

CHARTER FOR THE CITY OF FRIENDSHIP, TENNESSEE¹

CHAPTER NO. 720

HOUSE BILL NO. 1381

(By Bryant of Crockett)

AN ACT to incorporate the City of Friendship, in Crockett County, Tennessee to define the rights, powers, duties, and privileges of said City of Friendship, and to provide that all obligations of "The Mayor and Councilmen of the Town of Friendship," now owing, whether matured or not, and whether by bond issues, accounts, contracts, or other obligations legally made, under and by virtue of Chapter 6 of the Private Acts of 1913, which is the Act by which the territory hereinafter described was first incorporated, shall constitute and be binding obligations upon the City of Friendship, and to be paid in accordance with the terms and provisions of such contracts, bonds, accounts, and obligations; and to repeal Chapter 6, Private Acts of 1913, and all Acts amendatory thereof; to provide for the election of a school board, and to authorize the City of Friendship to enter into all contracts with Crockett County, the State of Tennessee, the United States of America, for the joint operation of the public schools in said municipality.

¹Private Acts of Tennessee for 1949, Chapter 720 is the current basic charter act of the City of Friendship, Tennessee. As the basic charter is set out herein, all of its amendments through the 2019 session of the Tennessee General Assembly have been incorporated in the text. When a section of the basic charter has been amended, the citation of the official private act or acts constituting the amendment or amendments are contained at the end of the section. No changes have been made in the basic charter and its amendments as set out herein, except that titles have been added to the sections of the basic charter, section numbers in the basic charter have been moved to the heads of their sections, and a table of contents has been added to facilitate the use of the charter. A list of all the private acts amending the charter is contained at the end of the charter.

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SECTION 1

INCORPORATION

Be it enacted by the General Assembly of the State of Tennessee, That the City of Friendship, in Crockett County, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of "City of Friendship," and shall have perpetual succession; that by this corporate name and style, it may sue and be sued, contract and be contracted with, grant, receive, purchase, and hold real, mixed and personal property, or dispose of the same for all corporate benefits and uses, and shall have an official seal.

SECTION 2

BOUNDARIES

Be it further enacted, That the boundaries of the said City of Friendship, hereby incorporated, be as follows:

Beginning at a point seven hundred (700) yards north of the place on Main Street, in the City of Friendship, where the old public well was located at the time of the first incorporation of said territory by Chapter 6 of the Private Acts of 1913, runs thence west two hundred (200) yards to a stake, thence south fifteen hundred (1,500) yards to a stake, thence east eleven hundred (1,100) yards to a stake, thence north fifteen hundred (1,500) yards to a stake, thence west nine hundred (900) yards to the point of beginning.

SECTION 3

BOARD OF MAYOR AND ALDERMEN; SALARY OF MAYOR

Be it further enacted, That the governing body of said City of Friendship shall consist of a Mayor and four Aldermen, and may be referred to as the Mayor and Board of Aldermen, and the first Mayor serving under this new Charter shall be J. H. Haley, and the first Board of Aldermen shall be James H. Carman, J. A. Lipford, R. J. Welch, and G. L. Perry, which Mayor and Aldermen are the same persons now serving as the municipal board of said City of Friendship under its old Charter, and they shall hold their respective offices as such Mayor and Aldermen until the first election of their successors, as herein provided, on the first Thursday in March, 1950, and shall continue to hold said respective offices until their successors are elected and qualified, and in event there should be a vacancy in the office of Mayor and/or Aldermen, prior to the election and qualification of their successors, the remaining members of said Board will fill

the vacancy by selecting some person, qualified to serve in the office made vacant, until his successor shall be elected and qualified, in accordance with the provisions of this Act.

