

CHARTER FOR THE TOWN OF ONEIDA, TENNESSEE¹

CHAPTER NO. 211.

HOUSE BILL NO. 879.

(By Mr. Robbins of Scott.)

A BILL to be entitled "An Act to incorporate the town of Oneida, in Scott County, Tennessee, as a municipality, and to define its rights and powers boundaries, and all other purposes incident thereto."

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¹Priv. Acts 1917, ch. 211, is the current basic charter act for the Town of Oneida, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2017 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 private act or acts constituting the amendment or amendments. Some amendments to the charter do not expressly amend any specific sections of the charter. Some of these have been incorporated in existing sections of the charter when there was no questions as to their effect. The others have been included by the compiler as unofficial sections (see §§ 12A and 19A) or incorporated in footnotes to sections containing related provisions (see the footnotes to §§ 10, 11, 12, and 15). 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 private acts including the basic charter appears at the end of the charter.

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 Oneida, in Scott County, and the inhabitants thereof are hereby constituted a body politic and corporate by the name and style of the "Town of Oneida," and shall have perpetual succession; that by this corporate name and style it may sue and be sued, contract and be contracted with, grant and receive, purchase and hold, real, mixed and personal property or sell or dispose of the same for the benefit of said town, and may have and use an official seal.

Sec. 2. Be it further enacted, That the boundaries¹ of said town hereby incorporated shall be as follows:

Beginning at a set stone twenty-three feet from the northwest corner of J.V. Bilbrey's residence west of the Southern Railroad, and including said residence.

Thence south 72 degrees east 1,770 feet to a set stone twenty-one feet from the southeast corner of Jarrett Burchfield's residence and including said residence.

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

Thence east 1,371 feet to a set stone four and one-half feet from the southwest corner of the Eli Cooper house, on the east side of South Main Street, and including said house.

Thence south $80\frac{1}{4}$ degrees east, crossing Pine Creek at 270 feet, and crossing the right of way of the Tennessee Railroad at 700 feet to a set stone on the east side of a public road at 940 feet in all 1,359 feet to a set stone and iron pin nineteen feet from the southeast corner of A. N. Newport house and including said house.

Thence north 2 degrees and 10 minutes east, crossing southbound track of the Southern Railway at 1,960 feet in all 5,000 feet to a stake on the north side of G. S. Owen's residence and including said residence.

Thence north 61 degrees and 40 minutes west, crossing Pine Creek at 560 feet, a road at 950 feet, in all 1,889 feet to a set stone northwest of W. A. Terry's residence and including said residence.

Thence south $45\frac{1}{2}$ degrees west crossing highway at 146 feet, and crossing Litton public road at 485 feet, in all 1,942 feet to a set stone twenty feet from the northwest corner of Cap Coffey's residence and including said residence.

Thence south 21 degrees west crossing a street at 1,750 feet and in all 4,000 feet to the place of beginning.

Provided, however, that the corporate boundaries of the town of Oneida, Scott County, be and they are hereby changed so as to exclude from the territory within said corporate boundaries the properties of the Pearson Hardwood Flooring Company, containing about three acres, more or less, and being located near the Southwest corner of said corporate limits.

Be it further enacted, That a certain road lying on the North side of the C. N. O. & T. P. Railroad, beginning at the corner of the Jellico Grocery Company's building and running thence East with the North line of the right of way of said railroad about 150 yards to the present city limits, be excluded from the corporate limits of said town. [As amended by Priv. Acts 1931, ch. 462, and Priv. Acts 1935, ch. 612]

Sec. 3. Be it further enacted, that the corporate officers of the Town of Oneida shall be a mayor, four (4) aldermen, a recorder-treasurer,¹ and a chief of police.² The Mayor and Aldermen shall each be elected by popular vote as hereinafter provided in this charter. The Recorder-treasurer and Chief of Police

¹Charter reference

Authority of the board to provide for a substitute recorder-treasurer: § 6(12).

²Charter reference

Authority for additional policemen: § 17.

shall be elected by the Mayor and Board of Aldermen for a full term of four (4) years, or until their successors are elected and qualified. [As amended by Priv. Acts 1925, ch. 148, § 2; Priv. Acts 1985, ch. 54; Priv. Acts 1986, ch. 150; and replaced by Priv. Acts 1995, ch. 36, § 1]

Sec. 4. Be it further enacted, that under the general election laws of the State of Tennessee the election commissioners for Scott County shall call an election in the Town of Oneida on the first Saturday in November, 1995, and each and every four (4) years thereafter, to elect a mayor and four (4) aldermen who shall hold their offices for a term of four (4) years, or until their successors are elected and qualified. The person receiving the highest number of votes for the office of mayor shall be declared the Mayor of Oneida, and the four (4) persons receiving the highest number of votes for aldermen shall be declared Aldermen of Oneida.

Provided, however, that no person shall be elected to either said offices unless at the time of their election they are qualified voters in said town of Oneida; and provided further, that if there shall be a tie vote between two or more candidates for said offices then the remaining number of the Board of Mayor and Aldermen shall settle tie vote by a majority vote at their first meeting thereafter, and shall certify the result of same to said election commissioners, who will issue a certificate of election accordingly.

The Recorder-treasurer and Chief of Police shall be elected by the Board of Mayor and Aldermen. They shall hold their offices for a term of four (4) years, or until their successors are elected and qualified. The salary of the Mayor, Aldermen, Recorder-treasurer and Chief of Police shall be fixed by ordinance.

