

CHARTER OF THE CITY OF MADISONVILLE, TENNESSEE¹

CHAPTER NO. 66

House Bill No. 63

(By Mr. James Axley.)

AN ACT to incorporate the City of Madisonville, State of Tennessee, establish the boundary thereof and define the powers of same; to provide for a Board of mayor and aldermen, and other officers of said city and the manner of their election, and to define the rights, powers and duties of said Board; and for other purposes incident to the incorporation of said City of Madisonville, and the management and conduct of its business. Also to amend and ratify Chapter 663 of the private Acts of the Legislature of 1911 incorporating said city.

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¹Chapter 66, Private Acts of 1915, is the basic Charter Act of the City of Madisonville, Tennessee. The general and permanent amendments to said act through the 2017 session of the Tennessee General Assembly have been incorporated therein in this unofficial compilation. All private acts, temporary and permanent, which relate to the city and which have been passed since and including Chapter 66, Private Acts of 1915, are listed at the end of this unofficial compilation for reference.

Where a section of the charter has been amended or added, the citation of the official act or acts making such change is carried at the end of the section so amended or added.

No changes have been made in the wording of the charter as set out hereinafter except that its amendments have been incorporated, catchlines have been added, and a table of contents has been included to facilitate its use.

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Section 1. Incorporation, name, general powers, and corporate boundaries. Be it enacted by the General Assembly of the State of Tennessee, That the City of Madisonville, in the County of Monroe, Tenn., and the inhabitants thereof are hereby constituted and declared a body corporate by the name and style of the "Mayor and Aldermen of the city of Madisonville, and by the name and style aforesaid shall have perpetual succession, and may have and use a common seal; and may by the name and style aforesaid sue and be sued, plead and be impleaded; may have, receive, purchase, and hold property, whether real, personal or mixed, and may grant, sell and dispose of the same for the use and benefit of said city; and may make such contracts for railroad depots, rights of way, public grounds, and promenades as may deem beneficial to said city; and may purchase, receive, and hold personal and real property within or beyond the limits of the city, to be used for the burial of the dead, for the erection of waterworks, for the establishment and maintenance of a hospital and parks; for a poorhouse, workhouse, or house of correction, and may sell, lease and dispose of such property for the benefit of the city or city and for said purposes, and to do all other Acts touching the same as a natural person. The corporate limits of said city shall embrace the territory within the following boundaries, to-wit:

Beginning at the southeast corner at the intersection of the Oak Grove Road with the Hiwassee Road; thence in a straight line to the northeast corner of the United States Government property known as the Madisonville Sub-station property; thence running westwardly with line of sub-station to land of Patterson; thence eastwardly with line of sub-station and continuing in a straight line to the north side of right of way of Ocoee No. 1 Maryville transmission line; thence running westwardly with the North side of right of way of Ocoee No. 1 Maryville transmission line to the old Madisonville-Athens road; thence running southwardly in a straight line to the Hicks-Veal corner on U. S. Highway 411; thence crossing said highway in a southwest direction to the north side of street that intersects Highway 411 near the northeast corner of Ernest Bradley land; thence with the north side of said street in an easterly direction to rock road; thence crossing said road to the southwest corner of Troy Belcher land; thence east with line of Troy Belcher and A. Belcher to street; thence crossing street to the southwest corner of South Madisonville Baptist Church lot; thence east with the north line of M. L. Hicks to Highway No. 68; thence crossing said Highway and running with the east side thereof in a northerly direction to corner of T.W. Peace yard; thence in a straight line in an eastwardly direction to intersection of Sunset Cemetery road with the Ballplay road; thence eastwardly with the northeast side of the Ballplay road to the Cemetery road near top of hill; thence northeastwardly with the northwest side of the Cemetery road to the intersection with the old Povo road; thence northeastwardly in a straight line to a point in the line between Fred Peace and Troy C. Danner 500 feet south of the Niles Ferry road; thence northwardly with the Peace-Danner line to the Niles Ferry road; thence crossing the Niles Ferry

road in a straight line to the southwest corner of J. L. Mahan land; thence with the West line of Mahan in a northerly direction to Highway 411; thence crossing said highway to the north side of same and running with the north side of U. S. Highway 411 to the southeast corner of W. R. White property; thence in a straight line in a northerly direction to the southeast side of Oak Grove road where said road is intersected by a rock road (being between Ed Hodge's dwelling house and barn); thence in a westerly direction with the south side of the Oak Grove road to the beginning corner at the intersection of the Oak Grove road with the Hiwassee road. [As amended by Priv. Acts 1917, ch. 698, § 2; Priv. Acts 1949, ch. 540, § 2; Priv. Acts 1951, ch. 117, § 2; and Priv. Acts 2001, ch. 5, § 1]