The Mayor shall receive as compensation for his services the sum of one hundred dollars (\$100.00) per month; provided, however, that the Board of Aldermen shall have authority to increase or decrease such compensation by majority approval of the Board of Aldermen with the Mayor abstaining in any action taken with respect to any such change in compensation for the office of Mayor. (as amended by pr. acts 1979, Ch. 47, sec. 1)

SECTION 4

CITY ELECTIONS

Be it further enacted, that the City of Friendship shall hold elections for mayor and aldermen every four (4) years on the first Saturday in May, beginning in 2005. Beginning with the May, 2005, election, the mayor and aldermen shall be elected for terms of four (4) years, and shall take office at the first regular meeting of the Friendship Mayor and Board of Aldermen following such election. The election shall be held at a place or places within the City of Friendship designated by the incumbent mayor and board of aldermen. The hours of opening and closing of the polls shall be the same as for general elections in Crockett County. Any person eighteen (18) years of age or older and registered to vote in the City of Friendship shall be eligible to vote in any city election or referendum. Any other registered voter, who resides outside the corporate boundaries of the City of Friendship but who has owned a taxable freehold within the corporate boundaries of the city for a period of at least six (6) months immediately preceding the date of a city election or referendum, shall also be eligible to vote in such city election or referendum even though he or she is not a resident of the city. (as deleted and replaced in its entirety by pr. acts 1978, ch. 219, sec. 1, as deleted and replaced in its entirety by pr. acts 1978, ch. 318, sec. 1, as deleted and replaced in its entirety by pr. acts 1983, ch. 64, sec. 1; and pr. acts 2005, ch. 50, § 1)

SECTION 5

DATE AND ADMINISTRATION OF ELECTIONS

Be it further enacted, that it shall be the duty of the regular county election commissioners for Crockett County, by whatever designation they may hereafter have, to call an election in and for the City of Friendship to be held on the first Saturday in May, 2005, for the purpose of electing a mayor and four (4)

aldermen for terms of four (4) years each and said regular county election commissioners for Crockett County shall name the judges, officers, clerks, and other necessary election officials to conduct such election and certify the returns thereof. Every four (4) years after such May, 2005, election, it shall likewise be the duty of the regular county election commissioners for Crockett County, by whatever designation they may hereafter have, to call an election in and for the City of Friendship to be held on the first Saturday in May for the purpose of electing a mayor and four (4) aldermen for terms of four (4) years each, and said regular county election commissioners for Crockett County shall name the judges, officers, clerks, and other necessary election officials to conduct such election and certify the returns thereof. No poll tax shall be required of any person as a prerequisite to vote in such election. The regular county election commissioners for Crockett County shall meet at the courthouse in Alamo, Tennessee, on the day following such elections, shall canvass the returns, and shall certify the results, and the person receiving the highest number of votes for mayor, and the four (4) persons receiving the highest number of votes for aldermen, shall be declared elected and receive a certificate of election from said election commissioners. (as amended by pr. acts 1978, ch. 219, sec. 2, pr. acts 1978, sec. 318, sec. 2, and pr. acts 1983, ch. 64, sec. 2, and replaced by pr. acts 2005, ch. 50, sec. 2)

SECTION 6

OATH OF OFFICE

Be it further enacted, That before the newly elected Mayor and Aldermen take over the duties of their offices, they shall qualify by taking an oath to support the Constitution of the State of Tennessee, and to faithfully and impartially perform the duties of the office to which they have been elected, to the best of their ability, which oath may be administered by any official authorized to administer oaths generally, in writing, and shall be filed in the office of the County Court Clerk of Crockett County, and it, together with certificate of election, shall be spread upon the minutes of the meeting of the municipal board of the City of Friendship, held first after such officers have so qualified.

SECTION 7

VACANCIES IN OFFICE; BREAKING TIE VOTES

Be it further enacted, That in event there shall be a vacancy in the office of Mayor and/or Aldermen at any time following the first regular election, such

vacancy shall be filled by the remaining members of the municipal board, and such persons so selected to fill the vacancy shall qualify in the same way and manner as hereinabove set out. In event that the result of any election by the people shall be a tie vote for any office, no new election shall be held, but the persons elected shall select from those persons constituting the tie the person to fill such office.

