

CHARTER FOR THE TOWN OF MONTEREY, TENNESSEE¹

CHAPTER 492

Senate Bill No. 602

AN ACT to incorporate the town of Monterey, in Putnam County, Tennessee, establish the boundaries thereof and define the powers of the same; to appoint the first Board of Mayor and Aldermen and provide for the election of their successors and for the appointment of all other officers and agents of the corporation and define their qualifications, powers and duties; to provide, when two-thirds of the qualified voters voting in an election assent thereto, for the issuance of bonds of the corporation for furnishing the town with lights, and for other purposes incident to the corporation of said town.

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¹Acts 1901, ch. 492, is the current basic charter act for the Town of Monterey, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2016 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

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Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Monterey, in the County of Putnam, and the inhabitants thereof are hereby constituted and declared a body politic and corporate by the name and style of the Mayor and Aldermen of Monterey, and by that name shall have perpetual succession, shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, may purchase, receive, and hold real, personal, and mixed property within said town, and sell, lease, and dispose of the same for the benefit of said town; and may purchase, receive and hold real, personal and mixed property beyond the limits of said town to be used for burial of the dead and for the establishment of a hospital, poor house, work house, or house of correction or for the purpose of erecting, owning, and operating works for supplying the town with water and lights; and may have and use a common seal, and change it at pleasure. The corporate limits of said town shall embrace the territory within the following boundaries: Beginning at a stake in the Walton road, west of the residence of J. J. Whittaker, and at the corner of his garden; running thence south forty-five degrees west one hundred and sixty poles; thence south forty-five degrees east three hundred and sixty poles; thence north forty-five degrees east three hundred and fifty poles; thence north forty-five degrees west three hundred and sixty poles; thence south forty-five degrees west one hundred and ninety poles to the beginning.¹

Section 2. The government of the Town of Monterey shall be vested in a mayor and eight (8) aldermen, to be chosen every two (2) years by the qualified voters of said town and all persons owning a freehold interest in said town, but residing outside its limits, who would be qualified to vote for members of the General Assembly, shall be qualified to vote for mayor and aldermen in all town elections. [As replaced by Priv. Acts 1985, ch. 74, § 1, and Priv. Acts 1993, ch. 45, § 1]

Section 3. The Mayor shall hold his office for two (2) years and until his successor shall be elected and qualified. No person shall be elected Mayor who is not at the time a citizen of the state of Tennessee, a qualified voter and for one (1) year a bona fide resident in said town. The Mayor shall be ex-officio Recorder, but may decline to perform the duties of Recorder, in which case the Recorder shall be appointed as hereinafter provided. He may fill all vacancies occurring in offices except that of Alderman until the same shall be filled in the manner provided by this Act, and he shall receive a compensation to be fixed within the limitation of this Act by the Board of Mayor and Aldermen. It shall be the duty of the Mayor, unless relieved by the Board of Aldermen, to preside

¹The corporate limits have been extended by annexation ordinances of record in the city recorder's office.

at all meetings of the Board and he shall be allowed to vote on all issues that come before the Board of Mayor and Aldermen. In the event that the Mayor does not preside the Vice-Mayor shall have the duties and authority of the Mayor. It shall be the duty of the Mayor to see that all ordinances and laws of the town are duly observed, obeyed and impartially enforced, and he shall, on application, instruct officers in their duties. Before entering into the discharge of the duties of his office he shall take an oath to faithfully demean himself in office and impartially discharge the duties thereof. It shall be his duty from time to time to lay before the Board of Aldermen in writing all matters he may deem important to have acted upon, accompanied by suitable recommendations, and to call special sessions of the Board of Aldermen whenever he may deem it expedient and necessary at which special sessions no other business than that for which the session is called shall be transacted. He may remit wholly or in part fines, costs, forfeitures and penalties imposed by the corporate courts, but shall make report of such remission to the next meeting of the Mayor and Aldermen, together with his reasons therefor. For any malfeasance or misfeasance in office as Mayor he shall be subject to be charged by the Board of Aldermen and fined and dismissed from his office, as the Aldermen may determine, and on such trial the Aldermen shall elect by ballot one of their members to preside and each take an oath to faithfully and impartially try and render judgment in such trial. [As replaced by Priv. Acts 1985, ch. 74, § 2]

