

CHARTER FOR THE TOWN OF LIBERTY, TENNESSEE¹

CHAPTER NO. 796

HOUSE BILL NO. 1428

(By Foutch)

AN ACT to incorporate the Town of Liberty, in the County of Dekalb, State of Tennessee; to provide for the election of officers thereof; to prescribe their duties; to define the corporate limits and prescribe the powers and duties of said municipal corporation; to provide for the raising of revenue for the support of said municipality and for other purposes.

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¹Priv. Acts 1947, ch. 796, is the current basic charter act for the Town of Liberty, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2020 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. 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 Liberty, Dekalb County, State of Tennessee, and the inhabitants thereof, be and the same are hereby constituted a body politic and corporate under and by the name of the "Town of Liberty." Under that name they may have perpetual succession; may sue and be sued; grant, receive, purchase and hold real estate, mixed, and personal property, and dispose of the same for the use and benefit of the said Town of Liberty, and may have and use a common seal and alter the same at pleasure.

SEC. 2. Be it further enacted, That the corporate limits of said Town shall embrace the territory within the following boundaries, to-wit:

Beginning on the northwest corner of the Liberty Bridge on the north bank of Smith Fork Creek and running down said creek with the north bank thereof to a stake across the creek from the southeast corner of the Yeargin property; thence across the creek to a corner; thence in a westward direction following in the south boundary of the Yeargin property to a stake in the middle of the Dismal Road; thence in a southern direction with the middle of the road to the Squires Branch; thence with said branch to the north east corner of the R. E. Bratton property; thence in a southerly direction to the northeast corner of the R. E. Bratton residence lot; thence with the north boundary of said residence lot and the O. L. Davis residence lot and garden to a stake in the Bratton lane; thence southward with the lane to a stake in line with the northern line of the garden of Frank Stone and to a stake in Sidney Cripps' east boundary; thence south to the Baptist Parsonage; thence in a westward direction across the property of Vera Owen, Lofton Rowland, Jeff Malone and J. J. Tramel to the J. E. Hale corner; thence across this property to the northeast corner of the Edward Jennings lot; thence following the north boundary of the Edward Jennings lot and across the T. C. Jennings property to the northeast corner of the N. T. Hancock property; thence with the north boundary of the Hancock property, a direct line across the General Stark property, to the northwest

corner of the D. C. Bass residence lot to the west boundary of the Bass property; thence across Highway 26 to the Smith Fork Creek; thence with the north bank of said Creek to a stone directly across the creek to the mouth of Clear Fork Creek; thence with the said Smith Fork Creek to the beginning. [As amended by Priv. Acts 1951, ch. 543]

SEC. 3. Be it further enacted, That the citizens living within the corporate boundaries of said municipality shall have the right to call an election and the question decided by its qualified voters as to whether or not they desire the form of government as provided by this Act. In order to call said special election, a petition signed by at least 50 qualified voters residing within the corporate limits of said town may request the County Election Commission to call said election and have said question approved or disapproved by a majority of the persons casting their vote in said election. Said petition must be filed with the County Election Commission on or before the 15th day of April, 1947. Thereafter, the County Election Commission shall within 10 days from the date of the filing of said petition publish a printed notice of said election in two conservative issues of the "Smithville Review", and said election shall be held within 10 days from the date of the last issue of said notice. The cost of holding said election shall be paid out of the general funds of said county.

SECTION 4. The Election Commission of DeKalb County shall open and legally hold an election after first giving notice required by the general law, in a newspaper published in DeKalb County for the election of a mayor and board of aldermen, as hereinafter set forth, which election shall be held within lawful hours and under all legal regulations and restrictions, as now provided by law for general elections, on the first Thursday in August, 1982, and every year thereafter on the first Thursday in August, and in the manner aforesaid.

At the election to be held on the first Thursday in August 2018, and every four (4) years thereafter, there shall be elected a person to fill the office of mayor and five (5) aldermen. The mayor and aldermen so elected shall hold their respective offices for a term of four (4) years and until their successors are duly elected and qualified. In order to have the elections for the board of mayor and aldermen coincide, the terms of the mayor and two (2) aldermen who were elected in the election held in August 2013 shall be extended for one (1) year to August 2018.

