

CHARTER OF THE TOWN OF TIPTONVILLE, TENNESSEE¹

CHAPTER NO. 393

House Bill NO. 951

AN ACT to be entitled An Act to amend the charter of the town of Tiptonville obtained under the general law as contained in Sections 1881 to 1997 of Shannon's Code of Tennessee, and to define the powers of said town.

TABLE OF CONTENTS

Article I

Corporate Name, Boundaries, and General Powers

SECTION	PAGE
1. Name and general powers	C-6
2. Boundaries	C-7
3. Repealed	C-8

¹Pub. Acts 1907, ch. 393, is the current basic charter act for the Town of Tiptonville, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2010 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.

Article II

Officers and Elections

SECTION	PAGE
1. Election and terms of mayor and aldermen; suspension or removal of marshal	C-8
2. Qualifications of mayor and aldermen	C-8
3. Elections; canvass of returns; certificate of election; assumption of duties	C-8
4. Qualifications of voters	C-9
5. Election of town officers; terms; combining offices	C-9
6. Oath of officers; bond of marshal, recorder, tax collector, and others	C-9
7. When salaries to be fixed; salaries not to be altered during term	C-9
8. Maximum salaries; payment; increase of salary	C-9
9. Salary warrants	C-10

Article III

Legislative Department

1. Legislative power vested in board	C-10
2. Regular and special meetings of the board	C-10
3. Quorum	C-10
4. Mayor to preside, vote in case of tie; appoint committees, etc.	C-10
5. Board to determine rules; judge qualifications of members; vacancies	C-10

SECTION	PAGE
6. Introduction and passage of ordinances; signing or veto by mayor; passage over mayor's veto; salary and current expense ordinances	C-10
7. Style of ordinances; recorder to keep minutes and ordinance book; numbering of ordinances	C-11
8. Voting by board; minutes to show ayes and nays	C-11
9. Employment of officers and employees; reports; removal or suspension	C-11
10. Board to control finances	C-12
11. Ordinance powers enumerated; powers not exclusive	C-12

Article IV

Executive Department

1. Duties of the mayor	C-15
2. Absence or disability of mayor; recorder to act as mayor; vacancy in office of mayor	C-15
3. Duties of the recorder	C-15
4. Recorder to be treasurer until otherwise provided; duties as treasurer	C-16
5. Duties of the tax collector	C-16
6. Duties and compensation of town attorney	C-16
7. Duties and compensation of the town marshal	C-16

Article V

Judicial Department

1. Mayor's court	C-17
------------------------	------

SECTION	PAGE
2. Court to make rules; contempt powers; docket; fines and costs	C-17
3. Absence, disability, etc., of mayor; recorder acting; absence, etc., of recorder	C-17
4. Marshal to execute orders	C-17
5. Town attorney to represent town	C-17
6. Fees of officers	C-18
7. Appeal; appeal bond	C-18
8. Issuance and service of process	C-18
9. Police jurisdiction to extend one mile from corporate limits under certain circumstances	C-18

Article VI

Taxation and Revenue

1. Property and privilege taxes	C-18
2. County assessment may be used	C-18
3. Board to make tax levy; recorder to make tax book; recorder's compensation	C-19
4. Due and delinquent dates of taxes; recorder to deliver delinquent tax list to marshal; marshal to make return	C-19
5. Taxes declared lien	C-19

Article VII

Schools

1. Board of education established--membership and terms	C-20
2. Powers of the board of education	C-20

SECTION	PAGE
3. School tax; funds to be kept separate; treasurer for school board	C-20
4. Public school money prorated	C-20

Article VIII

Streets, Rights of Way, Etc.

1. Board's condemnation powers	C-20
2. Condemnation procedure; assessment and payment of damages .	C-21
3. Fine for failure to allow appropriation of land	C-21
4. Appeal of condemnation proceedings	C-21
5. Board may acquire land outside corporate limits	C-21
6. Board may contract with county to improve roads leading into town	C-22

Article IX

Extending and Contracting Territory

1. Petition to add territory	C-22
2. Ordinances calling for election; qualifications of voters	C-22
3. Effect of majority vote in favor of annexation	C-22
4. Contraction of corporate limits	C-22

Article X

Miscellaneous Provisions

1. Burden of proof	C-23
2. Town property exempt from seizure by legal process; no priorities given to creditors	C-23

SECTION	PAGE
3. Warrants drawn on town treasury and school fund; warrants to show purpose for which given	C-23
4. Officers not to be interested in contracts	C-23
5. Debts--when not to be created	C-23
6. Officers and ordinances continued	C-24
7. Act declared a public act	C-24
8. Conflicting laws repealed	C-24
9. Effective date	C-24

Be it enacted by the General Assembly of the State of Tennessee, That the charter of the town of Tiptonville, Tenn., granted by the State in accordance with and by virtue of the laws of the State as contained in Shannon's Code, Sections 1881 to 1997, inclusive, and recorded on August 25, 1900, at pages 498 to 500, Book 7, Lake County Trust Deeds, be amended so as to read as follows:

ARTICLE I.

CORPORATE NAME, BOUNDARIES, AND GENERAL POWERS.

Section 1. Be it enacted, That the inhabitants of the town of Tiptonville, in the county of Lake, and the State of Tennessee, within the boundaries hereinafter set out, be, and the same are hereby, created and constituted a body politic and corporate under and by the name and style of the "Board of Mayor and Aldermen of the Town of Tiptonville," and by that name may sue and be sued, plead and be impleaded in courts of law and equity; may use a common seal and change the same at pleasure; may acquire by purchase or otherwise property, both real and personal, both within and without the corporate limits, when the welfare of the town shall require it; and may sell, lease, and dispose of the same for the benefit of the town; may contract and be contracted with, and do any and all acts for corporation purposes that a natural person may do.