Provided further, that the said Mayor and Board of Aldermen are hereby vested with full power to remove from office any of the aforesaid officers, who may be guilty of violating any State Law, or ordinance duly passed of said town of Oneida, and to that end any officer thus charged shall be served with a copy of the same, and shall have his trial before said Board of Mayor and Aldermen, but before his removal from office, as therein charged, he shall be found guilty as charged by a two-thirds vote of the same in the event he is found guilty as herein before provided, it shall operate in law as a removal from office, and by operation of law his office is herein declared vacant.¹

In the event of any vacancy by death, removal or other cause, in any office herein provided for, the same shall thereafter be filled by an election by the Mayor and Board of Aldermen, and the person thus elected shall hold his office for the remainder of the unexpired term, or until his successor is elected and qualified.

¹Charter reference
Removal of mayor: § 17.

All of said officers aforesaid shall take an oath in writing to be filed with said Recorder and before their induction into office that they will well and truly support the constitution of the United States, the constitution of the State of Tennessee, and shall faithfully, honestly and impartially discharge the duties of their office. In addition the said Treasurer and Recorder, and Chief of Police shall give such bond with good and solvent security as may be required by ordinance duly passed by said Board of Mayor and Aldermen.

Notwithstanding the provisions of this section to the contrary, beginning with the first election of the Mayor and Aldermen after the effective date of this act and thereafter, the Mayor and Aldermen shall serve for four (4) year terms or until their successors are elected and qualified. [As amended by Priv. Acts 1925, ch. 148, §§ 2 and 4; Priv. Acts 1951, ch. 691; Priv. Acts 1955, ch. 163; Priv. Acts 1973, ch. 110, §§ 2(c), (d), and (e); Priv. Acts 1983, ch. 88; Priv. Acts 1986, ch. 150; Priv. Acts 1995, ch. 36, §§ 2-6]

Sec. 5. Be it further enacted, That said Mayor and Aldermen on the first Saturday after their election, organize and hold their offices for the term of two years, and until their successors shall be elected and qualified.

The Mayor of said town shall have the right to vote upon all questions coming before the Board. A majority of said Board of Mayor and Aldermen, to-wit: any three members thereof, shall constitute a quorum for the transaction of business. The affirmative vote of a majority of a quorum shall be sufficient for the passage of any resolution or ordinance that may come before said Board. Said Board shall hold a regular meeting on the third Thursday in each month, and it shall have the power to adjourn said meeting from time to time. Special meetings of said Board may be called as now provided by law.

The Board of Mayor and Aldermen shall administer all departments of the City. The board shall have the authority to establish, organize, combine and abolish departments and make rules and regulations for their operation, and to appoint heads of departments and subordinate employees. Except as otherwise provided in this charter with respect to the recorder-treasurer and the Chief of Police, all department heads and employees of the city shall serve at the will of the board. In addition, the authority to hire, promote, demote, suspend and take any and all other personnel action against department heads and employees shall rest in the board. The officers and employees of the city shall be paid such compensation as prescribed by the board. [As amended by Priv. Acts 1925, ch. 148, § 2; Priv. Acts 1995, ch. 36, § 7; and Priv. Acts 2005, ch. 18]

Sec. 6.¹ Be it further enacted, That the Mayor and Board² of Aldermen of the town of Oneida are hereby empowered:

1. To enact such laws and ordinances as may be necessary and proper for the preservation of the health, peace and good order of said town, including quarantine regulations, not to exceed one mile outside of the town limit, and to the end the town Marshal of said town is given jurisdiction on a distance of not to exceed one mile outside of the town limit.

2. To regulate and declare nuisances.

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

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

5. To prevent engines, trains, wagons or any other obstruction from blocking the street of said town, and to regulate their speed, together with the speed of horses, men, buggies, vehicles, automobiles, or vehicles of like character.

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

7. To prevent the unlawful sale, storing, receiving, shipping or in other ways of handling intoxicating liquors.

8. To pass any ordinance deemed necessary for the good government, health, peace and good order of said town thereby declaring anything a misdemeanor which has been so declared by State law.

9. To impose fines, forfeiture and penalties for the breach of any ordinance adopted under this Act and to provide for their recovery, and the arrest of any party or parties violating said ordinances, and to provide for the sentence of imprisonment by confinement in the town workhouse; provided, however, that no fine imposed shall be less than \$5.00, nor more than \$50.00, and no sentence of imprisonment shall be more than three months.

10. To erect and keep a town prison, or calaboose, in which to confine all parties violating the town ordinances under such regulations as may be by ordinance adopted; provided, however, that they may use the county jail, at Huntsville, Tennessee, for such purposes by paying the lawful fees therefor to the Sheriff, or jailor, of said county.

11. To erect and organize a workhouse in or near said town and to provide for committing and working in said workhouse, or on public streets or

¹Priv. Acts 1995, ch. 36, § 14 stated to amend § 18 of the charter by deleting the words "Marshal" or "town Marshal" in that section and substituting the words "chief of police". However, § 18 contains no reference to "Marshal" or "town Marshal." This section does contain references to those words but has not been changed because the private act didn't amend this specific section.

²Charter references: §§ 7 and 21.

town work, all persons who shall fail to pay or secure any fine and cost assessed against them for the violation of any ordinance, or who for such violation may be sentenced to the said workhouse, and to provide for the management and control of the same.

12. To condemn, take and use any ground necessary to widen or extend its streets, avenues, and alleys, provided, however, that the owner of the same shall be paid actual damages therefor, considering the improvements thereon.

