

CHARTER FOR THE TOWN OF GARLAND, TENNESSEE¹

CHAPTER 35.

HOUSE BILL NO. 84.

(By Mr. Mitchell.)

AN ACT entitled An Act to incorporate the town of Garland, Tenn., and to prescribe its corporate boundaries and regulate its municipal government.

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. Incorporation	C-2
2. Corporate limits	C-2
3. Mayor and aldermen	C-3
4. Election	C-3
5. Officers.	C-3
6. Elections to be held by commissioners of elections	C-3
7. Qualifications for voting	C-3
8. Election of officers.	C-3
9. Compensation	C-4
10. Compensation	C-4

¹Priv. Acts 1913, ch. 35, is the current basic charter act for the Town of Garland, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2004 session of the Tennessee General Assembly and is current with the laws from the 2023 Regular Session of the 113th Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

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

<u>SECTION</u>	<u>PAGE</u>
11. Powers of mayor and aldermen	C-4
12. Workhouse	C-4
13. President of the board	C-4
14. Quorum	C-5
15. Recorder to keep a "minute book" and an "ordinance book"	C-5
16. Recorder and treasurer	C-5
17. Duties of recorder and treasurer	C-5
18. Bonds of officers	C-5
19. Additional duties of recorder and treasurer	C-5
20. Powers of mayor	C-5
21. Arrest for breach of ordinance or crime against laws of the state	C-6
22. Wards	C-6
23. Effective date	C-6

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the citizens of Garland, in the county of Tipton, State of Tennessee, are hereby incorporated by the name of the "Mayor and Aldermen of Garland," and by that name may sue and be sued, and contract and be contracted with; hold real and personal property; assess taxes not to exceed one dollar (\$1) on each and every one hundred dollars (\$100) worth of taxable property or fraction thereof within its corporate limits; to improve its streets and public squares, and pass all ordinances necessary for the benefit and good of the town.

SEC. 2. Be it further enacted, That the boundaries of said town of Garland, Tenn., shall be as follows: Beginning at a six-inch white oak tree in the southeast corner of J. L. Lutrell's horse lot; thence N. 1 3-4 degrees, E. 16.82 chains to an iron stake, from which N. 78 degrees, W. 27 links, a 14-inch hickory pointer; thence N. 89 1-2 degrees, E. 7.12 chains to a stake 13 links east of a 12-inch sweet gum pointer; thence N. 8 1-4 degrees, E. crossing the Covington and Garland road at 27.65 chains, and in all 32.44 chains to an iron stake in the north line of J. D. Peeler's garden fence; thence N. 78 1-4 degrees, W. 4.17 chains to the center of a ditch; thence with the same N. 1 1-4 degrees, W. 22.15 chains to a stake in said ditch; thence N. 88 degrees, W. at 5.65 chains, crossing the Garland and Bride road, and in all 12.63 chains to a stake in J. L. Overall's east line; thence with the same S. 7 3-4 degrees, E. crossing the Garland and Detroit road at 8.25 chains, and in all 8.40 chains to a stake on the south side of said road; thence S. 13 3-4 degrees, W. 31.50 chains to a stake in Mrs. G. L. Huffman's horse lot; thence S. 3-4 degrees, W. 18 chains to a stake in J. H. Glass' horse lot; thence S. 14 degrees, E. 16 chains to a stake 18 links W. of a 12-inch sassafras stump, from which E. 23 links an 8-inch hickory pointer; thence

S. 86 1-4 degrees, E. at 3.85 chains crossing Garland and Burleson road, and in all 7.50 chains to the beginning.

SEC. 3. Be it further enacted, That there shall be a Mayor and six Aldermen of Garland, and they shall be elected by the qualified voters as hereinafter provided.

Section 4. Be it further enacted that a non-partisan municipal election shall be held in the Town at the regular November election on the first Tuesday following the first Monday in November of 2006 and every four (4) years thereafter to elect a Mayor and six (6) Aldermen and a Recorder/Treasurer. The incumbent Mayor, Aldermen, and Recorder/Treasurer whose terms expire in April of 2005 shall have their terms extended to the first regularly scheduled meeting following the election in November 2006. All elected official shall hold office for a period of four (4) years or until their successors are elected and qualified, unless sooner removed as hereinafter provided [As replaced by Priv. Acts 2004, ch. 135]

SEC. 5. Be it further enacted, That every person elected to the office of Mayor or Aldermen and Recorder and Treasurer shall have been a resident of the State of Tennessee for one year or more, a resident within the boundaries of Garland for not less than six months immediately preceding the election, and shall continue to reside within the town of Garland during his term of office. In case of the removal of any officer of the town of Garland, his respective office shall immediately become vacant. [As amended by Priv. Acts 2004, ch. 135]

SEC. 6. Be it further enacted, That all elections for said town of Garland shall be held by the Commissioners of election of Tipton County under the laws of the State of Tennessee governing elections, or by such officer or officers and in such manner as the laws of the State may prescribe.