Sec. 2. Be it further enacted, That the boundaries¹ of said town of Tiptonville shall be as follows: Beginning at a point on the easterly bank of the chute formerly the old bank of the Mississippi River at a point on said bank 1 pole and 7 links due west from a blazed cypress tree; runs thence east, crossing a fence on the west side of the Gravel Road at 106 poles and 21 links, crossing the center line of the C., M. & G: Railroad at 233 poles and 5 links, in all 288 poles and 6 links, to the fence line between the lands of the Tiptonville Improvement Company and the lands of James N. Jones at a point 8 1-2 links south and 1 pole and 3 links west from the northwest corner of a tenant house on the land of said Jones now occupied by John Thompson; thence south 2 1-2 degrees east with the fence line between the lands of said Jones and said Tiptonville Improvement Company 72 poles to a stake on the north side of the public road at the southwest corner of said Jones' field and the southeast corner of the field of the said Tiptonville Improvement Company on the north side of the public road, running east from Tiptonville; thence on south, 3¼ degrees east, 111 poles and 3 links, to a stake in A. E. Markham, Jr.'s field; thence south 86½ degrees west, 41", so that by, and as the result of said amendment, the corporate limits and jurisdiction of said Town be, and are hereby, extended and enlarged, so as to include additional territory on the east side of said Town, described as follows:

Beginning at Mrs. Katie Wright's southwest corner, and Marvin Griffin's southeast corner, on the north side of Highway No. 21, said point being one of the corners of said corporate limits as set out in said Act; thence south 3¼ degrees east, 111 poles and 3 links, thence south 86½ degrees west 41 poles to the southeast corner of said corporate limits as defined in said Act; thence north 3½ degrees west, 111 poles and 3 links, to an inner corner of said corporate limits as set out in said Act; thence east, with the north line of Church Street, 41 poles and 1 link, to the point of beginning² poles and 3 links, to a stake in Mrs. Cora Walker's field; thence south 86 1-2 degrees west, crossing the center lines of the C., M. & G. Railroad at 14 poles and 8 links, crossing the lands of Dr.

¹The boundaries set forth in this section have been extended by the following annexation ordinances of record in the recorder's office: Ord. #1003, April 1966; Ord. #1009, Sept. 1969; Ord. #2025, March 1974; Ord. #2029, Jan. 1976; Ord. #2034, Jan. 1979; Ord. #2038, July 1980; Ord. #2048, May 1984; Ord. #2069, Aug. 1997; Ord. #2074, Dec. 1998; Ord. #2076, Nov. 1999; Ord. #2078, March 2000; Ord. #2088, Oct. 2001; Ord. #2094, March 2003; 2104, July 2005; and Ord. #2118, Dec. 2006.

²This part of the description beginning "thence on south, 3¼ degrees east..." and ending with "to the point of beginning" was added here by Priv. Acts 1941, ch. 301, § 1. It obviously does not fit here since the first part of the sentence after the amendment is cut off. Since it is impossible to tell exactly how much of the old description the amendment meant to replace, it has been added exactly according to the instructions in the private act.

W. J. Walker, the Harris estate and Mrs. James Coats, passing a post in the east fence of Edd Glasscock's barn lot at 225 poles and 2 links, passing within 2 feet of the south end of said Glasscock's barn, passing through a walnut tree at 316 poles and 12 links, crossing John Purdy's west fence at a post on the east side of the public road at 343 poles and 13 links, crossing Mrs. Manie Jackson's east fence on the west side of the public road at 345 poles and 23 links, in all 468 poles and 10 links, to the easterly bank of the chute, which was formerly the bank of the Mississippi River; thence in a northeasterly course with the meanderings of the chute or the old bank of the Mississippi River to the beginning. [As replaced by Priv. Acts 1913, ch. 64, and amended by Priv. Acts 1941, ch. 301]

Sec. 3. REPEALED. (Repealed by Priv. Acts 1909, ch. 365, § 1]

ARTICLE II.

OFFICERS AND ELECTIONS.

Section 1. On the first Thursday in June, 1985, and every four (4) years thereafter, an election shall be opened and held at the Courthouse in Tiptonville, Tennessee, unless the Board of Mayor and Aldermen shall subsequently designate by ordinance a different date and place for the purpose of electing a mayor and six (6) aldermen, who shall hold office for four (4) years, beginning the first Tuesday in July, 1985, and until their successors are elected and qualified. Provided, however, the town marshal and his deputy or deputies shall be responsible to the Board of Mayor and Aldermen for their official conduct, and may be suspended or removed as heretofore by the Mayor or Board of Aldermen, in proper cases, in accordance with the provisions of Section 9, Article III, of this charter. [As replaced by Priv. Acts 1909, ch. 365, § 2; amended by Priv. Acts 1955, ch. 172, § 1; replaced by Priv. Acts 1985, ch. 70, § 1; and amended by Priv. Acts 1988, ch. 195, § 1]

Sec. 2. Be it further enacted, That no persons shall be eligible to the office of Mayor or Alderman unless he be a qualified voter in town elections as hereinafter defined, and has been the owner of a taxable freehold in and a resident of the town for a period of six months preceding his election. [As replaced by Priv. Acts 1909, ch. 365, § 3]

Sec. 3. Be it further enacted, That all elections shall be called and held under the rules and regulations governing the elections held by the State and counties; that on the first Monday after such election it shall be the duty of the County Commissioners of Elections to canvass the election returns and to deliver to each person elected a certificate of his election, and the newly elected Board shall meet and organize on or before the first Tuesday in July after such

election, at which time the retiring Board shall turn over the affairs of the town to the newly elected Board, and all the old officers of the town shall, before said time, settle up their accounts, and at said time submit to the new Board reports showing the condition of their respective departments. [As amended by Priv. Acts 1909, ch. 365, § 4]

Sec 4. Be it further enacted, That all persons who are entitled to vote for members of the General Assembly of Tennessee and who have been bona fide residents of Tiptonville for 30 days prior to such election shall be entitled to vote in all municipal elections. [As replaced by Priv. Acts 1909, ch. 365, § 5]

Sec 5. Be it further enacted, That each newly elected Board of Mayor and Aldermen at the first regular meeting following their election shall elect a Recorder, Treasurer, Tax Assessor, Tax Collector, Town Attorney, or such of these or other officers as may be deemed necessary by said Board, who shall hold office for the term of one year, and until their successors shall be elected and qualified.

