

CHARTER FOR THE TOWN OF LIVINGSTON, TENNESSEE<sup>1</sup>

CHAPTER 130

Senate Bill No. 164

AN ACT to incorporate the Town of Livingston, in Overton County, Tenn., establish the boundaries thereof, and define the powers of the same; to appoint the first Board of Mayor and Aldermen, and provide for the election of their successors, and for the appointment of all other officers and agents of the corporation, and define their qualifications, powers, and duties; to provide, when two-thirds of the qualified voters voting in an election assent thereto, for the issuance of bonds of the corporation for furnishing the town with lights and water, and for other purposes incident to the incorporation of said town.

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<sup>1</sup>Chapter 130, Acts of 1907, is the present basic charter act for the Town of Livingston. The text of the basic charter act set out herein includes all its amendments through the 2017 session of the Tennessee General Assembly.

Bond authorization acts, since of a temporary nature, have not been included herein but are listed at the end of the charter together with all the other private acts, temporary and permanent, which relate to the town and which have been passed since the granting of the present charter. Where a section of the charter has been amended, the citation of the official act or acts making such change will be carried at the end of the section or subsection so amended or in a footnote.

No changes have been made in the wording of the basic charter act as set out herein except that its amendments, a table of contents, catchlines, and footnotes have been added to facilitate its use.

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Incorporation, Name, General Powers and Boundaries

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Town of Livingston, in the county of Overton, and the inhabitants thereof are hereby constituted and declared a body politic and corporate by the name and style of the "Mayor and Aldermen of Livingston," and by that name shall have perpetual succession; shall sue and be sued, plead and be impleaded in all the courts of law and equity, and in all actions whatsoever; may purchase, receive, and hold real, personal, and mixed property in said town, and sell, lease, and dispose of the same for the benefit of said town; and may purchase, receive, and hold real, personal, and mixed property beyond the limits of said town,<sup>1</sup> to be used for the burial of the dead and for the establishment of a hospital, poorhouse, workhouse, or other house of correction, or for the purpose of owning, erecting, and operating works for supplying the town with water and lights, and may have and use a corporate seal and change it at pleasure.

The corporate limits of said town shall embrace the territory within the following boundaries -- to wit: Beginning on Good Hope Church on the Livingston and Jamestown road, running thence southwardly a straight line to the northeast corner of W. R. Smith's land; thence northwardly with said

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<sup>1</sup>Chapter 501, Private Acts of 1941, recited that it amended this section: so as to authorize and empower the Town of Livingston by and through its Board of Mayor and Aldermen, to purchase, receive, acquire, and hold, own, operate, maintain, regulate, improve, lease, sell, convey and dispose of, to mortgage what is known as the "Zollicoffer Lake Park" or farm, lying and situated west of said Town and without the corporate limits of said Town, said property lying on the south side of the main State Highway leading from Livingston to Gainesboro, Tennessee, by way of Hilham, and to execute, or cause to be executed, all deeds or other written instruments necessary and proper to transfer a valid legal title thereto.

Smith's north lines to J. J. Keeton's land; thence southwardly with said Keeton's east boundary line and southern boundary lines of said Keeton and of C. E. Myers' land westwardly to the A. L. Windle tract; thence with the southern boundary line of the A. L. Windle tract to the W. W. Goodpasture tract, and westwardly with his southern boundary lines to the F. H. Daugherty tract; thence westwardly with the south boundary of the Daugherty tract to the L. D. Bohannon tract; thence with the south line of Bohannon to the line of the H. L. Little tract, and with the south lines of this tract to the county poorhouse farm; thence with the southern lines of said farm to the line of the L. E. Estes tract, and with her southern lines to A. A. Carmack's line, and with his east, south, and west lines to L. E. Estes' west line and with her west line north to the south and west line of J. P. Collins' tract; thence northwardly with the western lines of said original Collins tract, and with Ben Randolph's west line to Bob Cooper's west line; thence northwardly with Bob Cooper's west line to D. N. Frisbie's west line, and with his line so as to include his tract to the southeast line of Campbell Oglestree's tract, and with the east lines thereof to the line of the T. E. Goff tract; thence with the western line of the Goff tract northwardly to the line of Mrs. L. E. Estes, now John R. Hogue; thence northwardly with his western line to J. R. Mitchell's line; thence northwardly with his western line to Hall's line; thence with said Hall's line to another of said Mitchell's lines; thence with Mitchell's northern lines to R. L. Mitchell, Jr.'s, line; thence eastwardly with said Mitchell's northern boundary lines, and with Dillen's north line to M. B. Capps' line (now Dillen); thence with the north lines of the Capps' tract to G. W. Dillen's line; thence east and south with the north and east lines, respectively, of G. W. Dillen to J. P. Miller's (now Henson's) line; thence east with J. W. Hensons' north line to his northeast corner; thence south with Henson's east lines to B. Eubank's line; thence running around and including the Eubank tract to a point in his southern line directly opposite the northeast corner of Good Hope Cemetery lot; thence a direct line to said northeast corner of said lot, and thence to the public road first mentioned; thence westwardly with said road to Good Hope Church so as to include said church and all other territory within the aforementioned boundary.

A.

Boundary Change No. 1

There is hereby excluded from the boundary or limits of the corporation of the "Mayor and Aldermen of Livingston" the lands lying on the extreme outer limits of the said corporation, now owned by the following named persons, to-wit:

Liz Bates  
 A. F. Ashburn  
 L. D. Bahanan

J. J. Brooks  
J. O. Collins  
E. A. Copeland  
S. A. and Cleveland Copeland  
W. S. Chatwell  
Sallie Copeland Heirs  
Mattie Crabtree  
R. T. Cooper  
A.M. Creighton  
S. B. Dillon Heirs  
W. H. Dillon  
John M. Dillon, No. 2  
B. Eubanks  
G. B. Edens  
D. N. Frisby  
K. L. French  
I. D. Goolsby  
O. D. Gunnels  
S. B. Howard, No. 11  
Hunter and Bahanan  
J. W. Henson, No. 1  
J. C. Hall  
L. P. Lacy  
H. H. Lacy  
R. L. Little  
Marvin McCormack  
Carver McCormack  
Squire Maynard  
J. R. Mitchell  
Mrs. W. P. Ogletree  
W. E. Poston  
J. H. Peek's Farm  
W. C. Price  
Nute Pierce  
J. M. Roberts  
B. O. Smith  
J. N. Smith  
O. B. Smith  
J. D. and Felix Stewart  
T. J. Stewart  
J. T. Singleton, No. 1  
E. M Thresher  
Bun, Vaughn (Burr Speeks)  
Mrs. M. J. Vaughn

A. E. West  
J. A. M. White, No. 1  
W. L. Wisner  
J. D. Webb  
J. D. Webb  
G. W. Weaver  
J. B. Waddle  
Ben Randolph  
Millard Bilbrey  
Sam Roberts  
Mrs. S. C. Mitchell

Provided, however, that only the lands lying on the outer limits of the town of Livingston as now laid out and owned by any of the above named parties shall be hereby excluded, and, provided, that all lands owned by them lying in the interior of the town are not intended to be excluded hereby; it being the intent and purpose of this Act to exclude only those lands owned by the above named persons which lie contiguous to the present boundary line, and in one body, and not their tracts which do not lie contiguous to said outlying tracts. [Priv. Acts 1915, ch. 624]

B.

Boundary Change No. 2

There is hereby excluded from the boundary or limits of the corporation of the "Mayor and Aldermen of Livingston," the following lands lying on the extreme outer limits of said corporation, and on the southern portion thereof, the farm owned by J. E. Cullom and C. J. Cullom, jointly known as the Keeton and Myers lands and being a portion thereof, bounded on the north by Chestnut Street; on the south by W. R. Officer and Clark Myers; east by Taylor and Sells and west by Billings, Almonrood, Springs and others, and extending the boundaries on the north so as to include the lands of T. C. Peek, adjoining the northern boundary of the said corporation, bounded on the north by road; south by Bob Copeland (Col.); east by the C. W. B. M. property and on the west of J. H. Peek. [Priv. Acts 1921, ch. 728]

C.