Section 2. Municipal officers. Be it further enacted, That the officers of the city shall be a Mayor, Board of Aldermen, and Recorder, and such other officers as may be provided for by the by-laws and ordinances of said Corporation. [As amended by Priv. Acts 2001, ch. 5, § 1]

Section 3. City council and recorder. Be it further enacted, That there shall be a City Council; to consist of the Mayor and five Aldermen, to be elected from the city at large. The recorder shall also be elected by the qualified voters of the city. He shall be Secretary of the Council, but shall not a vote in its deliberations. [As amended by Priv. Acts 2001, ch. 5, § 1]

Section 4. Elected officials, mayor's duties, vice-mayor, vacancies, meetings. (a) Elected officials. The Mayor, Recorder and five (5) Aldermen shall be elected by the qualified voters thereof and shall hold their offices for four (4) years and until their successors shall be elected by the qualified voters.

(b) Mayor's duties. The Mayor shall preside at all meetings of the Council and take care that all ordinances and orders of the Council are enforced, observed and respected. The Mayor shall not have a vote on the City Council, but shall vote to break a tie except in election contests. The Mayor shall not have veto power.

(c) Vice-Mayor. In the first regular meeting of the City Council following each general election of the first Tuesday after the first Monday in November of an even numbered year and following the oath of office of the newly elected members of the City Council, the City Council shall elect from its membership a Vice-Mayor. The Vice-Mayor, in the absence of the Mayor, shall perform all the duties of the Mayor and, in case of a vacancy in the office of the Mayor, the Vice-Mayor shall become Mayor and shall serve out the remainder of the Mayor's term.

(d) Vacancies. A vacancy shall exist in the office of Mayor, Alderman or Recorder if the official dies, resigns, is removed from office by an order of the court or moves their residence outside the city limits. When a vacancy occurs,

the remaining Aldermen shall elect officers to fill such vacancies, and the officials so selected shall hold office until the next regular election.

(e) Meetings. All regular meetings of the City Council shall be held on the first Monday of each month. The Mayor or any three (3) Aldermen may call special sessions of the Council when it is deemed expedient; provided, however, that meetings of the Council shall not be held more frequently than once a week. [As replaced by Priv. Acts. 1943, ch. 149, § 1; and amended by Priv. Acts 1945, ch. 477; Priv. Acts 1990, ch. 150, § 1; Priv. Acts 1990, ch. 219; Priv. Acts 1991, ch. 75; and Priv. Acts 2001, ch. 5, § 1; and replaced by Priv. Acts 2006, ch. 95, § 1]

Section 5. Municipal employees. Be it further enacted, That the City Council shall have full power and authority to appoint such officers, servants, and agents of the Corporation as they may deem necessary, and shall provide for by ordinance. They shall fix the compensation for such officers from time to time; they shall have power to dismiss such officers, servants, or agents by them appointed.

Section 6. Elections. (a) Date. Beginning in 2006, a general City election shall be held on the first Tuesday after the first Monday in November and each even numbered year thereafter.

(b) General election laws apply. All elections shall be conducted by the Commissioners of Elections of Monroe County in accordance with the general election laws and this Charter.

(c) Voter qualification requirements. Any person who is a resident of the City of Madisonville and qualified to vote for members of the General Assembly and other civil officers for Monroe County shall be entitled to vote in elections for Mayor, Recorder and Alderman. The same qualifications for voting in all other City elections or referenda shall apply unless otherwise provided by law.

(d) Transition. The Mayor, Recorder and two Aldermen elected in the general City election held on the first Tuesday in September 2002 shall have their terms extended until their successors are elected in the general City election held on the first Tuesday following the first Monday in November of 2006. The three Aldermen elected in the general City election held on the first Tuesday in September 2004 shall have their terms extended until their successors are elected in the general City election held on the first Tuesday following after the first Monday in November of 2008. The Mayor, Recorder and any Alderman shall be eligible for re-election and, thereafter, the terms of the Mayor, Recorder and all Aldermen shall be four (4) years and until their successors shall be elected. [As amended by Priv. Acts 1943, ch. 149, § 2; and replaced by Priv. Acts of 2006, ch. 95 § 2]

Section 7. Qualifications required of elected officials. Be it further enacted, That no person shall be elected Mayor, Recorder, or Aldermen unless

he be a qualified voter in the State and a resident of said city for twelve (12) months previous to the election. Removal from the corporation shall vacate any office.

