

CHARTER OF THE TOWN OF GADSDEN, TENNESSEE¹

CHAPTER NO. 209

Senate Bill No. 392

(By Avery)

A BILL to be entitled: "AN ACT to incorporate the Town of Gadsden, Crockett County, Tennessee, and the inhabitants thereof, under the corporate name of Gadsden, Tennessee, and to define the powers thereof; to provide for the government and organization thereof; to name the members of the first governing body; to provide for the employment of the necessary officers of said municipality and to provide for their election or appointment; to define their qualifications, powers and duties and to fix their compensation."

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¹Priv. Acts 1949, ch. 209, is the current basic charter act for the Town of Gadsden, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2017 session of the Tennessee General Assembly. In addition, Private Acts 1961, ch. 232, which did not specifically amend the charter is incorporated therein as section 3(15)(a).

A table containing a list of the basic charter and all amendments thereto can be found at the end of the charter.

No changes have been made in the contents of the basic charter or the amendments incorporated therein except the creation of section 3(15)(a) as noted above, the addition of section titles, and a table of contents to facilitate the use of the charter. Any errors in grammar, spelling, organization, etc., have been left as they are found in the charter and its amendments.

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.

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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INCORPORATION

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Town of Gadsden in Crockett County, Tennessee, and the inhabitants thereof, be and the same are hereby constituted and declared a body politic and corporate by the name and style of "Gadsden, Tennessee", and by that name shall have perpetual succession; may use a common seal and may alter it at pleasure; may sue and be sued, plead and be impleaded in all the courts of law and equity in all actions whatsoever; may purchase, receive, and hold real estate, personal, and mixed property, within or without the town for corporation purposes, and sell or dispose of such property for the benefit of the corporation, and do all other things touching the same as a natural person may do.

BOUNDARIES

Sec. 2. Be it further enacted, That the corporate limits of Gadsden, Tennessee, shall embrace the territory within the following boundaries, to wit:

"Beginning at a point two hundred yards due north of Clarence Reeves northeast corner runs thence in a southerly direction crossing the Louisville & Nashville Railroad at the intersection of W. E. Warren and Mrs. Edna Williams' properties to a point two hundred yards from the south side of the said railroad right-of-way; thence in a southwesterly direction parallel with said railroad to a point in Weldon Ferguson's north line two hundred yards south of the railroad right-of-way; thence due northwest to a point two hundred yards from the north side of the Austin Peay highway right-of-way; thence northeast parallel with said highway to the point of beginning.

CORPORATE POWER ENUMERATED

Sec. 3. Be it further enacted, That said municipality shall have full power and authority:

- (1) To enact such laws and ordinances as may be necessary and proper to observe the health, peace, general welfare, and good order of the town.
- (2) To prevent, remove, and abate nuisance.
- (3) To ascertain the boundaries of streets and alleys and to open, change, close, and widen streets and alleys, and to lay out and establish new streets and alleys, and to effectuate such powers it shall have the right to condemn lands and other property for such purposes, and shall also have the right and power to sell and convey streets and alleys owned by said municipality within said corporate limits for the benefit of the said municipality.
- (4) To grant privileges in the use and enjoyment of the streets and alleys of said town.
- (5) To extend, establish, grade, pave, or otherwise improve, clean and keep in repair, streets, alleys, pikes, sidewalks, and when necessary, to remove trees or other obstruction from said streets, sidewalks and alleys.
- (6) To assess property for taxes and to levy and collect, by proper officer, taxes on all real estate and personal property, polls and privileges taxable by the laws of the State of Tennessee.
- (7) To appropriate money and provide for the debts of the town.
- (8) To make regulations and to prevent the introduction and spread of contagious diseases in the town; and, when deemed necessary, to appoint a Board of Health for the purpose of enforcing the same.
- (9) To erect, establish and keep in repair bridges, culverts, sewers and gutters within the City limits or immediately connected with the City.

