

CHARTER OF THE TOWN OF GAINESBORO, TENNESSEE¹

CHAPTER 26

House Bill No. 79

A BILL to be entitled "An Act to incorporate the town of Gainesboro, in Jackson County, Tennessee, as a municipality, and to define its rights and powers, etc., and to establish and maintain a separate school district in said town, and for other purposes."

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¹Private Acts of Tennessee for 1905, chapter 26 is the current basic charter act for the Town of Gainesboro, Tennessee. As the basic charter is set out herein, all of its amendments through the 2016 session of the Tennessee legislature have been incorporated in the text. When a section of the basic charter has been amended, the citations of the official private acts constituting the amendments are contained at the end of that section. No changes have been made in the basic charter as set out herein except for additions to some sections for reasons explained in footnotes to those sections, minor grammatical adjustments, and the addition of catchlines at the head of each section and a table of contents to facilitate the use of the charter as amended. A list of all private acts amending the basic charter, is also contained at the end of the charter.

Reference should be made to all footnotes because they generally reflect important information, including problems, that have a bearing either upon the organization or interpretation of the charter.

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SECTION 1

INCORPORATION, NAME

Be it enacted by the General Assembly of the State of Tennessee, That the town of Gainesboro, in Jackson County, and the inhabitants thereof are hereby constituted a body politic and corporate, by the name and style, "The Town of Gainesboro," 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 sell or dispose of the same for the benefit of said town, and may have and use an official seal.

SECTION 2

BOUNDARIES¹

Be it further enacted, That the boundaries of said town hereby incorporated shall be as follows: Beginning in the public road at the first ford below Gainesboro, running up said road to the tan yard branch; then up said branch with its meanders to the southwest corner of M. Y. Settle's garden; then running north and west and south to said branch, so as to include the mansion house of said Settle inside of the boundaries herein set out; then south to the Flynn's Lick road; and with the road east to the corner of Halie's fence; then south with line of the fence running west of N. B. Young's house, and on south with the west boundary line of N. W. Herod, R. V. Brooks, J. E. Stafford, W. F. Sadler, and John J. Gore to the Gipson branch; then down the branch to Doe Creek, and down the creek to the beginning,

(a) That, hereafter, the boundaries of said town of Gainesboro, be changed to add the following property: The residence and lot of J. F. Gaines, on the north side of said town, and now occupied by him; residence and lot of V. B. Brooks, on the east side of said town, and now occupied by him; the residence of H. M. Haile on the west side of said town, and the residence and lots of G. A. West, Nathan Johnson, J. H. Bowman, and R. G. Johnson on the south side of town, and occupied by either them in person or by tenants; and to include within these extensions, any vacant lots embraced within said extended lines.

(b) Be it enacted by the General Assembly of the State of Tennessee, That the corporate limits of the Town of Gainesboro be, and they are hereby extended so as to include in the boundaries of said Town the following described property:

Beginning at the bridge over Doe Creek in Highway 56 at south end of Town, and running in a south and southeast direction with Doe Creek and McCoe Branch to bridge in Highway 56 to the northeast corner of Jackson County High School property, thence east across said highway 56 and with line

¹Subparagraphs (a), (b), and (c) in this section were added by the compiler to accommodate the three private acts contained in the historical citation at the conclusion of this section. Each of those private acts expanded the original boundaries of the town, and either specifically or by implication amended this section without providing where the amendments were to fit in this section.

The boundaries of the town have also been changed by various ordinances, which are of record in the office of the recorder.

of Hestand to the southwest corner of Lot No. 61 in the Mrs. T. J. Draper Subdivision, which is of record in Registrar's Office, Jackson County, thence in a northward direction with the west line of Lots Nos. 61 and 75 of the Draper Subdivision, to Joe Whitaker's line, and thence in a westward direction with the Joe Whitaker line to Doe Creek and the southeast corner of Town of Gainesboro."

