

CHARTER OF THE TOWN OF GATES, TENNESSEE¹

CHAPTER NO. 286

HOUSE BILL NO. 607

(By Haynes of Lauderdale)

AN ACT incorporating the Town of Gates, Lauderdale County, Tennessee; to give it a corporate title; authorize it to sue and be sued; give it all governmental functions necessary to its welfare and corporate existence; authorize it to levy and collect taxes for general purchases, schools, streets, municipal buildings; making all criminal offenses now provided and existing under the general laws of the State to be offenses against the municipality when committed within the limits of the municipality, and punishable by the Mayor, as herein provided, and to authorize the municipality, acting through its Municipal Board, to enact all ordinances for its government and defining offenses and fixing the punishment therefor; to authorize the Municipal Board to elect a Marshal or Marshals, Night Watchman and other police officers necessary; a School Board, a City Recorder and Treasurer, who may be the same person, and to fix the amount to be paid to such officials for their services, and to have full and complete corporate existence and governmental functions, within the boundaries fixed herein.

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¹Priv. Acts 1943, ch. 286, is the current basic charter act for the Town of Gates, 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. 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.

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SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That a municipal corporation is hereby created to be known, designated and named "Town of Gates" in Lauderdale County, Tennessee, to consist of the property and inhabitants thereof, within the following boundaries to-wit:¹

Beginning at a point in the West line of the right-of-way of the Illinois Central Railroad Company, which point is Fred Crockett's Southeast corner, thence West with said Crockett's South line One Hundred Fifty (150) poles to

¹Annexation ordinances are in the office of the recorder.

Susie Mitchell's East line; thence South with Susie Mitchell's East line Fifty (50) poles to Northeast corner of Wilkens Westbrooks' land; thence South with the East boundary line of said Westbrooks land Seventy-five (75) poles to Cane Branch; thence down said Branch Fifty (50) poles to Tisdale Creek; thence down said Creek with its meandering to mouth of Crockett Spring Branch; thence up said Branch to a stake in West line of said Right-of-way of the Illinois Central Railroad Company; thence North with said right-of-way to the beginning.

That the inhabitants thereof are hereby constituted a corporation and body politic, to be designated by the name herein before set out, and by this name shall have perpetual succession, and by said name may sue and be sued, plead and be impleaded; may purchase, receive by gift, real estate and personal property within and beyond the physical boundaries and limits of said town, to be used for corporate purposes only, and may dispose of such property by sale, lease or otherwise for the benefit of the town; may install a gas distribution system and shall have the power, through action of its legislative body, to lease such system on such terms and for such period of time as it shall see fit, and to sell, or to conflict with respect to the sale of, such system and all property constituting a part thereof on such terms as it shall see fit; and do all other Acts touching any of the aforesaid property necessary for its welfare, as any natural person can legally do; may have and use a common seal to be changed at the pleasure of the Municipal Board.¹ [As amended by Priv. Acts 1957, ch. 192, § 1]

Sec. 2. Be it further enacted, That there shall be a Board to consist of a Mayor and four (4) Aldermen, who shall be elected by the qualified voters of the Town of Gates, as hereinafter defined, and they shall hold their offices for four (4) years and until their respective successors are elected and qualified. [As replaced by Priv. Acts 2014, ch. 33, § 1]

Sec. 3. Be It further enacted, That the first election for the Board of Mayor and Aldermen under this Act shall be on the first Thursday in June, 2013. The terms for those elected to the Board of Mayor and Aldermen on such date shall be until the regular Board of Mayor and Aldermen meeting in December, 2016, and until their successors are elected and qualified.

¹Priv. Acts 1957, ch. 192, § 2, didn't state specifically which section of the charter it amended. It reads as follows:

"Be it further enacted, That all actions and transactions of the Town of Gates, through its legislative body heretofore taken and done in exercise of any of the powers specifically bestowed upon it by the foregoing paragraph of the Act incorporating it, as here amended, be in all respects ratified, validated and approved as legal and binding."