Boundary Change No. 3

There is hereby excluded from the boundary or limits of the corporation of the "Mayor and Aldermen of Livingston" the following tract of land lying on

the extreme southern outer limits of said corporation, now owned by Joe Allmonrode. [Priv. Acts 1929, ch. 171]

D.

Boundary Change No. 4

There is hereby added to and included within the boundary limits of the corporation of the "Mayor and Aldermen of Livingston," the following lands lying and being without the corporate limits of said town as now located, and on the eastern side of said corporation and facing on Highway No. 42 leading from Livingston to Byrdstown, Tennessee, and on the west side thereof, the property of J. K. Averitt to a depth of 150 feet from said highway extending back west and including his dwelling house and including his entire frontage on said highway, and also the property of S. O. Huddleston and that of Coy Zachry and said property lying immediately north and adjoining the Averitt property which property is adjoining the out boundary of the present corporation limits, and the property of Huddleston and Zachary adjoining each other and that Huddleston to the Averitt property; also, the property of C. C. Gore on the western boundary of said corporation, and facing on and lying just west of the Old Livingston and Celina Road and bounded the north by W. C. Price; south by S. V. Bowden; east by said Livingston and Celina Road and west by Brooks. [Priv. Acts 1933, ch. 466]

E.

Boundary Change No. 5

There is hereby excluded from the territory within said corporate boundaries the tract of land known as the Florence Dillon Homeplace containing approximately seven acres and bounded on the north by other lands of Florence Dillon; on the south by Freeman and Edwards and Sam Flowers; on the east by M. C. Carr; and on the west by Freeman and Maynard. [Priv. Acts 1937, ch. 839]

F.

Boundary Change No. 6

The corporate boundary is hereby amended so that certain lands of Mrs. S. V. Bowden be taken out of the corporate limits of the Town of Livingston, Tennessee; all of her said lands to be taken out except her residence and such other lots that face the city streets of said Town. [Priv. Acts 1941, ch. 502]

G.

Boundary Change No. 7

The corporate boundary is amended so as to extend the corporate limits of the Town of Livingston, Tennessee, and to embrace and include within the territory of the municipal corporation of the Town of Livingston, Tennessee, certain territory contiguous thereto, situated and being in Overton County, Tennessee, and described as follows:

Beginning at a point on the north side of Highway No. 42, the main road or highway leading from Livingston toward Byrdstown, and running north 3 degrees east 887 feet; thence north 83 degrees west 477 feet; thence south 4 degrees west 992 feet to the said highway; thence with the highway north 85 degrees east 440 feet to the beginning point, being the territory covered by what is known as the Henson and Myers subdivision, plat being recorded in the Register's Office of Overton County, in Book 84, page 319. [Priv. Acts 1947, ch. 495]

H.

Boundary Change No. 8

The corporate boundaries of said town shall likewise include the following described territory:

Beginning on the Qualls and L. D. Bohannon corner on top of mountain and running thence northwardly with the west boundary line of the L. D. Bohannon tract of land to the Jane Roberts lands; thence east with the Jane Roberts south boundary line to Carson Dishman's line; thence north with Carson Dishman's line to Verlie Ferrell's line to the upper Livingston and Hilham Road; thence westwardly with the north side of said road to the road which leads from said upper Livingston and Hilham Road by Charlie Ogletree's land; thence running northeast to the old Livingston and Celina Road to W. L. Maynord's west line to Gratton Taylor's west line; thence eastwardly 300 feet north of Seventh Street and parallel with Seventh Street to the old Miller Road near John Dillon's at northeast corner of present corporation line; thence northeast with Gunnell's line to H. B. Nevans' north and east line to, beginning at North Side of present corporation line at state Highway No. 42; and running thence southwardly with Highway 42 to where same intersects with the Livingston and Alpine Highway, thence eastwardly with said highway to the road which leads southwardly with the East line of E. D. Whites property at the present corporation line; thence southwardly with his east



line to the line of the H. P. Howard lands; thence westwardly with the line of the H. P. Howard lands and Jones' line to Chestnut Street, thence westwardly 300 feet south of Chestnut Street and parallel with Chestnut Street to the present corporate limits near the home of P. H. Windle. [Priv. Acts 1953, ch. 535]

## I.

Boundary Change No. 9

The east boundary or corporate limits of said municipality of Livingston be and the same is hereby enlarged and extended so as to include the property of Dr. H. B. Nevans, known as the Overton Motel and Restaurant property. [Ord. No. 194, June 6, 1955]

## J.

Boundary Change No. 10

There is hereby annexed to the Town of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Embracing that certain part of civil district no. 6. Town of Livingston, Tennessee, and more fully described, to-wit:

Section 1. Area number one begins at a point where Woodland Street intersects with the present City Limits and extends North Easterly to a point three hundred feet West of Highway 42 on the road leading from highway 42 across the mountain to the Airport Road. Thence from this point to a point across Highway 42 three hundred feet from the East right of way of Highway 42, thence Southerly 300 feet East of and parallel to Highway 42 to the TVA power line, thence South Easterly following the power line right of way to a point where G. C. Ledbetter and Luther Qualls line to Highway 52 and across Highway 52 to a point 300 feet South Westerly of Highway 52, thence Westerly 300 feet South and parallel to Highway 52 to a point 300 feet East of road leading to WLIV Radio Station, thence southerly 300 feet East of and parallel to the Radio Station road, thence Westerly 300 feet south of and parallel to the Radio Station road to the now existing city limits. [Ord., June 6, 1959]

K.

Boundary Change No. 11

There is hereby annexed to the Town of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Embracing that certain part of civil district No. 6. Town of Livingston, Tennessee, and more fully described, to-wit:

Section 2. Area number two begins at a point on the now existing city limits 300 feet East of Airport Road and extending Northerly 300 feet East of and parallel to Airport Road 5,000 feet, thence West to a point 300 feet West of Airport Road, thence South 300 feet West of and parallel to Airport Road to a point 500 feet North of now existing city limits. Thence West 500 feet North of and parallel to the now existing city limits to a point 300 feet East of State Highway 52, thence Northerly 300 feet East of and Parallel to Highway 52 to a point 300 feet East of intersection of Highway 52 and Old Tar Hill Road, thence West to a point 300 feet West of intersection of Highway 52 and Old Tar Hill Road, thence Southerly 300 feet West of and parallel to Old Tar Hill Road to the now existing city limits. [Ord., June 6, 1959]

L.

Boundary Change No. 12

There is hereby annexed to the Town of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Embracing that certain part of civil district no. 6. Town of Livingston, Tennessee, and more fully described to-wit:

Section 3. Area number three begins at a point 300 feet Southwest of the intersection of Sixth Street and Upper Hilham Road, thence Southeasterly 300 feet South of and parallel to Upper Hilham Road to a point 300 feet Northwest of Obe Smith Woods Road, thence Southwesterly 300 feet West of and parallel to Obe Smith Woods Road to a point 300 feet North of Elm Grove Road, thence West 300 feet North of and parallel to Elm Grove Road to a point 300 feet West of intersection of Elm Grove Road and Water Plant Road, thence Southerly 300 feet West of the parallel to Water Plant Road to a point 300 feet North of Highway 85, thence Westerly 300 feet North of and parallel to Highway 85 to a USC and GS Bench Mark No. 1038, thence South to a point 300 feet South of

Highway 85, thence Easterly 300 feet South of and parallel to the Old Hilham Road to Highway 42 and extending across Highway 42 to a point 300 feet Southeast of Highway 42, thence Easterly 300 feet East of and parallel to Highway 42 to the now existing city limits. [Ord., June 6, 1959]

M.