SECTION 8

SCHOOL BOARD

Be it further enacted, That the city schools within said municipality shall be governed by the City of Friendship School Board, to consist of five members, each of whom shall have the same qualifications as those persons who are elected to the municipal board, and the City School Board shall be selected or elected by the Mayor and Board of Aldermen, and their selection or election spread upon the minutes of the municipal board meeting, and the City School Board, so selected, shall serve at the will of the municipal board. Said City School Board shall have the authority to conduct a city school system, composed of such schools as may be determined by the City Board of Education, and that board is hereby given the power and authority to conduct said schools in connection with the State of Tennessee and/or Crockett County or to conduct said schools solely as municipal schools, and for the conduct of such schools they shall receive and be chargeable with all schools funds available for the conduct of public schools within the municipality. (as amended by pr. acts 1957, ch. 136, sec. 1)

SECTION 9

APPOINTMENT OF POLICE OFFICERS

Be it further enacted, That the municipal board be, and is hereby, authorized to select or elect such city policemen, night watchmen and marshal as it may deem necessary and proper to the welfare of the inhabitants of said municipality, and may provide such rules and regulations governing such police officials as in the judgment of the board may be proper. Such selected police officials shall give bond in the amount of One Thousand (\$1,000.00) Dollars for the faithful performance of their duties in office and to account to the City Recorder for all moneys collected by them, such as taxes, fines, forfeitures or otherwise, such bonds to be executed by bonding companies or by personal sureties, approved by the municipal board; however, these requirements for

giving bond shall not apply to such police officials appointed for special occasions, lasting not longer than one week.

SECTION 10

APPOINTMENT OF CITY RECORDER

Be it further enacted, That the Board of mayor and Aldermen of the City of Friendship shall elect a City Recorder, whose duty it shall be to attend all of the board meetings, keep the minutes of such meetings, have charge of the municipal funds and do and perform all other duties imposed upon him by the municipal board. Such Recorder shall give bond in such amount and with such sureties, as the municipal board may provide, but the bond shall not be less than Four Thousand (\$4,000.00) Dollars.

SECTION 11

POWERS OF BOARD OF MAYOR AND ALDERMEN ENUMERATED

Be it further enacted, That the Board of Mayor and Aldermen shall have the following powers by ordinance:

1. To levy and collect taxes on all property, real, personal and privilege, taxable by law for State purposes.
2. To appropriate money to provide for the payment of all debts and expenses of the City.
3. To establish a system of free schools and, through the City Board of Education, to regulate the same so as to avoid sectarian influences but as provided by the laws of the State.
4. To make all regulations necessary for the health, quiet, peace and good order of the City; to appoint a sanitation officer, and to enact and enforce ordinances relating to sanitation and general health of the community, and to declare and remove nuisances; to establish and maintain quarantine regulations within the City and not to exceed two miles outside the corporate limits.
5. To grant franchises to all public utilities that are now or hereafter operating such utilities within the City of Friendship, consistent with the laws of the State of Tennessee, and the municipality may purchase, construct and operate a light plant, waterworks plant, a sewerage system, and telephone system, within the corporate limits and outside of the corporate limits, and to collect revenues therefrom as any private corporation might do; to provide for the prevention and extinction of fires, to organize and maintain fire companies; to grade, drain and improve city streets and public ways of the City, and to make such other public improvements as may be necessary, and to this end the

municipal board is hereby authorized to employ all necessary laborers, representatives and employees to carry out the purposes of this Act.

6. To license, tax and regulate motor vehicles, including buses, taxicabs and freight vehicles of every type, and to prescribe the rules and regulations and requirements for the drivers of such vehicles, and to impose a use-tax upon such vehicles for the use of the city streets and for the privilege of operating such vehicles in said City.

7. To open, alter, abolish, widen, establish, grade and improve the city streets, alleys, sidewalks and to have the same done; to make appropriations for the lighting of the city streets and public passways.

