

CHARTER OF THE TOWN OF WHITEVILLE, TENNESSEE¹

CHAPTER 280

HOUSE BILL NO. 780

AN ACT to incorporate the town of Whiteville, in Hardeman County, Tennessee, and to define the rights, powers and liabilities, etc., of the same.

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¹Chapter 280, Acts of 1901, is the present basic charter act for the Town of Whiteville. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2021 session of the Tennessee General Assembly and is current with the laws from the 2023 Regular Session of the 113th Tennessee General Assembly. When a section of the charter has been amended or added, the citation to the act making the amendment has been placed in brackets at the end of the amended or added section. Bond authorization and validation acts, since of a temporary nature, have not been included.

A few catchlines have been added and some catchlines have been slightly changed. A table of contents has been added to facilitate use of the charter. These changes, along with incorporation of amendments, are the only changes which have been made to the charter as set out here. No substantive changes have been made unless authorized by private act.

A list of all private acts comprising the charter of the Town of Whiteville will be found at the end of the charter.

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INCORPORATION, NAME, AND GENERAL POWERS

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Whiteville, in Hardeman County, and the inhabitants thereof, are hereby constituted a body politic and corporate under the name and style of the town of Whiteville, and shall have perpetual succession, and by the corporate name may sue and be sued, contract and be contracted with, may grant, receive, purchase and hold property, real and personal, and dispose of same for the benefit of the town, and may use a common seal, and may own real estate out of the corporate limits for the purpose of maintaining cemeteries and pest houses.

BOUNDARIES¹

Sec. 2. Be it further enacted, That the boundaries of said town of Whiteville shall be as follows: Beginning at a stake in C. A. Duncan's field, the north side of the Tennessee Midland Railroad, runs north fifty-three degrees to the west two poles and fourteen links from mile pole fifty-seven on said Tennessee Midland Railway, and runs west three hundred and twenty poles to a stake in a field belonging to the Bowers heirs, five poles north of Dr. G. W. Morris' north boundary line; thence south three hundred and twenty poles to a stake in W. T. Crosses field, with two red oaks and one elm pointer; thence east three hundred and twenty poles to a stake in Motley's field; thence north three hundred and twenty poles to the beginning, being same boundaries as the old charter of Whiteville. [As amended by ch. 660, pr. acts of 1911, § 1]

OFFICERS

Sec. 3. Effective February 7, 1991, the officers of the Town of Whiteville, to be elected by the qualified voters of the town, shall be a mayor and six (6) aldermen. The mayor shall be elected for a four (4) year term. To provide for staggered terms, the three (3) candidates for aldermen receiving the first, second and third highest number of votes shall serve a four (4) year term, until February, 1995. The three (3) candidates for aldermen receiving the fourth, fifth, and sixth highest number of votes shall serve a two (2) year term, until February, 1993, at which time these three (3) members of the Board of Aldermen shall stand for election for four (4) year terms. After the election in 1993, all terms of office on the Board of Aldermen shall be for four (4) years. The mayor and aldermen shall hold their offices until their successors are elected and qualified. The mayor and aldermen shall be residents and qualified voters of the Town of Whiteville.

The chief of police for the Town of Whiteville shall be elected by the Board of Mayor and Aldermen, who shall fix the salary and the duties to be performed. The chief of police shall serve at the pleasure of the Board of Mayor and Aldermen.

Effective February 7, 1991, the Recorder of the Town of Whiteville shall be appointed by the Board of Mayor and Aldermen, with the appointment to the position requiring a simple majority vote of the Board of Mayor and Aldermen. [As amended by ch. 665, pr. acts of 1927, § 1; ch. 411, pr. acts of 1972, § 1; and ch. 276, pr. acts of 1980, § 1; and ch. 207, pr. acts of 1990, § 1]

¹For changes to these boundaries as set out here, see records in the recorder's office.

