

CHARTER FOR THE TOWN OF DECATURVILLE, TENNESSEE¹

CHAPTER NO. 351

HOUSE BILL NO. 1273

(By Bailey)

SUBSTITUTED FOR: SENATE BILL NO. 1235

(By Peeler)

AN ACT to amend Chapter 71 of the Acts of 1903, as amended by Chapter 276 of the Private Acts of 1915, Chapter 555 of the Private Acts of 1927, Chapter 827 of the Private Acts of 1937, Chapter 649 of the Private Acts of 1947, Chapter 880 of the Private Acts of 1949, Chapter 100 of the Private Acts of 1953, Chapter 349 of the Private Acts of 1957, Chapter 369 of the Private Acts of 1959, and Chapter 295 of the Private Acts of 1961, constituting the Charter of the Town of Decaturville.

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. Charter repealed	C-2
2. Corporate Name	C-2
3. Boundaries	C-2
4. Fiscal Powers	C-3
5. Full force and effect of laws	C-4
6. Municipal power and authority	C-4
7. Bonds	C-7

¹Priv. Acts 1967, ch. 351, is the current basic charter act for the Town of Decaturville, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2020 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official 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.

<u>SECTION</u>	<u>PAGE</u>
8. Governing body	C-8
9. Mayor-duties	C-10
10. Mayor and board of aldermen--powers	C-11
11. Ordinances	C-12
12. Mayor and board of aldermen--adoption of ordinances	C-13
13. Quorum	C-13
14. Recorder--powers and duties	C-13
15. Property tax assessment board	C-15
16. Town attorney	C-15
17. Term of office	C-16
18. Date of general municipal elections	C-16
19. Fiscal year	C-16
20. Other municipal powers	C-16
21. Annexation authority	C-17
22. Deletion of prior charter acts	C-17
23. Severability	C-17
24. Local approval required	C-17
25. Effective date	C-17

Be it enacted by the General Assembly of the State of Tennessee:

SECTION 1. Chapter 71 of the Acts of 1903, as amended, being the Charter of the Town of Decaturville, is amended by deleting all following the enacting clause of Chapter 71 and substituting in lieu thereof the provisions contained in this Act.

SECTION 2. That the Town of Decaturville, in the County of Decatur, and the inhabitants thereof, be and the same are hereby constituted and declared a body politic and corporate, by the name and style of "The Town of Decaturville," and by that name shall have perpetual existence; may use a common seal, and may alter it at pleasure; may sue and be sued; plead and be interpleaded in all courts of law and equity in all action whatsoever; may purchase and sell, receive, own and hold real estate, personal and mixed property within and without the town for corporate purposes and may sell, lease or dispose of such property for the benefit of the corporation, and do all other things touching the same, as a natural person may do.

SECTION 3. The corporate limits of the Town of Decaturville shall embrace the territory in the County of Decatur, within the following boundaries: Beginning on a rock fence at the southwest corner of Decaturville cemetery, Decaturville, Tennessee, runs thence south 69° 30' west 2218 feet to Funderberk and Keeton line fence to a point; thence south 10° east 870 feet to J.W. Stout and