In addition thereto, the Board of Mayor and Aldermen are hereby authorized to extend for a distance not in excess of four miles beyond the corporate limits the sewer lines of said town, the water lines thereof and fire hydrants. They are also authorized at their discretion to make available fire fighting equipment belonging to said town for the suppression of conflagrations occurring within said radius beyond its City limits. They are further authorized in case of the disability from any cause whatsoever of the recorder-treasurer to appoint a substitute recorder-treasurer who perform all the duties of the recorder-treasurer during the latter's disability. Such substitute will take the oath of office and execute bond in such sum as may be fixed by the Board of Mayor and Aldermen for the faithful performance of his duties. [As amended by Priv. Acts 1955, ch. 256]

Sec. 7. Be it further enacted, that the Town of Oneida be, and it is hereby vested with the power¹ to levy and collect taxes annually upon all property in the corporate limits taxable by law for State purposes, and to levy and collect a poll tax on all persons within the corporate limits subject to the levy of a poll tax by the state. Provided, however, that no levy for general corporation purposes shall exceed in any one year \$1.50 on each \$100.00 of taxable property, and shall not exceed \$1.00 on each poll, and provided further that at or before the time of making the tax levy the Board of Mayor and Aldermen shall either by ordinance or by resolution fix a budget, which shall show the estimated expenses of the town for the current year for which said taxes are levied, which budget shall be entered in full upon the minutes of the corporation. The said town of Oneida shall have power to appropriate money and provide for the running expenses of the town; to license and tax all privilege taxable by the laws of the State; and to regulate and suppress gaming, gambling, gambling houses, disorderly houses and all houses where one or more men or women meet for unlawful purposes, and in this connection it shall have power to declare all such places a nuisance.

The governing body of the Town of Oneida may enter into an agreement with the governing board of any public school located within the Town of Oneida and attended by the residents of the Town of Oneida to appropriate any revenue of the Town of Oneida which may be derived from a municipal sales tax levied under the general law, the use which is not restricted by law or otherwise, for

¹Charter references: §§ 15 and 17--19A.

the use of such public school for such school purposes as may be specified in the agreement. [As replaced by Priv. Acts 1921, ch. 552, § 1; amended by Priv. Acts 1973, ch. 110, § 1; and Priv. Acts 1975, ch. 164]

Sec. 8. Be it further enacted, That the said Mayor and Board of Aldermen of said town of Oneida, are hereby authorized and empowered, and it is made their duty to by proper ordinance and tax levies keep up the streets, alleys and sidewalks¹ of said town; to fix the grade of the same, to open, abolish, widen or extend the same.

1. To pass all ordinances necessary designating, and requiring the owners of lots to make brick, stone, or concrete sidewalks, in front of their property along in the streets, and in the event the owner of said lot, or lots refuse to observe the provisions of said ordinance, then the said town of Oneida is hereby authorized to build the same and the cost thereof to be a lien on the abutting property per lineal foot, and to that end the cost and expenses of same is hereby declared a lien upon said property, said lien to be enforced by building equity as all other statutory liens. Provided, however, that before this provision shall become effective the territory to be improved shall be declared by proper ordinance including the kind and character together with the dimensions of the sidewalk to be thus built, and to this end such sidewalks shall be built as provided by said ordinance under the direction of the Mayor and Board of Aldermen, or some suitable and competent person selected by them for that purpose.

Sec. 9. Be it further enacted, That whenever a majority of property owners desire a sidewalk to be built upon any street not less than two blocks in length thereof, they shall so designate by petition to said Mayor and Board of Aldermen, and it shall be the duty of said Mayor and Board of Aldermen to declare the same by proper ordinance, as in the preceding section provided, and the same to be built and established as therein provided; provided, however, that nothing in this section shall be so construed as to prevent the said Mayor and Board of Aldermen from establishing sidewalks upon any street, or streets in their judgement deemed necessary and advisable. It being understood that irrespective of this section the Mayor and Board of Aldermen are vested with full power to make such improvement, and direct and regulate the same, and enforce the liens therefor, as in the preceding selection provided.

¹Charter references: §§ 9, 11, and 12A.

Sec. 10. Be it further enacted, That the said Mayor and Board of Aldermen are hereby vested with full power¹ to provide for a system of fireworks, and for the management and control of the same. To provide for the organization and regulation of fire companies, either voluntary or otherwise; to establish and maintain a sewer system.

1. To provide for a system of waterworks and to regulate its control and management; to erect hydrants, pumps, cisterns, reservoirs, or stand pipes; to lay a pipe for distributing water over the said town, and to keep the same in repair.

2. To provide for a system of lights, for said town, either electrical¹ or otherwise to regulate the same, and to keep the same in repair, and to this end they are vested with full power to erect polls, maintain conduits, lines, wires, and all other apparatus necessary to the same. [As amended by Priv. Acts 1921, ch. 552, § 2]

Sec. 11.² Be it further enacted, That the Mayor and Board of Aldermen are hereby authorized to contract indebtedness on behalf of the town and upon the credit thereof by issuing bonds of the said town, and disposing of them for the purpose of obtaining money for the following purposes to-wit:

1. To build and operate a system of waterworks and sewers for said town.

¹Compiler's note: Priv. Acts 1925, ch. 148, § 9, provides as follows:

Sec. 9. Be it further enacted, That the municipality of the Town of Oneida upon ordinance duly passed by the Board and Mayor of Aldermen shall have authority to sell, transfer and convey its electric light plant and electric distribution system.