The board of mayor and aldermen, after each of their respective elections, shall take office on or before the first succeeding Monday night, at which time the board shall meet, organize, and begin the discharge of its duties. [As replaced by Priv. Acts 1967, ch. 274; and Priv. Acts 1982, ch, 254; and amended by Priv. Acts 2000, ch. 109 and Priv. Acts 2017, ch. 26, § 1]

SEC. 5. Be it further enacted, That government of said Town shall be vested in a Mayor and five Aldermen to be chosen every four (4) years by the qualified voters of the said town, and all persons owning real estate in their own name in said Town but residing without its limits who would be qualified to vote for the members of the General Assembly, shall be qualified to vote for Mayor and Aldermen and in all town elections.

Said Board of Mayor and Alderman shall have full power and authority within the Town.

1st. To elect and appoint a City Marshal or police officer, a Recorder and Treasurer, a Secretary, who may also be tax collector, a tax assessor and such other officers or agents as may be found essential to the well being of the Town and so determined by the Board of Mayor and Aldermen, and the Board shall also fix the compensation of said officers or agents, provided, however, however, that no officers so designated other than the City Marshal, Tax Assessor, Secretary and Recorder, shall receive compensation; provided, further, that the Recorder shall receive the same fees allowed by law to Justices of the Peace for like services, but this provision shall not be so construed as to prohibit compensation to special policemen when their engagement is deemed absolutely necessary nor shall this provision prevent the reasonable compensation to the assessor, collector and disbursing officer of city funds.

2nd. To levy and collect taxes for corporation and school purposes on all property taxable by law for the State purposes, and that the same shall be assessable, due and collectible from and after the passage of this Act, the time and method to be prescribed by ordinances.

3rd. That the Recorder shall have the right to charge the defendant in all cases with fine and all cost, including officer's costs.

4th. To compel by ordinance the owner of property on any street, alley or avenue within the corporation to grade, construct, pave and repair the sidewalks and foot pavements the whole extent of the front along the same to be done according to the grade furnished by municipal authority, and if the owner of the ground shall fail to comply with the provisions of said law or ordinances or shall be fully enacted by the Board of Mayor and Aldermen for grading, constructing, paving, and repairing of the sidewalks, and foot pavements within time and such manner as may be prescribed thereby, then the Board of Mayor and Aldermen may build, construct or cause the same to be built and constructed, and the cost and expenses of same shall be a lien on said grounds on which said work shall be done and may be enforced by attachment in law or equity and shall recover by suit in the name and for the use of the Board of Aldermen, before any court of competent jurisdiction; and the said Board of Mayor and

Aldermen or municipality shall not be liable for any damage to the owner of any lot or parcel of land for the removal of any fence or other obstruction, not for the land, except the same exceed seven feet in width, provided, however, that such land taken or used shall be for the use and benefit of said municipality or corporation of Liberty.

5th. To enact such laws and ordinances as may be necessary and proper to preserve the health, morals, quiet and good order of the town.

6th. To license, tax and regulate all business, professions, occupations, agents and shows, lawful to be carried on or conducted within the corporate limits of the town and which are taxable by the states, provided, that no tax shall be imposed on any business or calling or property exempt from taxation by the State.

7th. To regulate, tax, license or suppress the keeping from going at large of animals within the town or any designated part of it, and to impound any animal or animals, and in default of redemption in pursuance of any ordinance, to sell or dispose of them.

8th. To commit any person or persons who may fail or refuse to pay or secure any fine or cost imposed upon them or him or her by any ordinance of said town to the jail or calaboose or workhouse of said town until such fine or cost be fully paid or secured. Every person so committed shall be required to work for the town as his or her health will permit at such wages and under such regulations as may be established by ordinance, said work to continue until said fine or costs are fully paid.