ELECTIONS

Sec. 4. That the officers of said Town shall be elected on the first Tuesday after the third Monday in January 1973 and each two years thereafter, and until their successors are elected and qualified, except the present Mayor and Aldermen and Recorder are hereby appointed to serve until the first Tuesday in January 1973, and until their successors are elected and qualified. All elections for said Town shall be the election commissioners of Hardeman County. [As amended by ch. 411, pr. acts of 1972, § 2]

OATH OF OFFICERS; ELECTION OF TREASURER

Sec. 5. Be it further enacted, That the Mayor, Recorder, chief of police and Aldermen, before entering upon the discharge of their duties, shall each take an oath before some person authorized by law to administer oaths, that they will honestly and faithfully discharge the duties of their respective offices to the best of their skill and ability, without fear, favor or partiality, and the board shall elect one of their number Treasurer, who shall take the aforesaid oath and give bond as required by ordinance. [As amended by ch. 276, pr. acts of 1980, § 2]

LEGISLATIVE POWERS--WHERE LODGED

Sec. 6. The legislative powers of the town of Whiteville shall be vested in and exercised by the board of mayor and aldermen, over whose meetings the Mayor shall preside and cast the deciding vote when there is a tie. A majority of the aldermen shall constitute a quorum for the transaction of business.

There shall be a vice-mayor who shall be selected at the first meeting after each election by the board from among their number. The term of office of the vice-mayor shall be for a period of two (2) years. The vice-mayor shall perform the duties of the mayor during the temporary absence or inability to act of the mayor and shall serve as mayor during any interim period between the time that a vacancy in the office of mayor occurs and the vacancy is filled as provided in this section.

When a vacancy in the office of mayor occurs, the board shall call a special election to fill the unexpired term unless the vacancy occurs within six (6) months of a regular election. When a vacancy occurs under such circumstances, the vice-mayor shall serve as mayor until the next regular election, at which time a mayor shall be elected to fill the unexpired term or a mayor shall be elected to serve a regular four (4) year term.

When a vacancy in the position of alderman occurs, the board of mayor and aldermen shall appoint a qualified person to fill the unexpired term. [As amended by ch. 276, Priv. Acts of 1980, § 2, as amended by Priv. Acts 1992, ch. 144, § 1]

WHO IS ELIGIBLE TO OFFICE

Sec. 7. No one shall be eligible to the office of Mayor or Alderman unless such person is a resident of the Town of Whiteville and a legally qualified voter in the election of the town. [As amended by ch. 276, pr. acts of 1980, § 2, as amended by Priv. Acts 1996, ch. 131, § 1]

BOARD TO JUDGE QUALIFICATIONS OF MEMBERS

Sec. 8. The board of mayor and aldermen of the Town of Whiteville shall judge of the qualifications and elections of its members, including the mayor, and shall determine contested elections and from its actions on these items any party aggrieved may appeal to the circuit court. Such board shall also prescribe its own rules of procedure, the punishment by fine or suspension of its own members, including the mayor and chief of police, for any misconduct in the office. Two-thirds (2/3) of the aldermen voting to concur may cause ouster proceedings to be initiated against a member, including the mayor, for misconduct in office, in accordance with the provisions of Tennessee Code Annotated, Title 8, Chapter 47. Any member who is discharged from the member's position for misconduct or removed from office in accordance with the general law ouster provisions or pursuant to Tennessee Code Annotated, Section 39-16-406, or who resigns for misconduct in the member's office, shall be removed from office for the duration of the term for which the member was elected or appointed and shall be barred from holding any appointed or elected city office for twelve (12) years following the term for which the member was elected or appointed. A less number than a majority of the board may adjourn from day to day, and the board shall hold its regular meetings at such time as it may be determined, but not more than two (2) regular stated meetings in each month. [As amended by ch. 276, pr. acts of 1980, § 3, and ch. 85, pr. acts of 2006, § 1]

POWERS BY ORDINANCE

Sec. 9. Be it further enacted, That the Mayor and Aldermen of said town of Whiteville, by ordinance, within the corporate limits, shall have power--

1. To levy and collect taxes upon all property, privileges and polls taxable by law for State purposes and to by ordinance fix a reasonable penalty for failure on the part of the tax-payers of said town to pay the taxes levied against their property after delinquency.

2. To appropriate money and to provide for the payments of debts and expenses of the town of Whiteville, also the principal and interest of all outstanding debts against the old corporation of the town of Whiteville; also to demand, receive and receipt for all books, money, real and personal property from the Mayor, Recorder, Marshal and Aldermen of the old corporation of the

town of Whiteville, and all fines, taxes and other debts due said old town of Whiteville, and if necessary shall have the right to bring suit to recover any and all property which belong to the old corporation of the town of Whiteville, at the time the Act of abolishing said charter of the old corporation of the town of Whiteville went into effect.

