

CHARTER FOR THE TOWN OF NEWBERN, TENNESSEE¹

CHAPTER 450

Senate Bill No. 480

A BILL to incorporate the town of Newbern, in Dyer County, and to define its powers and provide for the election of officers.

Table of Contents

SECTION	PAGE
1. Incorporation, name, and corporate boundaries	C-3
2. Corporate succession, etc.	C-4
3. Bonds heretofore issued; notes for fire fighting equipment authorized	C-5
4. Corporation property	C-6
5. Powers by ordinance	C-6
6. Elections--how held--when	C-12
7. Who may vote in town elections	C-13

¹Acts 1901, ch. 450, is the present basic charter act of the Town of Newbern, Tennessee. As set out in this unofficial compilation, all general and permanent amendments, except as noted below, have been incorporated. Acts which did not amend any particular section of the basic charter, but, in effect, supplemented it, have been placed after the charter as "Related Laws." The basic charter act and related laws should be considered together to determine what the current law is.

Bond authorization and validation acts, since of a temporary nature with no general or continuing application, have not been included in this compilation. All acts through the 2010 session of the General Assembly which relate to the city and which have been passed since the granting of the present basic charter act (including one, Acts 1899, ch. 153, which was passed before the granting of the basic charter act) have been enumerated for reference purposes at the end of this compilation of the charter and related laws.

SECTION	PAGE
8. Board to meet after election; quorum; election of other agents	C-13
9. Oath	C-13
10. Treasurer	C-13
11. Recorder	C-14
12. Chief of police	C-16
13. Power of board to make contracts	C-16
14. Corporation property	C-17
15. Taxes--how assessed	C-17
16. Distress warrants	C-18
17. Arrests	C-19
18. (Repealed)	C-19
19. Bonds to be joint and several	C-19
20. Police authority	C-19
21. Taxes--how equalized	C-20
22. Absence of chief of police	C-20
23. Committees	C-20
24. Mayor pro tem	C-20
25. (Repealed)	C-21
26. City judge, city court clerk, etc.	C-21
27. Pavements	C-22
28. Authority to pass necessary ordinances, etc.	C-22

SECTION	PAGE
29. Mayor and aldermen, etc., under prior charter to hold over until first election under this charter	C-22
30. Date of effect	C-23

Incorporation, name, and corporate boundaries¹

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Newbern, in the County of Dyer, and the inhabitants thereof, within the boundaries hereinafter specified, be, and are hereby constituted a body politic and corporate, under and by the style and name of the "Mayor and Aldermen of Newbern." The boundaries of said town of Newbern shall be as follows: Beginning at a stake in the southeast corner of D. E. Newman's lot; thence west with his west line to and across Q. Shumate's field to and across the Illinois Central Railroad Company's tracks to a stake in the north line of said company's right of way; thence north sixty poles; thence west to a stake in the east side of the Newbern and Roelin Road, thence north to a stake in the south line of the old Dyersburg and Newbern Road, known as Haskins lane; thence east to the corporation line; thence north to a stake in line with a point two poles north of J. G. Wynne's residence; thence east forty poles; thence north fifty poles to a stake northwest of L. M. Williams' residence; thence east to the northwest corner of G. W. Kirk's lot; thence north to a stake in Mrs. Cora Swindler's wood lot, fourteen poles north of the Lake road; thence east to a stake in line with a point two poles east of N. W. Nunn's residence; thence south to R. L. Towns' north line; thence east with his north line to his northeast corner; thence south to a stake in the south side of the Newbern and Yorkville road; thence east to a stake in line with the east line of Mrs. Mollie Weakley's home place; thence south to and with Mrs. Weakley's east line to her southeast corner; thence east to a stake in line with the west line of the J. N. Wyatt's home place; thence south to and with the west line of J. N. Wyatt's home place to a stake sixteen poles south of his northeast corner; thence west to D. W. Oliver's west line; thence south twelve poles to a stake in his west line; thence west to O. J. Radford's east line; thence south with his east line sixteen poles to a stake; thence west to a stake two poles east of Miss Eva Davis' east line; thence south to a stake in line with a point one pole south of the south line of the Fairview Cemetery lot; thence west to a stake in line with the west line of the J. S. McCorkle lot, now owned by Q. Shumate; thence north to and with said line to a stake in southeast corner of D. E. Newman's lot to the beginning.

¹The corporate boundaries as set out here have been further amended by annexation ordinances which are of record in the recorder's office.

The corporate limits of the Town of Newbern, in Dyer County, Tennessee, and the boundaries thereof be, and the same are, hereby extended so as to include the following territory, to-wit:

Beginning at a stake, it being in the east side of the Newbern and RoEllen Road and in the south line of the old Dyersburg and Newbern Road, formerly known as Haskins Lane and now known as the Lane's Ferry Road, and being in the West Boundary Line of the corporate limits of the Town of Newbern, runs thence south with the west boundary line of said corporate limits to a stake, it being in the south boundary line of U. S. Highway No. 51; runs thence west and southwesterly with the south boundary line of the right-of-way of U. S. Highway No. 51 to a stake, it being in the south boundary line of said right-of-way and being south of the southwest corner of THE WHEATLEY SUBDIVISION, as shown by plat thereof recorded in Large Plat Book 2 at page 3 in the Register's Office for Dyer County, Tennessee; runs thence north across said highway and continuing north with the west boundary line of said subdivision property as shown by said plat to a stake, it being in the south right-of-way line of said old Dyersburg and Newbern road, now known as the Lane's Ferry Road; runs thence east with the south boundary line of said right-of-way to the point of beginning.

There is hereby expressly excluded from the corporate limits of the Town of Newbern the property now owned and occupied by Joe L. Irby, being more particularly described to-wit:

North by Irby, South by Johnson, East by U. S. Highway No. 51 and West by Irby.

This property also being formerly known as the N. W. Nunn residence. [As amended by Acts 1905, ch. 62; Acts 1905, ch. 140; Acts 1905, ch. 357; Acts 1907, ch. 558, § 1; Priv. Acts 1923, ch. 142; Priv. Acts 1953, ch. 424; and Priv. Acts 1953, ch. 562]

Corporate succession, etc.

Sec. 2. Be it further enacted, That the corporation aforesaid shall have the perpetual succession by such name and style; shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatever; may purchase, receive, and hold personal and real property within the corporate limits, and may purchase, receive, and hold both real and personal property within or beyond said corporate limits, to be used for the burial of the dead¹; for the erection and keeping up hospital houses, quarantine houses or stations,

¹Priv. Acts 1965, ch. 54 authorizes a Special Cemetery Fund and is provided at the end of the charter.

work houses, houses of correction, and water works, and may sell or lease or dispose of all said property for the benefit of the corporation; but the sale of said property may be at its use value, which represents the value at which such property should be made available in order that it may be developed consistent with the sound needs of the municipality as a whole; and may do all other things touching said property as natural persons, and shall have and use a common seal, and which may be changed at the pleasure of the Board of Mayor and Aldermen; and said corporation shall have power to establish within or without the corporation limits, other houses or places for corporate purposes; and to make laws and regulations for the government, improvement, and keeping up of said places. [As amended by Priv. Acts 1965, ch. 54, § 1(1)]

Bonds heretofore issued; notes
for fire fighting equipment authorized

Sec. 3. Be it further enacted, That all bonds heretofore issued by the town of Newbern or the Mayor and Aldermen thereof, in pursuance of authority of General Assembly of the State, either under the Act of the General Assembly of Tennessee of 1897, Chapter 186, House Bill No. 549, entitled "An Act to authorize the Mayor and Aldermen of Newbern to issue bonds to pay for and extend the water, light, and power plant and school property of Newbern, and for the general improvement of the streets and sewerage of the town of Newbern," or under the Act of the General Assembly of 1891, the same being House Bill No. 108, entitled "An Act to authorize the Mayor and Aldermen of Newbern to issue bonds to improve and extend the water, light, and power plant of the town of Newbern, by amending the charter of the town of Newbern," and all the provisions of the said Acts of the Legislature with reference to the said issuance and the payment of the said bonds are, and shall be and remain valid obligations of the town of Newbern under this charter, and the said Board of Mayor and Aldermen are authorized and empowered to carry out and exercise, and do and perform all the acts and duties, powers and obligations, heretofore bestowed or imposed upon the said Board by the said Acts. The Mayor and Aldermen of Newbern shall have power and authority to, and it is hereby imposed upon them, to execute and perform all the provisions of the two said Acts of the Legislature just the same in all particulars as if the town of Newbern had not been re-incorporated, and those original Acts had remained in full force and effect. If any bonds have been issued under said Acts and not sold or authorized and not issued, they shall proceed to issue and sell the same.

The Board of Mayor and Aldermen are authorized to issue, by resolution, general obligation bonds of the town and bond anticipation notes to fund the purchase of fire fighting equipment for the fire department. Such bonds and notes shall be issued and sold under the procedures and subject to the applicable provisions of Chapter 16 of Title 6, Tennessee Code Annotated, being the "Municipal Recovery and Post War Aid Act of 1945," which is hereby adopted for

this purpose as if it were fully set out herein. [As amended by Priv. Acts 1977, ch. 119]

Corporation property¹

Sec. 4. Be it further enacted, That the title to all property heretofore belonging to the said town of Newbern and vested in the Mayor and Aldermen of Newbern shall be so vested under this charter, subject to the same burdens and encumbrances as heretofore, and with same rights and authorities in the said Mayor and Aldermen of Newbern.

Powers by ordinance

Sec. 5. Be it further enacted, That the Mayor and Aldermen of Newbern shall, within the limitations of this Act, have power by ordinance:

1. To levy and collect taxes for general corporation purposes and for sprinkling purposes² upon all property and polls taxable by the laws of the State, the rate of taxation to be such amount as the Mayor and Aldermen may provide for.

¹For further provisions relative to corporation property see § 14 in this charter.