For authority to extend water, sewer, and fire service outside the corporate limits, see § 6(12).

²Compiler's note: Priv. Acts 1925, ch. 148, § 7, provides as follows:

Sec. 7. Be it further enacted, That Section 11 and Section 12 of the Charter of the Town of Oneida, the same being Chapter No. 211 of the Private Acts of 1917, shall have no application to the issuance of bonds under any abutting property law applicable to said town, but bonds so issued shall be controlled by and in harmony with the terms and provisions of such abutting property law.

2. To build, operate or otherwise provide for a lighting system¹ for said town.
3. To build or repair the streets and sidewalks of said town.

Sec. 12.² Be it further enacted, That the bonds to be issued for the purposes aforesaid shall not exceed thirty years in duration of time, shall not bear a higher rate of interest than 6%. That at the time of their issuance a sinking fund shall be established sufficient to retire the same; and provided further, that the amount thereof taken in its entirety shall not aggregate more than 10% of the taxable value of the property in said town, as shown by the tax

¹Compiler's note: Priv. Acts 1925, ch. 148, § 9, provides as follows:

Sec. 9. Be it further enacted, That the municipality of the Town of Oneida upon ordinance duly passed by the Board and Mayor of Aldermen shall have authority to sell, transfer and convey its electric light plant and electric distribution system.

²Compiler's note: Priv. Acts 1925, ch. 148, §§ 6, 7, and 8, provides as follows:

Sec. 6. Be it further enacted, That it shall not be necessary to submit to a vote of the people of the Town of Oneida the question of issuing bonds under any abutting property law applicable to said town, but bonds lawfully issued by the corporate authorities of said town under the provisions of any abutting property law applicable to said town shall be valid whether they are approved by a vote of the people or not.

Sec. 7. Be it further enacted, That Section 11 and Section 12 of the Charter of the Town of Oneida, the same being Chapter No. 211 of the Private Acts of 1917, shall have no application to the issuance of bonds under any abutting property law applicable to said town, but bonds so issued shall be controlled by and in harmony with the terms and provisions of such abutting property law.

Sec. 8. Be it further enacted, That it shall be necessary to submit to a vote of the people of the Town of Oneida the question of issuing bonds under any abutting law applicable to said town, such election to be held as prescribed by law.

Sections 6 and 8 appear to contradict each other.

books;¹ and provided further, that said bond shall be issued by proper ordinance duly passed, and the same shall be submitted and approved by a majority vote of the qualified voters of said town at an election to be held for that purpose after thirty days advertisement of the same.

The notice of said election shall contain a copy of the ordinance, stating the amount of bond, the purpose for which the proceeds thereof are to be used, the length of time said bonds are to run, and the rate of interest thereon; provided, however, that said bonds shall not run for a shorter period than ten years.

1. The said Board and Mayor and Aldermen shall have power to pass and enforce all ordinances necessary to carry out the purpose for which said bonds were issued, and to that end may create any and all necessary boards of trustees or commissioners, define their duties and enumerate their powers; that when bonds are thus issued the said Mayor and Board of Aldermen shall levy a tax to pay the annual interest accruing on same, and shall create a sinking fund with which to pay the same at their maturity; this power to levy and collect taxes is in addition to the powers enumerated in the foregoing sections in this Act.

2. The election hereinbefore provided for the ratification of said bonds shall be held by the election commissioners for Scott County, or other lawful authorities, and the result of said election showing the number of votes for, and the number of votes against said bond issue, or ratification of same, shall be certified by said election commissioners, to the Mayor of said town, and to the other State officials as other elections.

3. The ballot to be used in said election shall be as follows: It shall be of plain white paper, sufficient in size and shall have printed upon it a certified copy of the ordinance providing for the proposed bond issue, as herein before provided, and shall be printed both for bonds and against bonds.

Those voting in favor of the bond issue shall cast said ballot with said ordinance printed thereon, and printed at the bottom of the same the following words: "For Bonds." Those opposed thereto shall vote said ticket printed at the bottom thereof the following, "Against Bonds."

No person shall be permitted to vote in said election unless such person is a qualified voter in said town of Oneida.

Sec. 12A. Be it further enacted, That the Board of Mayor and Aldermen of Oneida be and they are hereby empowered and authorized to issue not exceeding Fifty Thousand (\$50,000.00) Dollars of interest bearing warrants, for the purpose of raising funds for the corporate purposes of said town and particularly for the purpose of building sidewalks, streets, and improving and extending the lighting system of said town, and for the purpose of purchasing,

¹Charter reference: § 12A.

installing, acquiring or maintaining a sewer or water system for said town, and for the purpose of funding any of the indebtedness of said corporation. Said interest-bearing warrants may be issued from time to time but the total amount outstanding at any one time shall not exceed Fifty Thousand (\$50,000.00) Dollars; and provided that the present limitations upon the indebtedness¹ of said town shall not be held to apply to said warrants. [Priv. Acts 1925, ch. 148, § 3, as amended by Priv. Acts 1973, ch. 110, §§ 2(a) and (b)]

Sec. 13. Be it further enacted, That no person shall be a voter provided for in this Act except he be a legally qualified voter of the State of Tennessee, and shall have been a resident of said town of Oneida living within its corporate limits for at least six months previous to said election, and provided further, that no person shall be permitted to vote in any election provided for by this Act unless he shall have paid his State poll tax, at least 30 days previous to said election, and to that end it is made the duty of the trustee of Scott County to make out a certified list of those residing in said town of Oneida who have paid their poll taxes previous to said election, as provided by law, and said list to be furnished to the officer holding said election. Poll taxes collected by the town of Oneida may be applied to any lawful corporation purpose. [As amended by Priv. Acts 1921, ch. 552, § 7]

