

CHARTER FOR THE TOWN OF
VIOLA, TENNESSEE¹

CHAPTER 320.

House Bill No. 1039.

AN ACT to incorporate the town of Viola, in the County of Warren, and State of Tennessee, and provide for the election of officers, and prescribe the duties and authority, and for other purposes incident thereto.

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. Incorporation	C-2
2. Limits	C-2
3. Power	C-2
4. Elections	C-3
5. Organization	C-3
6. Oath of office	C-4
7. Bonds	C-4
8. Judges and clerks of election	C-4
9. Failure to hold election	C-4
10. Marshal to pay over moneys--duties of recorder	C-5
11. Mayor's duties and powers	C-5
12. Recorder elected by board of aldermen.	C-5
13. Recorder's duty and qualification	C-6
14. Work house fines	C-6
15. Police and their authority	C-6
16. Open streets, pavements, shade trees, etc.	C-6

¹Priv. Acts 1901, ch. 320, is the current basic charter act for the Town of Viola, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2002 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 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.

<u>SECTION</u>	<u>PAGE</u>
17. Removal of officers.	C-7
18. Arrest of riotous persons, etc.	C-7
19. Compensation of officers	C-7

INCORPORATION.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Viola, in the County of Warren, and the inhabitants thereof, be, and they are hereby constituted a body politic and incorporate, under and by the name of Mayor and Aldermen of the town of Viola; may sue and be sued, grant, receive, purchase and hold real, mixed, and personal property, or dispose of same for the benefit of said town.

LIMITS.

Sec. 2. Be it further enacted, That the corporate limits of said town of Viola shall be as follows, viz.: Beginning at the mouth of the Harlan Spring Branch where it empties into Hickory Creek; thence in a westerly direction ten poles to the Ramsey and Harlan corner, on west side of McMinnville road; thence westerly with Ramsey and Harlan's line twenty-eight poles to a corner; thence northerly twenty-nine poles with same line to a corner; thence westerly with same line fifty-two poles to G. R. West's line; thence northerly with West and Harlan's line fourteen poles to West's northeast corner; thence westerly thirty-nine poles with West's and Harland's line to Talliaferro's lines; thence southerly seventy-five poles with the West and Talliaferro's line to the south side of the public road; thence westerly with said road fourteen poles to Miss Sallie Wooten's northwest corner; thence in a southeastern course with Miss Sallie Wooten's line 152 poles to Hickory Creek; thence down the Creek, with the meanderings of same, to the place of beginning.

POWER.

Sec. 3. Be it further enacted, That the corporation aforesaid shall have full power and authority to enact and pass such laws and by-laws to prevent and remove nuisances, to provide for licensing and regulating auctions, taxing, regulating, or restraining theatrical or public amusements and shows within the bounds of said corporation, for restraining or prohibiting gambling, to forever prohibit the sale of all intoxicating liquors, to establish night watches, to lay out and establish streets, lanes, and alleys, and to provide for the working of same, to pass all laws necessary for establishing or keeping in repair the streets or pavements; to establish the necessary inspection within the town; to enact and regulate market, drayage, and personal privileges; to impose and appropriate fines, penalties, and forfeitures of a breach of the by-laws or

ordinances; to appoint a Recorder and City Marshal; to levy and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this Act into effect; Provided, that they are not incompatible with the Constitution and laws of the State; to provide for the erection of lamp posts and lights for the streets and the erection of cisterns or the digging of wells for fire protection.

Sec. 4. Elections.¹ Be it enacted, that the Warren County Election Commission shall conduct an election in the town of Viola on the first Tuesday after the first Monday in November in every even-numbered year, with the first such election being held on Tuesday November 2, 2004, for the purpose of electing five (5) persons to serve as aldermen, and one (1) person to serve as mayor. All persons living in the limits of such corporation who would be qualified to vote for members of the general assembly of the state and persons owning real property in the bounds of such corporation which was assessed to them on the tax book for the county in January preceding the election, shall be allowed to vote. The five (5) candidates receiving the greatest number of votes shall be declared as aldermen, and the one (1) receiving the highest number for mayor shall be declared mayor. No person shall be eligible to the office of mayor or alderman unless such person is a citizen of, and resides in, the town of Viola, and is over twenty-one (21) years of age, and in case of death, removal, or resignation of any one (1) of the officers of such corporation, the mayor and aldermen shall have the power to fill such vacancies for the time unexpired. [As replaced by Priv. Acts 1984, ch. 163; and Priv. Acts 2002, ch. 152]

ORGANIZATION.

SECTION 5.

(a) The several persons so qualified as provided in Section 4 of the Charter and having been declared elected shall receive a certificate of their election as provided by law.

