

CHARTER FOR THE TOWN OF DOWELLTOWN,  
TENNESSEE.<sup>1</sup>

CHAPTER NO. 827

House Bill No. 847

(By Foutch)

AN ACT to incorporate the Town of Dowelltown, in the County of DeKalb, State of Tennessee; to provide for the election of officers thereof; to prescribe their duties; to define the corporate limits and prescribe the powers and duties of said municipal corporation.

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<sup>1</sup>Priv. Acts 1949, ch. 827, is the current basic charter act for the Town of Dowelltown, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2017 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.

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Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Town of Dowelltown, DeKalb County, State of Tennessee, and the inhabitants thereof, be and the same are hereby constituted a body politic and corporate under and by the name of the "The Town of Dowelltown." Under that name they may have perpetual succession; may sue and be sued; grant, receive, purchase and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of the said Town of Doweltown, and may have and use a common seal and alter the same at pleasure.

Sec. 2. Be it further enacted, That the corporate limits of said Town shall embrace the territory within the following boundaries, to-wit:

Beginning at a point on the south side of Highway 26, at the northwest corner of the Dowelltown Baptist Church property, thence running south to the southwest corner of said property; thence eastward with the church and Overall line to the southeast corner of said property; thence continuing east through the Overall property to the Williams line; thence south following the Williams and Overall line about 100 yards to the Williams corner, thence east to the west bank of the Barger Hollow branch; thence with the west side of said bank with its meandering to a point in said branch at its easternmost point; thence east across said branch and across Mill Street to the Banks and Cripps corner on the east side of said street; thence in an easterly direction in a straight line to the White, Woodside and Malone corner; thence in a northerly direction with the Woodside and Malone line to the south side of Dry Creek; thence northerly across Dry Creek, and across the Woodside bottom straight to the south side of Highway 26; thence straight across highway to north side of said highway; thence with the north edge of Highway 26 to Dowelltown Bridge; thence with the north side of said bridge to the northwest corner of said bridge; thence with the west bank of Dry Creek, with its meandering to the place of intersection with Smith Fork Creek; thence with the southeast bank of said creek, with its meandering to the Turner and Overall line; thence straight in a southwest direction to the beginning corner.

Provided, however, that all property located within the corporate limits of said town and which is to be used as a part of the right-of-way for the new State highway 26 is expressly deleted from the area or boundary now comprising the corporate limits of said town. [As amended by Priv. Acts 1951, ch. 650, § 1]

Sec. 3. At the Regular August Election in 1984, the mayor and two (2) aldermen shall be elected to terms of four (4) years and three (3) aldermen shall be elected to terms of two (2) years. The board of mayor and aldermen shall designate which positions are to be terms of two (2) years and which four (4) years, and certify this information to the county election commission which shall prepare the ballots to be used in the election accordingly. In the Regular August Election in 1986, and at every Regular August Election thereafter, the mayor and aldermen up for election shall be elected to full four (4) year terms.

The officials of the town shall take the oath of office as prescribed for all public officials in the state of Tennessee. [As replaced by Priv. Act 1983, ch. 107, § 1]

Sec. 4. Be it further enacted, That within thirty (30) days from and after the passage of this Act, the citizens living within the corporate boundaries of said municipality shall have the right to call an election and the question decided by its qualified voters as to whether or not they desire the form of government as provided for by this Act. In order to call said special election, a petition signed by at least 50 qualified voters residing within the corporate limits of said Town may request the County Election Commission to call said election and have said election approved or disapproved by a majority of the persons casting their vote in said election. Said petition must be filed with the County Election Commission within thirty (30) days from and after the effective date of this Act. Thereafter, the County Election Commission shall, within ten days from the date of the filing of said petition, publish a printed notice of said election in two consecutive issues of the "Smithville Review", and said election shall be held within ten (10) days from the date of the last issue of said notice. The cost of holding said election shall be paid out of the general funds of said County. Provided, further, that in the event no election petition is filed within the aforesaid thirty (30) days then this Act shall remain in force as hereinafter provided.

Sec. 5. The governance of the town shall be vested in a board of mayor and five (5) aldermen to be chosen in the regular August election by the qualified resident voters of the town.

Said Board of Mayor and Aldermen shall have full power and authority within the Town.