Boundary Change No. 13

There is hereby annexed to the Town of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Embracing that certain part of civil district(s) no.(s) 6th of Overton County, Tennessee, and more fully described to-wit:

Beginning at the present City Limits East of the right-of-way of Hwy. 42 North of the Overton Motel running 2,200 ft. North with the right-of-way of Hwy. 42 to a point at the Old School House Road 300 ft. beyond the right-of-way of the New By-Pass thence following the North right-of-way of the Old School House Road to a point where Old School House Road turns due North to Carr Subdivision thence in a westwardly direction 300 feet North of the right-of-way of the By-Pass to a point in the Right-Way of Airport Road thence 3,000 ft. Northwardly on the East side of Airport Road to the North East Corner of W. T. Vaughns property thence West with W. T. Vaughn's line to a point in George Ogletree's line this being the North West corner of W. T. Vaughn property thence due West a straight line through George Ogletree's property to a point in Hurbert Dillon's line thence continuing a straight line due West through Dillon Property to a point beyond Charles Boles property on Hwy. 52, thence following the West right-of-way of Hwy. 52, 3,500 ft. South to the present City Limits. [Ord. No. 100, Oct. 6, 1975, as amended by ord. No. 101, Mar. 1, 1976]

N.

Boundary Change No. 14

There is hereby annexed to the City of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

AREA 1

Beginning at a point in the existing city limits same being the southwest corner of the property listed as parcel #49 on Sheet 44 of the Overton County tax

maps; thence north along said parcel western property line to the northwest corner; thence along the said property northern property line to the northeast corner same being a point in the western property line of parcel #51 of the same tax map; thence north along said property line to the northwest corner; thence due north to a point 300 feet south of the southern right-of-way of the Tower Hill Road; thence in a westerly direction parallel with and 300 feet south of the said road to a point in the eastern property line of parcel #10 of the said tax map; thence northeast along the said property line to a point in the centerline of the Tower Hill Road; thence northwest with the centerline of the said road approximately 350 feet; thence north along the back property lines of the lots that front on Ironwood Avenue of the Hidden Valley Estate Subdivision to a point 150 feet north of Valley Drive of said subdivision; thence east along the back property lines of the lots that front on Valley Drive to a point in the back property lines of the lots that front Golf Club Lane; thence north along the said property line to the northeast corner of the said subdivision thence in a southeasterly direction approximately 1,600 feet to a concrete monument in the western right-of-way of State Highway 52; thence south along the western right-of-way of the said highway to a point in the southeastern corner of the property listed as parcel #107 on Sheet 36 of the Overton County tax maps; thence east crossing said State Highway 52 to a point 300 feet east of the eastern right-of-way of the said highway; thence south parallel to and 300 feet east of the said state highway to a point in the existing city limits; thence easterly along the existing city limits to the point of beginning. Contains 573.5 acres +.

#### AREA 1-A

Beginning at a point in the existing city limits and the southern right-of-way of Elliom Grove Road; thence in a westerly direction with the southern right-of-way of said road to the intersection of said road and a gravel road; thence in a northerly direction with the western right-of-way of said gravel road approximately 600 feet; thence leaving said gravel road to a corner in the existing city limits located 400 feet southwest of the Upper Hilham Road; thence in a southerly direction with the existing city limits to the point of beginning. Contains 27.8 acres +. [Ord. No. 106, May 22, 1979]

O.

#### Boundary Change No. 15

There is hereby annexed to the City of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

## LEGAL DESCRIPTION

Beginning at the northeastermost corner of the existing city limits of Livingston, same being a point in the western right-of-way of State Highway 52; thence east with the said right-of-way 200 feet; thence east crossing the said State Highway 42 to a point on the southwest corner of the Deloy Miller property; thence east along Miller's southern property line to Clyde Shaw's southwest corner; thence southeast along Shaw's southern property line to a point in Lee Dillions western property line; thence south along Lee Dillion's property to Dillions southwest corner same being a corner for George Ogletree and E. G. Quarles; thence south along Ogletree's western property line to Hubert Dillion's northeast corner; thence west along Hubert Dillion's northern property line to his northwest corner; thence along his western property line to a point in the existing city limits; thence west along the said city limits 550 feet; thence north along the said city limits to the point of beginning. Contains 83 acres more or less. This description encompasses the properties of E. G. Quarles, Jerry Shipley, George Brown, P. H. Windle and a portion of State Highway 52. [Ord. No. 112, Aug. 3, 1981]

P.

Boundary Change No. 16

There is hereby annexed to the City of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Beginning at a corner of the existing city limits being in the northern right-of-way of Airport Road; thence crossing said road and continuing in an easterly direction 280 feet along the southern right-of-way of Airport Road; thence southerly 150 feet to the northeast corner of Brite Cooper; thence southerly 880 feet along a line crossing Carr Avenue to the southeast corner of John O. Smith; thence southerly 230 feet to the northwest corner of Fate Ferrell; thence southerly 230 feet along the eastern right-of-way of an alley to the northern right-of-way of Rock Crusher Road; thence continuing in the same direction 365 feet and crossing Rock Crusher Road to a point in the northern boundary of Gary R. Hogue; said point being 250 feet east of the eastern right-of-way of Airport Road; thence easterly 850 feet along the northern boundary of Buena Vista Subdivision to a point in the northeast corner of Coy D. Johnson; thence continuing easterly 1,070 feet along the northern boundary of Buena Vista Subdivision and crossing Long Street to a point in the eastern right-of-way of Long Street; thence southerly 320 feet along said right-of-way to the existing city limits; thence westerly along existing city limits 2,430 feet to a point in the eastern right-of-way of Airport Road; thence northerly 2,330 feet

along the existing city limits to the point of beginning. Being 40 acres more or less. [Ord. No. 114, Dec. 1, 1981]

Q.

Boundary Change No. 17

There is hereby annexed to the City of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Beginning at a point in the existing city limits same being a point in the northern property line of Lot 58 of the Hidden Valley Estates; thence west with the said property line to and with the back property line of Lots 118 and 119; thence south with the west property line of Lot 119 to the northern right-of-way of Mountain Drive; thence west and south with Mountain Drive to a point in the western right-of-way of Palmer Place; thence south with Palmer Place to and crossing Mountain Drive to a point in the existing city limits; thence east and north with the existing city limit to the point of beginning. Contains 42 acres more or less.

This legal description refers to the lot numbers and names as indicated on the Hidden Valley Estate plat filed with the Overton County Register of Deeds in Plat Book 1, page 60 on December 31, 1979. [Ord. No. 115, Dec. 1, 1981]

R.

Boundary Change No. 18

There is hereby annexed to the Town of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Beginning at the intersection of the existing Livingston city limits and the northern right-of-way of State Highway 85; thence west with the northern right-of-way of State Highway 85 to a point in line with the western right-of-way of Windle Road; thence southwest crossing State Highway 85 to and with the western right-of-way of Windle Road to a point in line with the southern property line of the Livingston Industrial Park; thence easterly crossing Windle Road to and with the said property line to and with the northern right-of-way of a section of Joe Hammock Road to the southeast corner of the said property; thence north with the eastern property line and western right-of-way of the Joe Hammock Road to the northeast corner of tract #9 of the Industrial Park; thence

west with the northern property line of tract #9 and the southern right-of-way of Joe Hammock Road to a point in the eastern right-of-way of the new access road to the Industrial Park; thence north with the said right-of-way to the southern right-of-way of State Highway 85; thence east with the State Highway 85 southern right-of-way to a point in the existing city limits; thence north crossing State Highway 85 with the existing city limits to the point of beginning. Contains 121.3 acres more or less. [Ord. No. 116, May 3, 1982]

S.

Boundary Change No. 19

There is hereby annexed to the Town of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present boundaries:

Beginning at a point in the existing city limits and the western right-of-way of Old County House Road; thence south with the western right-of-way approximately 1375' to a point directly across Old County House Road from Lloyd Marshall's southern property line; thence easterly crossing Old County House Road and continuing along Marshall's southern line to a corner of Marshall's property; thence northerly along Marshall's line to a corner of Marshall's property; thence westerly along Marshall's line to a corner of Marshall's property in the eastern right-of-way of Old County House Road; thence northerly approximately 530' along the eastern right-of-way of Old County House Road to the existing city limits. [Ord. No. 117, May 3, 1982]

T.