The Board of Mayor and Aldermen may, if they deem it proper, combine any two or more of the foregoing offices; Provided, that the same person shall not be both Marshal and Recorder. [As amended by Priv. Acts 1909, ch. 365, § 4]

Sec. 6. Be it further enacted, That the Mayor and Aldermen and all town officers, before entering upon the discharge of their respective duties, shall take an oath before some one authorized to administer oaths to faithfully and honestly discharge the duties of their offices to the best of their ability and without partiality, favor, or affection. The Marshal, Recorder, Tax Collector, and all other officers into whose hands moneys belonging to the town shall come shall, before entering upon the discharge of their duties, enter into bonds, payable to the Board of Mayor and Aldermen, the terms, conditions, and amounts thereof to be fixed by said Board.

Section 7. The salaries of the members of the Board of Mayor and Aldermen and all town officers shall be fixed by ordinance at least two months before the election of said Board and officers, and said salaries shall not be increased nor diminished during said term of office. [as replaced by Priv. Acts 2011, ch. 18]

Section 8. The salaries of the members of the Board of Mayor and Aldermen shall be payable in equal monthly installments. [As amended by Priv. Acts 1909, ch. 365, § 6; Priv. Acts 1955, ch. 172, § 2; Priv. Acts 1957, ch. 322; Priv. Acts 1970, ch. 278; Priv. Acts 1981, ch. 118; and replaced by Priv. Acts 1985, ch. 70, § 2; Priv. Acts 1988, ch. 195, § 2; and Priv. Acts 2001 ch. 18]

Sec. 9. Be it further enacted, That salaries of town officials shall be paid out of the town treasury upon warrants signed by the Mayor and countersigned by the Recorder.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section 1. Be it further enacted, That the legislative powers of the town shall be vested in a Board of Mayor and Aldermen (hereinafter referred to as the "Board"), to be elected as provided herein by Article II.

Sec. 2. Be it further enacted, That the Board of Mayor and Aldermen shall hold regular meetings at such times as the Board shall fix by ordinance. Until otherwise provided by ordinance,¹ said meetings shall be held on the third Tuesday of each month. Special meetings may be called by the Mayor whenever in his opinion the welfare of the town shall require it.

Sec. 3. Be it further enacted, That a majority of the members of the whole Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Sec. 4. Be it further enacted, That the Mayor shall preside at all meetings of the Board, and shall vote in the case of a tie, but not otherwise; shall appoint all committees, subject to the approval of the Board, and at each meeting shall recommend to the consideration of the Board such measures as he may deem expedient for the interest of the town; that the Mayor shall also have the right to vote all bills as hereinafter provided.

Sec. 5. Be it further enacted, That the Board may determine and make its own rules of procedure, shall be the judge of the qualifications of its members, may prescribe punishment of its members for nonattendance or disorderly or improper conduct, and to enforce the same; and in case a vacancy in the office of Aldermen shall occur, the Board shall elect some qualified resident of the ward in which the vacancy occurs, who shall hold office until the next regular election.

Sec. 6. Be it further enacted, That either the Mayor or Alderman [Aldermen] may introduce bills before the Board; that no general ordinance shall become law unless it shall be written or printed, and shall have been read and

¹Ord. #2062 dated April 1994 changed the time and date of regular meetings to 7:00 P.M. on the second Tuesday of each month.

passed on two different days, and shall receive on its final passage the assent of a majority of the Board; and no bill shall become a law unless the same be signed by the Mayor, or unless he shall fail to veto the same before the next regular monthly meeting. If he fail to take action on the bill before the next regular meeting of the Board, he shall be deemed to have approved the same, and the bill shall have become a law without further action on the part of the Board; that in case the Mayor shall veto the bill, it may still become a law; Provided, it shall, on reconsideration by the Board, receive the assent of a majority of the whole Board, exclusive of the Mayor; that every law, resolution, ordinance, vote, or order, except on a question of adjournment, shall require the approval of the Mayor before it shall have effect, except as above provided; that the two readings required for the passage of ordinances shall not be necessary upon resolutions or orders made by the Board appropriate money to pay salaries of officials or current expenses of the town, if said salaries and expenses constitute liabilities against the town by virtue of some ordinance of the town previously passed; and that in allowing said salaries and expenses, one vote by the Board shall be sufficient. [As amended by Priv. Acts 2004, ch. 97]

Sec. 7. Be it further enacted, That the style of the ordinances of the town shall be, "Be it ordained by the Board of Mayor and Aldermen of the town of Tiptonville;" that a full and complete record of the proceedings of the Board shall be kept by the Recorder in a book to be called the "Minutes," and he shall keep a separate book to be called the "Ordinance Book," in which shall be recorded all the general ordinances passed by the Board. Said ordinances shall be numbered on said book in the order they are entered on the same; that the ordinances need not be set out in full on the minutes, but it shall be sufficient if reference shall be made on the minutes to the number of the ordinance as it appears on the ordinance book and to the general nature of the ordinance passed.

Sec. 8. Be it further enacted, That each vote taken by the Board shall be by ayes and nays, and the minutes shall show the number of ayes and nays on each vote.