The second election for the Board of Mayor and Aldermen under this Act shall be at the regular November election in November, 2016. Beginning with the election in November, 2016 the term of office for the Mayor and Aldermen shall be four (4) years. The candidate for Mayor receiving the highest number of votes shall be elected Mayor and the four (4) candidates for Aldermen receiving the highest number of votes shall be elected to the office of Alderman. The Mayor and Aldermen shall begin their term of office at the regular Board of Mayor and Aldermen meeting in December 2016. Thereafter the election for the Board of Mayor and Aldermen shall take place every four (4) years at the regular November election.

Once the election certificates of successful candidates have been issued they shall take an oath of office; the oath specifying that such candidates shall support the Constitution of the United States, the Constitution of the State of Tennessee, and perform the duties of office to the best of their ability. This oath may be taken before any officer or notary public in Lauderdale County, Tennessee authorized to administer oaths generally. Such oath shall be filed with the Town Recorder. [As replaced by Priv. Acts 1997, ch. 19, § 1; and Priv. Acts 2014, ch. 33, § 2]

Sec. 4. Be it further enacted, That any person living within the municipal limits and boundaries herein defined, who is over 21 years of age, and is a qualified voter in the general county election for the year previous to the date of such municipal election, shall be eligible to hold the office of Mayor and Aldermen, but before the Election Commissioners shall have the name of any such candidate printed on the ballots to be voted in such municipal election and petition shall be filed with the Chairman or Secretary of such Election Commissioners, signed by at least 10 people living within the municipal boundaries herein defined, requesting such person to become a candidate, provided those persons signing such petition are also qualified to vote in the municipal election to be so held, and all persons who were qualified voters in the regular county election for the previous year, and who live within the corporate limits fixed in this Act, or who own real estate in said corporate limits, and live elsewhere in Lauderdale County, Tennessee, shall be qualified to vote in such municipal election.

Sec. 5. Be it further enacted, That in event of a tie vote for the respective offices of Mayor and/or Aldermen, or either of them, the newly elected officers, acting by a majority, shall cast the electing ballot, and such one so elected shall serve the term of office. The Board of Mayor and Aldermen shall have authority to fill all vacancies in its body, and when such vacancy occurs the one chosen to fill it shall serve the remainder of the term of the one holding such office when the vacancy occurred. The Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves their residence from the Town, has been continuously disabled for a period of six (6) months so

as to prevent them from discharging the duties of the office, or is otherwise removed from office pursuant to Tennessee Code Annotated, Title 8, Chapter 47, for a felony conviction, crime involving moral turpitude, or other misconduct. [As amended by Priv. Acts 2007, ch. 23; and Priv. Acts 2014, ch. 33, § 3]

Sec. 6. Be it further enacted, That it shall be the duty of the Mayor to preside at all meetings of the Municipal Board, and when he is absent it will be the duty of the members of the Board present, constituting a quorum, to select one of its number to preside, and all actions taken at such meeting shall be as binding as if taken when the Mayor was present and presiding, and any three members of the Municipal Board shall constitute a quorum. He shall have and exercise concurrent jurisdiction within the corporate limits of the municipality, as is not provided and exercised by Justice of the Peace, under authority of existing laws in all cases arising under the criminal statutes and laws of the State, and shall have exclusive jurisdiction of all cases arising under the provisions of the criminal ordinances for violations thereof, as provided by this Charter, the ordinances of the Board of Mayor and Aldermen, and the laws of the State.

Sec. 7. Be it further enacted, That the Aldermen shall compose the legislative body of the municipality, and shall have the right, by a majority vote, to pass all ordinances, rules and regulations for the welfare of said municipality, not inconsistent with the general laws of the State of Tennessee; to levy a tax rate and fix same on all taxable property in said municipality; to fix the amount of privilege tax to be paid by all business now taxable under existing laws, for the privilege of engaging in business within the municipal limitations.