8. To license, tax and regulate theatrical exhibitions, shows, moving picture shows, circuses, carnivals and other amusements, including sports exhibitions of every kind.

9. To regulate, prohibit and suppress all gambling houses, houses of ill fame, houses or business places where intoxicating liquors or beers are illegally sold and to suppress obscene pictures and literature, and, in the interest of the public welfare, may deny the right of any person, firm or corporation to operate machines, generally referred to as pin-ball machines, whether they are operated by electricity or otherwise, and whether they are made for gambling purposes or not.

10. To prohibit the manufacture and sale of firearms and fireworks, such as Roman candles, firecrackers, skyrockets and the like, and to prohibit the carrying of concealed weapons.

11. To create sections or districts known as fire districts and to prohibit the construction of any building therein not in conformity with such rules, regulations and ordinances as may be legally adopted by the city board.

12. To provide for and regulate the inspection of beef, pork, fish, fowl and other meat to be sold in the city, and to provide for inspection of all milk, butter and butter products, and make such reasonable regulations with respect to the sale of food, and establishment of food markets, as may be deemed necessary and proper.

13. To impose fines, forfeitures and penalties for the breach of any of the ordinances and provide for their appropriation by the Recorder.

14. To provide for the arrest and imprisonment of all persons guilty of the violation of any of the ordinances of the City of Friendship, and whether such is made a misdemeanor by ordinance or not, all acts now made misdemeanors by statute within the State of Tennessee and all crimes made such by law, either common or statutory, within the State of Tennessee, shall be crimes in said municipality and punishable by such fines as hereinafter set out.

15. To prohibit the running at large of any animals within the City, to impound the same and in default of redemption to sell or kill the same.

16. To provide for all necessary public grounds and parks within the corporate limits of said City, or within two miles thereof, and to provide fines for

the violation of all of the city ordinances and laws, but no fine or penalty shall be in excess of Fifty (\$50.00) Dollars.

17. To provide for and regulate the construction and repair of sidewalks, pavements, curbs and gutters, all at the cost and expense of the adjoining property owners, and for the purpose of carrying out the provisions of this Act may, by proper ordinance, levy and collect assessments for improvements such as sidewalks, streets and the like.

18. To take and appropriate grounds for the use of walks, streets, parks, public buildings and other necessary improvements, and to this end the municipality is given absolute right of eminent domain.

19. To prohibit illegal sales, handling, storage, and use of all intoxicating liquors and beer in said City and to provide penalties for the violation of such rules and regulations.

20. To make all suitable regulations for the construction of buildings so as to make them sanitary and with necessary fire precautions, and to pass all ordinances requiring persons who desire to build any business house, dwelling, barn, hotel or other public building, without first obtaining a permit from the City Board so to do.

21. To pass all ordinances of every kind and character, not in conflict with the general laws of our State, which may not be herein set out, and which the municipal board deems to the welfare, interest, health and education of the people within said municipality.

SECTION 12

POWER TO TAX

Be it further enacted, That the municipal board is hereby authorized to levy a tax, and fix the rate therefor, upon all taxable property within the corporate limits of the municipality, and to that end they may accept the assessed value of said property as is fixed by the County Tax Assessor for Crockett County, Tennessee, but in event they deem it to be in the best interest and welfare of the people of the City of Friendship, they may, by ordinance, create and establish the office of City Tax Assessor and City Board of Equalization, and may elect a person or persons to fill such offices, and in event this is done by ordinance, then the City Tax Assessor so elected shall have the right to assess or fix the value of all real, personal and mixed property within the municipality, and the Board of Equalization shall have the right to equalize such assessments so made by the City Tax Assessor, and appeals may be granted by the City Board of Equalization to any owner of property in the City to the municipal board from any assessment made by the City Tax Assessor, and reviewed by the City Board of Equalization.