Section 8. Judicial powers of recorder. Be it further enacted, That the Recorder shall have jurisdiction of all offenses and misdemeanors against the laws and ordinances of said Council, and shall have all the powers of a Justice of the Peace within said Corporation; and all fines and forfeitures imposed by the by-laws and ordinances may be enforced and collected before and by said Recorder of said city or any Justice of the Peace of Monroe County.

In the absence of the Recorder, the Mayor or a person designated by the Mayor shall exercise the judicial powers of the Recorder. [As amended by Priv. Acts 1967, ch. 379]

Section 9. General powers and duties of city council. Be it further enacted, That the City Council shall have the power and it is hereby made their duty, to pass laws and ordinances regulating and defining the duty of the Recorder and the other offices of the city requiring bond, regulating finances, collecting taxes, making reports and settlements, providing for collecting delinquent taxes, fines, and all other matters necessary and proper to carry out the provisions and purposes of this Act and the laws and ordinances of said Council. [As amended by Priv. Acts 2001, ch. 5, § 1]

Section 10. Enumerated powers of city council. Be it further enacted, that the Council shall have full power and authority:

1. To levy and collect taxes, not exceeding the amount levied and collected by the State and County upon all taxable property within the boundary of said corporation.

2. To levy and collect taxes on all privileges and polls taxable by law for State purposes.

3. To appropriate money and provide for the payment of the debts and expenses of the city.

4. To make regulations to secure the general health of the inhabitants, and to declare, prevent and remove nuisances.

5. To provide the City with water by contract or a system of waterworks within or beyond the boundaries of the city, and erect pumps on the streets or public grounds of the city. The right to condemn and appropriate property, either inside or outside of the corporate limits, to be used in connection with or for a water-works system, by the powers of eminent domain, is given.

6. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, alleys and sidewalks.

7. To erect, establish, and keep in repair bridges, culverts and sewers.

8. To establish, support and regulate a system of police and patrol.

9. To erect market houses, establish markets, and regulate the same.

10. To provide for weighing or measuring coal, coke, gas, hay, corn, wheat, oats, and live stock used, consumed, or sold for fuel or food in the city.
11. To provide for the erection of all buildings necessary for the use of the city.
12. To provide for the inclosing, improving, and regulating all public grounds belonging to the city.
13. To license, tax, and regulate auctioneers, grocers, merchants, brokers, coffee houses, confectioners, peddlers, pool rooms, and livery stables.
14. To license, tax, and regulate hacks, hackney carriages, carts, omnibuses, drays, and wagons, and to fix the rate for taxing the same.
15. To establish, support, and regulate a system of public schools within the said city.
16. To regulate, prohibit, or suppress all disorderly houses and bawdy houses.
17. To provide for the prevention and extinguishment of fires, and to organize, establish, and regulate fire companies.
18. To pass all ordinances necessary for the health, convenience, and safety of the citizens, and carry out the full intent and meaning of this Act and accomplish the objects of the same.
19. To regulate the police of the city. However the Council is not compelled to create the department of police, but shall have power to regulate this department according to their best judgement. To impose fines, forfeitures, and penalties, and provide for the terms of imprisonment for the breach of any ordinance, and to provide for their recovery and appropriation.
20. To provide for the arrest and confinement until trial of all riotous and disorderly persons within the city by day or night.
21. To prevent and punish by pecuniary penalties or imprisonment all breaches of the peace, noise, disturbances, or disorderly assemblance in any place in the city by day or night.
22. To pass all laws and ordinances that may be necessary to carry out the full intent and meaning of this Act, and to accomplish the object of this incorporation.
23. To regulate the speed and parking of motor and non-motor vehicles on the streets and alleys of said corporation. [(As amended by Priv. Acts 1917, ch. 698, § 3; Priv. Acts 1929, ch. 486; Priv. Acts 1949, ch. 540, § 3; and Priv. Acts 2001, ch. 5, § 1]

Section 11. Workhouse. Be it further enacted, That said Mayor and Aldermen of the city of Madisonville shall have power by the passage of necessary laws or ordinances to establish a workhouse, under proper provisions, government and restrictions for the punishment of offenders against the laws and ordinances of said city, and to compel persons who are convicted and fined for violations of these laws and ordinances, and who fail or refuse to pay the said fine and cost, to work out the same upon the public streets or works of said City

at the rate of One Dollar (\$1.00) per day, to be credited upon said fines and costs and in such way as they may prescribe. [As amended by Priv. Acts 2001, ch. 5, § 1]

