

CHARTER OF THE TOWN OF HICKORY VALLEY, TENNESSEE¹

CHAPTER NO. 261

House Bill No. 338

(By McCaslin)

AN ACT to incorporate the Town of Hickory Valley in Hardeman County, Tennessee; to define its boundaries; to provide a Mayor and Board of Aldermen for the control of management and government of said Municipal Corporation; to designate, name and appoint the Mayor and members of the Board of Aldermen to serve until the next regular election; to define the rights, powers and duties of said Mayor and Board of Aldermen; to provide for the government of said Municipal Corporation to serve until the next regular election; and to repeal all laws and parts of laws in conflict herewith.

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¹Priv. Acts 1951, ch. 261, is the current basic charter act for the Town of Hickory Valley, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2019 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts 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 territory and inhabitants thereof, within the following described boundaries, to-wit:

Lying and being in the Third Civil District of Hardeman County, Tennessee, and including all of the present village of Hickory Valley, Tennessee, and, BEGINNING at a point on the East side of Highway No. 18 at the intersection of the old road known as A. B. Martin's Shop Road; thence East with said road 500 feet past center of I. C. Railroad tracks; thence South to a point on the old Van Buren Road, 700 feet east of the intersection of the old Bolivar and Grand Junction Road; thence West to Highway 18; thence North with said highway to a point on said Highway 18, 150 feet south of the intersection known as Herman and Lake's Corner; thence West 600 feet to a point; thence North to a point on the Hickory Valley and Mount Comfort Road, 300 feet west of the intersection of the New Hope Church Road; thence East with said road 300 feet; thence North with the New Hope Church Road to a point in front of said church; thence East to the beginning, be and the same are hereby created a body politic and corporate under the name of "Town of Hickory Valley." By said name the said corporation shall have perpetual succession, and may sue and be sued; may contract and be contacted with; and may acquire and hold property, real, personal, and mixed, and dispose of and convey the same.

Sec. 2. Be it further enacted, That the management, government and control of said municipal corporation, "Town of Hickory Valley," is hereby vested in a Mayor and Board of Aldermen, said Board of Aldermen to consist of seven (7) members until the November 2002 election; thereafter the Board of Aldermen shall consist of five (5) members. Said Mayor and the members of the Board of Aldermen shall be at least twenty-one (21) years of age and shall be

residents of said corporation for one (1) year before seeking election. [As replaced by Priv. Acts 2001, ch. 35, § 1]

Sec. 3. Be it further enacted, That in order to carry into effect immediately the provisions of this Act the following persons are hereby named, designated and appointed to constitute the first Mayor and Board of Aldermen, to-wit: Paul Woods, Mayor; John Oldham, Thomas Fawcett, J. R. Powell, J. J. Shearin, J. R. Lake, Frank Ayers, and Derby Chambers, Board of Aldermen. Said Mayor and Board of Aldermen shall immediately and prior to the discharge of the duties of their office take an oath to faithfully perform the duties of their office and to support the Constitution of the State of Tennessee and of the United States. Said Mayor and Board of Aldermen hereby named and appointed shall hold office until September 1, 1952, and until their successors are elected and qualified as hereinafter provided.

Sec. 4. Be it further enacted, That at the regular election in November 2002, and every four (4) years thereafter, an election shall be held in the Town of Hickory Valley for the election of a Mayor and Board of Aldermen as provided for under Sections 2 and 3 of this charter. The election shall be governed by the same rules and laws governing elections of State and County officers, and shall be called and held by the Election Commission of Hardeman County. Any person who is a qualified voter for members of the General Assembly and who shall have been a resident of the town for sixty (60) days immediately preceding such election and any person who is a qualified voter for members of the General Assembly and who owns real property located in the town shall be entitled to vote in the election, provided, however, in any case of multiple ownership of real property, not more than two (2) nonresident property owners who are registered voters shall be eligible to vote under this section. [As amended by Priv. Acts 2001, ch. 35, § 2; and replaced by Priv. Acts 2003, ch. 47, § 1]