James Roberts line fence; thence with said fence south 86° west 675 feet to James Roberts cross fence to a point; thence south 16° west 1480 feet to a point in the centerline of state highway No. 100; thence south 46° west with said highway 500 feet to a point; thence due south 474 feet with Vise heirs and Oscar White heirs line to a point; thence north 80° east 1287 feet to D.C. Crowder line southwest corner of horselot; thence with lot fence north 73° east 653 feet to a point in the centerline of state highway No. 69; thence north $87\frac{1}{4}^{\circ}$ east 865 feet to a concrete corner marker in the southwest corner of the Tennessee state highway department property; thence east 220 feet to the southeast corner of said property; thence south $79\frac{1}{2}^{\circ}$ east 590 feet to the corner of a wire fence; thence with said fence north $32\frac{1}{4}^{\circ}$ east 474 feet to a point; in the centerline of a street leading from state highway No. 69 to Rushings Creek Bridge on the Largo Road; thence with the centerline of said street two courses as follows: south 67° east 844 feet; south $34\frac{1}{2}^{\circ}$ east 540 feet to a point near an electric power pole; thence south $34\frac{1}{2}^{\circ}$ east 140 feet to the southeast corner of a lot belonging to Ralph Brasher; thence with the east boundary of same, north 46° east 187 feet to a point; thence north $50\frac{1}{2}^{\circ}$ west 361 feet to the northeast corner of a lot belonging to Omer Blackstock; thence with the north boundary of same north $68\frac{1}{4}^{\circ}$ west 211 feet to a point in the east boundary line of the Pauline Johnson property; thence with the east boundary line of same north 51° east 680 feet to a hackberry on the north bank of a branch; thence with a wire fence, the west boundary line of Jake Dunkle tract north 17° east 1100 feet to a point in the centerline of Largo Road; thence with the centerline of said road, north 35° west 300 feet to a point; thence north $11^{\circ} 30'$ east 3133 feet to a point; thence north 9° west 920 feet to a point in the centerline of Donna Rogers Road; thence with said road, north 79° west to a point at the intersection of said road with a side road, which point bears south $87\frac{1}{2}^{\circ}$ east 352 feet from the intersection of said Donna Rogers Road and Old Decaturville-Parsons Pike Road; thence with said side road, south $19\frac{1}{2}^{\circ}$ east 200 feet to a point; thence approximately parallel to the said Donna Rogers Road, south $18\frac{1}{2}^{\circ}$ west 290 feet to a point; thence approximately parallel with Old Decaturville-Parsons Pike Road, north 42° west 200 feet; north $18\frac{1}{2}^{\circ}$ west 710 feet; north $72\frac{1}{2}^{\circ}$ west 630 feet to a point in the west margin of the pavement of state highway No. 100; thence with said highway south $13\frac{1}{2}^{\circ}$ east 505 feet to a point; thence north $86\frac{1}{2}^{\circ}$ west 241 feet to a blackgum; thence south 4° east 620 feet to a point; thence south $14\frac{3}{4}^{\circ}$ west 1180 feet to a point; thence south $19\frac{1}{2}^{\circ}$ west 1310 feet to the beginning.

SECTION 4. The right, title and ownership of all property of said Town of Decaturville and all uncollected taxes, assessments, dues, fines, costs, claims, judgments chooses in action, and all its rights of every kind and character whatsoever, shall immediately become and are hereby vested in the municipal corporation by this Act; and said new corporation be, and hereby is burdened and charged with and made liable for all debts, contracts, bonds and obligations of the old corporation which it succeeds, in the same manner and form and to

the same extent as the said prior municipal corporation was under existing laws.

SECTION 5. All laws, ordinances, and resolutions lawfully enacted by the governing body of the Town under any preceding Charter or Charters and not inconsistent with this Charter shall be and do remain, in full force and effect under this new Charter until such time as the governing body of said Town created under and by this Act, shall elect to amend, modify, or repeal the same.

SECTION 6. The municipality shall have full power and authority:

1. Ordinances: To make such laws and ordinances as may be necessary and proper to preserve the health, peace and good order of the Town.

2. Nuisances: To prevent, remove and abate nuisances.

3. Police Department: To establish a Police Department with a marshal and such patrolmen as may be deemed necessary, and as may be fixed by ordinance.

4. Streets: To ascertain the boundaries of streets and alleys and to open, change, close and widen streets and alleys and to lay out and establish new streets and alleys, and to effectuate such powers, it shall have the right to condemn lands and other property for such purposes, and shall have the right to sell and convey streets and alleys owned by said municipality within said corporate limits for the benefit of said municipality where the titles to said streets and alleys have been acquired by said municipality in fee.

5. Street Repair, Public Utilities Rights of Way: To extend, establish, grade, pave or otherwise improve, clean, keep in repair, streets, alleys, pikes, sidewalks, curbs and gutters, and when necessary, to remove trees or other obstructions from said streets, sidewalks and alleys, and to grant rights of way on and along said streets and alleys for electric power lines, telephone lines, gas lines, water lines, all other utilities, and when necessary may grant to such utilities the power to trim trees or limbs extending into said streets and/or alleys.