Sec. 14. Be it further enacted, That in any election called for the purpose of ratifying the issuance of bonds as herein provided, for the certificate of the election commissioners for Scott County, or other constituted authorities holding said election showing the result of same, shall be conclusive evidence of the result of said election, and the ratification or rejection of said bond issuance, and in the event of its ratification at said election it shall then become the duty of the Mayor and Recorder and Treasurer, over their official signature together with the seal of said town of Oneida attached thereto to issue and sell said bonds as provide by said ordinance. In the sale of the same, they are directed to advertise to the best possible advantage giving a full description of said bond, purposes for which issued, their duration of time, amount of interest, and to fix a date upon which bids will be received thereon, at which time and place all bids will be opened; provided, however, that all such bids are subject to rejection, and provided further that any premium received thereon shall be considered a part of the fund and used for the purposes for which said bonds were issued; provided, however, no bonds shall be sold for less than par.

¹Charter reference: § 12.

Sec. 15. Be it further enacted, That taxes¹ levied by said town shall be due and payable on the first day of October of each year, and shall be delinquent on the first day of December of each year except privilege taxes.

Subsection 1.² All ordinary road taxes levied by the County Court of Scott County upon the taxable property within the corporate limits of the Town of Oneida, shall be by the Trustee of Scott County, when collected by him, paid into the Treasury of said town, and the receipt of the Treasurer taken therefor. This provision shall not apply to taxes lawfully levied by the County Court of Scott County upon property within the corporate limits of the Town of Oneida, for the purpose of paying the interest upon, and providing a sinking fund for the retirement of bonds issued by said Scott County for the purpose of building turnpikes.

Subsection 2. Persons subject to the performance of road duty, living within the corporate limits, may be required to perform labor upon the streets of said town, but they shall not be required to work upon the public roads of Scott County. The Board of Mayor and Aldermen may by proper ordinance provide for a regulation of the time and the place for the performance of the labor required of road hands upon the streets of the town, but not more than five day's labor shall be required in any one year.

Subsection 3. All privilege taxes levied by the Board of Mayor and Aldermen shall be due and payable by persons subject to said tax, on the day such persons begin the exercise of such privilege, except persons who are already exercising occupations declared to be subject to a privilege tax at the time of the passage of any ordinance by said town levying privilege taxes. The privilege taxes levied again persons already engaged in the exercise of such privilege, shall be due and payable immediately upon the taking effect of the ordinance levying such taxes.

It shall be the duty of all persons exercising privileges within the corporate limits of said town to pay promptly to the Recorder on the day said taxes are due. If said taxes are not paid to the Recorder within five days from

¹Charter references: §§ 7 and 17--19A.

²Compilers note: This subsection 1 probably has been superseded by Priv. Acts 1925, ch. 148, § 5. That section provides as follows:

Sec. 5. Be it further enacted, That no ordinary road taxes, sometimes denominated "dirt road tax" or "district road tax," shall be levied by the County Court of Scott County upon property located within the incorporated limits of the Town of Oneida. This provision shall not effect the right or power of the County Court of Scott County to levy taxes upon property within the corporate limits of the Town of Oneida for the purpose of paying the interest upon and providing a sinking fund for the retirement of bonds issued by Scott County for the purpose of building turnpikes.

the due date thereof, it shall be the duty of the Recorder to issue a distress warrant for the collection of said taxes, and place the same in the hands of the chief of police, or any constable of Scott County, or the sheriff and it is hereby made the duty of the officer into whose hands such distress warrant may come, to levy the same upon the property of the delinquent tax payers, and to make sale of such property in the same manner provided for execution sales at law, and to make return of said distress warrant to the Recorder within thirty days from the date of its issue. The Recorder is authorized when necessary, to issue alias distress warrants, and upon the return of the officer showing a levy of a distress warrant and in sufficient time in which to advertise and sell the property, to issue to such officer an order of sale. Upon the failure of the taxpayer to pay the privilege taxes levied against him as herein provided, a penalty of 10% shall be added thereto, and the distress warrant issued by the Recorder shall include said penalty. Additional penalties may be provided for by an ordinance in all cases where privilege taxes remain delinquent for more than thirty days. The officer executing the distress warrant shall be entitled to the same fees provided by law in execution sales. The privilege taxes levied upon merchants, and which are to be determined as provided by Chapter 134 of the Public Acts, of the General Assembly of 1919, or any subsequent general law shall become due and payable as provided by ordinance. In the event no ordinance is passed by the Board of Mayor and Aldermen, merchants privilege taxes levied by the Town of Oneida shall be determined in the same manner provided by the general law of the State, except that the assessment for the purpose of said privilege taxes shall be made by the Recorder of the town. In order to enable the Recorder to properly assess merchants for the purpose of privilege taxes, it is hereby made the duty of the County Court Clerk of Scott County, upon demand of the Recorder, to furnish full information in regard to the assessments made by said Clerk upon the merchants within the corporate limits for the purposes of County and State taxation, and all merchants within the corporate limits are required to file with the Recorder, copies of the schedules and inventories required by the County Court Clerk, and in the event there are no such inventories filed with the County Court Clerk, then such inventories as may be provided by ordinance shall be filed. Any merchant who has complied with the requirements of the law, and of the ordinances of said town, and who is dissatisfied with the assessment, made by the Recorder, may appeal to the Board of Mayor and Aldermen for the correction of the assessment. The Board of Mayor and Aldermen is hereby given power to affirm, modify, or correct said assessment, and the action of said Board of Mayor and Aldermen shall be final. The Town of Oneida may by ordinance require merchants to execute to the town bonds with good and solvent surety thereon conditioned to pay all privilege taxes levied against them when due. [As replaced by Priv. Acts 1921, ch. 552, § 3, and amended by Priv. Acts 1995, ch. 36, § 8]