Sec. 5. Be it further enacted, That the Mayor and Board of Aldermen shall on the first day of January following their election qualify by taking the oath of office prescribed for them, meet and organize and shall hold their respective offices for a term of four (4) years and until their successors are elected and qualified. Any vacancy occurring either in the office of Mayor or Board of Aldermen, for any reason, shall be filled by the remaining members of said Board electing someone to fill the unexpired term. [As replaced by Priv. Acts 2001, ch. 35, § 3]

Sec. 6. Be it further enacted, That the Mayor and Board of Aldermen of the Town of Hickory Valley are hereby empowered, and it shall be their duty to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or multiple purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Title 29, Chapter 16, or any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants or any part thereof, and, further, may issue debt for these

purposes under the Local Government Public Obligations Act, codified as Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and

clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities and take and appropriate property therefor under the provisions of §§ 731-107 – 7-31-111 and 29-16-114, or any other manner provided by general law;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, Title 7, Chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain, and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental or liable to be

detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, test and measures;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the municipality who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction.

(B) Provide by ordinance for court costs;

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts

necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(31) Call elections as herein provided; and

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated. [As replaced by Priv. Acts 2003, ch. 47, § 2]

Sec. 7. [As deleted by Priv. Acts 2001, ch. 35, § 4]

Sec. 8. Be it further enacted, That the Mayor of said Town shall have the authority and is hereby empowered to try all cases of offense against the by-laws and ordinances of said Town, and shall receive the same fees as do Justices of the Peace for like duties. No appeal shall be allowed from any judgment imposing any fine for the violation of a Town ordinance except upon the giving of security for the payment of such fine and costs.

He shall have power to administer oaths, issue warrants and legal process of said corporation, which shall run in the name of the State of Tennessee for the use of the Town of Hickory Valley, and shall be addressed to the Marshal of the said Town or to any lawful officers.

He shall impose fines, costs and penalties, and fix the punishment of offenders and commit the same to jail to await trial, or to the workhouse to serve sentence and to work out fines, costs, etc.; he shall keep a complete record of all cases in a well bound book as are kept by Justices of the Peace.

He shall keep a record of all proceedings and transactions of all meetings of the Mayor and Board of Aldermen.

He shall have the power and it shall be his duty to assess all taxable property for taxing purposes, subject to the approval and under the orders of the Board of Aldermen, and to make out the tax books for said corporation. Such assessment shall be made out on or before the first Monday in July of each year.

It shall also be the duty of the Mayor to collect all taxes levied by the said Town of Hickory Valley for any purposes. And to that end he shall be required to execute a good and solvent bond in such sum as shall be set by the Board of

Aldermen, conditioned as required by law for the faithful discharge of his duties, and that he will well and truly account for and pay over, upon order of the Board of Aldermen, all monies that may come into his hands belonging to said Town.

He shall preside over all meeting os the Board of Aldermen, call special meetings, but he shall not be entitled to vote upon any question coming before said Board.

The Mayor shall be the chief executive officer of said Town, and it shall be his duty to see that all ordinances and by-laws of the Town are enforced.

In case of the absence of incompetency or sickness of the Mayor, the Board of Aldermen may select one of their number to perform all of the duties imposed by this Act upon the Mayor.

Sec. 9. [As deleted by Priv. Acts 2001, ch. 35, § 5]

Sec. 10. Be it further enacted, That wherever in this Act any omission is made in defining the duties or authority of any officer provided for herein and which is essential to carry out the object of this Act, the Mayor and Board of Aldermen are hereby granted authority to supply such omission and they are further given power and authority to do any and everything necessary to carry out the objects of this Act.

Sec. 11. 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 shall take effect from and after its passage, the public welfare requiring it.

Passed: February 23, 1951.

McAllen Foutch
Speaker of the House of Representatives.

Walter M. Haynes,
Speaker of the Senate.

Approved: February 28, 1951.

Gordon Browning,
Governor

ACTS COMPRISING THE CHARTER OF THE TOWN OF
HICKORY VALLEY, TENNESSEE

YEAR	CHAPTER	SUBJECT
1951	261	Basic charter act.
2001	35	Replaced § 2, board of mayor and aldermen; amended § 4, elections; replaced § 5, term of office; and deleted §§ 7 and 9.
2003	47	Replaced § 4, municipal elections; and § 6, powers of the mayor and board of aldermen.