Sec 9. Be it further enacted, That the Board shall provide for the appointment of all such officers, agents, and employees as may be necessary to execute the laws of the town and for the proper administration of the business of the town, and may require reports from all such officers of the condition of their offices whenever it shall be deemed expedient by the Board; and that any such officer elected by the Board may, in the discretion if the latter, be suspended or removed by the Board for misconduct or incompetency; Provided that no officer shall be removed from office until specific charges shall have been preferred in writing and the same shall have been investigated and established to the satisfaction of the Board, and such officer, after he shall have been cited to appear before the Board and shall have been given an opportunity to answer

said charges; but such officers may be suspended by the Board or by the Mayor as hereinafter provided.

Sec. 10. Be it further enacted, That the Board shall have control of the finances of the town and of all property of the same, and power to appropriate money out of its treasury for all proper corporation purposes; but no money may be drawn from said treasury nor any property of the town disposed of, except by authority granted by the Board in regular or special session.

Sec. 11. Be it further enacted, That the Board of Mayor and Aldermen shall have power to pass all laws, rules, regulations, and ordinances necessary and proper for carrying into effect the provisions of this Act and the powers herein granted, and that may be deemed necessary to secure and preserve the health, good order, good government, and general welfare of the town, and for preservation of the property, privileges, and franchises of the town and its citizens; and shall have power to enforce all such laws by proper penalties. To this end the Board of Mayor and Aldermen shall have power to legislate on the following subjects, but it is not restricted to such special matters hereinafter mentioned, but may pass any ordinances for corporation purposes, although not hereinafter mentioned; Provided, that the same do not conflict with the Constitution and laws of the State and of the United States. Said Board shall have power by ordinance:

1. To levy and collect taxes upon all property, privileges, and polls within the town that are now and may hereafter be taxable under the laws of the State of Tennessee.

2. To regulate, license, tax, and collect taxes on any and all lawful occupations, privileges, franchises, trades, places of business, amusements, and places of amusement; to license, tax, and regulate meat dealers, butcher shops, electric-light plants, barbers, hucksters, peddlers, hotels, drays, draymen, and common carriers within the town, and to fix reasonable maximum rates and charges for carriage of persons and freight.

3. To impose maximum and minimum fines for the violation of the ordinances of the town, and to provide for the collection of said fines and of forfeitures.

4. To provide for the prevention and punishment of offenses against the person, public and private property, public morality and decency, the public health, public peace, public justice, and public policy committed within the town, and to define such offenses.

5. To establish quarantine regulations and to enforce the same within the town and within two miles thereof; to establish pesthouses and hospitals within and beyond the town; to appoint health officers, and to secure the general health of the inhabitants by all proper means.

6. To declare what are nuisances; to prevent the same, or provide for the removal or regulation of same.

7. To regulate, restrain, or prohibit cattle, hogs, horses, and other animals or fowls from running at large within the town; to authorize the summary sale or other disposition of the same; and to prevent the raising of hogs or keeping of same within the corporate limits, if deemed expedient.

8. To establish and regulate markets and market places; to provide for the inspection of meats, provisions, and petroleum.

9. To establish standard weights and measures; to appoint a Keeper of Weights and Measures, and, if necessary, to appoint a public weigher.

10. To provide for the inspection of buildings, walls, chimneys, flues, stoves, pipes, etc., and to make regulations concerning the erection of same, so as to avoid danger from fire, etc.

11. To establish fire limits and to make and enforce general regulations for the prevention and extinguishment of fires; to establish and equip fire companies; to regulate the keeping and storing of explosives and combustible material; to regulate or prohibit the sale and use of fireworks, toy guns, etc.

The Town of Tiptonville is empowered in its governmental capacity to use its fire-fighting equipment and personnel outside its corporate limits, when and under such circumstances, limitations and conditions as its governing body may in its sole discretion determine. Said fire-fighting equipment and personnel may be used outside the corporate limits of said Town of Tiptonville, without limitations as to distance or area, except as limited by the governing body of said Town of Tiptonville. Said governing body of the Town of Tiptonville may in the exercise of its sole discretion, provide or agree to such terms, limitations, restrictions and conditions as may seem proper or advisable to it with respect to such outside use of said equipment and personnel; and it may refuse to permit any such outside use. Whenever said fire-fighting equipment and personnel are so used or employed in fighting fires, or affording fire protection, outside the corporate limits of said Town, the Town of Tiptonville and its officials, agents, servants and employees authorizing or performing such service shall be entitled to all the immunities and protections from liability to which they are entitled with respect to similar services within the corporate limits of said Town of Tiptonville.

12. To provide for the digging of wells, the installation of pumps, cisterns, windmills, tanks, etc.

13. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise keep in repair all streets, alleys, thoroughfares, squares, drains, sewers, pipes, and other public improvements; to build, repair, or abolish bridges, culverts, and crossings; to provide for the construction of sidewalks and foot pavements, either at the expense of the town or at the expense of the owners of the lots abutting on the streets; that if the latter method is chosen, the Board may make the necessary regulations to compel such property owners to build and repair said sidewalks and pavements, and to declare a lien on such abutting property and for the enforcement of same.

14. To lay out parks, squares, cemeteries, commons, wharves and landings; erect municipal buildings, warehouses, and public works; to acquire land for the purpose of carrying this section in effect in the manner hereinafter provided; to provide for the planting of trees and for the protection of same.

15. To make contracts with persons, companies, or corporations for furnishing the town and its inhabitants with water, for lighting the streets and houses; to fix reasonable rates and charges to be made for said water and lights; that if it shall be deemed for the best interest of the town, the Board may provide for the installation and operation of municipal water and gas or electric-light plants, and make necessary and proper provisions and regulations for the management of same.

16. To grant the right of way over streets, alleys, thoroughfares, squares, and other public places of the town for the use of steam and electric roads, telephones, telegraphs, gas pipes, water mains, electric lights, and for such other purposes as the Board may deem proper; Provided, that no municipal franchise shall be granted by the Board to any person, company, or corporation for more than twenty years; to regulate the laying of railroads or other tracks, the passage and speed of railroad trains, engines, cars, etc., within the corporation limits; to compel railroads to furnish such gates, watchmen, crossings, and safeguards at points where railroad tracks cross any thoroughfares of the town as the public safety may require.