SECTION 13

POWER TO REGULATE BEER ESTABLISHMENTS AND AMUSEMENT PLACES

Be it further enacted, That the Board of Mayor and Aldermen are hereby vested with all power necessary for the regulation of the operation of pool rooms, beer parlors, places where beer is sold, and all amusements, and to create and define zones and districts in which pool rooms, beer parlors and amusement places may operate, and may make such other rules and regulations with respect to the operation of such pool rooms, beer parlors and amusements as may be necessary to the welfare of the people of said municipality.

SECTION 14

MAYOR--PRESIDING OFFICER; LIMITATION ON RIGHT TO VOTE

Be it further enacted, That the Mayor shall preside at all meetings of the municipal board, and shall have the same right to vote on all regulations, ordinances and matters coming before the municipal board as any other of the Aldermen may have, and that any three members of the board, meeting upon any regularly or duly called meeting date, shall constitute a quorum for the transaction of any and all business that may legally come before it, and in the absence of the Mayor, those present may select one of their number to preside.

Provided, however, that the Mayor shall have no right to vote on any action taken by the Board of Aldermen with respect to increasing or decreasing the amount of compensation for the office of Mayor. (as amended by pr. acts 1979, ch. 47, sec. 1)

SECTION 15

MAYOR--JUDICIAL POWER

Be it further enacted, That the Mayor is hereby vested with full authority and power to punish violators of any of the ordinances of the City by a fine not exceeding Fifty (\$50.00) Dollars, and to commit such persons to confinement in the city jail upon his failure to pay such fine; any person fined by the Mayor shall have the right to appeal to the next term of the Circuit Court of Crockett County, Tennessee, from the decision of the Mayor, upon the execution of a bond to comply with the judgments of the Circuit Court and for the appearance of the offender at the next term of the Circuit Court following the appeal. Such

persons will be allowed two full days from the date of the judgment in which to perfect such appeal upon the execution of such bond.

SECTION 16

APPOINTMENT OF CITY ATTORNEY; SALARIES OF CITY EMPLOYEES

Be it further enacted, That the municipal board of the City of Friendship shall have the authority to select or elect a City Attorney for a period of time or for special purpose, and to retain an attorney on an annual retainer, to be fixed by the City Board, and such attorney may not be a resident of the City of Friendship. That the City Board has further authority to fix the salary, wages and compensation for all of the city employees, including the police officers and the City Recorder.

SECTION 17

PROPERTY TAXES--DUE AND DELINQUENCY DATES; COLLECTION

Be it further enacted, That the ad valorem taxes due and payable on October first in the year for which they are levied, and be delinquent on March first following the year for which they are levied, and after becoming delinquent such taxes shall draw the same interest and incur the same penalties to the property owners as do the interest and penalties fixed by the State and County for such delinquencies, and that all such delinquent taxes, interest and penalties shall be a lien upon all of the property upon which such taxes are levied, and shall be a prior lien subject only to the lien for State and County taxes, and the municipal board is authorized to file a bill in the Chancery Court of Crockett County, Tennessee, for the sale of all property upon which the ad valorem taxes are delinquent, on or before the first day of June, following the date of such delinquency, and in event such suit is filed the fee of ten percent (10%) of all such taxes, penalties and interest for the attorney employed by the municipal board filing such suit shall accrue and become a part of the delinquent payment, the same as if it were a part of the principal of the taxes, and such property may be sold under this proceedings, subject to loan for the equity of redemption now provided by law, and such sales when legally made shall vest the purchaser with the absolute property, subject alone to the right of redemption by the taxpayer, his heirs, successors and assigns.