²Priv. Acts 1919, ch. 650, § 1, added the phrase "and for sprinkling purposes" to this subsection. Sections 2, 3, and 4 of that act provided as follows:

Sec. 2. Be it further enacted, That the sprinkling tax shall be a separate tax so kept and paid out by the custodian of the city funds, and to be such rate as may be necessary to keep the business section and streets thoroughly sprinkled.

Sec. 3. Be it further enacted, That in the levying of the sprinkling tax the Mayor and Aldermen shall confine their operations to the property, merchants and privileges along the business section and along such streets as are sprinkled, so that those paying the tax shall get the benefit of the sprinkling.

Sec. 4. Be it further enacted, That the Mayor and Aldermen shall have the power to extend the provisions herein to any part or section of the town that they may deem proper and expedient for the comfort, convenience and health of the inhabitants.

2. To levy and collect taxes for general corporation purposes and for sprinkling purposes¹ upon merchants, and one or all the privileges, taxable by the laws of the State. The rate upon merchants and privileges to be such as the Mayor and Aldermen may provide for.²

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

4. To make regulations to prevent the introduction or spread of contagious diseases in the town; to make quarantine laws for this purpose, and enforce the same in two miles of the corporate limits.

5. To establish a system of free schools and regulate the same, but so as to avoid sectarian influence; to levy and collect taxes on the property, polls, merchants, and privileges taxable by the laws of the State, in order to keep up and maintain said public schools; to erect therefore public school buildings and improve the same. This shall be a special tax and known as the "City School Tax" and shall be kept separate and apart from other taxes; said tax shall not exceed twenty-five cents on each \$100 worth of property, one dollar on polls, and five-eighths of the tax levied on merchants and privileges by the State; to make with the district school directors, or proper school authorities, contracts by consolidation with the schools kept up by the State and County taxation, and to assist in keeping up same after consolidation, and to contract for erection or improving school buildings, and to do the same thing with the trustees or authorities of private schools or persons controlling and managing private school property, and for any of these purposes to appropriate any part or all of the city school tax mentioned.

6. In the event a free school system is not established for the town under the provisions of the preceding sub-section, the Board may make contracts with the proper authorities of any school or private school to assist in keeping up the same, and to assist in building and improving school buildings within the corporation limits, and for this purpose may levy and collect taxes on property, polls, merchants, and privileges, limited in amount as prescribed in Sub-section 5 and may appropriate said taxes for said purposes, or any of them.

7. To make regulations to secure the general health of the inhabitants and prevent and remove nuisances.

¹See footnote #2 on previous page.

²Acts 1903, ch. 220, § 4, provides as follows:

"Be it further enacted, That the Mayor and Aldermen of Newbern are authorized and empowered to make it a privilege and assess and collect a tax for same, by ordinance, for anyone not a licensed liveryman to haul for hire, or run a team hauling for hire, persons or freight within the limits of the said corporation of Newbern."

8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, keep in repair streets, alleys, and sidewalks, and to compel lot owners to make and keep in repair safe and proper sidewalks and pavements, of such material and in such manner as the Mayor and Aldermen may prescribe by ordinance from time to time, adjoining their lots; and if the owner or owners of any lot or lots shall fail to comply with the provisions of any ordinance which may be passed for the construction of such sidewalk or pavement within such time as may be prescribed by said ordinance, the Mayor and Aldermen of Newbern, through its proper officer or committee, may contract for the construction of said sidewalk or pavement, and pay for the same, and the amount so paid shall be a lien on said lot, and may be enforced by attachment, in law or equity, or the amount may be recovered against said owner by suit before any court of competent jurisdiction.

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

10. To provide for lighting the streets, digging wells, cisterns and erecting pumps on the streets or public grounds.

11. To provide for the erection and improvement of all buildings necessary for the use of the corporation.

12. To provide for the enclosing, improving, and regulation of all public grounds and buildings belonging to or under the control of the corporation within or beyond the corporation limits.

13. To license, tax, and regulate merchants, peddlers, and all privileges taxable by the State.

14. To regulate or prohibit and suppress all gambling or gambling houses, bawdy houses, and all disorderly houses, and obscene pictures and literature.

15. To provide for the prevention and extinguishment of fires, both within and outside the corporate limits of the town of Newbern, to organize and establish fire companies, and to regulate the carrying on of manufactories dangerous in causing or producing fires.

16. To regulate the storing of gunpowder, tar, pitch, resin, saltpetre, guncotton, coal oil, and other combustibles, explosive or inflammable material, and the use of lights, candles, lamps, stove pipes, steam pipes, and chimneys in all store houses, dwellings, outhouses, shops, stables, or other places, and to regulate and suppress the sale of firecrackers or fireworks of all kinds.

17. To establish and regulate markets, market houses, and meat houses.

18. To impose fines, forfeitures, and penalties for the breach of any ordinance and to provide for their recovery and appropriation.

19. To provide for the arrest, imprisonment, and punishment of all rioters and disorderly persons within the town, by day or night; for the punishment of all breaches of the peace, noise, disturbances, and disorderly assemblies.

20. To impose fines or penalties upon the owner or owners, occupants or agents, of any house, wall, or sidewalk, or other structure which may be considered dangerous or detrimental to the citizens unless the same be removed or repaired after such notice be given as the Board may fix by ordinance.

21. To regulate, tax, license, or suppress the running at large of all animals¹ within the corporate limits; to take and impound the same, and in default of redemption, in pursuance of ordinance, to sell or kill the same.

22. To provide for the arrest and confinement or release, on appearance bond until trial, of all persons violating any of the corporate ordinances.

23. To provide for the appointment of a special police force at such times as the Board may determine, by ordinance.

24. To grant the right of way through, or over the streets, alleys, avenues, and squares of the town, to street or other railroad companies or persons.

25. To take and appropriate grounds for widening streets, or parts thereof, or for laying out new streets, avenues, squares, or parks, when public convenience requires it, under the provisions of Section 1338, and Sections 1388, 1389, 1391, of the Code.

26. To regulate or restrain or prohibit the erection of wooden buildings in any part of the city, or making additions thereto of wooden material, and this prohibition shall be enforced by appropriate ordinances.

27. To provide for any person who may fail to pay or secure at once, any fine or cost that may be imposed upon him or her, under any ordinance, to be committed to the calaboose until said fine or cost is paid. Every person so committed shall be required to work for the corporation at such labor as his health or strength will permit, not exceeding eight hours a day, and for such work, the person doing same, shall have, exclusive of board, a credit of fifty cents upon said fine or cost until said fine or cost is paid, when he shall be released; Provided, that no person shall be compelled to work or be confined longer than three months for any one offense.

28. To enact laws to prevent persons riding with dangerous speed in corporation; to prevent persons from stopping teams on crossings, and riding across the sidewalks; to place rubbish on the sidewalks; to place any obstruction on the sidewalks or in the streets; to injure public or private property of any kind.

29. To continue the operation and management of the high grade public school or schools in said town with all the authority and power vested in them by the Act of the Fifty-First General Assembly of Tennessee, Senate Bill No. 316, Chapter of Acts of Tennessee, 153, passed March 22, 1899, and entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Newbern,

¹Priv. Acts 1929, ch. 632, is the current law with respect to animals running at large and is provided at the end of the charter.

in the County of Dyer; provide for the election of officers, and prescribe their duties, the same being Chapter 224 of the published Acts of the Legislature of 1887, so as to authorize and empower the town of Newbern to establish and maintain a system of high grade public schools, and provide funds for the Same." The said Mayor and Aldermen of Newbern under this charter will have all the powers, authorities, privileges, obligations and duties contained in and conferred by, or imposed upon the former Mayor and Aldermen of Newbern by the terms and provisions of said Act. And the directors or officers heretofore elected and qualified for the operation and management of the said school or schools shall have all the rights, privileges, powers, and authority and continue to hold their said offices and exercise and perform all the functions of the same until their successors are elected and qualified by the terms and provisions of the said Act as aforesaid.¹

30. To provide, by ordinance regularly passed, for the regulation and control of automobile vehicles, either passenger car, truck, or trailer, within the corporate limits of the said Town of Newbern, and as a means of regulation and control, the Board of Mayor and Aldermen are empowered to require any such motor vehicle to be licensed to operate on and use the streets and alleys and highways within said corporate limits, and to thus pay for the privilege of using said streets, alleys and highways in said corporate limits, and this shall include all such motor vehicles belonging to any party or parties, firms or corporations residing within the corporate limits of said Town of Newbern, and/or any such motor vehicles as are used to carry on business within said corporate limits generally, as distinguished from those who come into or pass through said town occasionally, whether the owner thereof lives within said corporate limits or not. The Board of Mayor and Aldermen are given the right to classify such motor vehicles for the purpose of licensing same, and to fix such license to be paid by each class at such amount as in their judgment will be fair and equitable for the privilege of using the said streets, alleys and highways within said town, but shall not require a privilege tax on any such motor vehicle in excess of Ten Dollars for any year. The Board of Mayor and Aldermen shall provide for the issuance of said license, and require the same to be issued and renewed each calendar year, beginning with the year 1939, and provide the means of designating on said vehicles whether the tax has been secured and paid or not; and to provide punishment for the failure to secure and keep said license tags on said vehicles in the same way and manner, in which they provide for punishment for the violation or any other ordinance of the said Town; and to do

¹The composition of the board of education, the terms of its members, and the date for electing such members has been changed from time to time since this subsection was enacted in 1901. Priv. Acts 1953, ch. 582 the controlling law now is provided at the end of the charter.

any and all things necessary to make effective the said ordinance requiring said motor vehicles to pay said privilege tax.

30A.¹ To license, tax, fix a reasonable limit on the number of retail liquor stores that may be operated in the said town at the same time, regulate retailers of liquors and to regulate the sale of alcoholic beverages.

31. To provide fees for issuing licenses to exercise taxable privileges not to exceed \$1.00 for each license.

32. To require the owner, agent of the owner or occupant, after notice and an opportunity to be heard, to repair or remove any dilapidated or dangerous building or structure; to repair or remove and charge the cost against such owner, agent of owner or occupant failing to comply with orders to repair or remove; to make the cost of repair or removal a lien against the property; to add such costs to taxes against the property, and to collect such costs, to which penalties and interest on delinquent property taxes shall apply, as a part of property taxes.