6. Drainage: To erect, establish, and keep in repair, bridges, culverts, sewers, and gutters within the Town limits or immediately connected with the Town.

7. Taxes: To assess property for taxes and to levy and collect, by proper officials, taxes on all real estate, personal property, poles, privileges, sales, and

any other taxes now or hereafter taxable under the laws of the state of Tennessee.

8. Appropriate Money: To appropriate money and provide for the payment of the debts of the Town.

9. Health: To make regulations and to prevent the introduction and spread of contagious diseases in the Town, and when deemed necessary, to appoint a Board of Health or health officer for the purpose of enforcing the rules and regulations and ordinances with reference to the same, within the Town limits, and within one mile adjacent to the Town limits.

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

11. Indecent Exposure: To prohibit indecent exposure and indecent shows and exhibitions.

12. Fire Department: To provide for the organization and regulation of a fire department and fire companies for said Town, and to regulate and suppress all fire hazards.

13. Fire Zone: To establish a fire zone and prohibit the erection of wooden buildings in such parts of Town as may be deemed expedient.

14. Fire Regulations: To regulate the storage of gun powder, dynamite and any and all combustible materials and explosives, and the use of lights and stove pipes and heating systems in garages, shops and any and all other buildings within the corporate limits, and to regulate the installation of electric wiring, gas pipes and the method of installation of all heating systems in any building within the corporate limits.

15. Collect Fines: To impose and collect fines and forfeitures and penalties for breaches and violations of the Town ordinances.

16. Arrest and Confinement: To provide for the arrest and confinement, until time of trial, of all drunk and disorderly persons.

17. Prisoners: To commit any person or persons who may fail or refuse to pay or secure any fine or fines, and costs, imposed upon them by any ordinance of said Town, to the jail, calaboose, or workhouse of said Town until such fine and costs be paid or secured. Every person so committed to the workhouse shall be required to work for the Town as his or her health will

permit, at such rate under such regulations as may be established by ordinance, said work to continue until said fine and costs are fully paid. In the event said Town does not have a jail or other place of confinement of persons as herein provided, then said Town may contract with the sheriff of Decatur County for the confinement in the workhouse or jail of said County, or such contract may be made with any other County of the State of Tennessee.

18. Water and Sewer. To provide, by ordinance, for a waterworks department for said Town, and to furnish to said Town, and the inhabitants thereof, water and sewer systems for said Town, under the provisions of any law now in effect, or that may hereafter be enacted, providing for the operation of said systems.

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

20. Regulate Speed, Automobiles: To prohibit the speeding of automobiles, trucks, wagons, horses, or other animals, and any and all vehicles upon the public thoroughfares of said Town, and to otherwise regulate traffic and parking within said Town.

21. Automobile License: To license, tax and regulate carriages, carts, omnibuses, wagons, drays, automobiles, whether driven for hire or pleasure, all trucks of every description, and all other vehicles doing public hauling of goods or carriage of passengers for hire, all taxicabs, automobile trucks, or farm tractors, that use the street, roads, highways, alleys or other public places within said Town, and to generally regulate, control or prohibit the use of the streets, roads, highways, alleys, squares and other public ways in said Town.

22. Laws and Ordinances: To pass all laws, ordinances, regulations necessary to enforce the powers granted, not inconsistent with the constitution and laws of the United States and the State of Tennessee.

23. Special Tax: To, at the discretion of the governing body of said Town, levy and collect a tax of fifty cents (50¢) on the one hundred dollars (\$100) value of taxable property, annually, for the purpose of advertising the commercial, social, agricultural, industrial points of interest, scenic, historical, educational and religious advantages of said municipal corporation.

24. Warrants and Notes: To issue interest bearing warrants and notes for public improvement in said Town, or to pay the indebtedness of said Town, and to provide by ordinance a sinking fund and tax levy to pay the same, the

maturity of said interest bearing warrants or notes not to exceed twelve months from the date thereof.