The governing body is hereby authorized and empowered to levy and collect a tax on the taxable property of the city as stated above. The rate for each year shall be set by resolution of the governing body. Any three members shall constitute a quorum for the purpose of transacting any legal business, and except in case of tie in any decision of the Aldermen the Mayor shall not have a right to vote, but in case of tie it shall be the duty of the Mayor to cast the tie-breaking vote on any question or election as provided by this Charter. [As amended by Priv. Acts 1961, ch. 265, § 1; and further amended by Priv. Acts 1997, ch. 19, § 2]

Sec. 8. Be it further enacted, That the Board of Mayor and Aldermen is hereby vested with the authority to elect a Town Marshal or Marshals; to elect a City Recorder, which may be one of its own Board members or may be any other qualified voter within said corporation who actually lives within its boundaries; to regulate, by ordinance, the speed of all vehicles using the streets and alleys of said municipality; to prohibit nuisances, of whatever character; to establish fire zones and prescribe the nature of buildings to be constructed therein; to establish zones for and regulate the sale of beer and in event of the

legalization of the sale of intoxicating liquors in said municipality to create zones wherein it may be sold; to provide for a town jail and for this purpose may contract with the Lauderdale County Sheriff and County Court for the keeping of persons found guilty of violating any of the laws or ordinances of the municipality and who have failed or refused to pay the fines assessed against them for that purpose; they shall have charge of all the streets and alleys of said town, and by contract with any person, firm or corporation, may open, repair, maintain and construct all streets and alleys, and for this purpose, and for school purposes, and other necessary corporate purposes the Town of Gates shall have all the right of eminent domain within its boundaries. [As amended by Priv. Acts 1997, ch. 19, § 3]

Sec. 9. (Reserved). [This section was deleted in its entirety by Priv. Acts 1997, ch. 19, § 4]

Sec. 10. Be it further enacted, That the Marshal or Marshals and Night Watchmen, elected by the Board of Mayor and Aldermen hereunder, shall have general police power, and possess the same authority to make arrests for the violation of any criminal law of the State and/or ordinance of the municipality, as is now by law given to any peace officer of the county or state. The Mayor shall have the authority to punish any violator of the law or ordinances by a fine the minimum and maximum of which shall be as now fixed by law in small offense cases, and possess all the powers of a Justice of the Peace, in respect of criminal law, as is not given by law to Justices of the Peace generally, and only within the municipal limits of the municipality.

Sec. 11. Be it further enacted, That any person feeling aggrieved with the fine assessed against him by the Mayor may appeal from the judgment of the Mayor to the next Term of the Circuit Court of Lauderdale County, Tennessee, by giving a bond in the sum of Two Hundred Fifty and 00/00, conditioned to pay said fine and cost, or otherwise abide by and perform the judgement of the said Circuit Court, which bond shall be approved by the Mayor, and the case tried in the Circuit Court in the same way as all other Civil Suits or cases are tried, in said Court.

Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1943.

Jas J. Broome,
Speaker of the House of Representatives.

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Blan R. Maxwell,
Speaker of the Senate.

Approved: February 6, 1943.

Prentice Cooper,
Governor.

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

| YEAR | CHAPTER | SUBJECT |
|------|---------|--|
| 1943 | 286 | Basic charter act. |
| 1957 | 192 | Amends § 1 relative to purchase of gas system. |
| 1961 | 265 | Amends § 7 relative to taxation authority. |
| 1997 | 19 | Amends § 3 relative to the Board of Mayor and Aldermen-Election in its entirety; amends § 7 relative to taxation authority; amends § 8 relative to the Board of Education; and amends § 9 relative to the School Board by deleting that section in its entirety. |
| 2007 | 23 | Amends § 5 relative to vacancies of the board of mayor and aldermen. |
| 2014 | 33 | Replaces §§ 2 and 3 relative to the board or mayor and aldermen; and amends § 5. |