein from violence, crime, and all criminal acts; to prevent the commission of crime, violence, and violations of the law and of the town ordinances; to perform general police duty; and to execute and return all lawful processes, notices, and orders.

The chief of police and the police officers are hereby empowered to serve and execute process in accordance with the requirements of Tennessee Code Annotated, Title 6, Chapter 54, Part 3, and any other applicable provision of general law.

The chief of police, and all police officers of the town, are hereby authorized either within or outside of the corporate limits of the town, to serve and execute all

process that may be issued by the Court in any proceeding instituted for the enforcement of the ordinances of the town or punishment for the violation thereof, for the collection of any fine, penalty, or forfeiture which may be incurred under the ordinances of the town.

Section 4. Town Attorney. The board of mayor and aldermen may appoint a town attorney, who shall be duly licensed to practice law in this State and whose license shall be in good standing. It shall be the duty of the town attorney to attend meetings of the board, upon request of the mayor or a majority of the board, and give legal advice to the mayor and board, and all other officers and boards of the town in the discharge of their official duties. If required, the town attorney shall give opinions in writing, and they shall be preserved for reference. It shall be the town attorney's duty to prosecute or defend all suits for or against the town and to attend to such other legal business as may be prescribed by the mayor and/or board, except when the town attorney has a conflict. When a conflict exists, the board may hire outside legal counsel to represent the town in the matter in which the town attorney has a conflict. The town attorney shall prepare all contracts, bonds, and instruments in writing when called upon by the mayor or any board member to oversee the legal issues pertaining to the town.

SECTION 5. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, as amended by Chapter 13 of the Private Acts of 2015, and any other acts amendatory thereto, is amended by adding the following as new Sections 5-6 in Article IV:

Section 5. Treasurer. The board may appoint a treasurer and may appoint the recorder as treasurer. The treasurer shall collect, receive, and issue receipts for taxes and all other revenue and monies coming into the town's possession, and disburse them. The treasurer shall:

- (1) Exercise general supervision over the fiscal affairs of the town;

(2) Exercise general accounting supervision over all assets, property, and claims;

(3) Act as general accountant and auditor of the town;

(4) Cause an efficient system of accounting to be installed and maintained;

(5) Require proper fiscal audits, records, settlements, and reports to be made, kept, and rendered by the departments of the town;

(6) Provide monthly financial reports to the board;

(7) Prescribe and regulate the manner of paying creditors, officers, and employees of the town; and

(8) Perform other duties assigned by the board.

#### Section 6. Town Administrator.

(a) The board may appoint a town administrator who shall report to and serve at the pleasure of the board.

(b) The board may by ordinance require the town administrator to perform any of the following duties:

(1) Administer the business of the town;

(2) Make recommendations to the board for improving the quality and quantity of public services provided by the town;

(3) Keep the board fully advised on the conditions and needs of the town;

(4) Report to the board the condition of all property, real and personal, owned or controlled by the town 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 town;

(6) General supervisory responsibility over all employees;

(7) Employ, promote, discipline, and discharge employees in accordance with board-approved personnel policies. Board approval shall be required for the employment and discharge of a department head;

(8) Recommend specific personnel positions, as may be required for the needs and operations of the municipality;

(9) Serve as purchasing agent;

(10) Recommend specific personnel positions and propose personnel policies and procedures for approval by the board; and

(11) Perform such other duties as may from time to time be designated or required by the board.

SECTION 6. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, and any other acts amendatory thereto, is amended by deleting the following language in Article V, Section 2:

At least sixty (60) days before the beginning of the fiscal year the Mayor, with the assistance of the Recorder, shall prepare the following information:

and substituting instead the following:

At least sixty (60) days before the beginning of the fiscal year the mayor, with the assistance of the recorder, treasurer, or town administrator, shall prepare the following information:

SECTION 7. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, and any other acts amendatory thereto, is amended by deleting the following language in Article V, Section 2:

A public hearing on the proposed budget shall be held before its final adoption by the Board, at such time and place as the Board shall direct, and notice of such hearing shall be posted in at least two public places in the town ten days in advance of the date of the hearing.

and substituting instead the following:

A public hearing on the proposed budget shall be held before its final adoption by the board, at such time and place as the board shall direct, and notice of such hearing shall be published in accordance with Tennessee Code Annotated, Title 6, Chapter 56, Part 2.

SECTION 8. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, and any other acts amendatory thereto, is amended by deleting Section 3 of Article IV and substituting instead:

Section 3. Audit. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. Constant and comprehensive budgetary control shall be maintained. A certified public accountant chosen by the board will conduct an audit of the financial affairs of the town after the end of each fiscal year.

SECTION 9. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, and any other acts amendatory thereto, is amended by deleting Article VI, and substituting instead the following:

#### Article VI – Taxation

Section 1. Subjects and objects of taxation. The Town of Petersburg is hereby expressly empowered to assess, levy, and collect taxes upon all property and privileges within its limits, which are or shall hereafter be taxable by the laws of the State of Tennessee, and to assess, levy, and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly prohibited by the general law of the State of Tennessee.

Section 2. Recorder and Treasurer. The assessment, levy, and collection of taxes and special assessments shall be under the general supervision and control of the recorder or treasurer, as designated by the board, subject to the limitations found elsewhere in this charter.

Section 3. Tax levy. It shall be the duty of the recorder or treasurer, as designated by the board, as soon as the assessment roll in each year is ready for the extension of taxes, to produce the same or a true copy thereof before the board of mayor and aldermen and to certify the total amount of valuation or assessment of the taxable property within the limits of the municipality, and the board shall thereupon proceed to make the proper levy, to meet the expenses of the town for the fiscal year, and cause the levy to be entered upon the tax list of the current year.