Boundary Change No. 20

There is hereby annexed to the Town of Livingston, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Beginning at a point in the intersection of the existing city limits and the eastern right-of-way of State Highway 42, same being the northwest corner of W. H. McCormick; thence southerly approximately 200 feet along the eastern right-of-way of State Highway 42 to a point; thence easterly approximately 230 feet to the southwest corner of Earnest Ledbetter; thence southeasterly along Ledbetter approximately 200 feet to Ledbetter's southeast corner, same being in the western right-of-way of Old County House Road; thence southerly approximately 100 feet along the west right-of-way of County House Road to a point in line with the northwest corner of Malcolm D. Clark; thence easterly

approximately 1050 feet crossing said road and along Clark's northern boundary to the northeast corner, same being a corner in Herbert Qualls' property; thence continuing easterly 860 feet along Qualls to a corner; thence northerly approximately 620 feet along Qualls' boundary to a corner; thence easterly approximately 460 feet along Qualls' boundary to a point in the existing city limits; thence northwesterly approximately 1940 feet along the existing city limits to a corner of the existing city limits; same being a point in the eastern right-of-way of Old County House Road; thence southwesterly approximately 540 feet along the existing city limits; thence easterly approximately 600 feet along the existing city limits to a corner; thence southwesterly approximately 940 feet along the existing city limits to a corner; thence southwesterly along the existing city limits approximately 100 feet to a point in the eastern right-of-way of Old County House Road, thence crossing said road along the existing city limits to a point in the western right-of-way of Old County House Road, being a corner of the existing city limits; thence northeasterly approximately 1400 feet along the western right-of-way of Old County House Road, same being the existing city limits; thence northwesterly approximately 50 feet along the existing city limits to a corner; thence southwesterly approximately 900 feet along the existing city limits to a corner; thence southerly approximately 500 feet along the existing city limits to a corner; thence northwesterly approximately 90 feet along the existing city limits to the point of beginning, containing approximately 48.6 acres. [Ord. No. 121, Nov. 1, 1982]

U.

Boundary Change No. 21

The following described property is annexed into the corporate limits of the Town of Livingston.

Beginning at a point in the corporate boundary of Livingston, Tennessee, said point being in the south right-of-way of Mountain Drive in the Hidden Valley Subdivision; thence west approximately 200 feet along the south right-of-way undeveloped extension of Mountain Drive; thence in a northerly direction approximately 60 feet across the right-of-way for Mountain Drive and continuing in the same northerly direction approximately 170 feet along Geraldine Copeland's west property line (Tax Map 44-D A-26); thence west approximately 55 feet; thence north approximately 220 feet along Geraldine Copeland's west property line (Tax Map 44-D, A-25); thence east approximately 270 feet to the current Town of Livingston corporate limits; thence south approximately 470 feet along the current Town of Livingston corporate limits to the point of beginning. (As shown on attached map.) [Ord. No. 126, Aug. 4, 1986]



Governing Body and Its Term of Office and Election

Sec. 2. Be it further enacted, That the government of said Town shall be vested in a Mayor and six (6) Aldermen. Beginning with the June 2008 election, upon the expiration of the terms of the Mayor and Aldermen, the Mayor and Aldermen shall be elected from the Town at-large for four-year terms by all persons eligible to vote in Town elections. [As replaced by Priv. Acts 1972, ch. 413; and by Priv. Acts 2001, ch. 58, § 3; and Priv. Acts 2007, ch. 13, § 1]

Mayor

Sec. 3. (a) Be it further enacted, That the Mayor shall hold his office for four (4) years, and until his successor shall be elected and qualified. No person shall be elected a Mayor who is not at the time a citizen of the State of Tennessee, a qualified voter, and for one year a bona fide resident in said town. The Mayor shall be ex-officio Recorder, but may decline to perform the duties of Recorder, in which case a Recorder shall be appointed as hereafter provided. He may fill all vacancies occurring in offices, except that of Aldermen, until the same be filled in the manner provided by this Act, and he shall receive a compensation or salary to be fixed within the limitation of this Act by the Board of Aldermen, which shall not be increased or diminished during his term of office. It shall be the duty of the Mayor, unless relieved by the Board of Aldermen, to preside at all meetings of the Board, but he will not be permitted to vote for any officer or agent, nor upon any measures, proposition, or ordinances before the Board except in case of a tie, and he shall then give the casting vote. In the event he is absent, or does not preside, such member of the Board of Aldermen shall preside as they may determine by majority vote or ordinance.

It shall be the duty of the Mayor to see that all ordinances and laws of the town are duly enforced, observed, and obeyed, and he shall, on application, instruct officers in their duties. Before entering on the duties of his office he shall take an oath to faithfully demean himself in office and discharge the duties thereof. It shall be his duty from time to time to lay before the Board of Aldermen in writing all matters and things he may deem it important to have acted upon, accompanied with suitable recommendations, and to cause special sessions of the Board of Aldermen whenever he may deem it necessary or expedient, at which special sessions no other business than that for which the session is called shall be transacted. He may remit wholly or in part fines, costs, forfeitures, and penalties imposed by the corporate courts, but shall make a report of such remissions to the next meeting of the Mayor and Aldermen, together with his reasons therefor.

For any malfeasance or misfeasance in his office as Mayor he shall be subject to be charged by the Board of Aldermen and fined, and dismissed from his office as the Aldermen may in their wisdom determine for the best; and on such trial the aldermen shall elect by ballot one of their number to preside, and all shall take an oath to faithfully and impartially try and render judgment on such trial, but at least five of the Board of Aldermen shall concur in a finding of guilt and in a verdict before such verdict shall be valid or binding.

(b) **MAYOR'S ABILITY TO INSTRUCT OR DIRECT OFFICERS, SUPERVISORS AND EMPLOYEES IN THEIR DUTIES.** The Mayor of the Town of Livingston, a municipal government, is the immediate supervisor of all the Town of Livingston's officers, supervisors, and employees. The Mayor's orders or directions are to be followed and obeyed by all officers, supervisors and employees of the Town of Livingston. The only exception to this requirement shall occur if the order or direction from the Mayor to the officer, supervisor or employee would result in either an illegal or unsafe act. Other than for such exception, any officer, supervisor, or employee who fails to obey an order or direction from the Mayor is guilty of insubordination and such officer, supervisor or employee will be subject to suspension or dismissal from employment by the Board of Alderman. [As amended by Priv. Acts 2007, ch. 13, § 2; and Priv. Acts 2007, ch. 35, § 1]

#### Board of Aldermen<sup>1</sup> -- Other Officers

Sec. 4. Be it further enacted, That no person shall be an Aldermen unless he be a citizen of the State of Tennessee, a qualified voter, and for one year a bona fide resident in said town. Each Aldermen [Alderman], before entering on the duties of his office, shall take an oath to faithfully demean himself in office and discharge the duties thereof. Aldermen shall receive no compensation for their services as such.

The Board of Aldermen shall have full power and authority to appoint and elect all officers, servants, and agents of the corporation as they deem necessary, and, within the restrictions of this Act, fix the pay and compensation of the same; and they shall have power, for sufficient cause, to dismiss and discharge any officer or agent they may appoint by a majority vote of the Aldermen. All vacancies in the Board of Mayor and Aldermen shall be filled for the unexpired

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<sup>1</sup>Chapter 641, Private Acts of 1917, provided as follows: ...the Board of Mayor and Aldermen of said Town of Livingston shall be charged with the duty of maintaining the roads and streets within said town and shall have power to levy road taxes and otherwise provide for the working of the roads within said corporate limits.

term by a majority vote of the remaining Aldermen. Four Aldermen shall constitute a quorum to transact business, and Aldermen shall hold their office for four years,<sup>1</sup> and until their successors are elected and qualified. Every Aldermen [Alderman] guilty of malfeasance or misfeasance in office shall be subject to be charged and tried by the Board of Aldermen and fined or dismissed from his office as in their wisdom they may deem for the best, and on such trial the Mayor shall preside and have the casting vote, the concurrence of a majority being necessary to a verdict.