(c) In addition, the corporate limits of said Town shall embrace all the territory located within the following metes and bounds:

Beginning on a bridge the corporation line in the Gainesboro and Cookeville road running thence as follows: S. 43 E. 16 poles to a stake on road, S. 37 E. 9 poles to a stake, S. 30 E. 5 poles to a stake, S. 25 E. 6 poles to a stake, S. 21 E. 14 poles to a stake S. 19 E. 8 poles to a stake, S. 14 E. 13 poles to a corner stake in road, N. 61 E. 28 poles crossing the road to a stake in fence, N. 12 W. 17 poles to stake in pasture, N. 8 W. 15 poles to a light post, N. 25 E. 36 poles to stake across hollow above barn N. 84 W. 11 poles to a cedar, N. 62 W. 34 poles to stake in fence, N. 5 W. 78 poles to a stake in fence, N. 86 W. 16 poles to stake in fence, N. 21 E. 16 poles to walnut tree, N. 22 E. 6 poles to a tree, N. 27 E. 36 poles to cedar, N. 40 W. 36 poles to an elm, N. 31 W. 8 poles to a beach. S. 65 W. 7-3/4 poles to bridge, S. 41 W. 27 poles to an elm, S. 17 W. 4 poles to a stump, S. 1 E. 8 poles to bridge, S. 10 E. 12 poles to a stake, S. 1 W. 7 poles to elm tree, S. 15 E. 4 poles to hackberry, S. 20 W. 7 poles to a lynn tree, S. 10 W. 7 poles to stake in fence, S. 37 W. 6 poles to thorn tree, S. 51 E. 12 poles to a stake, S. 21 E. 13-3/4 to stake, S. 41 E. 3 poles to stake, S. 5 E. 37 poles to a stake, S. 83 W. 7 poles to stake, S. 23 E. 30 poles to stake, S. 27 E. 9 poles to stake, S. 24 E. 6 poles to stake S. 38 E. 27 poles to the beginning.

Beginning where Tanyard Branch empties into Doe Creek, N. 16 E. 15 poles to stake by Doe Creek, N. 7 W. 10 poles to stake N. 11 W. 15 poles to stake, N. 5 W. 9 poles to stake, N. 22 E. 6 poles to stake, N. 28 E. 11 poles to stake, N. 22 E. 11 poles to stake, N. 28 E. 16 poles to stake, N. 9 E. 11 poles to stake, N. 28 E. 5 poles to the Philpot Branch, N. 70 W. 7 to stake, N. 50 W. 4 poles to a stake, N. 68 W. 11 poles to a stake, S. 77 W. 6 poles to a stake, S. 70 W. 18 poles to a stake, S. 9 W. 18 poles to a stake, S. 5 E. 9 poles to stake, S. 27 E. 12 poles to stake in road, S. 8 E. 16 poles to stake, S. 3 W. 8-3/4 poles to stake, S. 7 E. 16 poles to stake, S. 2 W. 19-3/4 poles to stake, S. 30 W. 4-3/4 poles to stake, S. 48 W. 11 poles to stake, S. 55 W. 15 poles to stake in fence, S. 11 E. 24 poles to stake at branch, N. 77 E. 7 poles to stake, N. 89 E. 11 poles to stake, N. 55 E. 4 poles to stake, N. 34 E. 11 poles to a bridge, N. 87 E. 2 poles to stake across road, N. 42 E. 15 poles to the beginning corner.

Beginning at a stake opposite the corporation line and running thence as follows:

S. 35 W. 13 poles to a stake, S. 67 W. 10 poles to a stake, S. 41 E. 8-3/4 poles to a stake, S. 1 E. 15 poles to a stake, E. 7 W. 12 poles to a stake, S. 5 W. 8 poles to Guinn's S. W. corner N. 75 E. 4 poles crossing the Gibson Hollow Road to a stake, N. 10 E. 14 poles going down road to a stake N. 25 E. 16-3/4 poles to

a stake by the road, N. 73 E. 2 poles crossing the Gibson Hollow Branch to a stake, N. 26 E. 11 poles to a stake, N. 41 E. 13 poles to a stake, N. 60 W. 7 poles to Gibson Hollow Branch hitting the N. E. corner of the corporation line and crossing the Gibson Hollow road, in all 17 poles to the beginning.