(10) To restrain and prohibit gaming, gambling, and houses of ill fame, and to prevent other misdemeanors and other disorderly conduct.

(11) To prohibit indecent exposures and indecent shows and exhibitions.

(12) To provide for the organization and regulation of fire companies and the sweeping of chimneys and other fire hazards.

(13) To impose and collect fines and forfeitures and penalties for breaches and violations of the town ordinances.

(14) To establish a fire zone and prohibit the erection of wooden buildings in such parts of the town as may be deemed expedient.

(15) To provide by ordinance for all necessary improvements and expansions of the water works and lighting system within or without said municipality, and to provide for the operation and conduct of a sewerage system, and to finance the same by any proper means and methods.

(15)(a) That the Town of Gadsden, Tennessee by and through its Board of Mayor and Aldermen is hereby authorized and empowered in their discretion to enter into and contract with the Town of Humboldt, Tennessee for the purpose and to permit the Town of Humboldt, Tennessee to construct, lay and maintain a natural gas pipe distribution system within the Town of Gadsden, Tennessee, said natural gas pipe distribution system shall be for the use and benefit of the citizens, inhabitants and business firms of the town of Gadsden.

That the Town of Gadsden is hereby authorized and empowered to issue an exclusive natural gas franchise to the Town of Humboldt, Tennessee for a period of time not to exceed thirty years.¹

(16) To regulate the storage of gunpowder, dynamite and any and all combustible materials and explosives and the use of lights and stovepipes and heating systems in all stables, shops, and any and all other buildings within the corporate limits.

(17) To provide for the arrest and confinement until trial of all drunk and disorderly persons.

(18) To regulate, tax, license, or suppress the keeping or running at large of all livestock within the corporate limits or within any part of same, and to impound any animal or animals, and in default of redemption in pursuance of any ordinance, to sell or dispose of same.

(19) To commit any person or persons who may fail or refuse to pay or secure any fine or fines and costs imposed upon them by any ordinance of said town to the jail, calaboose, or workhouse of said town until such fine or costs be paid or secured. Every person so committed to the workhouse shall be required

¹Priv. Acts 1961, ch. 232, is the source of paragraph 15(a). That act did not specifically amend the charter; this compiler arbitrarily created paragraph 15(a) because it appeared that the location in the charter was the most appropriate place of the contents of the Act.

to work for the town as his or her health will permit, at such rates, and under such regulations, as may be established by ordinance, said work to continue until said fine and costs are fully paid.

(20) To pass all laws and ordinances necessary to enforce the powers granted, not inconsistent with the Constitution and of the laws of the United States and of the State of Tennessee.

(21) To issue interest-bearing warrants for public improvements in said town and to provide by ordinance a sinking fund and tax levy to pay same. [As amended by the creation of § 15(a) to accommodate Priv. Acts 1961, ch. 232, § 1]

BOARD OF MAYOR AND ALDERMEN

Sec. 4. Be it further enacted, That the governing body of the Town of Gadsden shall be known and designated as the Board of Mayor and Aldermen of the Town of Gadsden. Said governing body to consist of a Mayor and four (4) Aldermen, each of whom shall be householders and freeholders, not less than twenty-one (21) years of age and shall have resided within the limits of the Town of Gadsden at least one year, and for the purpose of putting this Act into effect, the persons hereinafter named shall be, and they are hereby constituted, the Board of Mayor and Aldermen of the Town of Gadsden, and clothed with all the powers vested by law in such officials, and they shall discharge all the duties incumbent upon them, as such officials from and after their induction into office as hereinafter provided for, and shall hold their offices until their successors are legally elected and qualified. The officials herein below named shall, within ten (10) days after the passage of this Act, take an oath before the County Judge of Crockett County, Tennessee, or before some other person qualified to administer oaths, said oath to be in conformity with the oath prescribed by statute for public officials, and all subsequent elected or employed officials shall take the same oath, and in case of vacancy caused by death, resignation, removal or otherwise, of the Mayor or any member of the Board, the remaining members of the Board of Mayor and Aldermen shall elect some qualified person, as hereinbefore provided, to fill said vacancy and to hold his office until the next regular election of the town officials. And for the purpose of putting this Act into effect immediately after its passage, the following named persons shall be and constitute the first Board of Mayor and Aldermen of this Act, to wit:

Jack R. Thompson, Mayor;
 Clyde Byrd, Alderman;
 Clarence Reeves, Alderman;
 J. L. Antwine, Alderman;
 Frank W. Raines, Alderman;

and the aforesaid officials and their successors in office shall have and receive the following sums as compensation or salary for their services as such officials: The mayor shall receive the sum of fifty dollars per month provided he attends the monthly meeting of the Board of Mayor and Aldermen. Each alderman shall

receive the sum of twenty-five dollars (\$25.00) per month provided he attends the monthly meeting of the Board of Mayor and Aldermen. Immediately after being sworn into office as such officials the said Board of Mayor and Aldermen shall meet at once and organize and assume charge of the affairs of the Municipality, and shall proceed to elect a City Marshal and a Recorder and such other officers as the Board shall deem necessary, each of which officials shall be employed by a majority vote of the Aldermen of the said town.

The Mayor shall not be permitted to cast a vote as a member of the Board of Mayor and Aldermen except in case of a tie when he shall then be required to cast the deciding vote of all cases of such ties. It shall also become the duty of the said Board to fix by ordinance the salaries of all officials employed by them, and they are hereby constituted with power to discharge any such officials with or without cause when, in their judgment, such action appears to be to the best interest of the Town of Gadsden. The Board of Mayor and Aldermen shall meet at least once per month at a regular time to be fixed by them. [As amended by Priv. Acts 1972, ch. 367, § 1]

MAYOR, CITY ATTORNEY, POLICE, COMMITTEES, ETC.

Sec. 5. Be it further enacted, That the Mayor hereinbefore appointed by the provisions of this Act, and his successors in office, shall preside over all meetings of the Board.

It shall be the duty of the Mayor to lay before the Board any information coming to his attention which, in his judgment, demands the consideration of said Board. He shall have the power to call special meetings of said Board, also, whenever in the opinion of three (3) members of the Board of Aldermen, the welfare of the town demands it, the Mayor shall call a special meeting of the said Board of Mayor and Aldermen upon written notice to each Alderman, such notice to be served by the City Marshal or left at their usual place of residence. Each call for special meeting shall set forth the character of business to be transacted at such meeting, and no other business shall be considered at such meeting. Provided, however, that a special meeting may be held at any time upon unanimous consent of the Mayor and Aldermen waiving call and notice thereof in writing.

The Mayor shall lay before the Board statements of the financial condition of the Municipality every three months. He shall have the power and it shall be his duty to countersign all warrants, checks, and other vouchers drawn against City funds, and he shall also be required to sign all written contracts, to which the Municipality may become a part of.

The Board of Mayor and Aldermen shall have power, and authority is hereby vested in them, to employ a City Attorney, whose salary shall be fixed by the Board of Mayor and Aldermen, and the said Board shall have the power

and authority to employ additional counsel to assist said City Attorney when, in their judgment, the exigencies of the case demand it.

The Board of Mayor and Aldermen shall also have the power, and authority is hereby vested in them, to employ special policemen to assist the Town Marshal when in their judgment the exigencies demand such a system, compensation for such services to be fixed by the Board, the employment of such officers to be made in writing and entered on the record of the minutes of the board.

The Mayor and Board of Aldermen shall have the power, and authority is hereby vested in them, to appoint such committees of one or more men to each committee to administer the affairs of the Municipality, such as department of public affairs, police, public health, schools, fire department, streets, grounds and places of amusement, and building, and any other department existing in said Municipality and the Board of Mayor and Aldermen have the power and authority is hereby vested in them to prescribe by proper ordinances the duties of such committees appointed, and, such committee may be or may not be appointed from the membership of the Board of Aldermen and the salaries of such committeemen to be fixed by the Board.