SEC. 7. Be it further enacted, That all persons who are qualified to vote for members of the General Assembly in the State, and who have been "bona fide" residents and citizens of the territory within corporate boundaries of Garland for six months prior to the election, and all nonresidents who are qualified voters under the laws of the State of Tennessee and Tipton County owning real estate in Garland, shall be entitled to vote in the election to be held on the first Tuesday in March, 1913, and at every subsequent municipal election.

Section 8. Be it further enacted, that elected officials shall take office at the first regularly scheduled meeting of the Board of Mayor and Aldermen following a regular municipal election. Each official, before entering upon his duties shall subscribe to an oath or affirmation that he will support the

Constitution and the laws of the United States and the State of Tennessee, the charter and ordinances of the Town of Garland, and will faithfully discharge the duties of his office. [As replaced by Priv. Acts 1992, ch. 142, § 2]

Section 9. Be it further enacted, that the salaries and compensation of all officers shall be fixed by ordinance, but they shall not be increased or decreased during the term to which any officer is elected. [As replaced by Priv. Acts 1992, ch. 142, § 3]

SEC. 10. This section was deleted in its entirety. [As deleted by Priv. Acts 1992, ch. 142, § 4]

SEC. 11. Be it further enacted, That the Mayor and Aldermen of the town of Garland shall have power by ordinance in said corporation to levy and collect taxes upon all property taxable by law for State purposes, and upon all privileges and polls taxable by the laws of the State; to appropriate money; to provide for the debts and expenses of the town; to prevent and remove nuisances; to open, alter, abolish, widen, extend, preserve, and keep in good repair the streets and sidewalks; to establish patrols and watches; to regulate and suppress all disorderly houses and houses of ill-fame; and to provide for the arrest and confinement of all vagrants, riotous, or disorderly persons within the limits of the town; to impose fines and penalties for the breach of any ordinance or by law, and to provide for their recovery.

SEC. 12. Be it further enacted, That the Mayor and Aldermen may, as soon as practicable after the passage of this Act, erect, purchase, or rent and organize a workhouse within or beyond the limits of the town; and any person who shall neglect, fail, or refuse to pay any fine or costs imposed upon him or her under any ordinance of the town, shall be committed to the workhouse until such fine and costs be fully paid. Every person so committed to the workhouse shall be required to work for the town at such work as his or her health and strength will permit, within or without the workhouse, not exceeding ten hours per day, Sunday excepted; and for such work shall be allowed fifty cents per day and board until the whole fine and costs are discharged, when said person shall be released. And until such workhouse is established, such offenders may be made to work the streets of said town, subject to the same probation and limitations as above.

SEC. 13. Be it further enacted, That the Mayor shall act as President of the Board of Mayor and Aldermen, and the Recorder and Treasurer shall act as Secretary or the clerk to said Board of Mayor and Aldermen, and during the absence of either one of these officials the Aldermen present shall choose one of their own members to fill the vacancy temporarily; and said Board shall have power to fill all vacancies caused by death, removal, resignation, or otherwise.

SEC. 14. Be it further enacted, That four members of the Board of Mayor and Aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day.

SEC. 15. Be it further enacted, That all ordinances of Garland and a full and complete record of the proceedings of the Board of Mayor and Aldermen shall be kept by the Recorder, who shall keep a "Minute Book" and also a separate book called the "Ordinance Book," in which shall be recorded all the ordinances passed by the Board, with the date on which they were passed.

SEC. 16. Be it further enacted, That the Recorder and Treasurer shall collect, receive, and receipt and account for the revenue of the corporation; but he shall not pay out any part of the same except on warrants previously authorized by the Mayor and attested by the Recorder and Treasurer; and such warrants shall specify the particular fund out of which they are to be paid, and shall be payable out of no other fund.