Sec. 16. Be it further enacted, that the Mayor shall be the chief executive officer of the town. He shall have the general duty to see that all officers and employees of the town honestly, faithfully and conscientiously discharge their respective duties, and may bring to the attention of the board any deficiencies on the part of such officers and employees in discharging their duties. He shall be the presiding officer of the Board of Mayor and Aldermen. One (1) member of the board shall by the board be elected Mayor Pro-Tem, who shall preside and discharge all the duties of Mayor during the absence or incompetency of the Mayor. The Mayor shall make periodic reports to the Board on the financial condition of the town and on any deficiencies or inefficiencies in its operations. [As replaced by Priv. Acts 1995, ch. 36, § 9]

Sec. 17.¹ The Board of Mayor and Aldermen are authorized and empowered to employ any attorney or attorneys necessary to the safeguarding and protection of the interests of said Town of Oneida and to contract with them for their professional services, which shall be paid as any other expenses of said Town of Oneida. Any breach of their duty as herein provided shall render them liable for removal from office. The Recorder and Treasurer of said town shall keep a correct minute of all the transactions of said Board of Mayor and Aldermen, shall transcribe the same upon any appropriate journal for that purpose, keeping the actual date of each transaction as it occurs and as provided by resolution of said Board, and shall do all other duties, clerical and otherwise, as may be imposed upon him by resolution of said Board of Mayor and Aldermen. In addition, he will collect all taxes of every kind and character due the said Town of Oneida, and shall keep a correct record thereof, showing the date paid, the amounts, and by whom paid, and shall perform such other duties incident thereto as may be fixed by resolution of said Board of Mayor and Aldermen. When ad valorem taxes become delinquent, a certified list of the same shall be made out by him and turned over to the chief of police of said town for collection, as other delinquent taxes.

²He is authorized and empowered to employ any attorney or attorneys necessary to the safeguarding and protection of the interests of said town of Oneida and to contract with them for their professional services, which shall be paid as other expenses of said town of Oneida. Any breach of his duty as herein

¹Priv. Acts 1995, ch. 36, § 14 stated to amend § 18 of the charter by deleting the words "Marshal" or "town Marshal" in that section and substituting the words "chief of police". However, § 18 contains no reference to "Marshal" or "town Marshal." This section does contain references to those words but has not been changed because the private act didn't amend this specific section.

²Priv. Acts 1995, ch. 36, §§ 10 and 11 deleted the first two paragraphs of § 17 and replaced them with the above paragraph. However, because of this amendment paragraphs 1 and 2 of this section are very similar in content.

provided shall render him liable for removal from office by a two-thirds vote of said Board of Aldermen.¹ The Recorder and Treasurer of said town shall keep a correct minute of all the transactions of said Board of Aldermen, shall transcribe the same upon any appropriate journal for that purpose, keeping the actual date of each transaction as it occurs, and as provided by resolution of said Board, and shall do all other duties, clerical and otherwise, as may be imposed upon him by resolution of said Board of Mayor and Aldermen. In addition, he will collect all taxes of very kind and character due the said town of Oneida, and shall keep a correct record thereof, showing the date paid, the amounts, and by whom paid, and shall perform such other duties incident thereto as may be fixed by resolution of said Board of Mayor and Aldermen. When ad valorem taxes become delinquent, a certified list of the same shall be made out by him and turned over to the town Marshal of said town for collection, as other delinquent taxes.

The Board of Mayor and Aldermen may by ordinance, provide penalties upon ad valorem taxes when same shall have become delinquent, such ordinance, however, shall be passed before the date fixed as the delinquent date. The certified list of delinquent taxes delivered by the Recorder to the town marshal as hereinbefore provided, shall have the force and effect of an execution at law, and the same fee shall be allowed the marshal for collecting said taxes which is allowed to sheriffs upon execution.

Said Recorder and Treasurer shall hold the municipal Court for said town of Oneida and shall have full power to impose all fines; penalties and imprisonments under all ordinances as provided for in this charter, and as passed by ordinance of said Board of Mayor and Aldermen, and to this end he shall keep a correct minute thereof, showing the name of the person accused, the offense for which he is charged and the disposition of said cause. He is vested with full power upon the complaint of said town Marshal, or any other citizen under oath, to issue a municipal warrant for any person or persons charged with the violation of said ordinances of the town of Oneida, and to impose such penalty as in his judgment is deemed advisable and necessary within the limitations of this charter, and as fixed by ordinance.

All appeals from judgments rendered by the Recorder imposing fines and penalties on account of the violation of any city ordinance shall be heard and determined by the Circuit Court of Scott County.