33. To exercise the same powers in Sub-section 32 to require the owner, agent of the owner or occupant, after notice and an opportunity to be heard, to remove obnoxious weeds, refuse, rubbish, abandoned or derelict automobiles or other vehicles, junk, discarded equipment, furniture or materials, grass or leaves which may be considered dangerous or detrimental to health or safety from any lot or parcel of land.

34. To make any utility or sanitary sewer service a lien against property served, and to deny such services to such property until any delinquent bills of the owner or tenants have been paid.

35. To furnish fire fighting services to property outside the corporate limits of the city on such terms and conditions as in the discretion of the Mayor and Aldermen will be reasonable, and equitable and just to the owners of property and the taxpayers of the city. In furnishing such services the city shall be considered in all respects as acting in a governmental capacity, and all officers, employees and agents of the city shall be entitled to all rights, privileges, exemptions and immunities as though such services were being performed within the corporate limits.

36. To impose compulsory service charges for garbage and refuse collection which may be billed and collected as part of any utility or sewer billing.

37. To regulate and exercise police powers over any property owned by the city outside its corporate limits, except territory within the boundaries of another city or town, to the same extent as territory within the corporate limits.

¹This subsection number is unofficial. Priv. Acts 1945, ch. 389, purported to add a subsection No. 30 but Priv. Acts 1939, ch. 570, had already added a subsection No. 30. Therefore, the compiler has arbitrarily numbered the second subsection No. 30 as No. 30A.

[As amended by Acts 1899, ch. 153; Acts 1903, ch. 220, § 3; Acts 1907, ch. 558, § 4; Priv. Acts 1911, ch. 442; Priv. Acts 1919, ch. 650, § 1; Priv. Acts 1933, ch. 179; Priv. Acts 1939, ch. 570, § 1(2); Priv. Acts 1945, ch. 389; Priv. Acts 1953, ch. 582; Priv. Acts 1967, ch. 83; and Priv. Acts 1969, ch. 192]

Elections--how held--when¹

Section 6. Be it further enacted, That there shall be an election for Mayor and Aldermen held on the third Tuesday of November, 2001, for the purpose of electing a Mayor and three (3) Aldermen, said Mayor and Aldermen being the same elected officials of the Town of Newbern whose current terms of office expire in 2001. At said election in 2001, the Mayor and Aldermen shall each be elected for a term of three (3) years, expiring in 2004. It is the intention of this Act that subsequent to the expiration of the three-year term commencing in November, 2001, each of the Mayor and Aldermen of the town shall serve in their respective capacities for a period of four (4) years and shall be elected once every four (4) years thereafter on the first Tuesday in November, commencing with the November, 2004 election. For the purposes of obtaining concurrent terms of the Mayor and Aldermen, the terms of office expiring in 2003 for the remaining three (3) Aldermen shall hereby be extended for one (1) year, and shall expire in 2004. [As amended by Acts 1909, ch. 382, § 2 and 3; Priv. Acts 1939, ch. 570, § 1(1); Priv. Acts 1943, ch. 467; Priv. Acts 1965, ch. 67; and Priv. Acts 1999, ch. 4, § 1; and replaced by Priv. Acts 2001, ch. 49]

¹Priv. Acts 1909, ch. 382, § 1, provides as follows:

"Be it enacted by the General Assembly of the State of Tennessee, That Chapter 450 of the Acts of 1901, the caption of which is set out in full in the caption of this Act, be, and the same is hereby, amended so as to provide that all elections to be held in and for said town of Newbern to select a Board of Mayor and Aldermen and any and all other officers and for other purposes coming under and falling within the scope of said Act be, and the same are hereby, directed to be held under and by authority of the general election laws of the State of Tennessee."

Who may vote in town elections

Sec. 7. Be it further enacted, That all persons living within the limits of the Town of Newbern who would be qualified to vote for members of the General Assembly of this state, and persons owning a free-hold within the bounds of the Town of Newbern and otherwise qualified to vote, shall be entitled to vote for the Mayor and Aldermen for the Town of Newbern. Persons eligible for the office of Mayor shall be citizens and qualified voters of the Town of Newbern who are not already duly elected members of the Board of Mayor and Aldermen which is lawfully standing and constituted following the election and qualification of the Mayor every two years. persons eligible for the offices of Aldermen, Recorder and City Marshall shall also be citizens and qualified voters of the Town of Newbern. In case of death, removal, or resignation of any of such officers of the Mayor and Aldermen shall have power to fill such vacancy for the time unexpired. [as amended by Priv. Acts 1939, ch. 570, § 1(1); Priv. Acts 1943, ch. 467; Priv. Acts 1988, ch. 148, § 1; and replaced by Priv. Acts 1994, ch. 118, § 1]

Board to meet after election;
quorum; election of other agents

Sec. 8. Be it further enacted, That the persons elected Mayor and Aldermen, as provided in Section 7, shall meet on the day after election, or as soon thereafter as possible, and after being qualified, shall proceed to take charge of the property and to discharge the functions of their several offices in the affairs of said corporation, and four of the Aldermen, so elected and qualified as aforesaid, shall constitute a quorum for the transaction of all business, except the appropriation of money belonging to the said corporation, and the Mayor and Aldermen shall have power to elect such other agent or agents as they may deem necessary to aid them in transacting the business of the corporation, and may provide by ordinance for such purpose.¹ [As amended by Acts 1907, ch. 558, § 2, and Priv. Acts 1965, ch. 55]

Oath

Sec. 9. Be it further enacted, That the Mayor and Aldermen of said town, before entering upon the discharge of their duties, shall take an oath before some Justice of the Peace of Dyer County, to faithfully discharge their several duties as Mayor and Aldermen of said corporation.

¹Priv. Acts 1965, ch. 55 is the current law with respect to management of the water and light plant and is provided at the end of the charter.

Treasurer

Sec. 10. Be it further enacted, That the Treasurer, who shall be elected by the Mayor and Aldermen at the first meeting, or as soon thereafter as possible, shall receive from the Chief of Police, Recorder, or other collector of corporate funds, all moneys and receipt for, take care of and account for all such funds, of whatever nature, that may come into his hands; and for such purpose he shall keep such books as the Mayor and Aldermen may direct. He shall make out and present as many such reports and statements, monthly or otherwise, as the Board may direct, of the financial condition of his office, and funds of the corporation. Before entering upon the discharge of the duties of his office, the Treasurer shall give bond, with good security, payable to the Mayor and Aldermen of Newbern, and in such amounts as the Board may prescribe, for the faithful discharge of the duties of his office in every respect as prescribed by law or ordinances; and he shall perform such other duties as the Mayor and Aldermen may prescribe; shall pay moneys out of the treasury, on the order or warrant of the Mayor, the order or warrant to show for what purpose the money is paid out. [As amended by Priv. Acts 1965, ch. 54, §§ 1(2) and (3), and Priv. Acts 1988, 148, § 3]

Recorder¹

Sec. 11. Be it further enacted, That the Recorder shall keep an accurate minute of the proceedings of the Board of Mayor and Aldermen, issue all license to merchants, and license for privileges, and collect taxes, on same as all other

¹Priv. Acts 1943, ch. 467, provided that the charter should be amended: "By striking from Section 6 of said Act, or any other part of same, all provisions requiring the Recorder of said Town of Newbern to be elected by the voters in said town on the Third Tuesday in November of every two years (the next said election in said town being on the Third Tuesday in November, 1943) and to provide and require the Board of Mayor and Aldermen of said Town of Newbern to elect the Recorder of said Town of Newbern on Monday after the Third Tuesday in November every two years, the first election by the Board of Mayor and Aldermen to be held on the next Monday after the Third Tuesday in November, 1943, and the person so elected as Recorder shall be inducted into his office as such on the 1st day of December, 1943, and every two years thereafter, and if the first day of December falls on Sunday, then the time for his induction into office shall be on the following day. It shall be necessary to elect said Recorder by a majority of the vote in said election, and if there should be a tie vote in said election then the Mayor shall cast the deciding vote in addition to his vote as a member of the Board of Mayor and Aldermen; and said recorder shall serve until his successor is elected and qualified."

taxes, and shall keep an accurate account of same on a book kept for that purpose, as well as any other fund that may come into his hands from any source whatever. He shall make out the city tax books at such time and under such rules as the Board may prescribe. In making out the tax books the Recorder may take list of property, the assessed value, etc., from the assessment book of the Assessor for the present or past year of property for the State and County taxes, and any omitted property and fix the value thereof. The Board may, at any time, elect the Recorder or some other person, a City Assessor, whose duty it shall be to assess all property and polls in the corporation for taxation, and enter the same on a suitable assessment book prepared for such purpose, and such assessment shall be made under the law by which such property and polls are assessed for the State and County purposes, except as herein otherwise provided. Such assessors shall have such power or such as may be necessary and allowed assessors for State and County taxes. The assessor shall be required by the Board to take an oath to faithfully discharge all the duties of his office, and the Board shall fix the compensation of the Assessor. The Recorder shall perform such other duties as the Board may impose upon him, and he shall turn over to the Treasurer, at least every thirty days, or oftener, if required by the Board, all the moneys of the corporation that may come into his hands from any source whatever, and take a receipt for same. The Recorder shall be entitled to a fee of fifty cents for each license, and said fees shall be paid by the applicant; and the Recorder shall have such other salary as the Board may fix by ordinance or otherwise; and the Recorder, before entering upon the discharge of his duties, shall execute a bond payable to the Mayor and Aldermen of Newbern with good securities, in such sum as the Board may prescribe, not to be less than double the amount of funds that may come into his hands as Recorder, conditioned to be said only if the Recorder shall faithfully account for and pay over to the Treasurer all funds of the corporation that come into his hands and faithfully perform all other duties required of him by law. [As amended by Acts 1903, ch. 220, § 2, and Acts 1907, and ch. 558, § 3]