(b) It shall be the duty of the person so elected to meet at some convenient house in the town of Viola the next day after receiving their commissions, and after having been qualified the Mayor and Aldermen, three

¹Priv. Acts 1984, ch. 163, § 2, provides:

"The Mayor and Board of Aldermen elected to serve the city of Viola in the May, 1983 election shall continue to serve in their respective capacities until their successors are elected as provided in Section 4 of the Charter as amended by this Act, and for such purposes the terms of Mayor and Board of Aldermen elected in May 1983, are specifically extended and any vacancy which occurs during such period shall be filled as provided by law."

(3) of whom shall constitute a quorum, shall proceed to elect a Vice-Mayor, Recorder and Marshal for said corporation for the same time for which the Mayor and Aldermen were elected as aforesaid, and the persons elected by them shall serve until the first Wednesday of the month immediately following the election of the Mayor and the Board of Aldermen, unless otherwise removed, as provided in Section 17, or until their successor is elected and qualified. [As replaced by Priv. Acts 1984, ch. 163]

OATH OF OFFICE.

Sec. 6. Be it further enacted, That the Mayor and Aldermen of said town, before entering upon the duties of their office, take an oath before some Justice of the Peace of Warren County, to faithfully, uprightly, and honestly demean themselves as Mayor and Aldermen of the said corporation during their continuance in office.

BONDS.

Sec. 7. Be it further enacted, That the Recorder and Marshal shall give bond and sufficient security in the sum of five hundred (\$500) dollars, to be approved by the Mayor and Aldermen, for the faithful discharge of their duties of office and accounting for all moneys by them collected due the said corporation.

JUDGES AND CLERKS OF ELECTION.

SECTION 8. Prior to holding an election for Mayor and Aldermen for said corporation, as provided for in Section 4 of the Charter, there shall be appointed three (3) respectable citizens in the town of Viola who shall act as Judges of said election, one (1) of whom shall act as Clerk, and the same laws as now protect the balloting in elections shall apply to the elections of all officers of said corporation. [As replaced by Priv. Acts 1984, ch. 163]

FAILURE TO HOLD ELECTION.

SECTION 9. If for any reason there shall fail to be held an election for Mayor and Aldermen as provided in Section 4 of the Charter, there may at any convenient time thereafter be held an election for the aforesaid officers as provided by law, for the balance of the unexpired term. [As replaced by Priv. Acts 1984, ch. 163]

MARSHAL TO PAY OVER MONEYS--DUTIES OF RECORDER.

Sec. 10. Be it further enacted, That the Marshal shall pay over all moneys collected by him for said corporation to the Recorder on the first

monthly meeting of each month, and that the Recorder shall render semi-annually, or oftener if required by the Board of Aldermen, on the first monthly meetings of October and May in each year, a full and complete statement of the finances under his control, and the Recorder shall exhibit to the Board a complete statement of the finances of said corporation, and he shall also, within thirty days from the time of assessing the taxes of said corporation, deliver to the City Marshal for collection, the taxes therein specified, and the Recorder shall reserve a copy of said tax list with the papers of the corporation. No money shall be paid out except by order of the Mayor, made in pursuance of the direction of the Board of Aldermen; at the expiration of his term of office, the Recorder shall deliver to his successor all books and papers belonging to the corporation, and take his receipt for same, and make a final settlement with the Board of Mayor and Aldermen.

MAYOR'S DUTIES AND POWERS.

Sec. 11. Be it further enacted, That it shall be the duty of the Mayor to preside at all meetings of the council; to take care that all ordinances and by-laws are duly and properly enforced, respected, and observed within the town; to take the oath of office before entering upon the duties of the same, and call special meetings of the Board of Mayor and Aldermen whenever he may deem it expedient; to make such suggestions and give such instructions in reference to the action of such Board as, in his judgment, will be the most conducive to the interest of the corporation; to give orders upon the Recorder of said Board whenever said Board shall direct the same to be done, for the payment of any money that may be due from said corporation; to employ counsel on behalf of said corporation when ordered by the Board, in any case in which said corporation may be interested and counsel needed; to vote with the Aldermen in all matters of interest to the town, but not to have the power to veto.

RECORDER ELECTED BY BOARD OF ALDERMEN.

Sec. 12. Be it further enacted, That the Board of Mayor and Aldermen shall have power to elect a Recorder for said corporation, who shall not be a member of said Board of Mayor and Aldermen, and he shall hold his office for a term of one year, or until his successor is elected and qualified, unless as provided in Section 17 of this Act.

RECORDER'S DUTY AND QUALIFICATION.