17. To establish a workhouse or house of correction in or near the town, and any person who shall fail or refuse to pay any fine or costs or secure the same, legally imposed upon him, may be committed to the workhouse or to the calaboose or jail until such fines and costs shall be paid or secured; and any person so committed may be compelled to work for the town at such labor as his health may permit, and shall be allowed for such work as a credit on such fines and costs sixty cents for each day of actual work, exclusive of board, or such other sum as may be provided by ordinance; Provided, that no convict shall be compelled to work or be committed for longer than one month or any one offense; that the Board may contract with Lake County or, its proper authorities for the use of the county jail for the confinement of town convicts, which may be used a workhouse.

18. To take charge of any lunatic, indigent, or sick persons in the town and make such disposition of such persons as may be deemed proper, and may recover the expense of caring for such persons from any one chargeable by law with his care.

19. To adopt a code or digest of the general laws and resolutions of a public nature; to incorporate new laws therein; to pass same at one time and as one ordinance; to publish same, and to publish other laws as they are passed. [As amended by Priv. Acts 1967, ch. 227, § 1]

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Section 1. Be it further enacted, That the Mayor shall be the chief executive officer of the town; he shall see to the enforcement of all the ordinances of the town; he shall have general supervision of all the officers of the municipality, and shall see that they perform their respective duties, and shall from time to time examine the books of such officers; that in case any ministerial officer shall be unable to attend to his duties by reason of sickness, absence, or temporary disability, the Mayor shall make pro tempore appointments to supply such temporary vacancy until the Board shall have an opportunity to ratify such appointment or to take other action; he shall also have power to suspend any ministerial office for misconduct or for dereliction of duty in office, reporting his action, with his reasons, in writing to an immediate special session of the Board; he shall sign all warrants drawn on the treasury of the town and all contracts and obligations authorized by the Board, and no warrant or contract not so signed shall be valid; he shall sign the minutes of the Board, and shall see that they are properly kept; he shall be Chairman ex officio of the Committee on Streets and Public Works, and it shall be his duty to see that all streets, crossings, sewers, drains, municipal buildings, and all public works are kept in proper order and repair; to see that proper inspection is made of chimneys, flues, etc., to guard against fire, and to see that all other inspection laws are carried out; to see to the preservation of the health and peace of the town, and in case of emergency he shall have power to call to his aid every male inhabitant of the town in the preservation of the peace or in the enforcement of the laws of the town, and the Board of Mayor and Aldermen may prescribe penalties for a failure to obey such a call; that the Board may impose other duties and powers upon the Mayor in addition to those mentioned if they shall deem it necessary.

Sec. 2. Be it further enacted, That during the temporary absence of the mayor, or if he is for the time being for any reason not able to attend to his duties, the Recorder shall act in the place and stead of the Mayor, and shall be clothed with all the powers of the latter in his legislative, executive, and judicial capacities; that in case the Mayor shall be absent or unable to attend to his duties for an unreasonable length of time, or his office shall become vacant by death or resignation or any other cause, the Board shall have power to elect some qualified citizen of the town to act as Mayor until the next regular election, or a special election to be held for that purpose.

Sec. 3. Be it further enacted, That it shall be the duty of the Recorder to make out the tax books of the town, collect privilege taxes, keep a full and accurate account of all the proceedings of the Board, and all the business

transacted by the same or by himself; that he shall be the custodian of the corporate seal, all public records, books, contracts, deeds, documents, etc., of the corporation, and shall perform such other duties as may be imposed upon him by ordinance.

Sec. 4. Be it further enacted, That until otherwise ordered by the Board, the Recorder shall be Treasurer of the town; and in said capacity it shall be his duty to receive and receipt for moneys due the town, to pay out the same on warrants drawn by order of the Board and signed by the Mayor and attested by the Recorder, to perform any and all duties pertaining to his office as may be required by ordinance.

Sec. 5. Be it further enacted, That it shall be the duty of the Tax Collector to collect all taxes due the town by or before the day on which taxes shall become delinquent, and after each date to take such measures necessary to collect the same as may be fixed by law or by ordinance; to report and turn over to the Treasurer all taxes as soon as collected, and at least once each month.

Sec. 6. Be it further enacted, That the Town Attorney shall be the legal adviser of the town, and perform such duties in regard to its legal business and receive such compensation as may be fixed and ordered by the Board.

Sec. 7. Be it further enacted, That the Town Marshal shall be the chief peace officer of the town; that he shall act as night watchman; that he shall perform the duties of a fire marshal and inspector; shall arrest all violators of the town ordinances and of the laws of the State committed in the town, and take them before the Mayor for trial; that he shall have all the powers of a Constable in the apprehension of criminals or violators of the law within his jurisdiction, and may make arrests upon warrants in such cases anywhere in Lake County The Marshal shall have direct supervision of the work on the streets and thoroughfares, drains, sewers, crossings, and other public works of the town until otherwise changed by ordinance, and shall carry out all proper orders of the Mayor in regard to such work or in respect to his duties in general, and shall perform such other duties as may be required of him by the Board of Mayor and Aldermen. The Board may elect one or more Deputy Marshals, if necessary, and provide compensation for same. If it shall become necessary at any time to make pro tem appointments in the police force, the temporary appointee shall receive the compensation that would be due the office whose place is filled.

ARTICLE V.

JUDICIAL DEPARTMENT.