25. Intoxicants: To license, tax, regulate and prohibit the possession, transportation, use or sale of intoxicating beverages, including whiskey, wines, ale, beer and any and all other intoxicants, within the Town, and impose a special privilege tax thereon.

26. Buildings, Regulated and Inspected: To regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and whenever necessary, prevent use thereof and require any alteration or changes necessary to make them healthful, clean or safe.

27. Eminent Domain: To condemn property, real or personal or any easement, interest or estate or use therein, either within or without the Town, for present or future public use; such condemnation to be made effected in accordance with the terms and provisions of the general law of Tennessee providing for the exercise of the power of eminent domain.

28. Regulate, Property Owners: To impose penalties upon the owner or owners, occupants, or agents of any house, wall, sidewalk, or other structure which may be considered dangerous or detrimental to the citizens, unless after due notice to be fixed by ordinance, the same to be removed or repaired. And in event, after notice such dangerous or detrimental condition is not remedied by the property owner, or the person in control of said property, the Town may cause the same to be removed or repaired, and shall have a lien upon the property for the costs of such repair, removal, work, etc.

SECTION 7. The Board of Mayor and Aldermen, by proper ordinance, may issue and sell bonds of the Town, on the credit of the Town, or solely upon the credit of specific property owned by the Town, or solely upon the credit of income derived from any property used in connection with any public utilities owned and operated by the Town, or upon any one or more credits for the purpose of furnishing any utility service to the Town, or for the purpose of constructing therein any internal improvements, and said bonds may be issued to make any public improvement within the Town, and the authority contained in this Charter shall not be a limitation or restriction upon the issuance of any bonds under any general laws of the State of Tennessee for the issuance of bonds by a municipality within the State and the general laws and this Charter shall be cumulative, whether said general laws are now in force or may hereafter be enacted.

No bonds of the Town, except bonds for paying, refunding or removing bonded indebtedness, and except bonds issued under the provisions of Sections 6-1101--6-1235 of the Tennessee Code Annotated, or any bonds issued under any general laws of the State of Tennessee for the issuance of bonds by municipalities now in force or that may be hereafter enacted providing to the contrary, shall be issued without the assent of a majority of those voters actually voting in an election called for that purpose.

The Mayor and Board of Aldermen may, by ordinance, call, provide for and regulate elections held respecting bond issues and may prescribe all forms, proceedings and other matters with respect to any such elections and the amounts, purposes, issue and disposition of bonds.

It shall not be necessary in the ordinance calling the election, in the notice of election, in the question submitted, or on the ballot or in any of the matters preceding the said election, to state the amount of the bonds proposed to be issued for each purpose, but it shall be sufficient for the ordinance and notice of election to state the total amount of bonds proposed to be voted upon at said election, and in general language, the purpose or purposes for which said total amount is to be used; and if a majority of the voters of the Town voting at such election assent to the issuance of the amount of bonds, then such amount may be issued, and such bonds, or the proceeds thereof, may from time to time, by ordinance adopted by the Mayor and Board of Aldermen, be appropriated in any amount or amounts to the purposes for which such total amount was voted.

SECTION 8. The governing body of the Town of Decaturville shall be known and designated as the Mayor and Board of Aldermen of the Town of Decaturville. The governing body shall consist of a Mayor and six (6) Aldermen, each of whom shall be householders and free holders, not less than twenty-one (21) years of age, and shall have resided within the limits of the Town of Decaturville at least one (1) year prior to their election, and for the purpose of putting this Act into effect the persons hereinafter named, the present duly elected and acting Mayor and Board of Aldermen shall be, and they are hereby constituted, the Mayor and Board of Aldermen of the Town of Decaturville, and clothed with all the powers vested by law in such officials, and they shall discharge all the duties encumbered upon them, as such officials, from and after the effective date of this Act, and shall hold their office until their successors are duly elected and qualified. The officials hereinbelow named shall, within fifteen (15) days after the passage of this Act, take an oath before some person qualified to administer oaths within County of Decatur, said oath to be in conformity with the oath prescribed by statute for public officials, and all subsequent elected or employed officials shall take the same oath, which shall be filed with the Recorder or Mayor and entered upon a journal upon which the minutes of the meetings of the Mayor and Board of Aldermen are entered, and in case of a