Section 4. No person shall be an alderman unless he is a citizen of the State of Tennessee, a qualified voter for one (1) year and a bona fide resident of the district from which he is elected. Each alderman before entering on the duties of his office shall take an oath to faithfully demean himself in office and discharge the duties thereof. Aldermen shall receive such compensation within the limitation of this act as the board may determine, which shall not be increased nor diminished during their term of office. The board of aldermen shall have full power and authority to elect and appoint all officers, servants and agents of the corporation within the restrictions of this act and fix the pay and compensation of the same; and they shall have power for sufficient cause to dismiss and discharge any officer, servant or agent that may have been appointed by a majority vote of the aldermen and mayor; all vacancies in the board of mayor and aldermen shall be filled for the unexpired term by a majority vote of the remaining aldermen and mayor. Five (5) aldermen and the mayor shall constitute a quorum to transact business. Aldermen shall hold their office for two (2) years and until their successors are elected and qualified. Any alderman deemed guilty of malfeasance or misfeasance in office shall be subject to be charged and tried by the board of mayor and aldermen and fined and dismissed from office or exonerated, as the board may determine, by majority vote of the remaining aldermen and mayor, and on such trial the mayor shall preside and have a casting vote. Before entering on such trial each alderman

and the mayor shall take an oath to faithfully and impartially try the accused and pass judgment.

The Commissioners of Election for Putnam County shall appoint the necessary and proper officers to hold the regular biennial elections. Such elections shall be held under and pursuant to the general laws prescribed for elections for members of the General Assembly. The Commissioners of Election shall canvass the returns and certify the results of such election. If there is a tie vote between two (2) or more persons having the highest number of votes for the same office, the Commissioners of Election shall call another election to determine which of such persons shall be elected to the office. Such election shall be held on the third Saturday of December following the regular election. The Commissioners of Election shall publish a notice of such election in a newspaper in Putnam County not less than ten (10) days before such election. [As amended by Priv. Acts 1972, ch. 325, § 1; replaced by Priv. Acts 1985, ch. 74, § 3; and amended by Priv. Acts 1993, ch. 45, § 2]

Section 5. Be it further enacted, That the Mayor and Aldermen of Monterey shall have full power and authority by ordinance within the town to levy and collect taxes upon all property taxable by law for State purposes, provided the ad valorem assessment on property for the current expenses of the corporation shall not exceed sixty cents on the \$100 valuation; to levy and collect taxes upon all privileges and polls taxable by law for State purposes; to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations and laws to secure the health, safety, peace and comfort of the town; determine what shall be deemed nuisances and remove, prevent and abate the same; to make regulations and laws to prevent the introduction and spread of contagious diseases, and to establish pest houses and hospitals; to open, alter, abolish, widen, extend, establish, grade, pave or otherwise clean and repair streets, alleys, sidewalks, and pavements, and to fix and determine the boundaries and locations of lots, streets, and alleys; and to declare and determine what streets shall be opened and graded, and what sidewalks and pavements shall be built, and the width and quality of the same. If the owner of the grounds shall fail to comply with the provisions of such laws and ordinances as may be duly enacted by the Aldermen for the construction and repairing of the sidewalks and pavements within such time as may be provided thereby, the corporation may contract with some suitable person and the best terms that can be made for the construction and the repairing of such sidewalks and pavements and pay for the same, and the amount so paid and expended shall constitute a charge against the owner of the ground on which said sidewalk shall be done, or against the owner of the ground immediately adjacent to and along which said work shall be done, to be recovered by suit in the name of and for the use of the corporation before any court of law having jurisdiction of the amount, and the amount so paid shall be a lien on said lots or grounds; Provided, that a reasonable compensation shall be paid to the person