The Police Chief of the Town of Oneida shall be the chief law enforcement officer of the town. He shall be responsible for the enforcement of municipal ordinances prescribing a penalty and state and federal law within the city, and shall be in charge of the city jail. The Chief of Police shall be assisted by a police department consisting of such number of police officers as the Board of Mayor and Aldermen shall authorize and hire, who shall be under the supervision of

¹Charter reference: § 4.

the police chief. Both the Police Chief and town's police officers shall be clothed with the authority to investigate crimes and civil violations, to make arrests, and to perform all other duties expected of law enforcement officers prescribed by the Board of Mayor and Aldermen and the chief of police. [As amended by Priv. Acts 1921, ch. 552, § 4; Priv. Acts 1923, ch. 562; and Priv. Acts 1995, ch. 36, §§ 10-13]

Sec. 18.¹ Be it further enacted, That taxes levied by the Town of Oneida are hereby declared to be a lien upon all property upon which the same are levied, which lien may be enforced as any other lien at law, or by a bill in equity. In the event suit is brought by the Town of Oneida for the collection of any delinquent taxes, the delinquent tax payer shall at the discretion of the Court, be liable for reasonable attorney's fee, in addition to the taxes, penalties, and interest accrued thereon, which shall be determined and fixed by the Court and included in the judgment. All persons owing taxes to said Town of Oneida, and which have become delinquent, may be joined in one bill in the Chancery Court as defendants, and said bill shall not be multifarious by reason thereof. [As replaced by Priv. Acts 1921, ch. 552, § 5]

Sec. 19.² Be it further enacted, That the assessment of property, by the duly constituted authority of the State of Tennessee and the County of Scott for the purposes of State and County taxation, shall be the basis for the levy of taxes by the Town of Oneida. As soon as practicable after the assessment books are completed, by the County Court Clerk of Scott County, it shall be the duty of said County Court Clerk, from the said assessment books in his possession, to make out and deliver to the Recorder of the Town of Oneida a tax book such as is required by law to be made out by him for the Trustee of the County, embracing therein, however, only such property and such persons as are liable for taxes to the said town. Such tax books shall be furnished to the County Court Clerk by the Town of Oneida, and shall be returned by him properly made out as above provided, not later than the first day of October of the year for which said property is assessed. Provided, however, that the Recorder of said town shall enter upon said tax book any omitted property, and shall assess the

¹Priv. Acts 1995, ch. 36, § 14 stated to amend § 18 of the charter by deleting the words "Marshal" or "town Marshal" in that section and substituting the words "chief of police". However, § 18 contains no reference to "Marshal" or "town Marshal."

²Priv. Acts 1995, ch. 36, § 14 stated to amend § 18 of the charter by deleting the words "Marshal" or "town Marshal" in that section and substituting the words "chief of police". However, § 18 contains no reference to "Marshal" or "town Marshal." This section does contain references to those words but has not been changed because the private act didn't amend this specific section.

same in harmony with the assessment for the purpose of State taxation, and shall also enter therein the names of any persons subject to a poll tax who may have been omitted by said Clerk, and provided that the Board of Mayor and Aldermen shall pay a reasonable sum to the County Court Clerk for making out said tax books. Insofar as the officers of the said Town of Oneida are authorized to assess property for the purposes of taxation, they shall assess the same at its actual cash value.

Subsection 1. The Recorder and Treasurer of said town is hereby made the custodian of its funds, and he shall keep full, true and correct accounts of the financial condition of said town, which shall at all reasonable times be open to the inspection of the citizens thereof. The Board of Mayor and Aldermen may prescribe rules and regulations for the government of the Recorder and Treasurer in regard to the manner of keeping the funds of said town, the place of deposit of said funds and all proper rules and regulations in regard to the disbursement thereof.

Subsection 2. The Recorder and Treasurer of said town is hereby vested with the powers conferred upon County Court Clerks generally in regard to the collection of delinquent taxes and the town marshal is hereby vested with the power and authority possessed by the sheriff generally for the collection of delinquent taxes; and in the discharge of said duties they shall receive the same compensation provided by general laws for said officers except as may be otherwise provided in this Act.

Subsection 3. The Recorder shall make out the list of delinquent ad valorem taxes promptly on the first day of December of each year, and place the same in the hands of the town marshal, and the town marshal shall promptly proceed to collect such taxes by a levy upon and a sale of any personal property found by him, and belonging to the delinquent tax payer. It shall be the duty of the marshal to settle promptly with the Recorder for any taxes collected by him, and to make due report thereof. After the expiration of sixty days from the date said delinquent list is delivered to said town marshal, it shall be the duty of the Mayor of said town to cause suits to be brought against all delinquent tax payers owning real estate, for the purpose of subjecting said real estate to the payment of said taxes, provided, however that the Board of Mayor and Aldermen may by proper resolutions, if it shall clearly appear that any such suits would be unprofitable to the said Town of Oneida, direct that such suits be not instituted and provided further that the Board of Mayor and Aldermen shall be authorized to cause suits to be instituted in any case for the collection of taxes, and at any time after said taxes are delinquent if in their judgment it is for the best interest of said town for suits to be brought. [As replaced by Priv. Acts 1921, ch. 552, § 6]

Section 19A. Be it enacted by the General Assembly of the State of Tennessee, That the Town of Oneida, Tennessee, be and is hereby authorized and empowered to make its own property assessments for municipal tax

purposes independently of and without regard to the assessments made by the County Tax Assessor of Scott County, Tennessee. The election to make its own assessment shall be by ordinance.

Be it further enacted, That the Board of Mayor and Aldermen may by ordinance establish the office of Town Tax Assessor, provide for the filling of the office, fix the qualifications, term of office, duties and compensation of the Town Tax Assessor.