Section 4. Utility assessment. The recorder or treasurer, as designated by the board, shall obtain from the Tennessee Regulatory Authority an assessment roll showing all property, real, personal, and mixed assessed by it, which, together with the assessment roll made by the county tax assessor, shall as soon as practicable in each year be inserted into a tax book similar in form to that required by the laws of the state. Such tax book, when certified to be true, correct and complete by the recorder or treasurer, as designated by the board, shall be the assessment for taxes in said town for all municipal purposes; provided, however, that there may be an assessment by the recorder or treasurer at any time of any property subject to taxation, found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the town.

Section 5. Basis upon which property shall be taxed and collected. All property, real, personal, and mixed, subject to state, county, and municipal taxes, and all persons liable for privileges taxable by law, when the same shall have become duly assessed for taxation shall be the basis upon which property shall be taxed and taxes collected by the Town of Petersburg for municipal purposes.

Section 6. Tax due date. All taxes shall be due and payable at such times as may be provided by ordinance or state law, but unless otherwise provided by ordinance or state law, the same shall be due and payable on the first day of October of the year for which taxes are assessed.

Section 7. Interest. On the first day of March of the year following that for which taxes are assessed, or on such other date as may be provided by ordinance, interest of one and one-half percent (1.5%) shall be imposed upon all taxes remaining unpaid. Additional interest of one and one-half of one percent (1.5%) shall be added for each month thereafter until the same is paid in full.

Section 8. Distress warrants collection. After taxes become delinquent, the tax books in the hands of the recorder or treasurer, as designated by the board, shall have the force and effect of a judgment and execution from a court of record, and the county trustee or collector shall have the power to issue distress warrants, in the name of the Town of Petersburg, to enforce the collection of said taxes against the person owning the property for which the taxes are assessed, and shall be ample authority for all lawful authorities having such delinquent taxes for collection to distrain and sell a sufficient amount of the personal property to satisfy the delinquent taxes, interest, penalties, costs, and attorneys' fees.

Section 9. Delinquent tax collections. All municipal taxes on real estate within the Town of Petersburg, and all penalties, interest, and costs accruing thereon, are hereby declared to be a lien on said real estate from and after January 1 of the year for which the same are assessed, and for the purpose of enforcing collection of said taxes and liens securing the same, the board of mayor and aldermen may direct the recorder or treasurer, as designated by the board, to certify to the trustee of Lincoln and Marshall County for collection a list of all real estate upon which municipal taxes remain due and unpaid, and the same shall be sold in like manner and upon the same conditions as real estate is sold for delinquent state and county taxes. Or, the board of mayor and aldermen may, by proper action, direct the town attorney to institute separate actions to enforce collection of delinquent taxes due the town, in which event the recorder or treasurer, as designated by the board, shall certify a list of all real estate upon which municipal taxes remain due and unpaid to the town attorney, who in turn shall file proper bills to enforce the liens of taxes due the municipality under the provisions of the present statutes, or any future laws in such cases made and provided.

Section 10. Improvement and service liens. The board of mayor and aldermen shall have the authority in like manner to file bills in the chancery court of Lincoln and Marshall County for the collection of assessments and levies made for payment of improvements or service in said town, such as paving, sidewalk, curbing, gutters, sewers, and other improvements for which assessments may be made under this charter, the cost of which is made a charge on property owners abutting said improvements and a lien on abutting property, the suits thus commenced to be conducted as other suits in chancery for the enforcement of similar liens.

Section 11. Business Regulation. No person or persons, firm or corporation, shall exercise any occupation, business, or employment taxable as a privilege, as

provided for in this Act, without first obtaining a license from the recorder and paying the specified tax laid thereon, and the recorder's fee. Any party or parties, firm or corporation, that violates this section shall be fined an amount that does not exceed state authorized maximums.

SECTION 10. Chapter 272 of the Acts of 1901, as amended and rewritten by Chapter 115 of the Private Acts of 2006, and any other acts amendatory thereto, is amended by deleting Article VII and substituting instead the following:

#### Article VII – Court

##### Section 1. Town court and Town Judge.

(a) A town court is hereby established. The town court shall be presided over by a town judge. The board shall appoint the town judge who shall be duly licensed to practice law in this state and whose license shall be in good standing.

(b) The town judge may impose fines for ordinance violations as provided in state law and may also impose costs and forfeitures. The town judge may preserve and enforce order in the court and enforce the collection of all fines, costs, and forfeitures imposed.

(c) Fines and costs may be paid by installment in a manner provided by ordinance. The town judge shall make a monthly report to the board of all fines, costs, and litigation taxes collected, and transmit these revenues to the municipal treasury.

Section 2. Docket. The town judge shall keep a docket, and such other records as may be required by ordinance. The board of mayor and aldermen shall by ordinance fix the time for holding court and provide such rules and regulations for the proper functioning of the court as deemed necessary.

Section 3. Conflict of Interest. If the town judge is disqualified from sitting in any particular case, the mayor is authorized to appoint a temporary town judge for a particular case, and such person shall have all the powers of the town judge for the purpose appointed.

Section 4. Vacancy/Absence of Judge. In the absence or disability of the town judge, the mayor may appoint a qualified person to serve as town judge until the next meeting of the board, at which the mayor's appointment may be approved or at which the board may appoint another qualified person to serve until the town judge returns.

SECTION 11. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 12. This act has no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Petersburg. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town and certified to the secretary of state.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it takes effect upon becoming a law, the public welfare requiring it. For all other purposes, it takes effect as provided in Section 12.