Before entering on such trial each Alderman and the Mayor shall take an oath to faithfully and impartially try the accused and pass judgment. [As amended by Priv. Acts 2001, ch. 58, § 2]

### Miscellaneous Ordinance Powers

Sec. 5. Be it further enacted, That the Mayor and Aldermen of the town of Livingston shall have full power and authority by ordinance within the town:

1. To levy and collect taxes upon all property taxable by law for State purposes; Provided, that the ad-valorem assessment on property for the purpose of meeting the current expenses of the corporation shall not exceed 60 cents, and for the purpose of providing for the existing debts as a special tax shall not exceed 15 cents on the \$100, said corporation being allowed to pay interest on its bonded indebtedness out of the fund levied for current expenses.

2. To levy and collect taxes upon all privileges and polls taxable by law for State purposes.

3. To appropriate money and provide for the payment of the debts and expenses of the town.

4. To make regulations and laws to secure the health, safety, peace, and comfort of the town, determining what shall be deemed nuisances, and removing, preventing, and abating the same.

5. To make regulations and laws to prevent the introduction and spreading of contagious diseases, and to establish pest houses and hospitals.

6. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and repair streets, alleys, sidewalks, and pavements, and to fix and determine the boundaries and locations of lots, streets, and alleys, and to declare and determine what streets shall be opened and graded and what sidewalks and pavements shall be built, and the width and quality of the same, and the amount of money to be expended thereon; and if the owner of the grounds, or abutting property, shall fail to comply with the provisions of such laws and ordinances as may be duly enacted by the Board of Mayor and

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<sup>1</sup>For later provisions providing for four (4) year terms, see § 2 in this charter, as amended.

Aldermen for the construction and repairing of the sidewalks and pavements, within such time as may be prescribed thereby, and in the manner prescribed by such ordinance, the corporation may contract with some suitable person, on the best terms that can be made for the construction and the repairing of such sidewalks and pavements, and pay for the same out of any moneys in the treasury of the town, and the amount so paid and expended shall constitute a charge against the owner of the abutting real estate on which said work shall be done, and a lien on said real estate, to be recovered by suit, in the name and for the use of the corporation, before any court of law or equity having jurisdiction of the amount, and the amount so paid shall be a lien on said lots or grounds, which said lien shall be enforced as other valid liens on real estate are now enforced in courts of equity; Provided, that a reasonable compensation shall be paid to any person whose ground may be taken or right affected in widening or extending streets and pavements; and such grounds shall not be taken and used for the purposes aforesaid, unless by consent of the owner, until such compensation and damages have been fixed, declared, and paid, or secured, or an offer to pay and secure the same has been made, and a refusal to receive said pay or damages by the owner; and, Provided, that said compensation or damages may be fixed by three disinterested persons, citizens of said town and landowners therein, to be selected by the Mayor and Aldermen and the person owning the ground, the Mayor and Aldermen selecting one, the owner of the ground selecting one and these two selecting the third; and in case of the refusal of one of the parties to select such disinterested person, then the party desiring the valuation or assessment of damages shall select five disinterested persons to make and report the same. No person shall be selected who has a like question pending for settlement.

7. To erect, establish, and keep in repair bridges, sewers, channels for running water, creek beds, culverts and gutters, and to purchase, contract for, construct, own, or lease and operate works and plants for furnishing water and light to the town, or to contract with any light or water company, or with any person, to furnish light and water for the town, and to pay for same, and to construct cisterns and water tanks and bore or dig wells.

Also, to confer upon any person or corporation by franchise duly passed by ordinance the right to enter upon the streets, alleys, and other public properties of said city for the purpose of laying water mains, pipes, hydrants, and other fixtures and erecting all necessary buildings and equipment therein, with the right to such person or corporation to maintain and keep the same in repair, together with the right to acquire, own, construct, operate and maintain a water system or plant in the City of Livingston, and to distribute, supply and deliver water to said City and the inhabitants thereof and of adjacent territory, using such streets, alleys, and other public property as is deemed necessary, with the power to invoke the eminent domain laws of the State where necessary in order to use private property in and adjacent to said town of Livingston and the right to do and perform all acts necessary and convenient in the acquisition

and installation of a water system or plant in said city and in the management of its said business, for any definite period of time not exceeding fifty (50) years. Also, to have the power to contract with such person or corporation for furnishing water to said city at a price to be agreed upon by and between the Mayor and Aldermen of the town and the owner of such water system. Also to have the power to sell and convey by deed to be duly executed by the Mayor and Recorder of the City of Livingston, conveying the title thereto in fee, or leasing for a term not exceeding fifty years, a lot 99 x 99 feet located on Spring Street in said City at what is known as the Old Town Spring on the old Celina road, at such price and upon such terms as may be mutually agreed upon, same to be used exclusively for the benefit and promotion of a water system in and for the town of Livingston.

The Mayor and Aldermen shall also have power to attach to such franchise grant to any person or corporation a condition or provision permitting the Board of Mayor and Aldermen to purchase the property of such water company after ten (10) years on a valuation to be agreed upon by the city and the water company and the Railroad and Public Utilities Commission of the State of Tennessee, as may be determined by the Board of Mayor and Aldermen, and contained in the ordinance granting the franchise. It is hereby declared that the title to said lot or parcel of land 99x99 feet located at the Old Town Spring on the old Celina road, being a part of a tract of forty acres of land conveyed by Joseph Gore and Ambrose Gore to Jonathan Douglas, Joseph Copeland, Adam Gardenshire, Henderson Bates, Jacob Smelser, John B. Murphy and John Jackson, as commissioners for the use and benefit of the town of Livingston and their successors in office forever, dated August 10, 1833, and registered in Deed Book "F," page 407, of the Register's office of Overton County, Tennessee, all said commissioners having died without making a formal conveyance thereof to the town of Livingston, is now vested in the town of Livingston and may be conveyed or leased by the Mayor and Aldermen for municipal purposes. The Mayor and Aldermen shall have power at the expiration of any period fixed in such franchise for the purchase or re-purchase of the properties of any water company which may serve the town of Livingston and its inhabitants, and to that end shall have power, to purchase same on an affirmative vote of the people at an election to be held according to law, at which a majority of the votes cast in such election held for the purpose, shall vote in favor of purchasing or acquiring the water plant, water system and its properties and appurtenances which may be constructed under such franchise as may be granted by said Mayor and Aldermen. Upon an affirmative vote as aforesaid, bonds may be issued for the purpose of paying for such properties of such water company; but no election shall be held until after the expiration of the time fixed in the franchise for the acquisition of the properties of the water company, and thereafter an election or elections may be held, but not oftener than once every two years, for the purpose of determining whether or not the town of Livingston shall acquire the water system and operate the same; and in

case said water system shall be acquired in the manner aforesaid, then full power is given to the Mayor and Aldermen to operate such water system as fully as if same were owned and operated by private persons. [This subsection appears as amended by Priv. Acts 1929, ch. 242]

8. To establish, support, and regulate a night watch and patrol and day police, and to organize and support a fire company and supply the same with quarters, uniforms, engines, hose, hooks and ladders, and other necessary equipment.

9. To erect market houses, establish markets, and regulate the same, and the vending of meats, poultry, fish, and vegetables; and to provide for the erection, fitting up, and repairing of all buildings which may be necessary for the use of the town.

10. To provide for establishing parks and for enclosing and improving and regulating the same, and all public grounds belonging to the town, in or out of the corporate limits.