9th. To prohibit gaming, and gambling houses and lotteries, the selling, storing or keeping of intoxicating liquors, and the giving or selling liquors to minors, to adopt by appropriate ordinances any criminal statutes of the State and declare that violation shall also constitute an offense against the town.

10th. To define offenses, declare and impose fines, forfeitures and penalties and provide for their collection and enforcement.

11th. To prohibit the erection of wooden buildings in parts of the town as may be deemed expedient, and to establish such fire limits as may be deemed advisable and to prescribe rules and regulations necessary to make this provision effectual.

12th. To pass such laws as may be necessary to carry into effect the foregoing powers and to effectuate the foregoing purposes consistently within

the constitutions and laws of the State of Tennessee, and the United States. [As amended by Priv. Acts 2000, ch. 109, § 2]

Section 5A. The Board of Mayor and Aldermen shall have the authority to authorize a payment to each alderman for the alderman's attendance at meetings of the Board of Mayor and Aldermen. Such payment shall not exceed forty-five dollars (\$45.00), may not be paid to an alderman more often than once a month, and is conditioned on the alderman's attendance at the regular monthly board meeting.

If the Board votes to authorize payment to the aldermen, such payment shall not take effect until after the next regular election for aldermen following such authorization vote has occurred. [As added by Priv. Acts 2000, ch. 109, § 3; and replaced by Priv. Acts 2017, ch. 25, § 1]

Section 5B. The Board of Mayor and Aldermen shall have the authority to authorize a payment to the mayor for attendance at meetings of the Board of Mayor and Aldermen. Such payment shall not exceed forty-five dollars (\$45.00), may not be paid to the Mayor more often than once a month, and is conditioned on the Mayor's attendance at the regular monthly board meeting. [As added by Priv. Acts 2017, ch. 25, § 1]

SEC. 6. Be it further enacted, That the Board of Mayor and Aldermen shall, in the passing of all ordinances, observe the following:

Said ordinance shall be submitted and passed upon two separate reading at regular or especially call meeting of the Board, the second reading not to be less than one week and not more than two weeks from the first reading of introduction; and on each said day the ordinance or ordinances so submitted shall receive the affirmative vote of a majority of the Board. Ordinances shall be divided into appropriate section, shall be in brief but intelligent form, and shall after passage be recorded in a well bound book, or printed upon durable paper, and a printed copy if ordered by the Board, shall be received in the courts of the State as competent evidence of its provisions.

Provided, further, that the said Board is hereby vested with power to draft or embody the ordinances of the town in the form of a code embracing all ordinances, they may combine and codify all ordinances upon any one or more subjects. The Board may, by resolution passed upon two separate readings, adopt all or such portions, of the ordinances of any former corporation of Liberty as may be deemed suitable. All ordinances shall become effectual two days after their passage, except those of a special or emergency nature, which may be declared in force immediately upon final passage.

SEC. 7. Be it further enacted, That the Mayor of the said town shall preside at all meetings of the Board of Aldermen; shall take an oath of office, call special meetings of the Board when deemed expedient; see that the corporate laws and ordinances are fully enforced; issue corporate warrants on the Treasurer when so ordered by the Board; make such reports to the Board as shall be directed by ordinance, appoint person or persons to act as City Marshal till the meeting of the Board; in the absence, resignation or sickness of the regular corporation officers, and shall appoint special policemen to assist the City Marshal, when, in his opinion, the occasion requires it, and shall when the Recorder is sick or absent perform his duties.

SEC. 8. Be it further enacted, That the Board of Mayor and Aldermen shall provide the ordinance for the election of a Recorder and Treasurer, who shall perform the duties and resume the responsibilities of said office as hereinbefore set out, said Recorder and Treasurer to be elected by the Board of Mayor and Aldermen and shall hold his office for a term of two years and until his successor is elected and qualified; but before entering upon the duties of his office he shall make bond, payable to the Mayor and Aldermen in such sum as the Board may prescribe conditional upon the faithful performance of his duties as Recorder and Treasurer in the collection and accounting of all money coming into his hands and shall pay out corporate money only on the warrant issued by the Mayor, and shall make such reports of same as the Board may order.