Chief of police¹

Sec. 12. Be it further enacted, That the Chief of Police shall thoroughly acquaint himself with the laws and ordinances, and rigidly enforce them. He shall have authority, without warrant in hand, to arrest any person within corporate limits for any offense committed against any corporate ordinance in his presence and with warrant in hand he may execute it against the offending party and arrest him anywhere in the County; the Chief of Police shall execute promptly all process that may come into his hands and make due return of same in thirty days, showing what he has done and he shall perform such other duties as may be imposed upon him by the Board. He shall hold his office after his election, until the next regular election of Mayor and Aldermen and till his successor is elected and qualified, but always subject to removal by the Board. He shall make report every thirty days of the funds collected by him and turn same over to the Recorder. [As amended by Acts 1903, ch. 220, § 1; Priv. Acts 1965, ch. 55, § 2; and Priv. Acts 1988, ch. 148, § 3]

Power of board to make contracts

Sec. 13. Be it further enacted, That the Board of Mayor and Aldermen shall have power to make all proper contracts necessary for corporate purposes which shall be made in the name of the corporation, and signed by the Mayor

¹Priv. Acts 1939, ch. 570, § 1(1), provided that the charter should be amended: "By striking from Section 6 of said Act, or any other part of same, all provisions requiring the Marshal of said Town of Newbern to be elected by the voters in said town on the Third Tuesday of November of every two years (the next said election in said town being on the Third Tuesday in November 1939) and to provide and require the Board of Mayor and Aldermen of said Town of Newbern to elect the Marshal of said Town of Newbern on Monday after the Third Tuesday in November every two years, the first election by the Board of Mayor and Aldermen to be held on the next Monday after the Third Tuesday in November 1939, and the person so elected as Marshal shall be inducted into his office as such on the 1st day of December 1939 and every two years thereafter, and if the first day of December falls on Sunday, then the time for his induction into office shall be on the following day. It shall be necessary to elect said Marshal by a majority of the votes of the Board of Mayor and Aldermen, the Mayor being allowed a vote in said election, and if there should be a tie vote in said election then the Mayor shall cast the deciding vote in addition to his vote as a member of the Board of Mayor and Aldermen; and said Marshal shall serve until his successor is elected and qualified." Priv. Acts 1988, ch. 148 amended § 12 by replacing "Marshal" with "Chief of Police" with no reference made to Priv. Acts 1939, ch. 570.

and Recorder, and no person shall have power to create any liability against the corporation except by express authority of the Board conferred at a meeting of the Board duly and regularly called.

Corporation property¹

Sec. 14. Be it further enacted, That the title to all property, real or personal, purchased by the corporation shall be conveyed to the Mayor and Recorder by name, in their official capacity, for the use and benefit of the Mayor and Aldermen of Newbern, and their successors and by them on behalf of the corporation, shall the title to property sold by the corporation be conveyed. The said Mayor and Recorder signing the deed or writing in their official capacity and under the seal of the said corporation.

Taxes--how assessed

Sec. 15. Be it further enacted, That property subject to taxation shall be assessed and listed for taxation in the name of the owner, or the reputed owner, alphabetically, for the entire town, and if real estate, giving the number of the lot or some description that will be sufficient to identify it in estimating the value of the property, the Assessor shall be governed by the assessment law of the State. Merchants and privileges of all kinds shall be taxed, and taxes on same collected as may be provided by ordinances. The assessment book shall be made out and completed by the first of April for the year for which the assessment is made, and delivered by said time to the Recorder who shall proceed at once to make out the tax book and shall complete the same by the first day of September of the said year at which time said taxes shall become due and payable, but the collector shall not enforce the collection of taxes until the first day of November of the same year, unless ordered to do so by the Board. All parties who have not paid their taxes by this time shall become delinquent and the Recorder shall at once make out a complete list of all such, showing the amount of taxes due from each taxpayer, and such penalty as the Board may prescribe by ordinance. When said list is made out, the Recorder shall make affidavit thereto before the Mayor or some Justice of the Peace that it contains a full and complete list of all delinquents, and the true amount due by each to the best of his information and belief. Said list shall be turned over to the Chief of Police, and shall be as to each delinquent equivalent to one execution in the hands of said Chief of Police, and with it he shall have the power to seize and take the goods and chattel rights and credits of said delinquents, sufficient to satisfy the amount due by each, and to do all other things authorized to be done

¹For further provisions relative to corporation property see § 4 in this charter.

by any officer, under an execution levied on such property, until the money is made. If the Recorder fails to make out said list promptly and in due time specified by ordinance, and turn same over to the Chief of Police, the Board may select someone else, or if the Chief of Police fails to enforce promptly the collection of said taxes the Board may select someone else for said purpose, the Chief of Police or other person shall keep a list until such time as the Board may prescribe for him to return said list and make final settlement. Accounts may be made out against delinquents at any time after the return of said lists for the amount of taxes, and suits be brought against the parties in the nature of an ordinary action of debt before any Justice of the Peace in the name of the Mayor and Aldermen of Newbern. If the taxes are on real estate the warrant may show what lot or lots, and that the taxes are a lien on said property and the lien may be enforced by a judgment and execution, or an attachment may issue showing some facts upon affidavit of Chief of Police or collector stating any of the causes mentioned in the Code for issuance of attachment at law. Assessed taxes on realty shall be and remain a lien thereon, until paid from and after the tenth day of January of the year the assessment is made.

Be it further enacted, That on all taxes not paid on or before the first day of November of each year a penalty of five per cent (5%) shall at once accrue, with an additional penalty of one per cent (1%) accruing on the first day of each month thereafter, until paid.

The accrual of the penalty as above provided shall in no respect affect the interest to be paid on said taxes from the date they become delinquent, which interest shall be one-half of one per cent (1/2%) per month thereafter, until paid, and such interest to be paid as if no penalty had been paid.

At any time after taxes have been delinquent for Ninety (90) days, the Mayor shall employ an attorney or attorneys to file suit in the Chancery Court to collect the delinquent taxes, and a penalty of ten per cent (10%) of the amount of the original tax shall accrue when such suit is filed, such penalty to be in addition to the penalty above provided, and which penalty shall be devoted to the expense of prosecuting said suits and shall be allowed to the attorney filing the suit as compensation for his services. [As amended by Priv. Acts 1947, ch. 404, and Priv. Acts 1988, ch. 148, § 4]

Distress warrants

Sec. 16. Be it further enacted, That the Recorder may issue and sign distress warrants and alias and pluries distress warrants to collect taxes on merchants and privileges, directed to the Chief of Police or officer, or he may sue for and recover the same in the nature of an action of debt before some Justice of the Peace.

The tax shall become due and payable the day the party commences business, and shall be for twelve months unless the party elects to take out license for less time.

The Mayor may also issue distress warrants against delinquents to collect the taxes, upon application of the Recorder or Chief of Police against parties who are not delinquent, who may be about to move out of the corporation or county, or fraudulently or about fraudulently to dispose of their property upon affidavits; said warrant shall be directed to the Chief of Police, or officer, and executed by him.

Said distress warrant in the hands of the officer shall give him the same power, and subject them to the same liabilities, as in the case of execution. [As amended by Priv. Acts 1988, ch. 148 § 5]

Arrests

Sec. 17. Be it further enacted, That when any person is arrested by the Chief of Police without warrant in hands, he shall proceed to have one issued and served, and the party notified of the time and place of trial after service of warrant, in any case, the Chief of Police or Mayor may take bond of said party, with good security, payable to the corporation in the sum of \$100, conditioned to be void only if the party makes his personal appearance at the time and place fixed for trial and not depart the court without leave of the Court, and failure so to do to pay said \$100. [As amended by Priv. Acts 1988, ch. 148, § 6]

(Repealed)

Sec. 18. This section was repealed by Priv. Acts 1983, ch. 4, § 1.

Bonds to be joint and several

Sec. 19. Be it further enacted, That the obligations of the official bonds and the appearance bonds herein mentioned shall be joint and several, and any one or all of the parties to any one of said bonds may be sued for breach thereof before any Justice of the Peace having jurisdiction, of the amount claimed or sued for, or before the Circuit Court.

Police authority

Sec. 20. Be it further enacted, That the police authority of the corporation and its officers, shall extend one mile beyond the corporate limits in every direction, to prevent and suppress fighting, quarreling, loud cursing, or swearing, or other unnecessary noise, or boisterous conduct, disorderly assemblies, or meetings and for these purposes the Board of Mayor and Aldermen may enact such laws as may be necessary to carry out the objects and meaning of this section, and the Chief of Police shall have the same right, power, and privilege, without warrant in hand, to arrest any offenders against said ordinances anywhere in the corporate limits, or within one mile of the

corporation line, when the offense has been committed in the Police Chief's presence, or near enough for him to see or hear it committed, or with warrant in hand to arrest said offenders anywhere in the county. [As amended by Priv. Acts 1988, ch. 148, §§ 7 and 8]

Taxes--how equalized

Sec. 21. Be it further enacted, That the Board of Mayor and Aldermen shall have power, upon application of any taxpayer, to reduce or equalize and correct any illegal assessment; the Recorder shall assess for taxation on any omitted property and polls that may come to his knowledge, and collect the tax thereon and shall also assess any omitted property for any previous years, and collect same by suit or otherwise, as the Board may direct.

Absence of chief of police

Sec. 22. Be it further enacted, That in the absence of the Chief of Police, or his incapacity from any cause to serve, any constable or deputy sheriff may execute papers and discharge all the duties of the Chief of Police, or the Mayor may appoint a special officer to act in capacity of Chief of Police, and in the temporary absence or incapacity of the Mayor, the Vice-Mayor, as elected by the Board pursuant to ordinance, shall exercise the powers and perform the duties of the Mayor, and the removal of the Mayor or Chief of Police or any Alderman beyond the corporate limits will create a vacancy in said office. [As amended by Priv. Acts 1982, ch. 338, and Priv. Acts 1988, ch. 148, § 9]

Committees

Sec. 23. Be it further enacted, That the mayor and Aldermen shall have power to appoint all necessary and standing special committees, fix the number of each committee, and designate the duties of said committees, and may prescribe the mode of procedure for said committees.