3. To make and enforce quarantine laws to prevent the introduction and spread of contagious diseases.

4. To make and enforce regulation for the public health and to prevent and remove nuisances.

5. To open, improve and extend streets, sidewalks, alleys, and public squares.

6. To make and keep in repair bridges, culverts, sewers and gutters, etc.

7. To rent or erect buildings either in or outside of the corporation for the use of the town.

8. To license, regulate and tax all privileges for corporate purposes taxable by the State.

9. To suppress and prohibit bawdy houes(houses) and houses of ill-fame, gambling houses, and the sale of intoxicating liquors, and to suppress all other nuisances.

10. To provide for the prevention and extinguishment of fire, to organize and regulate fire companies, to establish fire limits, and to regulate or prohibit the erection of wooden buildings in such fire limits.

11. (Repealed)

12. To regulate the police of the town, to impose fines, forfeitures and penalties for breaches of any ordinance, and to provide for the collection of the same.

13. To prevent and punish by pecuniary penalties all breaches of the peace, noise and disturbances in the town.

14. To regulate and provide for the construction of sidewalks and foot pavements, and to provide for charging the owner of the property in front of which it is to be made the cost of making such improvements, after due notice to the owner that it is to be made at his expense, and such expense shall be a lien on such property, to be enforced by any court of competent jurisdiction.

15. To pass all ordinances not contrary to the Constitution and laws of the State of Tennessee or the United States that may be necessary to carry into effect the grants and power herein and to accomplish the object and purposes of the Act of incorporation. [As amended by ch. 8, pr. acts of 1925, § 1, and ch. 369, pr. acts of 1931, § 4]

TREASURER--HOW ELECTED

Sec. 10. The board of mayor and aldermen shall elect for treasurer one of the aldermen, who shall not be the recorder, at their first regular meeting after each biennial election, who shall hold his office two (2) years and until his

successor shall be elected and qualified, and the treasurer, recorder, and chief of police shall give bond as required by law for such sum and perform such duties as may be required of them by ordinance. [As amended by ch. 276, pr. acts of 1980, § 4]

DUTIES OF POLICE

Sec. 11. It shall be the duty of the chief of police and each policeman to enforce the laws and ordinances of the town rigorously, and for that purpose police authority is hereby given to them. The chief of police and policemen shall also perform such other duties as may be prescribed for them by ordinance, and obey all reasonable orders of the mayor. [As amended by ch. 276, pr. acts of 1980, § 5]

DUTIES OF RECORDER: TO KEEP RECORDS

Sec. 12. Be it further enacted, That it shall be the duty of the Recorder to attend all meetings of the Board of Mayor and Aldermen, and to keep an accurate minute of all the proceedings of the Board. He shall also issue all privilege license and collect all privilege taxes, and keep a proper record of the same. He shall have for his compensation for said services such compensation as may be fixed by the Board, and to perform such other duties as may be prescribed by ordinance.

ORDINANCES--HOW PASSED

Sec. 13. Ordinance procedure. An ordinance shall be considered and adopted on two (2) separate days. An ordinance may receive first consideration upon its introduction.

An ordinance shall take effect upon final consideration, adoption, and being signed by the Mayor unless a different effective date is designated in the ordinance.

All ordinances shall be signed by the Mayor before they shall become effective. The Mayor shall examine all ordinances passed and sign at once if they meet the Mayor's approval. If the Mayor does not approve an ordinance, it shall be returned to the next regular meeting of the Board with the Mayor's objections in writing, and no ordinance vetoed shall go into effect unless and until it again passes by the majority of the entire Board.

Any form of board action shall be passed by a majority of the members present if there is a quorum. [As replaced by Priv. Acts 2021, ch. 36, § 1]

MAYOR TO APPREHEND AND TRY OFFENDERS

Sec. 14. Be it further enacted, That the Mayor shall issue warrants for defenders upon proper affidavit, and shall try all offenses created by this Act or

by ordinance of the town, and shall impose fines and penalties and enforce the collection of the same, and shall have the power to commit to the town prison or calaboose until the trial all parties held for trial, unless they give proper bail. He may also commit persons who are fined by him to the town prison or work house until such fines and costs are paid, worked out or secured. In case the Mayor is sick, absent or incompetent, the Recorder shall perform the duties of the Mayor in reference to the apprehension and trial of offenders.