11. To license, tax, and regulate auctioneers, grocers, merchants, druggists, retailers, taverns, brokers, shavers, bankers, confectioners, coffee houses, restaurants, professions, insurance companies and agents, hawkers, peddlers, artists, livery stables, billiards, pool rooms, nine-pin and ten-pin alleys, drays, hacks, wagons, and omnibuses, and all other business and occupations lawful to be carried on and conducted within the corporate limits of the town, and which are taxable by the State; Provided, that no tax shall be imposed on any business for calling or property exempted from taxation by the State.

12. To license, regulate, and suppress theatricals and other shows, exhibitions, and amusements, and to regulate and suppress all disorderly houses and assemblies.

13. To provide for the prevention and the extinguishment of fires, to regulate and restrain or prohibit the erection of wooden buildings in any part of the town, and to order the removal and prevent the carrying on of manufactories, such as mills, bakeries, sash and blind establishments, and all other business regarded as dangerous in causing fires and explosions; to regulate the storage of gunpowder and all combustibles and explosives, and the use of lights and stovepipes in all stables, shops, and other places, and to provide for the cleaning, sweeping, and burning of chimneys and flues.

14. To establish and regulate all inspections, weighings, and measurings, not otherwise provided by law, within the corporate limits of said town.

15. To restrain and prohibit gaming and gaming houses; and should tippling houses be allowed at any time by law within the corporate limits, to regulate and restrain the same; to erect pumps and waterworks on streets and alleys, and abolish, close, and fill up tanks, wells, and sinks.

16. To impose fines, forfeitures, and penalties for the breach of any law or ordinance of the town, and to provide for the collection of the same; to impose workhouse sentence not to exceed six months.

17. To provide for the arrest and confinement until trial of all rioters, drunken and disorderly persons in the town by day or night, and to authorize the arrest and detention of all persons found violating any ordinance of said town.

18. To regulate and to punish by pecuniary fines and penalties and workhouse sentences not exceeding six months all breaches of the peace, noise, fighting, drunkenness, vagrancy, disorderly conduct, and disturbances by day and by night within the corporate limits.

19. To prevent and remove all filth in the town, and to require landowners to remove or sink all pools, ponds, or thoroughly drain same; to prevent and remove all encroachments into and obstructions upon all streets, lanes, alleys, sidewalks, and pavements, and for the cleaning of the same.

20. To erect and establish a workhouse, or house of correction, and organize the same in or near the town, and any person who shall fail or neglect to pay any fine and costs or secure the same, or give bond to appear to work out his fine and costs as may be required, shall be committed to the workhouse until such fine and costs are paid or secured, and for such time as may be adjudged; and every person so committed shall work for the town at such labor as his or her health shall permit, within or without said workhouse, not exceeding ten hours each day, and for such work shall be allowed, exclusive of board, a credit upon such fine and cost of such amount as may be fixed by the Mayor and Aldermen for each day of work until the whole is discharged, when such person shall be released.

21. To appoint a City Marshal, with a sufficient police force; a Health Officer; a City Attorney; a Recorder, who shall be ex-officio Treasurer; a Building Inspector; a Street Superintendent; and all such other officers and agents as the necessities of the corporation may require and as the Board of Aldermen shall determine are needed, and fix and declare their pay and compensation; Provided, that the City Attorney and Recorder shall be compensated for their services by fees and commissions on taxes and other revenue, to be fixed by the Board of Mayor and Aldermen, and such fees to be collected in each case from the defendant in all cases where the defendant is found guilty, but in no case shall the town be liable for any such fees.

22. To designate and inclose a plat of ground in or near the town not to the annoyance of any citizen, where all speeding of horses and other animals and where all exhibitions and shows of stock and jockeyings may be conducted, and prohibiting the same in other portions of the town under penalties prescribed by ordinance.

23. To take charge of and care for any lunatic or crazy person that may be found at large within the corporate limits, and make such disposition of such

person as may be deemed proper, and to recover by suit from any one chargeable by law for such care and keeping.

24. To pass all-by-laws and ordinances for the government of the town and the rightful enjoyment of the power herein conferred, and the regulation of the officers and agents of the corporation, as may be deemed necessary, and possess and exercise the power to pass all reasonable ordinances for the regulation and preservation of public morals, the health and peace and good order of the town conferred by the code on municipal corporations; Provided, they be not incompatible with the Constitution and laws of the land.<sup>1</sup>

### Marshal

Sec. 6. Be it further enacted, That the Marshal of the town of Livingston shall take an oath to perform well and truly the duties of his office, and he shall have full power and authority within the corporate limits to execute all State warrants which may come into his hands, as may now be done by District Constables under existing laws, and to execute without the corporation all criminal process issued by the officials of the corporation for offenses committed against it.

### Recorder

Sec. 7. Be it further enacted, That the Board of Aldermen shall have power and authority, in the event the Mayor shall decline in writing to perform the duties thereof, to elect and appoint a Recorder, who shall be invested with

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<sup>1</sup>Chapter 294, Private Acts of 1937, purported to amend this section by authorizing the board of mayor and aldermen to issue \$35,000.00 in coupon bonds to construct and equip an auditorium for the city provided a referendum was held and two-thirds of all the qualified voters voting therein approved such action.

Chapter 405, Private Acts of 1939, purported to add a new section 5-A to this charter. Said new section authorized the board of mayor and aldermen to issue \$5,000.00 in coupon bonds for street surfacing in the city provided a referendum was held and two-thirds of all the qualified voters voting therein approved such action.

Chapter 406, Private Acts of 1939, also purported to add a new section 5-A to this charter. Said new section authorized the board or mayor and aldermen to issue \$5,000 in coupon bonds for street surfacing and/or refunding street improvement bonds provided a referendum was held and a majority of all the qualified voters voting herein approved such action.

These three acts are not set out herein because they are of a temporary nature and have no general or lasting significance.



the powers of a Justice of the Peace, and hold his office for two years, and until his successor shall be elected and qualified. He shall have jurisdiction in all cases for violations of the criminal laws of the State, as other Justices of the Peace, and shall have jurisdiction over and shall hear and determine all breaches of the law and violations of the ordinances of the town, and be empowered to impose fines and costs in all cases of violations of the ordinances of the town, whether the defendant plead guilty or not guilty, and preserve and enforce order in his court as other Justices of the Peace may now do. The Recorder shall take the oath of office as prescribed for Justices of the Peace before entering upon the duties of his office. The Recorder, if not the Mayor, may be an Aldermen [Alderman], a Justice of the Peace, or other person the Aldermen may elect. All fines imposed by the Recorder for violations of the ordinances of the town shall be paid into the town treasury, to be appropriated in such manner and for such purposes as the Board of Mayor and Aldermen may determine. Appeal shall lie from the judgments of the Recorder as are now allowed by law from Justices of the Peace.

#### Municipal Taxes<sup>1</sup>

Sec. 8. Be it further enacted, That all taxes levied and assessed by the Mayor and Aldermen on property shall have the same lien (subject to State taxes) as is prescribed by law for State taxes, and in assessing and imposing taxes the basis and mode of assessment prescribed by law for State taxes may be observed with such modifications as may be deemed suitable and proper for the town as set forth in the ordinances thereof. All taxes shall be collected by the Recorder in the same manner as State taxes are collected by law, and on failure to pay municipal taxes the Recorder will issue his distress warrant, and such taxes may be collected in the manner provided by ordinance of the town, and the several courts of the State shall have jurisdiction to enforce the collection of such municipal taxes in the manner provided for the collection of State taxes.

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<sup>1</sup>Chapter 30, Private Acts of 1957, provided as follow:

Be it enacted by the General Assembly of the State of Tennessee, That all funds collected and/or allocated to the Town of Livingston as its portion of the State Sales Tax shall be earmarked and expended only for Debt Service; and no part of the same shall be used or diverted from such purpose. Any official violating the provisions of this Act shall be guilty of a misdemeanor and punishable accordingly.