TAXES; DUTIES OF BOARD OF MAYOR AND ALDERMEN, ETC.

Sec. 6. Be it further enacted, That any taxes levied by said Board of Mayor and Aldermen shall become due at the same time as Crockett County, Tennessee, taxes, and interest and penalties shall accumulate thereon, beginning at same times, and in same amounts as interest and penalties on Crockett County, Tennessee, taxes.

(2) Said Board of Mayor and Aldermen shall be, and are hereby vested with full and complete power and authority to enact such ordinances and laws as shall be necessary to effectuate the powers heretofore vested in said Municipality; provided, however, such laws so enacted shall not be inconsistent with the laws of the State of Tennessee; and such Board of Mayor and Aldermen shall be, and are hereby invested with full and complete power and authority to do all acts and perform all duties required to effectuate the powers heretofore vested in said Municipality, and which are not delegated to some other official by this Act, and to perform all duties and all acts imposed by law upon municipal legislative bodies.

(3) Said Board of Mayor and Aldermen shall have full and complete authority to allow or disallow the use of pin ball machines and other such gaming devices within the corporate limits, whether the same are used legally or otherwise. In event they are allowed, then the Board may prescribe such rules and regulations covering their use as they may deem proper.

(4) Said Board of Mayor and Aldermen shall require all oaths of office to be in writing, and the same shall be filed with the Recorder and become a part of the records of said Board.

(5) In the absence or inability of the Mayor to be present at any meeting, it shall be the duty of the Board to elect one of their number to preside over such meeting.

ORDINANCE PROCEDURES

Sec. 7. Be it further enacted, That the Board of Mayor and Aldermen shall, in passing of all ordinances, observe the following:

Said ordinance shall be submitted and passed on two separate reading at regular or specially called meeting of the Board, the second reading to be not less than twenty-four (24) hours and not more than two (2) weeks from and after its first reading or introduction; and on each of said readings the ordinance or ordinances so submitted shall receive the affirmative vote of the majority of the Board and be signed by the Mayor before the same shall become effective; and the Mayor shall sign all ordinances which have received the affirmative vote of a majority of the Board, within twenty-four (24) hours from the time of the passage of the ordinance, and in the case of the inability of the Mayor to sign such said ordinances it shall become the duty of the Aldermen to designate someone to sign for him. When an ordinance is introduced it shall be the duty of the Recorder to note on said ordinance the name of the person introducing the same, the date of its first passage and the date of its final passage, and the date approved by the Mayor. Said ordinance shall be divided into appropriate sections, shall be in brief but intelligible 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, and certified to by the Recorder shall be received in evidence of the provisions of such ordinance.

QUORUM

Sec. 8. Be it further enacted, That a majority of all members of the Board shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalty as the Board may provide.

DUTIES OF MAYOR AND RECORDER

Sec. 9. Be it further enacted, That the Mayor hereinbefore provided shall be empowered as follows and impressed with the following duties:

(1) To issue all warrants for the apprehension and arrest of any and all violators of the criminal laws, misdemeanor ordinances, and offenses against the Municipality as prescribed by ordinances.

(2) To discharge all the duties imposed upon Justices of the Peace; exercise the duties and possess all the judicial powers of Justices of the Peace, as to criminal offenses committed in the corporate limits of the Municipality.

(3) In the absence of the Mayor, the Recorder shall have the authority granted to the Mayor by this section of this Act.

(4) Said Recorder shall before entering upon the duties of his office, enter into bond in the amount of Five Thousand (\$5,000.00) Dollars, bond to be filed with the Mayor and entered of record on the minute book in the Recorder's office.

(5) Said Recorder shall also before entering upon the duties of his office, take oath prescribed by law for Justice of the Peace, which oath shall be filed with the Mayor as heretofore provided.