vacancy caused by death, resignation, removal or otherwise, of the Mayor or any member of the Board, the remaining members of the Board of Aldermen and the Mayor shall elect some qualified person, as hereinafter provided, to fill said vacancy, the person so elected to hold his office until the next legal election of the Town officials, and for the purpose of putting this Act into effect immediately after its passage, the following named persons, who are the present elected, qualified, and acting Town officials under the old Charter, shall be and are constituted the first Mayor and Board of Aldermen provided for in this Act to-wit:

Will T. Rogers, Mayor

R. Guy Butler, Alderman

Fred Pratt, Alderman

Frank Hardin, Alderman

Cleo Spence, Alderman

A. P. McDaniel Alderman

Roy N. McPeak, Alderman

The aforesaid officials and their successors in office shall be paid a salary and/or expenses for their services as such officials, the amount to be paid to be fixed by ordinance. Immediately after being sworn into office as such officials, the said Mayor and Board of Aldermen shall meet at once and organize and assume charge of the affairs of the municipality and shall proceed to employ a Town Marshal and a Recorder and such other officers as the Board shall, at any time, deem necessary, each of which official shall be employed by majority vote of the Aldermen of the Town. The Mayor and/or Town Secretary shall perform the duties of the Recorder hereunder until such time as a Recorder shall be employed hereunder by the Board, which said Town Secretary shall be elected by the Board from its membership.

The Mayor shall not be permitted to cast a vote as a member of the Mayor and Board of Aldermen except in case of a tie, which he shall then be required to cast the deciding vote in all cases of such ties. It shall become the duty of the said Board to fix, by ordinance the salaries of all officials employed by them, and they are hereby constituted with power to discharge any such official with or without cause, when, in their judgment, such action appears to be the best interest of the Town of Decaturville. The Mayor and Board of Aldermen shall meet the second Tuesday night of the following month after assuming office, and

the second Tuesday night of each month thereafter, as a regular meeting of said Board, the time of the meeting to be fixed by ordinance, and the Board of Mayor and Aldermen may, by ordinance, change the date and time of the regular meeting of said Board.

SECTION 9. The Mayor, herein appointed, by the provisions of this Act, and his successors in office, shall preside over all meetings of the Board.

It shall be the duty of the Mayor, by written communication to lay before the Board any information coming to this attention, which, in his judgment, demands consideration of the said Board. He shall have power to call special meetings of said Board. Also, whenever, in the opinion of three (3) members of the Board of Aldermen, the welfare of the Town demands it, the Mayor or Recorder shall call a special meeting of the said Board of Aldermen, such a notice to be served by a member of the police force or left at the usual place of residence of the member.

Each call for a special meeting shall set forth the character of the business to be transacted at such meeting, and no other business shall be considered at such meeting except by unanimous consent of the Board present at such meeting. However, a special meeting of the Board may be held at any time upon unanimous consent of the Mayor and Board of Aldermen waiving call, notice and purpose of the meeting in writing.

The Mayor or Recorder shall submit to the Board at each regular meeting a report of the financial condition of the municipality, showing all receipts and disbursements made during the month and all obligations owing by the municipality, together with the balance of funds on hand.

A statement shall be ordered published by the Board annually in a newspaper of general circulation in said Town, which shall show the receipts and disbursements made during the prior fiscal year. The Mayor shall have the power, and it shall be his duty to sign all warrants, checks and other vouchers, and countersign all those drawn by the Recorder against the funds of the Town. All contracts or deeds executed in the name of the Town shall be signed by the Mayor, and attested by the Recorder or Secretary, when authorized by the Board of Aldermen.

The Mayor and Board of Aldermen shall have the power, and the authority is hereby vested in them to employ a Town Attorney whose duties are hereinafter set out, and whose salary shall be fixed by the Mayor and Board of Aldermen, and said Board shall have the power and authority to employ additional counsel to assist said Town Attorney when, in their judgment, the exigencies of the case demand.