### Bonds and Reports of Officers

Sec. 9. Be it further enacted, That the corporation shall take from its officers and agents bonds in such amounts and such conditions as may be lawful for the faithful discharge of duty and the sure accounting for and paying over of all moneys that may come into their hands, and it shall be unlawful for any such officer or agent empowered to receive the moneys of the corporation to enter upon the duties of his office until he shall have executed a good and sufficient bond and same has been approved by the Mayor in writing, and all such officers and agents of the corporation shall make quarterly reports under oath to the Mayor of the transactions and business of their office, showing in detail the amount of money received and from what source and the disposition of the same, and the Mayor shall keep a record of said reports and publish the same quarterly in the town paper as information to the public, and cause the same to be spread upon the minutes of the Board.

### Property Conveyances and Uses<sup>1</sup>

Sec. 10. Be it further enacted, That the Mayor and Aldermen shall have full power and authority to sell and convey, lease, and otherwise dispose of all property, real and personal, belonging to the corporation as to them shall seem best.

All conveyances of property to the corporation shall be made to the Mayor and Aldermen, and all conveyances from the corporation shall be executed by the Mayor officially.

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<sup>1</sup>Chapter 19, Private Acts of 1925, authorized the board of mayor and aldermen to convey in fee simple the title to three (3) specifically described tracts of land.

Chapter 501, Private Act of 1941, authorized the board to purchase, convey, etc., "Zollicoffer Lake Park" or farm.

Chapter 78, Private Act of 1955, provided:

That all net rentals received from rental of any and all municipally owned buildings in all municipalities of the State having a population of not more than 2320 and not less than 2310 by the Federal census of 1950 or any subsequent Federal census, shall be applied to the retirement of any and all outstanding bonds, or interest thereon, which were issued for the construction of municipal buildings by such municipality; provided, that this Act shall in nowise modify, alter, or abrogate any existing pledges of such rentals heretofore at any time lawfully made by the governing body of such municipality.

### Correction of Tax Assessments

Sec.11. Be it further enacted, That the Board of Aldermen shall have power to correct the assessment of taxes and reduce and enlarge the same in all proper cases, upon notice to the taxpayer, and release the same when improperly assessed.

### First Governing Body

Sec. 12. Be it further enacted, That the present Board of Mayor and Aldermen under the old charter shall constitute the first Board of Mayor and Aldermen under this charter, and shall consist of the following persons -- to wit: Dr. M. B. Capps, Mayor; J. W. Henson and R. L. Mitchell, Jr., Aldermen from the First Ward; M. O. Ward and Dr. R. L. Burks, Aldermen from the Second Ward; T. F. Stephens and J. W. Rich, Aldermen from the Third Ward; and they shall hold their office and exercise all powers conferred and perform all the duties imposed by this Act until their successors have been duly elected and qualified.

### Municipal Elections

Sec. 13. (a) Be it further enacted, that on the first Wednesday in June 2002, and on the same day biennially thereafter an election shall be held at a place or places designated by the Mayor and Board of Aldermen for the purpose of electing Aldermen and Mayor for said Town whose terms of office shall be as follows:

Mayor for four (4) years commencing on the 1st day of September following the election; and

Aldermen for a term of four (4) years commencing on the 1st day of September following the election.

Said Officials shall serve in their respective capacities until the expiration of the terms of office as stated and until their successors are duly elected and qualified.

There shall be six (6) Aldermen for the Town of Livingston with three (3) being elected every two (2) years for a four (4) year term. Candidates shall run citywide, with all persons eligible to vote in City elections voting for three (3) candidates. The three (3) candidates receiving the highest number of votes shall be elected.

(b) The Mayor and Board of Aldermen, in office at the time, shall appoint officers, judges, and clerks to hold said election in compliance with the general election laws of the State of Tennessee.

(c) All persons of lawful age, and either residents or property owners, are qualified to vote in said election, and the Officers holding said election shall certify the returns to the existing Mayor and Board of Aldermen, who shall canvass the same and declare the result; should there be a tie, they shall decide the election by a majority vote. [As amended by Priv. Acts 1953, ch. 535, § 2; replaced by Priv. Acts 2001, ch. 58, § 1; and amended by Priv. Acts 2007, ch. 13, § 3]

#### Bonds for Electric Light Plant

Sec. 14. Be it further enacted, That in the exercise of the power herein granted to the Mayor and Aldermen to purchase, contract for, construct, own, or lease, and operate works for lighting the town, it shall be lawful for the Mayor and Aldermen to issue for that purpose coupon bonds of the corporation under the restrictions and in the manner hereinafter provided, not to exceed in the aggregate the sum of five thousand dollars, and the proceeds of said bonds shall be used alone and exclusively for the purpose of providing the town with a plant or works for lighting the same. Said bonds shall be of such denominations, bear such interest, not exceeding five per cent per annum, and be due at such time, not less than five nor more than twenty years, and be payable at such times and place as the Mayor and Aldermen shall determine. The bonds shall in no case be sold for less than par, and the coupons attached shall be receivable at maturity for all taxes and dues to the corporation, except the sinking fund, provided for in this Act; Provided, that said bonds shall not be issued unless authorized by a two-thirds majority of the votes cast by the qualified voters voting at a town election to be held by order of the Mayor and Aldermen at any time and as many times as the Mayor and Aldermen may deem necessary after thirty days' notice of such election has been given by publication. The Mayor and Aldermen shall appoint the Officers, Judges, and Clerks to hold said election under the law regulating the election of members of the Legislature, and the officer holding the same shall certify the returns to the Aldermen, who shall canvass the same and declare the result.

#### Sinking Fund for Electric Light Plant Bonds

Sec. 15. Be it further enacted, That before any bonds are issued under the provisions of this Act for furnishing lights for the town, the Mayor and Aldermen shall provide by ordinance for a sinking fund for retiring the bonds by levying a tax not exceeding twenty cents on one hundred dollars, to be designated the "Sinking Fund Tax," to run with the bond, to be collected

annually, and to be used exclusively for the purpose levied, to be sufficient, with its accumulation, as near as may be estimated, to meet or retire the principal of said bonds by their maturity; and for the management and application of the sinking fund, the Mayor, Recorder, and one of the Aldermen, to be elected by the Board of Aldermen, shall constitute a Commission, known as the "Sinking Fund Commission," and said Commissioners shall take an oath to faithfully discharge their duties, and give bonds under such penalties and conditions, and serve for such compensation as may be prescribed by ordinance, and it shall be their duty as Commissioners to receive the sinking-fund tax when collected, to invest the same from time to time in the redemption of said bonds or in other securities to be approved by the Mayor and Aldermen, until the bonds are redeemable, and all bonds by them at any time redeemed shall be canceled in the presence of the Mayor and Aldermen, by whom a record thereof shall be kept. Said Commissioners shall make settlement as may be required by ordinance.

#### Digest of Ordinances, Etc.

Sec. 16. Be it further enacted, That there shall be prepared and published, within twelve months after the passage of this Act, a digest of all the ordinances, laws, and resolutions of a public nature then in force, and all the laws and ordinances heretofore legally enacted under the former charter of said town shall be in full force until modified or repealed, and a like digest in every five years thereafter if deemed necessary by the Board of Aldermen.

#### Schools

Section 17. Be it further enacted, That the public school, or schools, of said town shall be under the supervision, management and control of the County Board of Education of Overton County, Tennessee.

Be it further enacted, That an Advisory Board of Education for the public school, or schools, of said town be, and the same is, hereby created, to consist of six members to be elected by the Board of Mayor and Aldermen of said town, whose duty it will be to advise with the County Board of Education of Overton County, Tennessee, in the supervision of the management, and control of said public school or schools, and in the selection of teachers for said school or schools.