Section 1. Be it further enacted, That a court is hereby established to be known as the Mayor's Court which shall have concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of this State. The Mayor shall preside over said court, try all offenses that are created by this Act or that may be created by ordinance, impose fines, penalties and forfeitures, and enforce the collection of the same, or to commit offenders to the town jail in proper cases as provided by law in state cases. He shall have power to issue warrants of arrest, subpoenas for witnesses, compel the attendance of witnesses by fine for contempts, render judgment for fines and forfeitures, and issue execution thereon. Execution may in such cases be stayed for thirty (30) days by the defendant in said judgment giving good and sufficient security upon the docket of the Mayor or by filing bond. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

Sec 2. Be it further enacted, That the Mayor's Court shall have power to make its own rules and preserve order and decorum while in session, and shall be invested with the same power to punish for contempt by fine and imprisonment as is incident to courts of records in this State.

The Mayor shall keep a docket of cases and enter thereon all fines and costs imposed and collected. All fines and costs shall be paid to the Mayor, who shall pay over to the officer and witnesses the fees to which they are entitled and shall report to the Board of Mayor and Aldermen and pay to the treasurer the fines and forfeitures collected at least once each quarter. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

Sec. 3. Be it further enacted, That in case of the absence, disability or incompetency of the Mayor, the Recorder shall preside over the Court. In case of the absence or incompetency of the Recorder, the Board shall appoint some one to act in his place. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

Sec. 4. Be it further enacted, That the Marshal or some deputy shall wait upon the court while in session and execute its orders. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

Sec. 5. Be it further enacted, That the Town Attorney shall appear and represent the town in all cases provided by ordinance or in special cases when requested by the Mayor or the Board and shall receive such compensation as the Board may allow. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

Sec. 6. Be it further enacted, That the fees of the Mayor, officials and witnesses shall be as fixed by ordinance, and until so fixed shall be the same as allowed by law to Justices of the Peace for similar services and in cases tried before them. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

Sec. 7. Be it further enacted, That in all cases in which a person is charged with a violation of an ordinance of the town and tried in the Mayor's Court, the accused shall have the right of appeal to the Circuit Court, where the cause shall be tried de novo. No appeal shall be granted unless the defendant shall perfect his appeal within two (2) days (Sunday excepted) by making bond in the sum of two hundred fifty dollars (\$250), with good security. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

Sec. 8. Be it further enacted, That all process issuing from the Mayor's Court shall run in the name of the Mayor and Aldermen of the Town of Tiptonville, and may be served in any county in the State by any executive officer thereof and under the same rules governing like process issuing from courts of record of this State. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

Sec. 9. Be it further enacted, That the police jurisdiction of said Mayor's Court and the police authority of the town shall extend to a distance of one (1) mile from the corporate limits thereof for the purpose of abating nuisances and suppressing all disorderly acts and practices forbidden by the laws of the State. [As replaced by Priv. Acts 1988, ch. 195, § 3, and Priv. Acts 1994, ch. 159]

ARTICLE VI.

TAXATION AND REVENUE.

Section 1. Be it further enacted, That the Board of Mayor and Aldermen, through its proper officers and agents, shall have power to assess property for taxation, and levy and collect taxes, ad valorem and privilege, for corporation purposes, upon all taxable property, polls and privileges, within the limits of the town, not exceeding one and one-half percent of the total assessment of said property and privileges for general corporation purposes (including school purposes) for the year in which the assessment is made.

Sec. 2. Be it further enacted, That the Board may, if it sees fit, adopt the assessment made for State and county purposes, in which event the Board shall cause a transcript to be made (under the direction of the Recorder) of the books of the regular Tax Assessor of State and county taxes, so far as the same applies to the property mentioned in the preceding section; and said transcript shall be

made as early as practicable after the adjournment of the County Equalization Board; that such transcript, when certified to be true by the Recorder, shall be the assessment of valuations for taxes for said town; Provided, that the same may be modified and changed by the Town Equalization Board if said assessment is not considered equitable; and Provided, that the Recorder may, at any time before taxes are due, supplement any property found to have been omitted; that in case the county assessment is adopted, no Town Assessor shall be elected.

Sec. 3. Be it further enacted, That after the assessment roll for each year is made up, it shall be submitted to the Board of Mayor and Aldermen, who shall make estimates of the amounts to be expended in the several departments of the town government for the ensuing year, and thereupon shall make the proper levy to meet the expenses of the coming year; that the Recorder shall then make up the tax book as county lists are made and prepared, and shall receive such compensation for his services in the premises as may be allowed by the Board.

Sec. 4. Be it further enacted, That said taxes shall be due and payable at such time as the Board shall fix, and until so fixed shall be due and payable as State and county taxes are, and shall become due and payable as State and county taxes are, and shall become delinquent on the first day March of each year and subject to the same penalties as are imposed by the State law in such cases; that if there be any taxes delinquent on March 1, it shall be the duty of the Recorder, within two weeks thereafter, to make out and deliver to the Town Marshal, or some other officer to be appointed by the Board for the purpose, a certified copy of all delinquent taxes, which list shall have in the hands of such officer the effect of an execution from a court of record and the same force and virtue as the State and county tax books in the hands of an officer. The Marshal or collecting officer shall make return of all taxes and tax lists, showing who have and who have not paid, and those who have no personal property with which to pay within thirty days after receiving the same under the same penalties provided by law for the return of State and county tax books.

Sec. 5. Be it further enacted, That all taxes due said town upon real estate are hereby declared a lien thereon until paid, and this lien may be enforced by suit in chancery as provided in Sections 1 to 5, inclusive, Chapter 6, of the Acts of Tennessee for 1897, or in such other manner as the Board may fix by ordinance.

ARTICLE VII.

SCHOOLS.

Section 1. Be it further enacted, That the Board and Aldermen shall elect a Board of Education, consisting of not more than six qualified citizens residing within the corporation, one-half of whom shall be elected every alternate year, and shall hold office for two years; Provided, that at the first election held after this Act is passed half of said Board of Education shall be elected for one year and half for two years.

Sec. 2. Be it further enacted, That said Board of Education, when so elected, shall have full power to manage and control the schools of the town, whether within or beyond its limits; shall employ and dismiss teachers; make regulations for the schools and the teachers thereof; make contracts of consolidation with other school authorities; buy and sell school property and build and repair schoolhouses when necessary and make deeds thereto; and do all other acts necessary and usually incident to the management of schools.