In the event the Mayor and Recorder do not desire to apprehend and try offenders as provided herein, the Board of Mayor and Aldermen shall elect a qualified person to perform such duties and constitute the City Court until the next regular election or until the Mayor or Recorder shall desire to take over such duties. The Mayor shall also have power to fill temporary vacancies to stand till the next regular meeting of the Board, and shall have power to make special deputations, to increase temporarily the police force, and shall call special meetings of the Board, and shall state to the Board in writing the purpose of such meetings, which, together with the action of the Board, shall be spread on the minutes of the Board. He shall also enforce all ordinances and perform such other duties as may be prescribed (prescribed) by the ordinances of the town.

The city judge, whether the mayor, recorder, or a person chosen by the board of mayor and aldermen, may impose costs equivalent to those charged by general sessions courts for similar work in state cases for cases heard in the city court. [As amended by ch. 411, pr. acts of 1972, § 3 and ch. 276, pr. acts of 1980, § 6]

WHO MAY VOTE

Sec. 15. Be it further enacted, That all persons shall be entitled to vote in the elections of said town of Whiteville who are otherwise qualified to vote under the laws of Tennessee, and (1) who shall have been actual bona fide residents of the town for six months next preceding the election; (2) who are non-residents of the town but residents of the State, and who are bona fide owners by absolute title of real estate within the corporation limits.

COMPENSATION OF OFFICERS

Sec. 16. Be it further enacted, That the Mayor, Marshal, and other officers and witnesses shall receive such compensation and fees as for similar services are allowed in Justice of the Peace Court, unless otherwise provided by ordinance.

REPEALED

Sec. 17. [Repealed by ch. 369, pr. acts of 1931, § 4]

REPEALED

Sec. 18. [Repealed by ch. 369, pr. acts of 1931, § 4]

ACT DECLARED PUBLIC ACT

Sec. 19. Be it further enacted, That this Act is declared to be a public law, and may be read in evidence in all courts without special proof of same.

CONFLICTING LAWS REPEALED; EFFECTIVE DATE

Sec. 20. Be it further enacted, That all laws in conflict with this Act, be, and the same are hereby repealed, and that this Act take effect from and after the 26th day of May, 1901, the public welfare requiring it.

Passed April 3, 1901

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

Newton H. White,
Speaker of the Senate

Approved April 13, 1901

Benton McMillin,
Governor

PRIVATE ACTS COMPRISING THE CHARTER OF WHITEVILLE,
TENNESSEE

YEAR	CHAPTER	SUBJECT
1901	280	Basic charter act.
1905	532	Authorized issuance of \$12,000.00 in bonds for water works and street lights.
1911	660	Amended § 2.
1911	669*	Authorized issuance of \$10,000.00 in bonds for street and sidewalk purposes.
1915	250**	Authorized \$5,000.00 bond issue for school building indebtedness.
1925	8	Penalty for failure to pay taxes.
1927	665	Amended § 3.
1929	850**	Authorized \$3,000.00 bond issue to build and repair sidewalks.
1931	369	Amended §§ 9,17, and 18.
1941	19**	Validated issuance of \$38,000.00 in refunding bonds.
1947	741**	Authorized issuance of \$100,000.00 in bonds for water works and sewer system.

*This bond authorization act, although it appears to have continuing significance because of some language in the act, is not included in the compilation of Whiteville's charter because there are now general laws with similar provisions available for use by all municipalities.

**Bond authorization and validation (validation) acts, since of a temporary nature with no continuing significance, have not been included in this compilation.

YEAR	CHAPTER	SUBJECT
1972	273*	Amended §§ 3,4, and 14.
1972	411	Amended §§ 3,4, and 14.
1980	276	Amended §§ 3, 5--8, 10, and 14.
1990	207	Amended § 3.
1992	144	Amended § 6.
1996	131	Amended § 7.
2006	85	Amended § 8.
2021	36	Replaced § 13.

*This act did not receive local approval as required in the act and is therefore not included in this compilation.