Persons who have resided in the territory herein attached to said town may vote in municipal elections held after the effective date of this Act if they have resided in the territory herein annexed for as much as six months prior to said election. (as amended by pr. acts 1927, ch. 430, sec. 1, pr. acts 1947, ch. 195, sec. 1, and pr. acts. 1949, ch. 576, sec. 1)

SECTION 3

ELECTIONS - PRE 1986

Be it further enacted, That the first general election for Mayor and Aldermen under this Act shall be held in said town of Gainesboro on the first Thursday in August 1927. Said election shall be opened and held by officers of election appointed by the Election Commissioners for Jackson County, Tennessee. Immediately after the passage of this Act, said election commissioners shall give notice of said election, and the place where it shall be held, by written or printed notice, published in at least five public places in said town, or they may give said notice by publication in a newspaper published in said town. Said election shall be governed by the same rules governing the election in this State of State and county officers. Any person who is a qualified voter for members of the General Assembly under the laws of Tennessee and Jackson County, and who shall have been a resident of said town for sixty days preceding said election, and who is otherwise a qualified vote; under the laws of this State, shall be entitled to vote in said election. At said election there shall be elected a Mayor and three Aldermen. The officers holding said election shall at once make and certify two copies of the poll sheets and the result of said election, showing the names of the candidates and for what offices they were voted for, and the number of votes received by each. One copy shall be delivered by the Election Commissioners and the other to the person receiving the highest number of votes for the office of Mayor, shall be the Mayor of said town, and the three candidates receiving the highest number of votes for Aldermen shall be the Aldermen of said town; until their successors are elected and qualified as hereinafter provided; provided that no person shall be elected to the office of Mayor, or aldermen of said town, unless at the time of their election they are qualified voters in elections in said town. If there shall be a tie between two or more candidates for Mayor, or two or more candidates for Alderman, the remaining number of the Board of Mayor and Aldermen elect shall settle said tie or controversy, by a majority vote at their first meeting. (as amended by pr. acts 1925, ch. 728, sec. 1)

SECTION 4

OATH OF OFFICE

Be it further enacted, That the Mayor and Aldermen, before entering upon their duties, shall take and subscribe to an oath before some one authorized to administer oaths, that they will honestly and faithfully discharge the duties of their offices without partiality, favor or affection.

SECTION 5

TERMS AND VACANCIES IN OFFICE

Be it further enacted, That said Mayor and Aldermen shall, on the first Thursday after their election, organize, and shall hold their offices for a term of two years, and until their successors shall be elected and qualified. Any vacancy occurring, either of Mayor or Alderman, whether by death, resignation or removal, shall be filled by the remaining members of the board electing some one to fill the unexpired term.

SECTION 6

ELECTIONS

From August, 1986, forward, the mayor and board of aldermen shall be elected on the first Thursday in August. Their terms shall run for two (2) years, and they shall be elected on the first Thursday in August every two (2) years thereafter, which election is to fall on even numbered years, provided that the mayor and board of aldermen shall have the right to make such regulations as they may deem best touching the manner of advertising and holding of same, which regulations shall not be in conflict with the general laws of the state; provided that failure to hold said election at the time stated shall not operate as a forfeiture of this charter, but the mayor and board of aldermen may be required to perform such duties as may be necessary for the holding of said election by mandamus in any court having jurisdiction of the matter and parties. (as amended by pr. acts 1925, ch. 728, sec. 1, as deleted and replaced in its entirety by pr. acts 1985, ch. 19, sec. 1)

SECTION 7

POWERS OF BOARD

Be it further enacted, That the Mayor and Board of Aldermen of the town of Gainesboro are hereby empowered:

1. To enact such by-laws and ordinances as may be necessary and proper to the preservation of the health, quiet, peace and good order of said town, including such quarantine regulations, not to exceed one mile outside of the town limits, as occasion may require.

2. To declare what is a nuisance, and to prevent and remove the same.

3. To annually levy and collect taxes upon all property within the corporate limits taxable by law for State purposes, and to levy and collect a poll on all persons within the corporate limits subject to a poll tax to the State; provided that no levy for general purposes shall exceed \$1.50 on each \$100.00 of taxable property. Said levy to be fixed by said Board of Mayor and Aldermen in making their annual levy, and shall not exceed two dollars on each poll; and, provided further, [t]hat, all funds herein provided for whether levies, fines, or forfeitures, shall be apportioned by the Board of Mayor and Aldermen to necessary and various corporate purposes, except, that, in no event, shall said Board have the power to so apportion said funds as to at any time so impair the school fund, that, the school provided for in this Act, have to be curtailed by reason of lack of funds.