Mayor pro tem

Sec. 24. Be it further enacted, That in case of a tie vote for Mayor, the Aldermen elect shall meet and organize by electing one of their number Mayor pro tempore, who shall, for the time being, perform all the duties and be subject to all liabilities, and the Board order the election of Mayor as soon as possible. In case of a contest in the election of Mayor on any other grounds than that of tie vote, the Board shall, after organizing, and electing a Mayor pro tempore, as above, decide as soon as possible who is entitled to the office. The Board may determine its own rules of proceeding and prescribe the punishment of its membership for nonattendance, disorderly conduct, or other improper conduct,

and enforce the same, two-thirds of all the members concurring may expel a member for such conduct, and the Board may fully investigate charges against any of its officers or members, and the Mayor and Recorder, at the request of the Board, is hereby empowered to issue subpoenas or other papers and compulsory processes to compel the attendance and production of books and papers before the Board or any committee of the same. The stated meetings of the Board of Mayor and Aldermen may be held at such times as the Board of Mayor and Aldermen may determine by ordinance.

(Repealed)

Sec. 25. This section was repealed by Priv. Acts 1983, ch. 4, § 2.

City judge, city court clerk, etc.

Sec. 26. There is hereby created the office of city judge for the town of Newbern. Such city judge shall be a resident of Dyer County and shall be elected by the mayor and board of aldermen. His term of office shall be for a period of two (2) years and he shall hold his office after his election, until the next regular election of mayor and aldermen and until his successor is elected and qualified, but always subject to removal by the board. The city judge shall have such salary as the board may fix by ordinance or otherwise. He shall hold court from time to time as is necessary but at least one time each week.

The city judge shall have power and jurisdiction to hear and determine all charges of violations of the city ordinances and shall render judgment upon such charge. He shall have power to issue warrants for the arrest of persons alleged to have violated any city ordinances and all other necessary process. He shall likewise have power to commit to the city jail persons fined by him for such violations who do not pay or secure such fine. Appeals from the judgment of the city judge shall lie to the Circuit Court of Dyer County and shall be perfected in the same manner as are appeals from judgments of the Court of General Sessions except that the person so appealing shall execute bail or appearance bond.

The city judge shall have jurisdiction to hear and determine all charges of violations of the state law occurring within the corporate limits of the town of Newbern to the same extent as a judge of the Court of General Sessions now possesses and may bind offenders to the grand jury.

Where the judge finds it necessary to be absent from holding court, he may designate in a writing, to be filed with the clerk of the court, the name of a special judge or judges, to hold court in his place and stead, with the approval of the board of mayor and aldermen. Such person or persons shall have the qualifications of a city judge and shall have the same authority as the regular judge to hold court for the occasion.

In all matters involving charges of violations of the state law the costs and fees of said court shall be the same as provided by state law for Courts of General Sessions. In all matters involving charges of violations of city ordinances the costs and fees of said court shall be as determined and established by ordinance or resolution of the board of mayor and aldermen of the town of Newbern.

There is hereby created the office of city court clerk. The city court clerk shall be elected by the board of mayor and aldermen. The board may elect such assistant city court clerks as it deems necessary. The city court clerk and assistant city court clerks shall have the same authority and jurisdiction with the city court of Newbern as the clerk of General Sessions Court has with the Court of General Sessions.

The board of mayor and aldermen shall fix the compensation of the city court clerk and the assistant court clerks and may by ordinance prescribe additional duties to such clerk or the assistant clerks and regulate the performance thereof. [As replaced by Priv. Acts 1983, ch. 4, § 3]

Pavements

Sec. 27. Be it further enacted, That the Board of Mayor and Aldermen shall have power by ordinance to require the owners of business houses to place good, substantial brick or stone pavements in front of their houses.

Authority to pass necessary ordinances, etc.

Sec. 28. Be it further enacted, That the Board of Mayor and Aldermen shall have power to pass all by-laws and ordinances necessary and proper to enforce the powers granted not inconsistent with the constitution and laws of the United States and of the State of Tennessee. And said corporation shall enjoy all the rights, privileges, and powers which are now granted and conferred by law upon municipal corporations of a like kind within the State of Tennessee.

Mayor and aldermen, etc., under prior charter to hold over until first election under this charter

Sec. 29. Be it further enacted, That nothing in this Act shall be construed to interfere with the present Mayor and Aldermen and other officers of the corporation, but shall proceed to execute the provisions of this Act and hold their offices until the next regular election, as herein provided, and until their successors are elected and qualified.

Date of effect

Sec. 30. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1901.

Newton H. White,
Speaker of the Senate.

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

Approved April 20, 1901.

Benton McMillin,
Governor.

RELATED LAWS

PAGE

Civil Service System Act	C-25
Rural Waterworks System Act	C-28
Revenue Anticipation Notes	C-38
Board of Education	C-40
Special High School District	C-42
Water and Light Plant	C-44
Regulation of Fowls Running at Large	C-46
Special Cemetery Fund	C-48

Civil Service System Act

CHAPTER NO. 56¹

House Bill No. 309
(By Ewell)

AN ACT to amend the charter of the Town of Newbern, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the Town of Newbern, Tennessee, being Priv. Acts 1901, ch. 450, and Acts amendatory thereto, is hereby amended to authorize the adoption of a civil service or merit system. It is the intent of this Act to enable the Board of Mayor and Aldermen of the Town of Newbern to adopt such a personnel, merit system or civil service system as is adaptable to the needs of the Town. The system may consist of the mere establishment of minimum standards of employment and qualification for the various classes of employment, or of a comprehensive civil service system, as the Board of Mayor and Aldermen determines for the best interests of the public service.

Section 2. Be it further enacted, That the Board of Mayor and Aldermen may by ordinance establish a personnel system, merit system, or civil service system for the selection, employment, classification, advancement, suspension, discharge, and retirement of appointive officers and employees.

Section 3. Be it further enacted, That all offices and positions of employment of the Town may be included in the classified service except (a) the offices of Mayor and Aldermen, (b) the offices of independent boards and offices and positions of employment under the jurisdiction and control of such independent boards and (c) occasional or part time employees.

Section 4. Be it further enacted, That the Board of Mayor and Aldermen may provide for a civil service board or commission or personnel officer, to which it may delegate such powers and duties in relation to the system as it deems advisable.

Section 5. Be it further enacted, That the ordinance shall designate the departments, and the appointive offices and positions of employment which shall be included in the system. The ordinance may be amended to include additional departments and appointive offices and positions of employment.

¹Private Acts of 1965.

Section 6. Be it further enacted, That after inclusion in the system, no department, appointive office or position of employment shall be withdrawn, either by repeal of the civil service ordinance or otherwise, unless the withdrawal has been submitted to the voters of the Town at a special or regular municipal election and approved by a majority of those voting on the proposition. Departments, offices or positions of employment thus withdrawn from the system shall not again be included unless the proposal has been submitted to the voters of the Town at a special or regular municipal election and approved by a majority of those voting on the proposition.

Section 7. Be it further enacted, That the Board of Mayor and Aldermen may contract with any city or town in the State or any private person, corporation, association or partnership for (a) the conducting of competitive examinations to ascertain the fitness of applicants for offices or positions in the classified service or (b) the performance of any other service in connection with personnel selection and administration.

Section 8. Be it further enacted, That the ordinance adopting a civil service system shall provide that if the Board of Mayor and Aldermen determines that a reduction in personnel is necessary for economy reasons, it shall observe the seniority rule in putting the reduction into effect.

Section 9. Be it further enacted, That the ordinance adopting a civil service system shall provide that the inclusion of appointive offices to which a term is attached shall not become effective until the expiration of the term. No term of office shall be attached to any office after inclusion in the classified service.

Section 10. Be it further enacted, That this Act shall not be applicable to the Town of Newbern unless approved by a two-thirds vote of the Board of Mayor and Aldermen of the Town of Newbern before July 1, 1965. The Mayor shall certify the Board's approval or disapproval to the Secretary of State or inform him of the Board's failure to act before July 1, 1965.

Section 11. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 17, 1965.

William L. Barry,
Speaker of the House of Representatives.

Jared Maddux,
Speaker of the Senate.

Approved: February 24, 1965.

Frank G. Clement,
Governor.

This is to certify that according to the official records on file in this office, House Bill No. 309, which is Chapter No. 56 of the Private Acts of 1965, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

Joe C. Carr,
Secretary of State.

Rural Waterworks System Act

CHAPTER NO. 112¹

Senate Bill No. 627
(By Ewell)

Substituted for: House Bill No. 688
(By Gracey)

A PRIVATE ACT amending the charter of the town of Newbern, Tennessee authorizing the town of Newbern, of the State of Tennessee, to construct, acquire, improve, extend, operate and maintain a Newbern rural waterworks system, separate, apart, and distinct from its water and sewer system; prescribing the mode of procedure for and regulating the issuance and sale of bonds and other obligations to finance such Newbern rural waterworks system; providing for the fixing of rates and other charges; providing for the payment of such bonds and other obligations; and authorizing agreements with the holders of such bonds and other obligations.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, as follows:

Section 2. That the Charter of the Town of Newbern, Tennessee, being Chapter 450, Private Acts of 1901, and acts amendatory thereto is hereby amended as herein set out and provided.

Section 3. That it is in the public interest that the Town of Newbern, in the State of Tennessee, be authorized and empowered to own and operate a waterworks, waterworks system and water distribution system outside of the corporate limits of said Town of Newbern and within the radius hereinafter set out and provided which system shall be named and designated and referred to as the NEWBERN RURAL WATERWORKS SYSTEM and which NEWBERN RURAL WATERWORKS SYSTEM shall be separate, apart and distinct from the water and sewer system of the Town of Newbern and which NEWBERN RURAL WATERWORKS SYSTEM shall not in any way be an extension, improvement, or addition of said water and sewer system now owned and operated by the Town of Newbern, as herein set out and provided.

¹Private Acts of 1967.