SEC. 17. Be it further enacted, That the Recorder and Treasurer shall have the custody of all public records and of all contracts and of all deeds and other instruments of writing belonging to said corporation, except his own official hand.

SEC. 18. Be it further enacted, That the Board of Mayor and Aldermen may by ordinance prescribe and require a bond or bonds of any officer elected by said Board or by the people or voters of said town, and fix the amount and terms thereof; and such bond shall be required of any and all officers charged with the collection of the corporation revenue.

SEC. 19. Be it further enacted, That it shall be the duty of the Recorder and Treasurer to keep a full and accurate system of account with each official department of the corporate government, showing the amounts of receipts and expenditures of each of said departments; and he shall submit a statement of the same to the Board of Mayor and Aldermen.

SEC. 20. Be it further enacted, That the Mayor of said town is hereby vested with full power and authority to try and determine all offenses for the violation of ordinances and laws of said corporation, and to impose and enforce, and cause to be enforced, penalties and punishments for the violations of the laws and ordinances of the said town of Garland. And he is also hereby vested, within the limits of the corporation, with concurrent jurisdiction with Justices of the Peace in cases of the violation of the criminal laws of the State of Tennessee, and be entitled to the same fee as now allowed Justices of the Peace for their services. Said court to have power and authority to preserve order and decorum while in session, and shall be vested with the same powers to suppress

disorder in the court room as are incident to the Justices of the Peace. The Mayor shall have power to remit fines and penalties.

SEC. 21. Be it further enacted, That any person of the police force of the town of Garland may arrest any person who, in his presence, may be guilty of a breach of any ordinance of said corporation or of a crime against the laws of the State of Tennessee; and they are empowered to serve process of any kind of charter issued by or out of the Mayor's court, and to serve process in criminal matters issued by a Justice of the Peace, within the corporation of said town. [As amended by Priv. Acts 2004, ch. 135]

SEC. 22. Be it further enacted, That the town of Garland be divided into three wards for the convenience of holding elections and any other business arising within the jurisdiction of the municipal government. The first ward to extend from the south boundary line to Huffman Avenue, North; the second ward to extend from Huffman Avenue, North, to Peeler Avenue; the third ward to extend from Peeler Avenue to the north boundary line. Each ward to extend from the boundary line on the east to the boundary line on the west.

SEC. 23. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1913.

W. M. STANTON,
Speaker of the House of Representatives.

NEWTON H. WHITE,
Speaker of the Senate.

Approved February 14, 1913.

BEN W. HOOPER,
Governor.

RELATED ACTS

PAGE

Priv. Acts 1955, ch. 36,
"Election of one additional justice of the peace" C-8

CHAPTER NO. 36

SENATE BILL NO. 192

(By Hughes)

AN ACT to authorize the election of one additional justice of the peace each in the incorporated towns of Mason and Garland in Tipton County.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the municipal corporations of Mason and Garland in Tipton County shall each be entitled to elect one additional justice of the peace in addition to those now provided by general law for such towns. The vacancy caused by these additional justices of the peace shall be filled as required by general law. Such additional justices of the peace when duly elected and qualified shall hold office until September 1, 1960, and until their successors shall be elected and qualified. At the August election 1960, such additional justices shall be elected for the constitutional term of six years.

SECTION 2. Be it further enacted, That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the quarterly county court of any county to which it may apply on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

SECTION 3. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 2, 1955.

JARED MADDUX,
Speaker of the Senate.

JAMES L. BOMAR,
Speaker of the House of Representatives.

Approved: February 8, 1955.

FRANK G. CLEMENT,
Governor.

This is to certify that according to the official records on file in this office, Senate Bill No. 192, which is Chapter Number 36 of the Private Acts of 1955, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

G. EDWARD FRIAR,
Secretary of State.

CHARTER AND RELATED ACTS FOR THE TOWN OF
GARLAND, TENNESSEE

YEAR	CHAPTER	SUBJECT
1913	35	Basic charter act.
1955	36	Related private act relative to election of an additional justice of the peace.
1992	142	Replaced § 4, election; § 8, election of officers; and § 9, compensation. Deleted § 10 in its entirety.
1998	110	Added § 24, city marshal abolished and power granted to establish a police department.
2004	135	Replaced § 4, Election; amended §§ 5, Officers, and 21, arrest; and deleted § 24, city marshal abolished.