Section 12. Compensation of recorder. Be it further enacted, That it shall be the duty of the Board of Mayor and Aldermen at the first regular meeting, after qualifying as said officials, to set the compensation of the Recorder. Said salary shall be paid in equal monthly installments, and shall not consist of fees or percentage of monies collected, but all monies collected are to be paid by said Recorder into the treasury of the City of Madisonville. [As amended by Priv. Acts 1949, ch. 540, § 4; and Priv. Acts 2001, ch. 5, § 1]

Section 13. Municipal light system. Be it further enacted, That the Board of Mayor and Aldermen shall have power and authority to provide for the erection and maintenance of lighting the city by electricity or to make a contract with a company of individuals for the same; and to this end an exclusive right or franchise may be granted to any firm, person or corporation. [As amended by Priv. Acts 2001, ch. 5, § 1]

Section 14. Sidewalks. Be it further enacted, That the Board of Mayor and Aldermen shall have power to require property owners to erect sidewalks along by their property. Said walks may be cement, gravel or cinders, at the direction of Council. [As amended by Priv. Acts 2001, ch. 5, § 1]

Section 15. Legal effect of act. Be it further enacted, That this Charter is hereby declared to be a public Act, and may be read in evidence in all Courts without proof or special pleading.

Section 16. Compensation of mayor and aldermen. The mayor's salary shall be five hundred dollars (\$500) per month and the salary of each alderman shall be four hundred dollars (\$400) per month, effective for terms of office commencing after the election occurring in November of 2014. [As replaced by Priv. Acts 1990, ch. 150, § 2; and Priv. Acts 2014, ch. 35]

Section 17. Amendatory and effective date clauses. Be it further enacted, That this Act is a ratification and amendment of Private Act, Chapter 663, Legislature of Tennessee 1911 incorporating the city of Madisonville, State of Tennessee and said Act of the former Legislature and the by-laws and other proceedings of said corporation had and done under said former Act are hereby ratified and confirmed, except as herein amended. This Act shall take effect from and after its passage, the public welfare requiring it. [As amended by Priv. Acts 2001, ch. 5, § 1]

PASSED March 15, 1915.

WM. P. COOPER
SPEAKER OF THE HOUSE OF REPRESENTATIVES

ALBERT E. HILL
SPEAKER OF THE SENATE

APPROVED Mch. 22, 1915.

TOM C. RYE
GOVERNOR

PRIVATE ACTS COMPRISING THE CHARTER OF
MADISONVILLE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1915	66	Basic charter act. (Amends Priv. Acts 1911, ch. 663, in its entirety.)
1917	698	Amended § 1, Boundaries. Amended § 10(22), Enumerated powers.
1923	104	An act to authorize the issuance of bonds in the sum of \$35,000.
1923	242*	An act to amend chapter 104, Private Acts of 1923.
1925	66*	An act to authorize the issuance of notes for water works indebtedness.
1929	486	Amended § 10(5), Enumerated powers.
1931 2nd Sess.	86*	An act to authorize the issuance of bonds in the sum of \$5,000.
1943	149	Replaced § 4, Elected officials. Amended § 6, Elections.
1943	329*	An act to authorize the issuance of bonds in the sum of \$60,000.
1945	477	Amended § 4, Elected officials.

*Acts which do not have a continuing application, such as acts authorizing or validating special issues of bonds or notes for particular purposes, etc., were not included in the foregoing unofficial compilation.

YEAR	CHAPTER	SUBJECT
1949	540	Amended § 1, Boundaries. Replaced § 10(23), Enumerated powers. Amended § 12, compensation of recorder.
1951	117	Amended § 1, Boundaries.
1951	339*	An act to validate the issuance of bonds in the sum of \$125,000.
51	447*	An act to authorize the issuance of bonds in the sum of \$250,000.
1967-68	379	Amended § 8, Judicial powers of recorder.
1990	150	Added paragraph to § 4, Election and terms of mayor, recorder, and aldermen. Replaced § 16, Compensation of mayor and aldermen.
1990	219	Added paragraph to § 4, Election and term of recorder.
1991	75	Amended § 4, Meetings of board of mayor and aldermen.
2001	5	Changed "town" to "city" throughout charter.

*Acts which do not have a continuing application, such as acts authorizing or validating special issues of bonds or notes for particular purposes, etc., were not included in the foregoing unofficial compilation.

YEAR	CHAPTER	SUBJECT
2006	95	Replaced § 4, Elected officials, terms of office, ties, vacancies, duties of mayor, and meetings of city council and replaced § 6, Elections.
2014	35	Replaced § 16, Compensation of mayor and aldermen.

*Acts which do not have a continuing application, such as acts authorizing or validating special issues of bonds or notes for particular purposes, etc., were not included in the foregoing unofficial compilation.