4. To appropriate money, and provide for the debts and running expenses of the town, and for the purpose of paying outstanding obligations created for the necessary running expenses of the town.

5. To license and tax all privileges taxable by the laws of the State, and which under the laws of the State are authorized to do business in said town.

6. To regulate or prohibit and suppress theatrical or other shows and exhibitions.

7. To regulate and suppress gaming and gambling houses, disorderly houses, bawdy houses and houses of ill-fame, or assignation houses, and all houses where one or more men or women meet for lewd purposes or prostitution or adulterous cohabitation, and they shall have power to declare all such places nuisance, and to abate them as such, and to arrest and punish such persons so offending by fine or imprisonment or both.

8. To suppress and prevent the carrying of concealed weapons, or the sale of the same.

9. To regulate the sale, storage and use of firecrackers and all other fireworks, toy pistols, explosives and combustibles.

10. To impose fines, forfeitures and penalties for the breach of any ordinance adopted under this Act, and to provide for their recovery, and the arrest of any party or parties breaching said ordinances, and to provide for sentences of imprisonment in the town work-house; provided that no fine shall exceed \$50.00, and no sentence of imprisonment more than three months.

11. To arrest and keep a town prison or calaboose, in which to confine all parties violating the town ordinances, under such regulations as they may by by-laws or ordinances adopt; Provided, that they may use the county jail at

Gainesboro for such purposes by paying the lawful fees to the sheriff or jailer of said county.

12. To erect and organize a work-house in or near the said town, and to provide for committing and working in said work-house or on the public streets, or town works, of any person who shall fail to pay or secure the fine and cost assessed against them for the violation of any ordinances, or who for any such violation may be sentenced to the said work-house, and to provide for the management and control of the same.

13. To regulate or prohibit dogs or other animals from running at large on the streets of said town.

14. To designate in said town certain districts as fire limits, and to provide for the character of house to be built in said limits, and to regulate the same.

15. To provide for the support and maintenance of a police force, and to appoint the same.

16. To pass all ordinances necessary for the health, peace, convenience, safety and good order of the town, and for the suppression and prohibition of any and all acts and things made criminal by the laws of the State and to provide a punishment for a breach of the same.

17. To grant rights of way through and over the streets and alleys of said town to railways and other corporations.

18. To condemn and take, use and appropriate any ground necessary to to widen or extend its streets, avenues and alleys, but it shall pay the owners of said ground the actual damages done, taking into consideration the improvements thereon.

19. To keep up the streets, alleys and sidewalks of said town, and to fix the grade of the same, to open, abolish, widen or extend the same, and to pass all necessary ordinances, requiring the owners of lots to make brick, stone or plank sidewalks in front of their property along any streets, and if the owner refuse to provide a remedy and create a lien on said property for the same.

20. To prevent engines, trains, wagons or any other obstruction from blocking the streets of said town, and to regulate their speed and the speed of horsemen, buggies and vehicles through said town.

21. To make suitable regulations for the preservation of life and property from fire or other casualty.

22. To provide for the organization and regulation of fire companies, either voluntary or otherwise.

23. To provide for a system of fire works, and for the management and control of the same.

24. To provide for a system of waterworks and its control, to erect hydrants, pumps, cisterns or reservoirs, to lay pipes for distributing water over the town and keep the same in repair, to subscribe, purchase or own stock in water companies in said town, and generally to do all things necessary to procure and maintain a system of waterworks for said town for domestic,

mechanical, corporate or other purposes, and to regulate and fix the price thereof to private individuals or corporations or to others.

25. To provide for a system of lighting, for the purpose of lighting the streets, alleys, and public buildings and places in said town, and for the purpose of furnishing lights for the inhabitants of said town, and generally to do any and all things necessary to provide a lighting system for said town and its inhabitants, and to regulate and fix the price to be paid therefor by private individuals.

26. To pass and enforce all ordinances that may be necessary to effectuate and carry out the provisions of this Act, and for all purposes for the good health, good government, and general welfare of the town and the inhabitants thereof; provided, that the Mayor and Board of Aldermen may by by-laws fix the number of times or readings of all resolutions, ordinances, etc., shall be passed by them before becoming effective, not less than one nor more than three, and may by by-laws provide that no publication, other than spreading the same on the minutes of the board shall be required to make effective any ordinance, resolution or other proceeding.