Be it further enacted, That the first members of said Advisory Board to serve until the next election for said office be the same as the membership of the said Board of Directors of said town now in office, to wit: W. H. Boswell, T. B. Copeland, W. H. Estes, J. A. Hargrove, W. R. Officer and P. H. Wheat, and that successors be elected at the first meeting of the Board of Mayor and Aldermen, elected and qualified in the year 1932, and said first meeting of the said Board of Mayor and Aldermen every two years thereafter. [As amended by Priv. Acts 1913 (E.S.), ch. 105; and Priv. Acts 1931, ch. 78]

### School Tax

Sec. 18. Be it further enacted, That the Board of Mayor and Aldermen are hereby authorized and empowered to levy and collect a sufficient tax upon the property and polls subject to municipal taxation to support and carry on a public free school in said town for nine months in every year, the length of the school term to be determined by said Board of Mayor and Aldermen.

### Application of Municipal Funds to School Maintenance

Sec. 19. Be it further enacted, That the Board of Mayor and Aldermen, in their discretion, shall have the power to apply any funds in the municipal treasury not otherwise appropriated to the maintenance of a public school or schools within said town.

### School District<sup>1</sup>

Sec. 20. Be it further enacted, That the territory embraced within said municipality shall be and constitute a separate school district, and the said Board of School Directors shall be a body corporate in like manner as District School Directors are under the general laws of the State; and the County Trustee of Overton County is hereby required to settle with and pay over to the Recorder hereinbefore provided for the pro rata part of the school fund appropriated by the State and county, and the receipt of said Recorder shall be a good and sufficient voucher to said Trustee for the same.

### Assets and Obligations of Old Corporation

Sec. 21. Be it further enacted, That the taxes heretofore levied under the former charter shall be collected under this Act and be subject to the control of the Board of Mayor and Aldermen herein provided for, and all moneys and other property belonging to said municipality shall be the property of the town of Livingston as herein incorporated, and all legal and valid and bona fide debts and obligations against the town of Livingston under its former charter shall be valid and binding under this Act.

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<sup>1</sup>At the time this section was enacted, the town operated its own schools. However, under § 17 as amended, the schools of the town are now under the supervision, management and control of the county board of education.

### Failure to Hold Municipal Election

Sec. 22. Be it further enacted, That the powers, rights, and privileges of this Act shall not be lost or forfeited by a failure to hold an election every two years, as herein directed, but shall continue and be exercised at any time by the Mayor and Aldermen when elected in accordance with the provisions of this charter; and if for any cause the election for Mayor and Aldermen should not occur on the day fixed by this Act, it shall be held under the order of the then existing Mayor and Aldermen within thirty days thereafter and on not less than ten days' notice.

### Charter and Ordinances as Evidence

Sec. 23. Be it further enacted, That this Act is declared to be a public Act, and may be read in evidence in all the courts of law and equity, and all ordinances and proceedings of the Board of Mayor and Aldermen may be proved by the seal of the corporation and attestation of the Mayor; and if no seal, then by the attestation of the mayor alone.

### Restriction on Incurring Debts for Current Expenses

Sec. 24. Be it further enacted, That it shall be unlawful for the Mayor and Aldermen to contract or incur any debt for the current expenses of the town in excess of the taxes levied and collected for that purpose.

### Administration of Oath to Mayor and Aldermen and Approval of Their Bonds

Sec. 25. Be it further enacted, That the oath of office required herein to be taken by the Mayor and Aldermen shall be administered by the Clerk of the County Court or his deputy, and all bonds required to be given shall be approved by the Mayor and acknowledged before him and kept on file in his office, except the bond of the Mayor, which shall be approved by the County Court Clerk and filed in his office.

### Removal of vegetation and debris

Section 26. (a) If it is determined by the Board of Mayor and Aldermen that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the Mayor shall provide notice to the owner of record to remedy the condition

immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

- (1) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;
- (2) The Mayor's office address and telephone number;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(b)(1) If the owner of record fails or refuses to remedy the condition within ten (10) days, or additional time as determined by the Board of Mayor and Aldermen, after receiving the notice the Board shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the Office of the Register of Deeds of Overton County, the costs shall be a lien on the property in favor of the Town of Livingston, second only to liens of the state, Overton County and the Town of Livingston for taxes, any lien of the town for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the town tax collector or Overton County trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(2) If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility



transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the ten (10) day period of the first sentence of this subsection shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

(c)(1) The Board of Mayor and Aldermen may make any rules and regulations necessary for the administration and enforcement of this section. The town shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (a). A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (a) or within such additional time as determined by the Board. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the Board of Mayor and Aldermen may seek judicial review of the order or act. The time period established in subsection (b) shall be stayed during the pendency of a hearing. [As added by Priv. Acts 2000, ch. 113, § 1]

Date of Effect

Sec. 27. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it. [As renumbered by Priv. Acts 2000, ch. 113, § 1]

Passed: February 13, 1907.

E. G. Tollett,  
Speaker of the Senate.

John T. Cunningham, Jr.,  
Speaker of the House of Representatives.

Approved: March 18, 1907.

Malcolm R. Patterson,  
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF  
LIVINGSTON, TENNESSEE

Year	Chapter	Subject
1907	130	Basic Charter Act.
1909	375	Amended section 2 of the charter.
1913	335	Authorized \$20,000.00 bond issue for schools and roads.
1913 (E.S.)	105	Amended section 17 of the charter.
1915	349	Abutting property law.
1915	624	Amended corporate boundaries.
1917	641	Street maintenance.
1921	728	Amended corporate boundaries.
1923	4	Authorized \$30,000.00 bond issue for schools.
1925	19	Authorized transfer of 3 tracts of corporate property.
1925	208	Authorized \$7,000.00 refunding bond issue.
1929	171	Amended corporate boundaries.
1929	242	Amended subsection 7 of section 5 of the charter.
1931	78	Amended section 17 of the charter.
1933	466	Amended corporate boundaries.
1935	419	Authorized borrowing \$1,500.00 for school purposes.
1937	17	Validated miscellaneous bond issue.

Year	Chapter	Subject
1937	294	Amended section 5 of the charter.
1937	839	Amended corporate boundaries.
1937 (E.S.)	17	Validated miscellaneous bond issues.
1939	405	Added section 5-A to the charter.
1939	406	Added section 5-A to the charter.
1941	300	Authorized \$25,000.00 bond issue for refunding street improvement bonds.
1941	501	Authorized board to acquire and hold or dispose of "Zollicoffer Lake Park."
1941	502	Amended corporate boundaries.
1947	495	Amended corporate boundaries.
1947	496	Authorized \$150,000.00 water and sewer bond issue.
1951	240	Authorized issuance of \$50,000.00 in interest-bearing obligations for erection and/or enlargement of municipal buildings.
1953	535	Amended corporate boundaries and section 13 of the charter.
1955	78	Use of income from municipally owned rental property.
1957	30	Use of State Sales Tax revenues.
1959	198	(Rejected, disapproved, or not concurred in locally.)

Year	Chapter	Subject
1968	425	(Rejected, disapproved, or not concurred in locally.)
1972	339	(Rejected, disapproved, or not concurred in locally.) (Also repealed. See ch. 417, Pr. Acts of 1972.)
1972	413	Amended section 2 of the charter. <sup>1</sup>
1972	417	Repealed ch. 339, Pr. Acts of 1972.
1986	139	(Rejected, disapproved, or not concurred in locally.)
2000	113	Amended § 26 by adding new section and renumbered § 27 relative to removal of vegetation and debris.
2001	58	Replaced § 2 relative to election and term of office for mayor and aldermen, amended § 4 relative to an increase in aldermen term of office to four years, and replaced § 13 relative to municipal elections.
2007	13	Replaced § 2, amended § 3 relative to powers and duties of mayor, amended § 13(a) to provide a four year term for the mayor.
2007	35	Amended § 3 to add subsection (b) relative to mayor's powers.

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<sup>1</sup>The certificate of the Secretary of State indicates that his records reflect that this act was not acted upon by local authorities prior to publication of the 1972 Private Acts. However, documentation of local approval has since been provided to the Secretary of State with a view to having his records corrected.