1<sup>st</sup>. To elect and appoint a City Marshal or police officer, a Recorder and Treasurer, a Secretary, who may also be tax collector, a tax assessor and such other officers or agents as may be found essential to the well being of the Town and so determined by the Board of Mayor and Aldermen, and the Board shall also fix the compensation of said officers or agents, provided, however, that no

officers so designated other than the City Marshal, Tax Assessor, Secretary and Recorder, shall receive compensation; provided, further, that the Recorder shall receive the same fees allowed by law to Justices of the Peace for like services, but his provisions shall not be so construed as to prohibit compensation to special policemen when their engagement is deemed absolutely necessary nor shall this provisions prevent the reasonable compensation to the assessor, collector and disburser of City funds.

2<sup>nd</sup>. That the Recorder shall have the right to charge the defendant in all cases with fine and all cost, including officer's costs.

3<sup>rd</sup>. To compel by ordinance the owner of property on any street, alley or avenue within the corporation to grade, construct, pave and repair the sidewalks and foot pavements the whole extent of the front along the same to be done according to the grade furnished by municipal authority, and if the owner of the ground shall fail to comply with the provisions of said law or ordinances or shall be fully enacted by the Board of Mayor and Aldermen for grading, constructing, paving and repairing of the sidewalks, and foot pavements within time and such manner as may be prescribed thereby, then the Board of Mayor and Aldermen may build, construct or cause the same to be built or constructed, and the cost and expenses of same shall be a lien on said grounds on which said work shall be done and may be enforced by attachment in law or equity and shall recover by suit in the name and for the use of the Board of Mayor and Aldermen, before any court of competent jurisdiction; and the said Board of Mayor and Aldermen or municipality shall not be liable for any damage to the owner of any lot or parcel of land for the removal of any fence or other obstruction, nor for the land, except the same exceed seven feet in width, provided, however, that such land taken or used shall be for the use and benefit of said municipality or corporation of Dowelltown.

4<sup>th</sup>. To enact such laws and ordinances as may be necessary and proper to preserve the health, morals, quiet and good order of the Town.

5<sup>th</sup>. To commit any person or persons who may fail or refuse to pay or secure any fine or cost imposed upon them or him or her by any ordinance of said Town to the jail or calaboose or workhouse of said Town until such fine or cost be fully paid or secured. Every person so committed shall be required to work for the Town as his or her health will permit at such wages and under such regulations as may be established by ordinance, said work to continue until said fine or costs are fully paid.

6<sup>th</sup>. To prohibit gaming, and gambling houses and lotteries, the selling, storing or keeping of intoxicating liquors, and the giving or selling liquors to

minors, to adopt by appropriate ordinances any criminal statutes of the State and declare that violation shall also constitute an offense against the Town.

7<sup>th</sup>. To define offenses, declare and impose fines, forfeitures and penalties and provide for their collection and enforcement.

8<sup>th</sup>. To prohibit the erection of wooden buildings in the parts of the Town as may be deemed expedient, and to establish such fire limits as may be deemed advisable and to prescribe rules and regulations necessary to make their provision effectual.

9<sup>th</sup>. To pass such laws as may be necessary to carry into effect the foregoing powers and to effectuate the foregoing purposes consistently within the constitutions and laws of the State of Tennessee, and the United States. [As amended by Priv. Acts 1983, ch. 107, § 2]

Sec. 6. Be it further enacted, That the Board of Mayor and Aldermen shall, in the passing of all ordinances, observe the following:

Said ordinance shall be submitted and passed upon two separate readings at regular or especially called meetings of the Board, the second reading not to be less than one week and not more than two weeks from the first reading of introduction; and on each said day the ordinance or ordinances so submitted shall receive the affirmative vote of a majority of the Board. Ordinances shall be divided into appropriate section, shall be brief but intelligent in form, and shall after passage be recorded in a well bound book, or printed upon durable paper, and a printed copy if ordered by the Board, shall be received in the courts of the State as competent evidence of its provisions.

Provided, further, that the said Board is hereby vested with power to draft or embody the ordinances of the Town in the form of a code embracing all ordinances, they may combine and codify all ordinances upon any one or more subjects. The Board may, by resolution passed upon two separate readings, adopt all or such portions, of the ordinances of any former corporation of Dowlletown as may be deemed suitable. All ordinances shall become effectual two days after their passage, except those of a special or emergency nature, which may be declared in force immediately upon final passage.