27. To pass all ordinances necessary for the suppression of the manufacture or illegal sale of intoxicating liquors or beverages. (as amended by pr. acts 1927, ch. 51, sec. 1, and pr. acts 1931, ch. 498, sec. 1)

SECTION 8

ADDITIONAL POWERS OF BOARD

Be it further enacted, That the Mayor and Board of Aldermen are hereby authorized to contract indebtedness on behalf of the town, and upon the credit thereof, by issuing bonds of the town, and disposing of them for the purpose of obtaining money for any of the following purposes:

1. To building and operate a system of waterworks for said town.
2. To build, or repair the streets or sidewalks in the town.
3. To provide for the lighting of the streets.
4. To build schools, buildings, and to carry on a school of high, or common grade; provided, that the bonds so issued for all purposes shall not aggregate more than twenty percent of the taxable values of said town, as shown by the town tax books; provided further, that no bonds shall be issued until after two-thirds of the voters of said town shall approve the same by a two-thirds vote of an election to be held for the purpose, after a thirty days advertisement of the proposition to issue bonds by the Mayor; provided further, that said bonds shall not run for a shorter term than ten years, and shall not bear a greater rate of interest than six percent.

5. That the Board of Mayor and Aldermen of the town of Gainesboro, Tennessee, may levy and collect a tax of twenty-five cents on each hundred dollars' worth of property in said town or the corporate limits thereof, for the

purpose of creating a sinking fund to retire school bonds heretofore issued by said town, and, such fund, when created, shall be used for no other purpose.¹

The Mayor and Board of Aldermen shall have power to pass and enforce all ordinances necessary to carry out the purposes for which said bonds were issued, and may create any and all necessary boards of Trustees or Commissioners, and pass ordinances defining their duties, and enumerating their powers. Whenever any bonds are issued under this Act the Mayor and Board of Aldermen shall annually levy a tax to pay the annual interest accruing on the same, and shall create a sinking fund to pay said bonds at maturity. This power to levy and collect taxes is in addition to the powers enumerated in the foregoing sections of this Act. (as amended by pr. acts 1919, ch. 633, sec. 1)

SECTION 9

MAYOR AND BOARD APPOINTMENTS

Be it further enacted, that The Board shall employ a Recorder and a Chief of Police, and the city shall provide for the compensation of said officers. They shall also, from time to time, appoint all necessary committees to carry out the provisions of the charter and all ordinances passed by said board hereafter and shall fill all vacancies in the office above stated at the time they occur. [As replaced by Priv. Acts 2009, ch. 6, § 1]

SECTION 10

DUTIES OF THE MAYOR

Be it further enacted, That the compensation of the Mayor shall not exceed \$25 per annum, to be fixed by the Board of Aldermen. He shall preside at all meetings and in his absence the Recorder shall preside. He shall see that all by-laws and ordinances of the town are carried out and enforced, and shall have such other powers and perform such other duties as the board may from time to time grant and impose, and in the absence, inability or incompetency of the Recorder, he shall have all criminal jurisdiction hereafter given to the Recorder of the town for violation of the ordinances or the criminal laws.

¹Paragraph 5 was added by the compiler to accommodate pr. acts 1919, ch. 633, sec. 1, which "amended and supplemented" section 8 of the charter without specifying where the amendment and supplement was to fit in section 8.

SECTION 11

TERMS AND DUTIES OF THE RECORDER

Be it further enacted, that the Recorder or the Chief of Police may be removed for cause by the board. The recorder shall be the town tax collector. The recorder shall before entering upon duties of said office give a bond in such amount and condition as the board shall prescribe, and take an oath to faithfully discharge the duties of the office. The recorder shall draw all orders when directed by the board on the city's treasury. [As replaced by Priv. acts 2009, ch. 6, § 2]