Section 4. That the Town of Newbern, within the State of Tennessee, is hereby authorized and empowered to own, acquire, construct, extend, equip, operate and maintain a waterworks, waterworks system and water distribution system, named, designated and referred to as the NEWBERN RURAL WATERWORKS SYSTEM within the State of Tennessee and within a radius of twenty miles from the territorial boundaries of said Town of Newbern, provided, that it shall not construct said system wholly or partly within the corporate limits of another municipality except with the consent of the governing body of such other municipality and provided further that it shall not extend its services into sections of roads or streets already occupied by other public agencies rendering the same service so long as such other public agency continues to render such service.

Section 5. The terms, "waterworks, waterworks system, and water distribution system" shall be construed to include all or any part of the following: source of supply, pumping facilities, purification works, storage facilities and distribution system, together with all necessary parts and appurtenances for proper operation.

Section 6. That in connection with said NEWBERN RURAL WATERWORKS SYSTEM, said Town shall have the right to do and perform the following acts:

(a) To accept from any Federal agency grants for or in aid of the construction thereof.

(b) To contract debts for the construction thereof, to borrow money, and to issue its bonds, to finance such construction and to provide for the rights of the holders of the bonds and to secure the bonds as hereinafter provided.

(c) To acquire by purchase, gift, or the exercise of eminent domain and to hold and dispose of any property, real or personal, tangible or intangible, or any right of interest in such property, whether or not subject to mortgages, liens, charges or other encumbrances and to construct said NEWBERN RURAL WATERWORKS SYSTEM subject thereto and provided that said Town shall not have the right to exercise the power of eminent domain of real or personal property which has been dedicated to a public use, or which is at the time being so used, unless the owners of authorities having jurisdiction over said property agree to such acquisition and provided further that said Town shall not construct any structure of any type or over any property which has been dedicated to public use, or which is at the time being so used, unless the owners or authorities having jurisdiction over said property, agree to the construction of such structure.

(d) To make contracts and to execute instruments containing such terms, provisions, and conditions as in the discretion of the

governing body of said Town may be necessary, proper, or advisable for the purpose of obtaining a grant, loan, or financial assistance from any federal agency; to make all other contracts Waterworks System Act and execute all other instruments necessary, proper, or advisable in or for the furtherance of said NEWBERN RURAL WATERWORKS SYSTEM, and to carry out and perform the terms and conditions of such contracts or instruments.

(e) To enter on any lands, waters and premises for the purposes of making surveys, soundings and examinations in and for the furtherance of said system.

(f) To subscribe to and comply with any act and any rules and regulations made by any federal agencies with regard to any grants, or loans or both from any federal agency.

(g) To perform any acts authorized under this Chapter through, or by means of its own officers, agents, and employees or by contracts of private corporations, firms, or individuals.

(h) To exercise, for the purpose of obtaining a grant, loan, or other financial assistance from any federal agency, any power conferred by this act independently or in connection with any other power or powers conferred by this act.

(i) To do all acts and things necessary or convenient to carry out the powers expressly given in this act.

(j) To cooperate with and receive grants from the State or other agency operating under the authority of the state, having funds available for the cooperation in the construction, acquiring, improving, extending, operating and maintaining said system.

(k) To issue, by resolution, notes in anticipation of the collection of revenues for any one or more years from said system and to renew such notes from time to time. The maximum maturity of such notes, including the renewals thereof, shall not exceed five (5) years from the original date of issuance of any such notes. Such notes shall be fully negotiable for all purposes. The notes shall be sold at public or private sales at not less than par and shall bear interest at the rate or rates which will not make the new rate interest cost to exceed six per cent (6%) per annum. Such notes, in the discretion of the governing body, may be paid from the proceeds of bonds issued pursuant to this act. The provision of this act for the payment and security of bonds issued pursuant to this act shall be equally applicable to such notes but the provisions of Section 9 of this act shall not be applicable thereto.

Section 7. That in connection with said NEWBERN RURAL WATERWORKS SYSTEM, said Town may use right-of-way, easement or other similar property right, necessary or convenient in connection with the acquisition, improvement, operation, or maintenance of said system, held by the

State of Tennessee or any other municipality, provided that such other municipality shall consent to such use.

Section 8. That bonds may be issued under this act notwithstanding and without regard to any limit on indebtedness provided by law.

Section 9. That in connection with said NEWBERN RURAL WATERWORKS SYSTEM, in determining the costs thereof, the following items may be included as a part of the cost of such system and financed by the issuance of such bonds: (a) engineering, inspection, accounting, fiscal and legal expenses; (b) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses; (c) any interest costs during the period of construction of such system and for six (6) months thereafter on money borrowed or estimated to be borrowed.

Before any bonds are issued under this act, the governing body of the municipality shall adopt a resolution (herein referred to as the "initial resolution") determining to issue the bonds, which resolution shall state in substance (a) the amount or maximum amount of bonds to be issued; (b) the purpose or purposes for which such bonds are to be issued; (c) the rate or maximum rate of interest which such bonds are to bear; (d) a brief concise statement of the fact that such bonds will be payable exclusively from revenues. Such initial resolution shall be published in full once in a newspaper published in Dyer County, Tennessee and circulating in the municipality. That thereafter said municipality shall have the right to issue its bonds, as herein provided and said bonds shall be designated "NEWBERN RURAL WATERWORKS SYSTEM BONDS, SERIES 19__."

Section 10. No election upon a proposition for the issuance of bonds under this act shall be necessary because the bonds are to be payable exclusively from the revenues from said system.

Section 11. The bonds may be issued in one or more series, may bear such date or dates, shall mature serially, at such time or times, not exceeding forty (40) years from their respective dates, may bear interest at such rate or rates, not exceeding five per cent (5%) per annum, payable annually or semi-annually, may be in such denomination, may be in such form, either coupon or registered, may be payable at such place or places, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, may be subject to such terms of redemption, with or without premium, all as may be provided by resolution of the governing body of the municipality. The bonds shall be fully negotiable for all purposes.

Section 12. Unless the bonds are sold to a federal agency, the bonds authorized to be issued by this chapter shall be sold at public sale after not less than fourteen (14) days advertisement thereof. The bonds may be sold at private sale without any public advertisement to any federal agency. The bonds may be sold in such blocks as the governing body may by resolution determine, but no bonds shall be sold at less than par and accrued interest.

Section 13. Pending the preparation or delivery of the definitive bonds for the purpose of financing the construction of said system, interim certificates or other temporary obligations may be issued by the municipality to the purchaser of such bonds. Such interim certificates or other temporary obligations shall be in such form and contain such terms, conditions, and provisions as the governing body of the municipality issuing the same may determine.

Section 14. Bonds issued under this act bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same.

Section 15. Any resolution authorizing bonds under this act may provide that such bonds shall contain a recital that they are issued pursuant to this act, which recital shall be conclusive evidence of their validity and the regularity of their issuance.

Section 16. The bonds and income therefrom issued pursuant to this act shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes.

Section 17. In order to secure the payment of any of the bonds issued pursuant to this act, and interest thereon, or in connection with such bonds, any municipality shall have power as to such bonds:

(a) To pledge all or any part of the rates, fees, and charges received or receivable by the municipality from said system to the punctual payment of any bonds, and the interest thereon, issued pursuant to this act to finance said system and to covenant against thereafter pledging any such rates, fees and charges to any other bonds or any other obligations of the municipality.

(b) To provide for the terms, forms, registration, exchange, execution, and authentication of such bonds.

(c) To provide for the replacement of lost, destroyed, or mutilated bonds.

(d) To covenant as to the use and disposition of the proceeds from the sale of such bonds.

(e) To covenant as to the rates, fees, and charges to be charged in connection with said system and as to the use and disposition to be made thereof.

(f) To covenant to set aside or pay over reserves and sinking funds for such bonds and as to the disposition thereof.

(g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(h) To covenant as to its books of account and as to the inspection and audit thereof and as to the accounting methods.

(i) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default" and the terms and conditions upon which any or all of such bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

(j) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, conditions or obligation.

(k) To vest in a trustee or trustees the right to receive all of any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay in relation to the bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what happenings or occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties.

(m) To make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure such bonds, or in the discretion of the governing body of the municipality tend to make such bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein; it being the purpose hereof to give the municipality power to do all things in the issuance of the bonds and for their security that may be consistent with the Constitution of the State of Tennessee.

Section 18. Any holder or holders of the bonds, including a trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any Court of competent jurisdiction to enforce his or their rights against the municipality, and the governing body of the municipality and any officer, agent or employee of the municipality, including, but not limited to, the right to require the municipality and the governing body and any proper officer, agent or employee of the municipality to fix and collect rates, fees and charges adequate to carry out any agreement as to, or pledge of, rates, fees and charges and to require the municipality and the governing body of the municipality and any officer, agent or employee of the municipality to carry out any other covenants and agreements and to perform its and their duties under this act.

Section 19. No holder or holders of any bonds shall ever have the right to compel any exercise of taxing power of the municipality to pay said bonds or the interest thereon. Each such bond issued under this chapter shall recite in substance that said bond, including interest thereon, is payable exclusively from the revenue pledged to the payment thereof, and that the holder of said bond shall have no recourse to the power of taxation.

Section 20. The municipality shall have power by resolution of its governing body to confer upon any holder or holders of a specified amount or percentage of bonds payable in whole or in part from the revenue of the said system, including a trustee or trustees for such holders, the right should there occur or happen an "event of default" as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds or the trustee or trustees therefor;

(a) By suit, action or proceedings in the chancery court to obtain the appointment of a receiver of said system of the municipality or any part or parts thereof. If such receiver be appointed he may enter and take possession of said system or any part or parts thereof and operate and maintain same, and collect and receive all rates, fees and charges thereafter arising therefrom in the same manner as the municipality itself might do and shall dispose of such money in a separate account or accounts and apply the same in accordance with the obligations of the municipality as the court shall direct.

(b) By suit, action or proceeding in the chancery court to require the governing body of the municipality to account as if it were the trustee of an express trust.