(6) Said Mayor has power to impose and collect fines, penalties and forfeitures for violations of City Ordinances, and shall have and receive the fees allowed by law to Justice of the Peace, in criminal cases, which fees shall be and become the property of the Town of Gadsden unless provided by ordinance of the Board of Mayor and Aldermen.

(7) Said Mayor and Recorder shall make reports of all fines and costs collected by them to the Board of Mayor and Aldermen on the first day of each month.

(8) It shall be the further duty of the Recorder to assess all property for taxation, he shall observe the rules and regulations laid down by the Board of Mayor and Aldermen and the ordinance thereof, and shall assess the property at its actual cash value and shall not be governed nor influenced by the value placed upon said property by the tax assessor of the said County of Crockett.

(9) Said Recorder shall copy the name of the property owners on a book to be known as the Tax Book, giving true boundaries, valuation of property and total amount of taxes.

TERM OF OFFICE OF FIRST BOARD OF MAYOR AND ALDERMEN

Sec. 10. Be it further enacted, That the Mayor and four (4) Aldermen hereinbefore named and specifically designated as the first Mayor and Aldermen of the Town of Gadsden, shall hold their offices subject to the provisions hereinbefore set forth until the first Monday in April 1949, or until their successors are duly elected and qualified.

ELECTIONS

Section 11. Be it further enacted, that the election commissioners of Crockett County, Tennessee, shall open and legally hold an election, after first giving notice thereof in a newspaper published in Crockett County, Tennessee, as provided by law. Beginning in 2005, and every four (4) years thereafter, municipal elections shall be held within lawful hours and under all legal regulations and restrictions on the first Saturday in May. The mayor and four (4) aldermen shall be elected to terms of four (4) years. All legal qualified voters living within the corporate limits of the Town of Gadsden shall be eligible to vote in any municipal election or referendum; provided, that he or she shall be required to register under any applicable state election registration laws. Any other registered voter, who resides outside the corporate limits of the Town of Gadsden but who owns real estate within the corporate limits of the Town of Gadsden, shall also be eligible to vote in such municipal election or referendum even though he or she is not a resident of the Town of Gadsden. The board of mayor and aldermen selected at such election, and at all subsequent quadrennial elections, shall qualify on or before the succeeding third Monday in May at which time the newly-elected board shall meet, organize, and begin the discharge of their duties. [As amended by Priv. Acts 1981, ch. 4, § 1, and replaced by Priv. Acts 2005, ch. 58]

COLLECTION OF TAXES

Sec. 12. Be it further enacted, That the Board of Mayor and Aldermen shall have power to assess and collect their corporate taxes, either through their own officials or the county officials, each exercising such duties as may be prescribed by ordinance.

DEFINITION OF TERMS

Sec 13. Be it further enacted, That if, for any reason, any section or parts of sections of this Act shall be held unconstitutional or invalid, that fact shall not invalidate any other part of this Act, and the Act shall be enforced and upheld with reference to all parts not held invalid or unconstitutional.

CONSTRUCTION OF ACT

Sec. 14. Be it further enacted, That if, for any reason, any section or parts of sections of this Act shall be held unconstitutional or invalid, that fact shall

not invalidate any other part of this Act, and the Act shall be enforced, and upheld with reference to all parts not held invalid or unconstitutional.

EFFECTIVE DATE

Sec. 15. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 18, 1949

Walter M. Haynes
Speaker of the Senate

McAllen Foutch
Speaker of the House of Representatives

Approved: February 22, 1949

Gordon Browning,
Governor

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

YEAR	CHAPTER	SUBJECT
1949	209	Basic charter act.
1961	232	Authorizes the town to contract with the Town of Humboldt to establish a gas system.
1972	367	Amends sec. 4 of the basic charter by changing the compensation of town officials.
1981	246	Amends sec. 11 of the basic charter by changing the date of elections.
2005	58	Replaces sec. 11 regarding elections.