SECTION 12

TERMS AND DUTIES OF THE MARSHAL

Be it further enacted, That the town Marshal shall be the criminal officer of the town, and the chief of police. He shall hold his office for a term of two years, and until his successor is elected and qualified, unless sooner removed by the board. He shall arrest all persons violating any of the criminal laws of the State, or ordinances of the town, and take them before the Recorder, or some one else authorized by law, for trial or examination. When, in his judgment it is necessary, he shall have power to confine any one arrested, in the jail or town calaboose. He shall have all the power, authority, duty and jurisdiction within the corporate limits of the town as to all process, criminal or civil, that constables have, or may from time to time have, and his criminal jurisdiction and authority shall extend to one mile beyond the town limits. He shall have all such other authority and do and perform all such other duties as the board may from time to time grant and direct. Before entering upon the discharge of his duties he shall give bond in such amount and such conditions as the board may prescribe, and he shall take an oath to perform the duties of his office.

SECTION 13

[DELETED.]

[As deleted by Priv. Acts 2009, ch. 6, § 3]

SECTION 14

[DELETED.]

[As deleted by Priv. Acts 2009, ch. 6, § 4]

SECTION 15

TAXATION AND TAX COLLECTION

Be it further enacted, That it is hereby made the duty of the County Trustee of Jackson County, and he is hereby empowered to collect any and all taxes now due, or hereafter to become due in the town of Gainesboro, Tennessee, under the same restrictions and in the same manner, and upon the same terms as he now collects State and county taxes in Jackson County, Tennessee.

It shall be the duty of said Trustee to keep a separate account of all taxes so collected for said town; to make regular settlements, and after being allowed commissions, to turn over to the Treasurer of said town all moneys so collected.

For the purposes of this Act, said Trustee shall not advertise any real estate for sale for the collection of taxes now due until July 15, 1919, but upon all taxes accruing or becoming due and payable thereafter, then, he shall proceed as under the general State laws for the collection of State and county revenue.¹ [As amended by pr. acts 1919, ch. 633, sec. 2; and Priv. Acts 2009, ch. 6, § 6]

SECTION 16

[DELETED.]

[As deleted by Priv. Acts 2009, ch. 6, § 5]

SECTION 17

FRANCHISES

Be it further enacted, That the Mayor and Board of Aldermen shall have the power to grant franchises to railways, either steam or electric, gas companies, water companies, electric light companies, or any other company that may improve the town and increase the value of the property therein.

¹The last three paragraphs of section 15 were added by pr. acts 1919, ch. 633, sec. 2. The caption of the act says it amended section 15 of the chapter without providing what, if anything, should be amended or stricken from the existing section 15.

SECTION 18

OMISSION AND NECESSITIES

Be it further enacted, That whenever, in this Act, any omission is made in defining the duties or authority of any officer provided for herein and which is essential to properly carry out the objects of this Act, the Mayor and Board of Aldermen are hereby granted authority to supply such omission, and they are further given power and authority to do any and everything necessary to carry out the objects of this Act.

SECTION 19

LAWS IN CONFLICT REPEALED

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

SECTION 20

EFFECTIVE DATE OF ACT

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

Passed January 26, 1905.

W. K. ABERNATHY,
Speaker of the House of Representative.

J. L. COX,
Speaker of the Senate.

Approved

JAMES. B. FRAZIER,
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF
THE TOWN OF GAINESBORO, TENNESSEE¹

YEAR	CHAPTER	SUBJECT
1905	76	Basic charter act.
1919	633	Amends sections 8 and 15 of the basic charter.
1925	728	Amends sections 3 and 6 of the basic charter.
1927	51	Amends section 7 of the basic charter.
1927	430	Amends section 2 of the basic charter.
1931	498	Amends section 7 of the basic charter.
1947	195	Amends section 2 of the basic charter.
1949	576	Amends section 2 of the basic charter.
1965 ²	173	Authorization to borrow \$10,000.

¹A port authority for Jackson County and the Town of Gainesboro was created by pr. acts 1974, ch. 320. However, the port authority is an independent authority. Port authority was amended by Priv. Acts 1981, ch. 59; 1988, ch. 192; and 1992, ch. 206.

²Because this act is of a temporary nature, it is not included in the compilation of the charter.

1985	19	Deletes and replaces in its entirety section 6 of the basic charter.
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YEAR	CHAPTER	SUBJECT
2009	6	Replace § 9, delete §§ 13, 14, and 16, and amend §§ 11 and 15.