Section 21. The governing body of the municipality of the Town of Newbern issuing bonds payable exclusively from the revenue of said system

shall prescribe and collect reasonable rates, fees or charges for the services, facilities, and commodities of said system, and shall revise such rates, fees or charges from time to time whenever necessary so that the said system shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered including the accumulation during the first five (5) years of the operation of said system of a reserve equal to the average annual requirements for the payment of principal and interest on outstanding bonds issued pursuant to this act for said system, which reserve shall be accumulated at the rate of twenty per cent (20%) per annum, and (b) to provide for all expenses of operation and maintenance of said system, including reasonable reserves therefor.

Section 22. All proceeds received from the sale of bonds issued under this act and all rates, fees and charges received by the Town of Newbern from said system and all moneys received from any federal agency shall be paid to the financial officer or officers of the municipality designated for such purposes. Such financial officer or officers shall not commingle any money received from any federal agency, with any other moneys, but the moneys received from any federal agency shall be deposited in a separate bank account or accounts in the name of the municipality.

Section 23. The provisions of this act shall not operate to dispense with the approval by a state department, board, officer or commission of a public works project where such approval under existing provisions of the law must be obtained before a municipality may construct a public works project.

Section 24. All action required or authorized to be taken under this act by the governing body of the Town of Newbern may be by resolution, which resolution may be adopted at the meeting of the governing body at which such resolution is introduced, and shall take effect immediately upon such adoption. The resolution under this act need not be published or posted, except as herein provided, nor shall any such resolution be subject to veto by the chief executive officer of the Town of Newbern.

Section 25. The powers conferred by this act shall be in addition and supplemental to, and the limitations provided by this act shall not affect the powers conferred by any other law, and are not in substitution for the powers conferred by any other law. Bonds may be issued hereafter under the provisions of this act for said system notwithstanding that any Rural other law may provide for the issuance of bonds for like purposes and without regard to the requirements, restrictions, or procedural provisions contained in any other law, or any home rule charter, and the principal of and interest on any bonds issued

hereunder shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes.

Section 26. That said NEWBERN RURAL WATERWORKS SYSTEM shall be separate, apart, distinct, and independent from the Water and Sewer System of the Town of Newbern and shall not in any way be an extension, improvement, or addition of said Water and Sewer System now owned and operated by the Town of Newbern and all records, rates, charges and other matters involving said NEWBERN RURAL WATERWORKS SYSTEM shall be kept separate and apart from the records et cetera of the Water and Sewer System now owned and operated by the Town of Newbern and the revenues from said NEWBERN RURAL WATERWORKS SYSTEM shall not belong to or be any part of the revenues of the Water and Sewer System of the Town of Newbern and shall not be any part of the revenues of said Water and Sewer System of the Town of Newbern in accordance with any resolutions heretofore adopted in connection with said Water and Sewer System, or otherwise.

Section 27. That, if any section, paragraph, clause, or provision of this act shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not effect any other provisions of this act.

Section 28. That this act shall not be applicable unless approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Newbern before the 1st day of July, 1967, and the Mayor shall certify the board's approval or disapproval to the Secretary of State or inform him of the board's failure to act before the 15th day of July, 1967.

Section 29. That this act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 27, 1967.

Frank C. Gorrell,
Speaker of the Senate.

James H. Cummings,
Speaker of the House of Representatives.

Approved: April 27, 1967.

Buford Ellington,
Governor.

This is to certify that according to the official records on file in this office, Senate Bill No. 627, which is Chapter No. 112 of the Private Acts of 1967, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

Joe C. Carr,
Secretary of State.

Revenue Anticipation Notes

CHAPTER NO. 5

House Bill No. 144

(By Messrs. Sparkman and Draper)

AN ACT authorizing the Mayor and Aldermen of Newbern, Tennessee, through its Board of Mayor and Aldermen, to issue from time to time negotiable interest-bearing coupon notes of said municipality in anticipation of current taxes levied upon all taxable property in the town, regulating the amount of notes that may be issued and outstanding at any one time, the amount of taxes that may be principal and interest of such notes as are authorized hereunder.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Mayor and Aldermen of Newbern, Tennessee, through its Board of Mayor and Aldermen, in order to meet the general expenses of the municipality whenever it may become necessary, may borrow money and in evidence thereof issue its negotiable interest-bearing revenue anticipation notes in such amount as will not in the aggregate, including the interest thereon, exceed 75% of the then current tax levy for all municipal purposes, provided, however, that the amount of notes issued hereunder which may be outstanding at any one time shall never exceed 75% of current taxes levied for all purposes. Such revenue anticipation notes shall not bear a greater rate of interest than six per centum (6%) per annum, may, or may not have interest coupons attached representing the interest due thereon, shall be in such form as the Board of Mayor and Aldermen of the town of Newbern may prescribe, shall be signed by the Mayor and Recorder of said town with the corporate seal of said municipality affixed, shall be in such denomination and payable at such place or places as the governing body may prescribe, and shall be payable not later than February 1st, following the date of their issuance. The principal and interest of such notes shall be payable from the proceeds of the current tax levy, and no part of such tax levy shall be expended or used for any other purpose until a sufficient amount has been set apart to pay the principal and interest of notes issued in anticipation of said taxes; provided, that such notes shall be and hereby are declared general obligations of the Mayor and Aldermen of Newbern, Tennessee, and if for any reason the taxes anticipated are insufficient to liquidate the notes and interest thereon, it shall be the duty of the Board of Mayor and Aldermen to levy a special tax on all taxable property in the municipality sufficient to pay the notes and interest, or such portion thereof as may not have been taken care of out of the proceeds of taxes collected.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict herewith be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 16, 1931.

Walter M. Haynes,
Speaker of the House of Representatives.

Scott Fitzhugh,
Speaker of the Senate.

Approved January 20, 1931.

Henry H. Horton,
Governor.

Board of Education¹

CHAPTER NO. 582

House Bill No. 1278

(By Moore of Dyer)

AN ACT to amend Chapter 179 of the Private Acts of 1933, the caption of which is as follows: "AN ACT to amend AN ACT entitled: `AN ACT to amend the charter of the Town of Newbern so as to extend and define the boundaries of the town; reduce the Educational Board from nine to five members and providing for their election; abolish the office of Superintendent of Water and Light Plant and create and substitute the office of Manager; repeal that part of the Acts of 1903 abolishing the office of Recorder, being Chapter 558 of the Private Acts of 1907; `so as to amend Section 4 of said Act changing the number of members of the Board of Education, time and manner of election and their terms of office."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Chapter 179 of the Private Acts of 1933, the caption of which is quoted in the caption hereof, be and the same is hereby amended by striking out of said Act all of Section 1 in its entirety and substituting in lieu thereof a new Section 1 which shall read as follows:

"Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an election has been called to be held on the second Saturday in April 1953 by the qualified voters of the Town of Newbern for the purpose of electing the six members who shall comprise the Board of Education. The two candidates receiving the highest number of votes in said election shall serve for six years as members of said Board of Education, and the two candidates receiving the next highest number of votes shall serve for 4 years, and the two candidates receiving the next highest number of votes shall serve for two years. The respective terms of all candidates shall begin on the third Tuesday in November 1953, and serve until their successors are elected and qualified.

That the present Board of Education elected in November 1947 shall continue in office until the third Tuesday in November 1953 at which time their successors shall have been elected in conformity with the provisions of this Act at the election held on the second Saturday in April 1953.

¹Private Acts of 1953.

That the actions, duties and functions performed by the present Board of Education are hereby expressly authorized, approved, confirmed and ratified."

Section 2. Be it further enacted, That on each biennial election on the third Tuesday in November two members of said Board of Education shall be elected whose terms of office shall be for six years.

Section 3. Be it further enacted, That it shall be the duty of the Mayor of said Town of Newbern to notify the election commission to provide for and hold the election for said Board of Education at the same time, with the same officers, and on the same ballot as provided for the election of the Mayor and Board of Aldermen.

Section 4. Be it further enacted, That this Acts shall take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1953.

James L. Bomar,
Speaker of the House of Representatives.

Jared Maddux,
Speaker of the Senate.

Approved: April 10, 1953.

Frank G. Clement,
Governor.

Special High School District¹

CHAPTER NO. 302

House Bill No. 606

(By Pierce)

AN ACT to repeal Chapter 627, Private Acts of 1929, the caption of which is as follows: "AN ACT to establish and create a Special High School District in Dyer County, Tennessee, co-extensive with the embracing part of the Sixth Civil District of Dyer County, including the Town of Newbern, and part of the Seventh, Eighth, and Ninth Civil Districts, within the said District, to be known as the Newbern Special High School District, to define its boundaries, to provide for the government, management and election of High School Officers for the same and to provide the means for raising the necessary funds for carrying out said purpose, to provide for an election to be held in said District to ascertain the will of the legal voters therein, with respect to the issuance of High School Bonds and upon affirmative vote of the people to issue, not exceeding Seventy-Five Thousand Dollars High School Bonds; the proceeds of the sale of said bonds to be used in securing grounds, erecting buildings, equipping the same for High School purposes within said District," and to dispose of the property of such school district.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Chapter 627, Private Acts of 1929, the caption of which is set forth in the caption of this Act, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That all property, real, personal and mixed, of said Special School District as well as claims and choses in action belonging to it shall vest in the Town of Newbern for such corporate purposes as may be deemed advisable by the governing body of such Town.

Sec. 3. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 23, 1949.

¹Private Acts of 1949.

C-43

McAllen Foutch,
Speaker of the House of Representatives.

Walter M. Haynes,
Speaker of the Senate.

Approved: February 25, 1949.

Gordon Browning,
Governor.

Water and Light Plant

CHAPTER NO. 55

House Bill No. 308

(By Ewell)

AN ACT to amend the charter of the Town of Newbern, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the Town of Newbern, Tennessee, being Chapter 450, Private Acts of 1901 and Acts amendatory thereto, is hereby amended for the purpose of placing the office or position charged with the management and supervision of the water and light plant and departments under the control of the Board of Mayor and Aldermen of Newbern as an appointive position.

Section 2. Be it further enacted, That Section 1 of Chapter 220, Private Acts of 1903, being an amendatory Act to the charter of the Town of Newbern is hereby rescinded in its entirety.