whose grounds may be taken or right affected in widening or extending streets and pavements, and such ground shall not be taken and used for the purpose aforesaid unless by consent of the owner until such compensation and damages have been fixed, declared and paid or secured on an offer to pay and secure the same, and a refusal to receive said pay or damages by the owner, and provided that said compensation or damages may be fixed by three disinterested persons to be selected by the Mayor and Aldermen and the person owning the grounds, each selecting one and the two selecting the third; and in the case of the refusal of one of the parties to select such disinterested person then the party desiring the valuation or assessment of damages shall select five disinterested persons to make out and report the same; to establish, erect and keep in repair drains, sewers, and channels for running water, branches, culverts and gutters, and to purchase contracts or construct, own or lease and operate works and plants for furnishing water and lights to the town, and to construct cisterns and water tanks and bore or dig wells; to establish, support and regulate night watch and patrol and day police; to organize and support a fire company and supply the same with all necessary equipment; to erect and establish a market and to regulate the vending of meats, poultry and vegetables, and to provide for the erection, fitting up and repairing of a town hall and any and all other buildings necessary for the use of the town; to provide for establishing parks and for enclosing and improving and regulating the same, and all public grounds belonging to the town, in or out of the corporate limits; to license, tax and regulate auctioneers, grocers, merchants, druggists, retailers, taverns, bankers, brokers, restaurants, professions, insurance companies and agents, hawkers, peddlers, artists, livery stables, billiards, nine pin and ten pin alleys, drays, hacks, wagons and omnibuses and all businesses and occupations lawful to be carried on and conducted within the corporate limits of the town and which are taxable by the State; to license, regulate and suppress theatricals and other shows, exhibitions and amusements and to regulate and suppress all disorderly houses and assemblies; to provide for the prevention and extinguishment of fires; to regulate the storage of gunpowder and all combustibles and explosives and the use of lights and stove pipes in all stables, shops, and other places, and the inspection and regulation of flues and chimneys; to establish and regulate all inspections, weighings, and measurements in said town not otherwise provided by law; to restrain and prohibit gaming and gaming houses and tippling houses; Provided, that should tippling houses at any time after the actual bona fide resident population of the town exceeds two thousand persons, be allowed then to restrain, govern and regulate the same; to erect pumps and water works on streets, alleys, and public parks, and close and fill up tanks, wells and sinks; to impose fines, forfeitures, and penalties for any breach of any law or ordinance of the town and to provide for the necessary enforcement of the same; to provide for the arrest and confinement until trial of all rioters, drunken and disorderly persons and to authorize the arrest and detention of all persons found violating any ordinance of the town. To prevent and to punish by

pecuniary fines and penalties all breaches of the peace, noise, fighting, drunkenness, disorderly conduct, and disturbances, by day and by night, within the corporate limits; to prevent and remove all filth in the town and all encroachments into and obstructions upon all streets, lanes, alleys, sidewalks and pavements, and for cleaning of the same; to erect and establish a work house in or near the town, and to commit persons thereto who shall fail to pay or secure any fine, and persons so committed may be required to work out such fine and costs, the Mayor and Aldermen fixing the price per day for work, until such fine and costs are discharged; to appoint a City or Town Marshal and any necessary police force, a City Attorney, a Recorder, in case the Mayor declines to serve as Recorder, a Treasurer, a Secretary, who shall also be Assessor and Collector of taxes, and fix the compensation of such officers; to take charge of and care for any lunatics or crazy persons found at large within the corporate limits, and make disposition of such person, and to recover by suit from any one chargeable by law for such care and keeping; to protect and preserve shade trees in the public parks and along the streets and alleys of the town and in private parks and grounds, and to pass all by-laws and ordinances for the government of the town and the rightful enjoyment of the power herein conferred and the regulation of the officers and agents of the corporation, and possess and exercise the power to pass ordinances for the regulation and preservation of public morals, the health and peace and good order of the town conferred by the Code or municipal corporations not incompatible with the Constitution and laws of the land; and in addition to the levy of sixty per cent on the hundred dollars for current expenses may by an additional sixty per cent on the hundred dollars for the payment of debts owing by or to be incurred by the corporation, and other expenses.

Section 6. Be it further enacted, That the Marshal of Monterey shall have full power and authority to execute within the corporate limits all State warrants which may come into his hands.

Section 7. Be it further enacted, That the Board of Aldermen shall have the power and authority to elect and appoint a Recorder, Town Clerk, and City Judge. The offices of Recorder, Town Clerk, and City Judge may or may not be the same person as shall be designated by the Board of Aldermen. The City Judge shall be invested with the power of Justice of the Peace, and courts of General Session of the county and hold his office two years from his appointment. The City Judge shall have jurisdiction in all cases for violation of the criminal laws of the State as other Justices of the Peace and courts of General Session and shall hear and determine all breaches of the law and violations of the ordinances of the town, and be empowered to impose fines and costs and preserve and enforce order in his court. He shall, before entering upon the duties of his office, take the oath prescribed for Justices of the Peace. Appeals shall lie from the City Judge as are now allowed by law from Justices

of the Peace and courts of General Session. [As replaced by Priv. Acts 1972, ch. 325, § 2]

Section 8. Be it further enacted, That all taxes levied and assessed on property by the Mayor and Aldermen shall have the same lien subject to State taxes as is prescribed by law for State taxes, and in assessing and imposing taxes the basis and mode of assessment prescribed by law for State taxes may be observed, with such modifications as may be deemed suitable and proper for the town, all taxes shall be collected upon the certificate of the town collector in the same manner as the State taxes are collected by law when the parties fail to pay.