Sec. 7. Be it further enacted, That the Mayor of the said Town shall preside at all meetings of the Board of Mayor and Aldermen; shall take an oath of office, call special meetings of the Board when deemed expedient; see that the corporate laws and ordinances are fully enforced; issue corporate warrants on the Treasurer when so ordered by the Board; make such reports to the Board as shall be directed by ordinance, appoint person or persons to act as City Marshal

till the meeting of the Board; in the absence, resignation or sickness of the regular corporation officers, and shall appoint special policemen to assist the City Marshal, when, in his opinion, the occasion requires it, and shall when the Recorder is sick or absent perform his duties.

Sec. 8. Be it further enacted, That the Board of Mayor and Aldermen shall provide the ordinance for the election of a Recorder and Treasurer, who shall perform the duties and resume the responsibilities of said office as hereinbefore set out, said Recorder and Treasurer to be elected by the Board of Mayor and Aldermen and shall hold his office for a term of two years and until his successor is elected and qualified; but before entering upon the duties of his office he shall make bond, payable to the Mayor and Aldermen in such sum as the Board may prescribe conditional upon the faithful performance of his duties as Recorder and Treasurer in the collection and accounting of all money coming into his hands and shall pay out corporate money only on the warrant issued by the Mayor, and shall make such reports of same as the Board may order.

Sec. 9. Be it further enacted, That the Mayor and Aldermen may elect a City Marshal to hold his office two years, or until his successor is elected and qualified, who shall make bond payable to the Mayor and Aldermen to be approved by the Mayor in such sums as the Board may provide, conditioned for the faithful performance of the duties of said Marshal. He shall also take an oath that he will faithfully discharge the duties imposed upon him by the laws of Tennessee. The official authority of said Marshal shall extend three miles without the corporate limits for the purpose of executing process, both corporate and criminal.

Sec. 10. Be it further enacted, That it shall be the duty of the Town Marshal to arrest all violators of the ordinances and laws of said corporation and bring them before the Recorder for trial, or take bond for their appearance before the Recorder for the trial in the sum of two hundred and fifty dollars. He shall also be charged with the execution of process, civil or criminal, and shall have the power to execute State warrants, or other process, as constables have under the laws of the State of Tennessee, and shall perform such other duties of said corporation as may be provided by ordinance.

Sec. 11. Be it further enacted, That the Mayor and Aldermen shall have power and authority to dismiss or remove any officer or agent appointed or elected by them for neglect or disregard of the duties imposed upon them by the laws and the ordinances of said corporation, or for any misconduct in office, and a majority of the Mayor and Aldermen acting affirmatively can effect such dismissal. A majority of the Mayor and Aldermen may also remove one of their own members for any misconduct in office by so voting affirmatively, and in such proceeding the Aldermen on trial shall not be permitted to vote, and they shall

take a special oath for the trial of their members. In case of a vacancy in said Board caused by death, resignation or removal or like vacancy in any position filled by the Board of Mayor and Aldermen said vacancy shall be filled by the Board of Mayor and Aldermen by the appointment of some eligible person or persons to fill out the unexpired terms.

Sec. 12. Be it further enacted, That every warrant drawn upon the Treasurer shall show upon its face for what purpose it was issued.

Sec. 13. Be it further enacted, That in the absence, disqualification, or sickness of the Mayor, and Board of Aldermen may elect one of their number to preside at all meetings and discharge the duties of the Mayor during these interims; and in case of the absence or sickness or incompetency of the Recorder, the Mayor may, in writing, appoint some Alderman to perform the duties of the Recorder, or the Mayor may perform them himself.

Sec. 14. Be it further enacted, That the said Board of Mayor and Aldermen shall not incur any indebtedness in excess of the revenues of the current year.

Sec. 15. Be it further enacted, That if any one or more of the provisions of this Act shall be declared unconstitutional; the other and valid provisions shall remain unaffected thereby.

Sec. 16. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Sec. 17. Be it further enacted, That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: April 13, 1949.

Walter M. Haynes,  
Speaker of the Senate.

McAllen Foutch,  
Speaker of the House of Representatives.

Approved: April 15, 1949.

Gordon Browning,  
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF THE  
TOWN OF DOWELLTOWN, TENNESSEE

YEAR	CHAPTER	SUBJECT
1949	827	Basic charter act.
1951	650	Amends § 2 relative to boundaries.
1983	107	Replaces § 3 relative to terms of office and amends § 5 relative to legislative body.