Section 3. Be it further enacted, That Section 2 of Chapter 558, Private Acts of 1907, being also an amendatory Act to the charter of the Town of Newbern is hereby rescinded in its entirety.

Section 4. Be it further enacted, That hereafter no term shall attach to the office of manager or superintendent of the water and light departments or plants, but the Board of Mayor and Aldermen of Newbern may appoint or elect such person as is the case with other municipal employees.

Section 5. Be it further enacted, That this Act shall not be applicable to the Town of Newbern unless approved by a two-thirds vote of the Board of Mayor and Aldermen of the Town of Newbern before July 1, 1965. The Mayor shall certify the Board's approval or disapproval to the Secretary of State or inform him of the Board's failure to act before July 1, 1965.

Section 6. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 17, 1965.

William L. Barry,
Speaker of the House of Representatives.

Jared Maddux,
Speaker of the Senate.

Approved: February 24, 1965.

Frank G. Clement,
Governor.

This is to certify that according to the official records on file in this office, House Bill No. 308, which is Chapter No. 55 of the Private Acts of 1965, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

Joe C. Carr,
Secretary of State.

Regulation of Fowls Running At Large

CHAPTER 632

House Bill No. 1417

(By Mr. Ward)

AN ACT to amend an Act entitled "An Act to incorporate the Town of Newbern, Tennessee, Dyer County, and establish the boundaries thereof, define the powers of same, provide for a Board of Mayor and Aldermen of said town, the manner of their election, and define the rights, powers and duties of said Board and for the purpose instant to the incorporating of said town by Chapter 450 of the Private Acts of 1901 so as to authorize the Mayor and Aldermen of Newbern, Tennessee, to prevent the running at large within the corporate limits of said town, chickens, ducks, geese, guineas and all other domestic fowls."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Charter of the Mayor and Aldermen of Newbern, Tennessee, a municipality organized under the Acts of the General Assembly of the State of Tennessee by Chapter 450 of the Private Acts of 1901 be and the same is hereby amended so as to authorize and empower the said Mayor and Aldermen of Newbern in its corporate capacity and under the provisions of this amendment by resolution and ordinance to prevent the running at large within its corporate limits chickens, ducks, geese, guineas and all other domestic fowls and the said Mayor and Aldermen of Newbern, Tennessee, are hereby given the right and authority to prevent the running at large within the corporate limits of said town chickens, ducks, geese, guineas and all other fowls.

Sec. 2. Be it further enacted, That the said Mayor and Aldermen of the said Town of Newbern, Tennessee, by proper resolution and ordinance, shall have the right to prohibit and prevent the running at large of said fowls within the corporate limits of said town of Newbern, Tennessee.

Sec. 3. Be it further enacted, That any person or persons who willfully and knowingly violate Sections 1 and 2 of this Act shall be guilty of a misdemeanor and shall be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).

Sec. 4. Be it further enacted, That each day such fowls as enumerated above be permitted to run at large shall be termed a separate offense.

Sec. 5. Be it further enacted, That all laws that conflict with this act be repealed; that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1929.

Chas H. Love,
Speaker of the House of Representatives.

S. R. Bratton,
Speaker of the Senate.

Approved April 13, 1929.

Henry H. Horton,
Governor.

Special Cemetery Fund

CHAPTER NO. 67

House Bill No. 307

(By Ewell)

AN ACT to amend the charter of the Town of Newbern, Tennessee.

Section 1. Be it further enacted by the General Assembly of the State of Tennessee, That the charter of the Town of Newbern, Tennessee, being Chapter 450, Private Acts of 1901 and Acts amendatory thereto, is hereby amended to authorize the Board of Mayor and Aldermen to establish a Special Cemetery Fund. Appropriations to the Fund may be made from the general funds of the Town, and all receipts from the sale of cemetery lots and income of the fund deposited in the fund shall not be subject to appropriation for any other purpose, but shall be used solely for the upkeep of and to make improvements to the Town cemetery. Such funds shall be kept separate and apart from all other funds of the Town.

Section 2. Be it further enacted, That the Board of Mayor and Aldermen may, by ordinance, create a board or commission to which may be delegated the power to control and manage the Town Cemetery Fund. The number of members of such board or commission, their qualifications, term of office, compensation, official bonds, and such other matters pertaining to the board or commission shall be as provided by ordinance. Such compensation of members of the board or commission as may be provided shall be payable only from the Special Cemetery Fund.

Section 3. Be it further enacted, That this Act shall not be applicable to the Town of Newbern, Tennessee, unless approved by a two-thirds vote of the Board of Mayor and Aldermen of the Town of Newbern, Tennessee before July 1, 1965. The Mayor shall certify the Board's approval or disapproval to the Secretary of State or inform him of the Board's failure to act before July 1, 1965.

Section 4. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 17, 1965.

William L. Barry,
Speaker of the House of the Representatives.

Jared Maddux,
Speaker of the Senate.

Approved: March 3, 1965.

Frank G. Clement,
Governor.

This is to certify that according to the official records on file in this office, House Bill No. 307, which is Chapter No. 67 of the Private Acts of 1965, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

Joe C. Carr,
Secretary of State.

Charter and Related Acts for Newbern, Tennessee

Year	Chapter	Subject
1899	153	Amended charter relative to board of education.
1901	450	Basic charter act.
1903	220	Amended Acts 1901, ch. 450 relative to the marshal, recorder, mayor, city clerk, and board of education, and authorized a privilege tax on hauling for hire.
1905	62	Amended Acts 1901, ch. 450 relative to the corporate limits.
1905	140	Amended Acts 1901, ch. 450 relative to the corporate limits.
1905	357	Amended Acts 1901, ch. 450 relative to the corporate limits.
1907	117	Authorized \$50,000 bond issue for schools, water and lights, and streets.
1907	558	Amended Acts 1901, ch. 450 relative to the corporate limits, management of the water and light plant, the recorder, and the board of education.
1909	382	Amended Acts 1901, ch. 450 relative to municipal elections.

Year	Chapter	Subject
1911	442	Amended Acts 1901, ch. 450 by requiring the construction and maintenance of sidewalks.
1915	298	Abutting property law.
1917	53	Authorized \$22,000 bond issue for paying floating indebtedness.
1919	650	Amended Acts 1901, ch. 450 to authorize street sprinkling and a tax therefor.
1919	729	Abutting property law.
1923	142	Amended Acts 1907, ch. 558 to extend the corporate limits.
1929	627	Amended Acts 1901, ch. 450 to authorize a Special High School District.
1929	632	Amended Acts 1901, ch. 450 to authorize the regulation of fowls running at large.
1931	5	Authorized issuance of revenue anticipation notes.
1931	6	Authorized \$15,000 bond issue for schools.
1931	7	Authorized \$25,000 bond issue for paying floating indebtedness.
1931	12	Authorized \$35,000.00 bond issue for Newbern Special High School District.

Year	Chapter	Subject
1931	794	Authorized \$50,000 bond issue for water and lights.
1933	179	Amended Acts 1901, ch. 450 relative to the board of education.
1935	815	Authorized \$75,000 refunding bond issue.
1939	570	Amended Acts 1901, ch. 450 relative to the marshal and the board's authority to regulate and license motor vehicles.
1943	163	Validated \$17,000 funding bond issue.
1943	388	Amended Priv. Acts 1929, ch. 627 relative to a Special High School District.
1943	467	Amended Acts 1901, ch. 450 relative to the recorder.
1945	389	Amended Acts 1901, ch. 450 relative to retail liquor stores and the sale of alcoholic beverages.
1947	363	Authorized \$50,000 bond issue for waterworks and war memorial building.
1947	404	Amended Acts 1901, ch. 450 relative to tax due dates, etc.

Year	Chapter	Subject
1947	573	Amended Priv. Acts 1929, ch. 627, authorizing a Special High School District.
1949	302	Replaced Priv. Acts 1929, ch. 627, authorizing a Special High School District.
1953	424	Amended Acts 1901, ch. 450 relative to the corporate limits.
1953	562	Amended Acts 1901, ch. 450 relative to the corporate limits.
1953	582	Amended Priv. Acts 1933, ch. 179 relative to the board of education.
1965	54	Amended Acts 1901, ch. 450 relative to the sale of corporate property and relative to the treasurer and the paying out of corporate funds.
1965	55	Amended Acts 1901, ch. 450 relative to the management of the water and light plant.
1965	56	Amended Acts 1901, ch. 450 to authorize a civil service or personnel merit system.
1965	66	Amended Acts 1901, ch. 450 and Priv. Acts 1909, ch. 382 relative to municipal elections.

Year	Chapter	Subject
1965	67	Amended Acts 1901, ch. 450 to authorize a special cemetery fund and board.
1967	83	Amended Acts 1901, ch. 450 to add additional ordinance powers for the board.
1967	112	Amended Acts 1901, ch. 450 to authorize a "rural waterworks system."
1969	192	Amended Acts 1901, ch. 450 to authorize outside fire service.
1977	119	Amended Acts 1901, ch. 450 to authorize borrowing to purchase fire fighting equipment.
1982	338	Amended Acts 1901, ch. 450 to authorize a vice-mayor.
1983	4	Amended Acts 1901, ch. 450 to provide for a city judge, city court clerk, etc.
1988	148	Amended Acts 1901, ch. 450, Priv. Acts 1947, ch. 404, Priv. Acts 1965, ch. 54, and Priv. Acts 1982, ch. 338 relative to city elections, treasurer, marshal, property taxes, distress warrants, bonds and police authority.
1994	118	Amended Acts 1901, ch. 450, as amended by Priv. Acts 1988, ch. 148 relative to who may vote in

Year	Chapter	Subject
1999	4	town elections (Charter, section 7). Amended Acts 1901, ch. 450, as amended by Priv. Acts 1939, ch. 570, as amended by Priv. Acts of 1943, ch. 467, as amended by Priv. Acts 1965, ch. 67, relative to election and term of service.
2001	49	Replaced § 6 relative to the election of the mayor and aldermen.