The Mayor and Board of Aldermen shall also have the power, and authority is hereby vested in them, to employ special policemen to assist the Town Marshal when, in their judgment, the exigencies demand such action, compensation for such services to be fixed by the Board, the employment of such officers to be made in writing and entered of record on the minutes of the Board. The Mayor and Board of Aldermen may, by ordinance, establish a Police Department, with the Town Marshal as Chief of Police, and such policemen or patrolmen as may be determined by the Board.

The Mayor and Board of Aldermen shall also have the power, and authority is hereby vested in them, to, by ordinance, establish such departments to administer the affairs of the municipality as deemed by the Mayor and Board of Aldermen necessary, and to prescribe the duties of the departments so created, and fix the salaries of the heads of the department and employees thereof. A member of the Board of Aldermen may be designated as the head of such departments.

SECTION 10. (a) The Mayor and Board of Aldermen shall have the power and authority to construct, improve, reconstruct and reimprove, by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, avenues, alleys, squares or other public places within the corporate limits and to assess a portion of the costs of such improvements upon the property abutting upon or adjacent to said streets, highways, alleys or other public places under and as provided by Sections 6-1101--6-1234 of the Tennessee Code Annotated, or by any general law of the State now or hereafter in force.

(b) The Mayor and Board of Aldermen shall be, and are hereby empowered and invested with the authority to impose, by ordinance, interest and penalties on all delinquent taxes, said interest and penalties to be in the same amount as now or may hereafter be imposed by law upon delinquent county taxes, and to provide by ordinance for the enforcement and collection of the same. The taxes payable to the Town shall be due at the same time as county taxes, and become delinquent upon the same date as county taxes.

(c) The Mayor and Board of Aldermen shall be, and they are hereby vested with full and complete power and authority to enact such ordinances and laws as shall be necessary to effectuate the powers vested by this Charter in said municipality. However, such laws and ordinances so enacted shall not be inconsistent with the laws of the State of Tennessee. The Mayor and Board of Aldermen shall be, and they are hereby vested with full and complete power and authority to do all acts and perform all duties required to effectuate the power herein vested in said municipality, and which are not delegated to some other

official by this Act, and to perform all duties and all acts imposed by law upon municipal legislative bodies.

(d) The Mayor and Board of Aldermen, in acting on any and all questions coming before the Board, including the enactment of all laws, resolutions and ordinances, shall vote via viva voce, upon roll call, and the vote of each member thereof shall be recorded on each and every question, by entry in the journal in which the minutes of the meeting of the Board are kept.

(e) The Mayor and Board of Aldermen shall require all oaths of office to be in writing, and the same shall be filed with the Recorder or Town Secretary and entered upon the journal of the minutes of the Board and become a part of the records of said Board.

(f) The Mayor and Board of Aldermen shall have power, and the authority is hereby vested in them, to select one (1) of the members of the Board of Aldermen as Vice-Mayor, and his duties shall be to preside over the meetings in the absence or inability of the Mayor to be present at any meeting, and also to act as Mayor in any capacity that this Act requires of the Mayor. In the event of death, resignation, or disability of the Mayor, the Vice-Mayor shall assume all the duties of the Mayor and shall act as Mayor until the next regular election.

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

SECTION 11. The Mayor and Board of Aldermen shall, in the passing or enacting of all ordinances, observe the following:

Each ordinance shall be submitted and passed on one (1) reading at a regular meeting or a special meeting of the Board called for the purpose shall receive the affirmative vote of a majority of the Board present and be signed by the Mayor before the same shall become effective. The Mayor shall sign all ordinances which have received the affirmative vote of the majority of the Board present, within twenty-four (24) hours after the time of the passage of the ordinance, and in case of the inability of the Mayor to sign such ordinance, it shall become the duty of the Vice-Mayor to sign the same. When an ordinance is introduced, it shall be the duty of the Recorder or Secretary to note on said ordinance the name of the person introducing the same, the date of its passage, and date approved by the Mayor or Vice-Mayor. The ordinance shall be divided into appropriate sections, shall be in brief, intelligible form, and shall, after passage, be recorded in a well-bound book or printed or typewritten upon durable paper, and a copy thereof, whether printed or typewritten, as ordered

by the Board and certified by the Recorder or Secretary, shall be received in evidence by Courts of this State as competent evidence of the provisions of such ordinance.