Section 9. Be it further enacted, That the corporation shall take bonds in such amounts and on such conditions as may be lawful for the faithful discharge of duty and the sure accounting and paying over all moneys that may come into their hands, and no officer or agent of the corporation authorized to receive money shall enter upon the duties of his office until he shall first execute a good and sufficient bond; and all such officers and agents shall submit quarterly reports to the Mayor of all moneys received and from what sources, and of all moneys disbursed and for what purposes, and the Mayor shall keep a record of such reports.

Section 10. Be it further enacted, That the Mayor and Aldermen shall have full power and authority to sell, convey, lease and otherwise dispose of property belonging to the corporation, all conveyances of property to the corporation shall be made to the Mayor and Aldermen, and all conveyances from the corporation shall be executed by the Mayor.

Section 11. Be it further enacted, That the Board of Mayor and Aldermen shall have power to correct the assessment of taxes and reduce and enlarge the same in all proper cases and release taxes in proper cases.

Section 12. The Town of Monterey shall be divided into four (4) districts¹ for the purpose of electing aldermen, who shall be qualified voters. The board of aldermen shall by ordinance divide the town into four (4) districts to apportion the board of aldermen so that the aldermen represent substantially equal populations. The board of aldermen may reapportion at any time if it deems such necessary to maintain a substantially equal representation based on population. The board of aldermen shall use the latest federal census data whenever a reapportionment is made. Districts shall be reasonably compact and

¹Municipal code reference

Annexed areas placed in wards: title 20.

contiguous. A map of said districts shall be stored in the office of town recorder. Each district shall be entitled to two (2) aldermen, each of whom is a resident of said district, and shall be elected at large by the qualified voters of the town. The alderman receiving the highest number of votes in the election shall also serve as vice-mayor. The mayor shall be elected at-large by all the qualified voters of the Town of Monterey. [As replaced by Priv. Acts 1985, ch. 74, § 4; Priv. Acts 1990, ch. 178, § 1; and Priv. Acts 1993, ch. 45, § 3]

Section 13. Be it further enacted, That the compensation of the Mayor and Aldermen and all other officers, agents and servants of the corporation shall be fixed by the Board of Mayor and Aldermen before the election and appointment thereof, and shall not be changed during the term of office; Provided, that the first Board of Mayor and Aldermen under this charter shall have power to fix their own compensation.

Section 14. Be it further enacted, That the first Board of Mayor and Aldermen of the town of Monterey under this charter shall be the following named persons: Jas. E. Jones, Mayor; R. L. Rayand and T. L. Johnson, Aldermen from First Ward; J. C. Walker and O. C. Crain, Aldermen from Second Ward; T. E. Goff and N. B. C. Cummins, Aldermen from Third Ward; W. B. Ray and G. N. Welsh, Aldermen from Fourth Ward; and they shall hold their office and exercise all the power conferred and perform all the duties imposed by this Act until their successors are elected and qualified.

Section 15. Municipal elections. Be it further enacted, that the mayor and the board of aldermen shall be elected as follows:

Eight (8) aldermen will be elected in the general election in August 2004, with two (2) aldermen elected for each of the four (4) established voting districts. The aldermen receiving the greatest number of votes for each district shall be elected for a term of four (4) years, extending to the date of the general election in August 2008. The alderman receiving the second highest number of votes from each district shall be elected for a term of two (2) years to extend to the date of the general election in August 2006. Therefore, in the general election held in August 2004, four (4) aldermen, one from each district, shall be elected for four-year terms, and four (4) aldermen, one (1) from each district shall be elected for two-year terms. Thereafter, starting on the date of the general election in August 2006, all terms of office for aldermen shall be four (4) years. [As replaced by Priv. Acts 1997, ch. 65, § 1; and Priv. Acts 2003, ch. 53]