The City Recorder is charged with the collection of all of the taxes, up to and through the date of delinquency and so long as the delinquent taxes remain in his hands for collection; however, immediately after the taxes have become delinquent the City Recorder shall so certify such delinquency, showing the

amount of the taxes, name of the property owner to whom the taxes are assessed, and a short description of the property and the value thereof, to the municipal board, which report shall be spread on the minutes of the first regular meeting of the board after such report shall have been prepared, and thereafter, the mayor shall issue a distress warrant for each item of such delinquent taxes, place the same in the hands of the City Marshal or Policeman and such Marshal or policeman is hereby authorized to levy such distress warrant upon any personal property of the taxpayer found within the municipal limits of the City of Friendship, and to institute garnishment proceedings, the same as if by execution, and to sell such property upon which such distress warrant is levied in the same way and manner provided for execution sales, and in event the officer into whose hands such distress warrant has been placed is unable to find any personal property of the taxpayer within the municipality, he shall return such distress warrant to the mayor, so showing, but if such officer collects the taxes shown to be due by the distress warrant, he shall then return the distress warrant satisfied together with the taxes so collected by him.

Nothing in this section relative to sale of property for taxes shall prevent the municipality from placing the delinquent taxes in the hands of the same attorney that files the delinquent county tax bill, in either event, upon application duly made, the court shall appoint a receiver to rent out such property, upon which such tax is legally due, and to collect the rent therefor and make due report to the court, which rents will be applied to such taxes, penalties, interest, fees and court costs as have accrued.

SECTION 18

POWER OF POLICE OFFICERS

Be it further enacted, That the City Police or Marshal shall have the right to arrest any person found to be violating the law within said municipality, where such offense is committed in his presence, and he is authorized to make any arrests necessary to preserve the peace and prevent breaches of the peace without first obtaining a warrant; however, he is authorized to procure warrants for the arrest of offenders and serve all such warrants procured by him or others, and so as to be able to enforce the peace and the law within said municipality he is hereby vested with authority to execute all legal papers, both civil and criminal, within the municipality that a Sheriff, Deputy Sheriff or Constables might execute.

SECTION 19

PUBLICATION OF PROPERTY TAX DUE AND DELINQUENCY DATES

Be it further enacted, That the City Recorder shall, on or before the first day of September each year, publish a notice in some newspaper of general circulation in said Town the fact that the taxes will become due on October first and again on or before February first of the following year he shall publish a like notice that the taxes will be delinquent and penalties and interest accumulate after March first.

SECTION 20

RECORDER--JUDICIAL POWER IN ABSENCE OF MAYOR

Be it further enacted, That in event the mayor is absent from his post of duty, the City Recorder is authorized to try all cases and render his judgment in like manner as the Mayor could do if present and for that purpose such authority is hereby bestowed on the City Recorder in the absence of the Mayor.

SECTION 21

OLD MUNICIPAL CORPORATION ABOLISHED

Be it further enacted, That Chapter 6 of the Private Acts of the General Assembly of the State of Tennessee for the year 1913 and all Acts amendatory thereof, be, and the same are hereby, repealed and the old municipal corporation established by virtue of said Act is hereby abolished.

SECTION 22

PROVISIONS OF CHARTER SEVERABLE

Be it further enacted, That in event any section, paragraph, clause or sentence of this Act shall be held unconstitutional and/or illegal, such judgment or decree shall in no wise invalidate the remaining portions of the Act, it being here and now declared the intention of the Legislature to have enacted such remaining portions of said Act notwithstanding the illegality or unconstitutionality of any such section, paragraph, clause or sentence.

SECTION 23

CONFLICTING LAWS REPEALED

Be it further enacted, That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed, and that this Act take affect from and after its passage, the public welfare requiring it.

Passed: April 11, 1949

McAllen Foutch,
Speaker of the House of Representatives.

Walter M. Haynes,
Speaker of the Senate.

Approved: April 13, 1949

Gordon Browning,
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF
THE CITY OF FRIENDSHIP, TENNESSEE

YEAR	CHAPTER	SUBJECT
1949	720	Basic charter act.
1957	136	Amends section 8 of the basic charter.
1978	219	Amends sections 4 and 5 of the basic charter.
1978	318	Amends sections 4 and 5 of the basic charter.
1979	47	Amends sections 3 and 14 of the basic charter.
1983	64	Amends sections 4 and 5 of the basic charter.
2005	50	Replaces sections 4 and 5 of the basic charter.