Sec. 3. Be it further enacted, That the Board of Mayor and Aldermen shall each year levy a school tax necessary to support said schools, and the funds arising from said tax shall be kept separate and apart from all other corporate funds in the hands of the Town Treasurer; and the Board of Education shall have power to draw thereupon for all expenses of maintaining said schools and school property, and may elect a Treasurer for said School Board, who shall in that event be required to give bond covering the amount of school funds coming into his hands.

Sec. 4. Be it further enacted, That the town shall also be entitled to its share of the public-school money according to the ratio of the number of children of school age within its boundaries, and the Board of Education is empowered to draw out of the county treasury its share of said funds whenever necessary.

ARTICLE VIII.

STREETS, RIGHTS OF WAY, ETC.

Section 1. Be it further enacted, That the Board of Mayor and Aldermen shall have the power to acquire private property for the purpose of establishing, widening, extending, and opening streets, alleys, and thoroughfares; for acquiring sites or landings, wharves, parks, warehouses, municipal buildings and grounds, etc.; and to secure rights of way through private property for sewers, drains, gas and water pipes, and other corporation purposes; and when the owner of such property shall not donate or sell the same at a price

satisfactory to the Board, the Board shall have the right to condemn the same, whenever in the opinion of the Board the public welfare shall require it.

Sec 2. Be it further enacted, That in such cases application shall be made to the Board by printed or written petition, signed by one or more freeholders of the town, which petition shall designate the location of such street, alley, lot, right of way, or parcel of land sought to be taken and used; the purpose for which the same is sought to be used; the names of the owners of the property and the interest of each in the portion to be condemned; and said property owners (if residents of the State) or their agents shall be given five days' notice of such application prior to the hearing of the same. If the Board shall decide in favor of such application, five disinterested freeholders shall be appointed by the Board by an order entered on the minutes, who, after being duly sworn to act impartially, shall examine the premises, assess the damage to each of the property owners, if there be more than one, affected by said condemnation proceedings, and shall report their action in writing to the Board, designating by metes and bounds or some other sufficient description the property condemned; and said report, if the approved by the Board, shall be entered in full upon the minutes, and an order shall, at the same session of the Board, be made appropriating sufficient money out of the town treasury to pay the damages allowed

Sec. 3. Be it further enacted, That after said report shall have been confirmed and damages provided for as aforesaid, each and every of such property owners who shall fail or refuse to open or allow to be opened or appropriated said land for the purposes mentioned shall be subject to a fine of \$5 for each and every day of his refusal or failure, which fine may be recovered before the Mayor's Court.

Sec. 4. Be it further enacted, That any person aggrieved by such order of condemnation or to the assessment of fine as aforesaid may appeal to the Circuit Court of Lake County by making the necessary appeal bond within ten days after such order of the Board or action of the Mayor.

Sec. 5. Be it further enacted, That the Board of Mayor and Aldermen may also acquire land outside the corporate limits by purchase, lease, or condemnation for sites for landings, wharves, docks, or other public purposes, and rights of way for water pipe, sewers, ditches, etc., when necessary to properly drain the town or any part thereof; Provided, reasonable compensation be provided and made for the land so taken. To exercise the power conferred in this section, the the Board of Mayor and Aldermen shall by ordinance designate the grounds or ways to be used, and through the Town Attorney institute proceedings as provided in Sections 1845 and 1867 of Shannon's Code of Tennessee.

Sec 6. Be it further enacted, That the Board may make contracts with the proper authorities of the county of Lake for the purpose of improving the roads of the county leading into the town for two miles from the corporation line. For the accomplishment of the purpose of this section and in order to secure uniformity and harmony of action, the Chairman of the County Court and the Road Commissioners are empowered to delegate authority to the town authorities to work said roads or certain portions thereof, and to appropriate for said purpose a portion of the road moneys to be used by said town authorities; and the town may appropriate moneys out of its treasury for the same purpose in proper cases.

ARTICLE IX.

EXTENDING AND CONTRACTING TERRITORY.

Section 1. Be it further enacted, That the territory adjoining the town of Tiptonville may be added thereto and included within the corporate limits of the same in the following manner:

Petition shall be made to the Board of Mayor and Aldermen, signed by at least five bona fide residents of the territory proposed to be added, describing said territory by metes and bonds or other sufficient description and praying that the same be included within the corporation.

Sec. 2. Be it further enacted, That if the Board shall favor the addition of such territory as prayed for, an ordinance shall be passed providing for the submission of the question to the electors residing within the proposed addition, and fixing the time, place, and manner of holding such election, which shall be governed by the same rules as State and county elections. Any person who has been a bona fide resident of said territory for ten days prior to such election and who is a qualified voter of the county for members of the General Assembly of Tennessee shall have the right to vote in said election.

Sec. 3. Be it further enacted, That if a majority of said qualified electors shall vote in favor of incorporation, the Board shall pass an ordinance declaring the said territory to be a part of the municipality, and thenceforth it shall be a part thereof.

Sec. 4. Be it further enacted, That the town may contract its limits within any given space; Provided, three-fourths of the voters qualified to vote for Mayor and Aldermen assent to said contraction at an election to be held pursuant to an ordinance passed for said purpose, and the procedure in such cases shall be as provided in Sections 1912-13-14 of Shannon's Code of Tennessee.

ARTICLE X.

MISCELLANEOUS PROVISIONS.

Section 1. Be it further enacted, That all persons dealing with the corporation organized under this Act shall be put upon inquiry, and in all cases the burden of proof shall be upon them to show that the law has been pursued as to its powers, and every act, contract, or agreement ultra vires shall be null and void.