Be it further enacted, That the Board of Mayor and Aldermen may by ordinance establish a Town Board of Equalization, provide for the composition of said Board, terms of its members, duties and compensation.

Be it further enacted, That should the Town of Oneida elect to make its own property assessments under the authority of this Act, such assessments shall be made annually and shall in nowise effect the assessments made by the County Tax Assessor and the assessments made and used by the Town Tax Assessor shall not arbitrarily be used by the County Tax Assessor as a criterion for his assessments for county purposes. [Priv. Acts 1957, ch. 44]

Sec. 20. Be it further enacted, That the said Board of Mayor and Aldermen shall have the power to grant franchises to railways, either steam or electrical, gas companies, water companies, electric light companies, or any other company or companies that may improve the town or increase the value of property therein.

Sec. 21. Be it further enacted, That whenever in this Act an omission is made in defining the duties or authority of any officer provided for herein, and which is essential to properly carry out the object and purposes of this charter, the said Board of Mayor and Aldermen are hereby granted the authority to supply such omission and they are further given power and authority to do any and everything necessary to carry out the object and purpose of this Act.

Sec. 22. Be it further enacted, That to more fully and completely carry out the purposes of this Act, and until their successors are elected and qualified as herein provided, L. G. Carson is hereby constituted Mayor of said town. F. W. Newton, G. K. Young, H. M. Keeton, A. J. Daniels, W. F. Huggett, C. B. Hall, and T. L. Phillips, Aldermen. Said offices herein constituted shall discharge all the duties of their office as imposed upon them by the terms of this Act, and shall immediately or as herein provided, qualify by taking the oath of office, and proceed to the discharge of their duty as herein empowered and authorized. That, E. Hembree is hereby created Recorder and Treasurer of said town, who will after giving bond as herein provided proceed to the discharge of his duties as such Treasurer and Recorder, and shall hold his office until his successor is elected and qualified, as provided for herein. [As renumbered by Priv. Acts 1995, ch. 36, § 15]

Sec. 23. Be it further enacted, That all laws and parts of laws in conflict with this Act be and are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it. [As renumbered by Priv. Acts 1995, ch. 36, § 15]

Passed March 21, 1917.

CLYDE SCHROPSHIRE,
Speaker of the House of Representatives.

W. R. CRABTREE,
Speaker of the Senate.

Approved March 22, 1917.

TOM C. RYE,
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF THE TOWN OF
ONEIDA, TENNESSEE

YEAR	CHAPTER	SUBJECT
1917	211	Basic charter act.
1921	552	Amended § 10, authority for fire companies, sewer, water, and light systems; § 13, poll taxes; § 17, taxes; and replaced § 7, taxes; § 15, taxes due and payable; § 18, taxes to be lien on property; and § 19, property assessment.
1923	562	Amended § 17, taxes of the charter.
1925	148	Decreased number of aldermen; gave mayor right to vote; fixed quorum; fixed number of votes required for action; regulated meeting times; authorized \$15,000 warrant issue for miscellaneous purposes; authorized compensation for mayor and aldermen; restricted right of county to levy road taxes on property in town; regulated issuance of bonds under abutting property laws; and authorized sale or transfer of electric system. (Amended by Priv. Acts 1973, ch. 100) (See §§ 3, 4, 5, 11, 12, 12A, and 15 of the charter).
1927	267 ¹	Authorized \$45,000 bond issue for street improvements.
1931	462	Amended § 2, boundaries.
1935	612	Excluded certain property from the corporate limits. (See § 2, boundaries).

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1939	392 ¹	Authorized \$70,000 bond issue for funding or refunding purposes.
1941	235 ¹	Validated \$3,500 bond issue for funding purposes.
1941	239 ¹	Validated \$3,500 bond issue for city hall and jail.
1943	234 ¹	Authorized \$10,000 "town improvement warrant" issue.
1947	9 ¹	Authorized \$12,000 "street improvement warrant" issue.
1951	691	Amended § 4, elections. (Repealed by Priv. Acts 1955, ch. 163)
1955	163	Repealed Priv. Acts 1951, ch. 691. (See § 4, elections).
1955	256	Amended § 6, powers of the board.
1957	44	Authorized town to make own property assessments for municipal tax purposes. (See § 19A of the charter).
1973	110	Amended § 7, taxes and Priv. Acts 1925, ch. 148, §§ 3 and 4. (Amended by §§ 4, 7, and 12A of the charter).
1975	164	Amended § 7, taxes.
1975	165	(Rejected or disapproved or not concurred in by board)

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1981	161	(Not acted upon locally) (Repealed by Priv. Acts 1981, ch. 172)
1981	172	Repealed Priv. Acts 1981, ch. 161.
1983	87	(Rejected or disapproved or not concurred in by board)
1983	88	Amended § 4, compensation of mayor and aldermen.
1985	54	Amended §§ 3 and 4, terms of mayor and aldermen.
1986	150	Amended §§ 3 and 4, terms of mayor and aldermen.
1990	146	Disapproved.
1990	176	(Rejected or disapproved or not concurred in by board)
1990	177	Repealed Priv. Acts 1990, ch. 146.
1993	56	(Rejected or disapproved or not concurred in by board)
1995	36	Amended § 4, elections § 5, board's authority over departments; § 15, taxes; § 17, board's authority to employ an attorney(s); § 19, property assessment; deleted § 22, justice of the peace; and replaced § 3, officers and terms of office; and § 16, duties of mayor.
2005	18	Amended § 5 relative to regular meetings of the board.