Sec. 13. Be it further enacted, That in addition to the duties already imposed upon the Recorder by this Act, he shall be invested with the full power and authority to try all offenses for violation of the ordinances and by-laws of said corporation, and said Recorder of the town of Viola, be, and is hereby

invested with concurrent jurisdiction with Justices of the Peace in all cases of violations of the criminal laws of the State, or of the ordinances or by-laws of the Mayor and Aldermen of the town of Viola, within the corporate limits of said town, and be entitled to the same fees now allowed to Justices of the Peace for like services, and said Recorder shall have power to issue executions on his judgments in the same manner as the Justices of the Peace are authorized by law to issue executions on judgments rendered by him.

WORK HOUSE FINES.

Sec. 14. Be it further enacted, That the Board of Mayor and Aldermen of said corporation shall have full power and authority to erect a work house, and lock-up, or calaboose, for the safe keeping of persons, and when any person or persons convicted of any violations of any by-laws or ordinances of said corporation, fails or refuses to pay or secure to be paid, the fine and cost accruing thereon, the Mayor and Aldermen may provide by ordinance for their confinement in said lock-up, or work house, or calaboose, and put them to work for the town on streets, or any other public works, under proper guard, or secured by ball and chain, at such wages as the Board may adopt, or in no less sum than forty cents per day, until fine and costs are fully paid.

POLICE AND THEIR AUTHORITY.

Sec. 15. Be it further enacted, That the Mayor and Board of Aldermen shall have full power and authority to appoint as many police as, in their judgment, they may deem necessary, at any time, to preserve the peace and quiet of the town, or to enforce the ordinances of said corporation; to fix their term of office and regulate the salary of same; Provided, said fees shall not be over \$1 per day, said police to have full power and authority to execute all processes that the City Marshal or Constable is authorized to execute.

OPEN STREETS, PAVEMENTS, SHADE TREES, ETC.

Sec. 16. Be it further enacted, That the Board of Mayor and Aldermen of the town of Viola shall have full power and authority to lay off and open new streets, lanes, and alleys in said town, and extend the old ones for the convenience of the inhabitants thereof, in the manner and mode prescribed by the Code of Tennessee, and may, by ordinance, or otherwise, require owners of business houses to place good, substantial pavements in front of their houses, and the freeholders of said town to lay pavements in front of their property along said streets; to provide for setting of shade trees and protecting same; for working of streets and manner of governing same.

REMOVAL OF OFFICERS.

Sec. 17. Be it further enacted, That the Board of Mayor and Aldermen of the town of Viola shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them, including the office of Recorder and City Marshal, for incompetency or any violation, neglect, or disregard of the duties imposed upon them by the by-laws and ordinances of said corporation; Provided, that two-thirds of the Board of Mayor and Aldermen concur in the dismissal or removal.

ARREST OF RIOTOUS PERSONS, ETC.

Sec. 18. Be it further enacted, That the Mayor and Aldermen of the town of Viola shall have power and authority, by ordinance, within the town, to provide for the arrest and confinement until trial of all riotous and disorderly persons found violating any ordinance of the town, or in violation of the Act passed by the Legislature March 22, 1875, Chapter 105, Section 2.

COMPENSATION OF OFFICERS

Sec. 19. Be it further enacted, That no person elected to the office of Aldermen or Mayor shall be allowed any pay for his services as such Aldermen or Mayor. The Recorder to receive for his full compensation the fees that are allowed by law to Justices of the Peace in such jurisdiction, but in no case are the costs to be charged to, or paid by, said corporation in event said Recorder fails to realize from parties, his costs. The Marshal shall likewise be compensated by fees as set forth for Constable, and in no case should such cost not be collectible, shall any part be charged to, or paid by, said corporation. The Board of Mayor and Aldermen shall have power to appropriate out of the funds of the public treasury, such additional fees as they deem just and due for any extra services rendered by the Marshal for overseeing working of streets, collecting of taxes. Etc.

Sec. 20. Be it further enacted, That this Act is hereby declared to be a public Act, and may be read in all the courts of law and equity in this State without proof.

Sec. 21. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1901.

E. B. WILSON,
Speaker of the House of Representatives.

NEWTON H. WHITE,
Speaker of the Senate.

Approved April 23, 1901.

BENTON McMILLIN,
Governor.

ACTS COMPRISING THE CHARTER OF THE
TOWN OF VIOLA

YEAR	CHAPTER	SUBJECT
1901	320	Basic charter act
1984	163	Replaced § 4, elections; § 5, organization; § 8, judges and clerks of elections; and § 9, failure to hold election
2002	152	Replaced § 4, elections