Sec. 2. Be it further enacted, That all the property, whether real or personal, held or owned by the town for public purposes and all funds in the hands of the Treasurer or any other person shall be exempt from seizure by execution, attachment, garnishment, or other legal process; nor shall there be any priority by pledge, mortgage, or otherwise of said property or taxes given to creditors.

Sec. 3. Be it further enacted, That no money shall be paid out of the town treasury except upon warrant signed by the Mayor and countersigned by the Recorder pursuant to authority theretofore granted by the Board of Mayor and Aldermen in regular or special session, except in the case of the school fund, which shall be drawn on only by warrant signed by the President and attested by the Secretary of the Board of Education after authority has been given by the said Board of Education in session. Every warrant shall show upon its face for what purpose it is given.

Sec. 4. Be it further enacted, That no member of the Board nor any officer elected by said Board shall be interested in any contract of any kind whatsoever under his control or direction, and any contract in which any such person shall have a pecuniary interest or expectation or profit shall be void.

Sec. 5. Be it further enacted, That no order or ordinance of the Board involving the expenditure of money or the creation of a debt against the corporation shall be made unless there be money actually in the treasury at the time, or the same be within the amount of the current year's tax for such purposes. Provided, that the Board is hereby authorized and empowered to issue interest-bearing warrants which shall be evidences of debt against said town to the amount of not exceeding five thousand dollars for the purpose of laying out, constructing, and improving, by grading, macadamizing, or otherwise the streets of the town, and for the purpose of funding the debt incurred by the town and its citizens for street purposes during the year 1908, which said warrants shall bear interest from date of issuance at a rate not exceeding 6 per cent, payable annually, and shall be in such denominations as the Board may order, and may be used at different times for different amounts and different

periods according as the Board may deem best, but shall mature at or before five years from the date issued. [As amended by Priv. Acts 1909, ch. 365, § 7]

Sec. 6. Be it further enacted, That all persons holding office in the town of Tiptonville under its old charter obtained under the general law shall continue to hold office until their successors shall be elected and qualified as provided by this Act; and all ordinances and by-laws of the town existing at the time of the passage of this Act and inconsistent herewith shall be and remain as if this Act had not been passed.

Sec. 7. Be it further enacted, That this Act is declared a public Act, and may be read in evidence in all courts of law and equity, and all ordinances of the the Board of Mayor and Aldermen may be proved by the certificate of the Recorder; or when printed and published by authority of the Board, the same shall be received in evidence in all courts without further proof.

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Sec. 9. Be it further enacted, That this Act take effect from and after the first day of June, 1907, the public welfare requiring it.

Passed April 9, 1907.

John T. Cunningham, Jr.,
Speaker of the House of Representatives

E. G. Tollett,
Speaker of the Senate.

Approved April 12, 1907.

Malcolm R. Patterson,
Governor.

ACTS COMPRISING THE CHARTER OF THE TOWN OF
TIPTONVILLE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1907	393	Basic charter Act.
1909	365	Replaced art. 1, § 3, and amended art. 2, §§ 1, 2, 3, 4, and 8, and art. 10, § 5.
1909	522 ¹	Authorized \$5,000.00 bond issue for street purposes.
1913	64	Replaced art. 1, § 2 relating to corporate limits.
1915	581 ¹	Authorized \$7,000.00 bond issue to fund floating indebtedness.
1917	716 ¹	Authorized \$25,000.00 bond issue for school purposes.
1919	557 ¹	Authorized \$7,000.00 bond issue for the waterworks system.
1919	683 ²	Abutting property law.
1925	194 ¹	Authorized \$12,000.00 bond issue to retire floating indebtedness.

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

²Abutting property laws have not been included in the foregoing compilation because there are now general laws with substantially the same provisions available for use by all municipalities.

YEAR	CHAPTER	SUBJECT
1925	282 ¹	Authorized \$25,000.00 bond issue to improve, etc., the waterworks and sewage system.
1927	283 ¹	Authorized \$25,000.00 bond issue to improve the waterworks and sewage system and for other purposes.
1929	802 ¹	Authorized \$15,000.00 bond issue to build gymnasium.
1931	505 ¹	Authorized \$25,000.00 bond issue for school gymnasium.
1935	48 ¹	Authorized \$15,000.00 bond issue to pay off floating indebtedness.
1941	292 ¹	Validated bonds in aggregate amount of \$20,000.00.
1941	301	Amended art. I, § 2 relating to corporate boundaries.
1945	75 ¹	Authorized \$15,000.00 bond issue to fund floating indebtedness.
1945	407	Amended Private Acts 1945, ch. 75.
1947	339 ¹	Authorized \$75,000.00 bond issue to improve water and sewer system.

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1947	607 ¹	Abutting property law.
1955	171 ²	Authorized \$110,000.00 bond issue to improve water and sewer system.
1955	172	Amended Priv. Acts 1909, §§ 2 and 6 which are art. II, §§ 1 and 8 in the charter relative to elections and compensation of mayor.
1957	322	Amended art. II, § 8 relative to compensation of aldermen.
1967	227	Amended art. III, § 11, subsec. 11 relative to fire limits.
1970	278	Amended art. II, § 8 relative to an increase in compensation of mayor and aldermen.
1981	118	Amended art. II, § 8 relative to an increase in compensation of mayor and aldermen.
1985	70	Replaced art. II, §§ 1 and 8 relative to elections and compensation of mayor and aldermen.

¹Abutting property laws have not been included in the foregoing compilation because there are now general laws with similar provisions for use by all municipalities.

²This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1988	195	Amended art. II, § 1 relative to elections; replaced art. II, § 8 relative to compensation of mayor and aldermen; and replaced art. V, §§ 1 - 9 relative to city court.
1994	159	Replaced art. V, §§ 1 - 9 relative to mayor's court.
2001	18	Replaced art. II, §§ 7 and 8 relative to salaries of the board of mayor and aldermen.
2004	97	Replaced the word "three" with "two" throughout art. III, § 6 relative to the number of times an ordinance must be read and passed.