SEC. 9. Be it further enacted, That the Mayor and Aldermen may elect a City Marshal to hold his office two years, or until his successor is elected and qualified, who shall make bond payable to the Mayor and Aldermen to be approved by the Mayor in such sums as the Board may provide, conditioned for the faithful performance of the duties of said Marshal. He shall also take an oath that he will faithfully discharge the duties imposed upon him by the laws of Tennessee. The official authority of said Marshal shall extend three miles without the corporate limits for the purpose of executing process, both corporate and criminal.

SEC. 10. Be it further enacted, That it shall be the duty of the Town Marshal to arrest all violators of the ordinances and laws of said corporation and bring them before the Recorder for trial, or take bond for their appearance before the Recorder for the trial in the sum of two hundred and fifty dollars. He shall also be charged with the execution of process, civil or criminal, and shall have the power to execute State warrants, or other process, as constables have under the laws of the State of Tennessee, and shall perform such other duties of said corporation as may be provided by ordinance.

SEC. 11. Be it further enacted, That the Mayor and Aldermen shall have power and authority to dismiss or remove any officer or agent appointed or

elected by them for neglect or disregard of the duties imposed upon them by the laws and the ordinances of said corporation, or for any misconduct in office, and a majority of the Mayor and Aldermen acting affirmatively can effect such dismissal. A majority of the Mayor and Aldermen may also remove one of their own members for any misconduct in office by so voting affirmatively, and in such proceeding the Aldermen on trial shall not be permitted to vote, and they shall take a special oath for the trial of their members. In case of a vacancy in said Board caused by death, resignation or removal or like vacancy in any position filled by the Board of Mayor and Aldermen, said vacancy shall be filled by the Board of Mayor and Aldermen by the appointment of some eligible person or persons to fill out the unexpired terms.

SEC. 12. Be it further enacted, That the Mayor and Aldermen are hereby prohibited from levying a tax or taxes in any one year which shall in their totals exceed one dollar upon the hundred dollars.

SEC. 13. Be it further enacted, That the Mayor and Aldermen shall have the power to assess and collect their corporate taxes, either through their own officers or assessors or the county officials or collectors; each exercising such duties as may be prescribed by ordinances.

SEC. 14. Be it further enacted, That every warrant drawn upon the Treasurer shall show upon its face for what purpose it was issued.

SEC. 15. Be it further enacted, That in the absence, disqualification, or sickness of the Mayor, the Board of Aldermen may elect one of their number to preside at all meetings and discharge the duties of the Mayor during these interims; and in case of the absence or sickness or incompetency of the Recorder, the Mayor may, in writing, appoint some Alderman to perform the duties of the Recorder, or the Mayor may perform them himself.

SEC. 16. Be it further enacted, That the said Board of Mayor and Aldermen shall not incur any indebtedness in excess of the revenues of the current year.

SEC. 17. Be it further enacted, That any one or more of the provisions of this Act shall be declared unconstitutional; the other and valid provisions shall remain unaffected thereby.

SEC. 18. Be it further enacted, That this Act does not exclude any person in the corporate limits of said corporation from being subject to working the same are hereby repealed.

SEC. 19. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 20. Be it further enacted, That this Act shall become effective from and after June 1, 1947, the public welfare requiring it.

Passed: March 13, 1947.

W. B. LEWALLEN,
Speaker of the House of Representatives.

GEORGE O. BENTON,
Speaker of the Senate.

Approved: March 14, 1947.

JIM MCCORD,
Governor.

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

YEAR	CHAPTER	SUBJECT
1947	796	Basic charter act.
1951	543	Amended § 2, boundaries.
1967	274	Replaced § 4, elections.
1982	254	Replaced § 4, elections.
2000	109	Amended § 4, elections; § 5, relative to terms of board of mayor and aldermen; added a section (compiler numbered as 5 A) relative to compensation of aldermen.
2017	25	Replaced § 5A and added § 5B relative to compensation of mayor and aldermen.
2017	26	Amended § 4, elections.