Section 16. Be it further enacted, That the exercise of the power herein granted to the Mayor and Aldermen to purchase, contract for, construct, own or lease and operate work for lighting it shall be lawful for the Mayor and Aldermen to issue for that purpose coupon bonds of the corporation not to exceed in the aggregate the sum of \$5,000, and the proceeds of said bonds shall be used

exclusively for the purpose of providing a plant for lighting the town and erecting and putting the same in operation, said bonds shall be of such denominations, bear such interest, not exceeding six per cent per annum, and be due in such time not less than ten nor exceeding twenty years, and be payable at such time and places as the Mayor and Aldermen shall determine. The bonds shall in no case be sold for less than par, and the coupons attached shall be receivable at maturity for all taxes and dues to the corporation except the sinking fund provided for in this Act; Provided, that said bonds shall not be issued unless authorized by a two-thirds majority of the votes cast by the qualified voters voting at an election to be held by order of the Mayor and Aldermen, at any time and as many times as the Mayor and Aldermen may deem necessary. The Mayor and Aldermen shall appoint the officers, judges and clerks to hold said election, and the officer holding the same shall certify the returns to the Board of Mayor and Aldermen, who shall canvass the same and declare the result.

Section 17. Be it further enacted, That before any bonds are issued under the provisions of this Act for furnishing lights for the town the Mayor and Aldermen shall provide by ordinance for a sinking fund for retiring the bonds by levying a tax not exceeding fifty cents on the \$100, to be designated the sinking fund tax, to run with the bonds, to be collected annually and to be used exclusively for the purposes levied to be sufficient with its accumulation as near as may be estimated to meet or retire the principal of said bonds by their maturity. The Mayor and Aldermen shall elect three citizens of the town as Sinking Fund Commissioners, who shall hold their office during the pleasure of the Mayor and Aldermen, and said Commissioners shall take an oath to faithfully discharge their duties, and give bond under such penalties and conditions and serve for such compensation as may be prescribed by ordinance; and it shall be their duty as Commissioners to receive the sinking fund tax when collected, to invest the same from time to time in the redemption of said bonds or in other securities to be approved by the Mayor and Aldermen until the bonds are redeemable, and all bonds by them at any time redeemed shall be canceled in the presence of the Mayor and Aldermen, by whom a record thereof shall be kept; said Commissioners shall make settlement as may be required by ordinance. [As replaced by Priv. Acts 1997, ch. 65, § 1]

Section 18. Be it further enacted, That there shall be prepared and published within twelve months after the passage of this Act a digest of all the ordinances, laws and resolutions of a public nature then in force, and a like digest every five years thereafter, if deemed necessary by the Board of Aldermen.

Section 19. Be it further enacted, That the powers, rights and privileges of this Act shall not be lost or forfeited by a failure to hold an election every two

years, but shall continue and be exercised at any time by the Mayor and Aldermen when elected in accordance with the provisions of this charter, and if from any cause the election of Mayor and Aldermen shall not occur on the day fixed by this Act, it shall be held under the order of the then existing Mayor and Aldermen within thirty days thereafter, and on not less than ten days' notice.

Section 20. Be it further enacted, That this Act is declared to be a public Act, and may be read in evidence in all courts of law and equity, and all ordinances and proceedings of the Board of Mayor and Aldermen may be proved by the seal of the corporation and attestation of the Mayor alone.

Section 21. Be it further enacted, That this Act take effect from and after the first day of May, 1901, the public welfare requiring it.

Passed April 20, 1901.

Newton H. White,
Speaker of the Senate.

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

Approved April 22, 1901.

Benton McMillin,
Governor.

ACTS COMPRISING THE CHARTER OF THE TOWN OF
MONTEREY, TENNESSEE

YEAR	CHAPTER	SUBJECT
1901	492	Basic charter act.
1907	528*	Authorized \$10,000 bond issue for schools and \$10,000 bond issue for waterworks.
1915	349**	Abutting property law.
1919	556*	Authorized \$5,000 to \$15,000 bond issue for streets.
1931	176*	Authorized \$100,000 bond issue for waterworks and sewerage system.
1947	665*	Authorized \$40,000 bond issue for streets.
1972	325	Amended § 4 relative to elections and replaced § 7 relative to appointment of recorder, clerk, and city judge.
1985	74	Replaced § 2 relative to mayor and aldermen; § 3 relative to mayor; § 4 relative to aldermen; and § 12 relative to wards of town.

*Bond authorization acts, since of a temporary nature, have not been included in the foregoing compilation of the town's charter.

**Abutting property laws have not been included in the foregoing compilation because there are now general laws with similar provisions available for use by all municipalities.

YEAR	CHAPTER	SUBJECT
1990	178	Replaced § 12 relative to wards of the town.
1993	45	Replaced § 2 relative to mayor and aldermen; amended § 4 relative to aldermen's qualifications, etc.; and replaced § 12 relative to wards.
2003	53	Replaced § 15, municipal elections.