All ordinances shall commence as follows: "BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DECATURVILLE, TENNESSEE AS FOLLOWS:"

SECTION 12. The Mayor and Board of Aldermen are hereby authorized and empowered to draft or embody the ordinances of the Town of Decaturville in the form of a code, embracing all ordinances, to be known and designated as the "Town Code." Said code shall be made up on a loose-leaf record approved by the Mayor or Vice-Mayor in order that new ordinances passed from time to time may be inserted therein, the original or a copy of said code certified by the Mayor or Recorder shall be received in evidence by the Courts of this State as competent evidence of the provisions of said Town Code.

All ordinances of a general nature or imposing a penalty for the violation shall be published in a newspaper circulated in the Town at least one (1) time before enforcement thereof.

The Board of Mayor and Aldermen may adopt, by reference, all codes or ordinances as provided by general law, applicable to municipal corporations.

SECTION 13. A majority of all the members of the Board shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalty as the Board may provide.

SECTION 14. The Mayor or Recorder, hereinbefore provided shall be empowered as follows and impressed with the following duties:

(a) To issue all warrants for the arrest and apprehension of any and all violators of the criminal laws, misdemeanors, ordinances and offenses against the municipality as prescribed by ordinance.

(b) To discharge all the duties imposed upon justices of the peace and magistrates; exercise the duties and possess all judicial powers of justices of the peace and magistrates as to criminal offenses committed in the corporate limits of said municipality.

(c) To preside over the Town Court.

(d) The Recorder shall, before entering upon the duties of his office, enter into a fidelity bond issued by some bonding company licensed to do business in the State of Tennessee, the premium on the bond to be paid from the funds of the municipality, conditioned and in the amount to be determined by the Mayor and the Board of Aldermen, but in no case less than two thousand dollars (\$2,000.00), the bond to be approved by and filed by the Mayor and entered of record on the minute book of the Recorder's office.

(e) The Recorder shall also, before entering upon the duties of his office, take an oath before the Mayor, for the faithful performance of his duties, which oath shall be filed by the Mayor and entered as heretofore provided.

(f) The Recorder shall hold his office at the pleasure of the Board, and until his successor is employed and qualified.

(g) The Recorder, or the Mayor, shall have powers to impose and collect fines, penalties and forfeitures for violations of the town ordinances, and shall have and receive the fees allowed by law to justices of the peace in criminal cases, which fees shall become the property of the Town of Decaturville, and be accounted for by said Recorder of Mayor.

(h) The Recorder, or in the event the Mayor acts, shall enter all cases upon a docket kept for the purpose, showing the name of the defendant, the charge against the defendant, the judgment in the case, the costs of the case and whether collected, said docket to be similar to that prescribed by law for justices of the peace. The Recorder shall make a report of all fines and costs collected by him, to the Mayor and Board of Aldermen at each monthly meeting.

(i) The Recorder shall, after receipt of the tax assessments, as hereinafter provided, copy the name of the property owners on a book to be known as the tax book, giving the true boundaries, valuation of the property and total amount of taxes due.

(j) The Recorder shall collect all taxes due the Town of Decaturville, and when delinquent, all interest and penalties, and issue his receipt therefor, and which receipts shall be consecutively numbered, and when issued, the number shall be entered opposite the name of the property owner paying the tax.

(k) The Recorder shall receive such compensation from the municipality as allowed by the Mayor and Board of Aldermen by proper ordinance.

(l) The Recorder shall perform such other duties and have such authority as may be conferred upon him by the Mayor and Board of Aldermen by ordinance duly enacted.

SECTION 15. The Mayor and Board of Aldermen, by ordinance, shall appoint a Board of three (3) members, who shall be property owners within the Town, and who shall serve at the pleasure of the Board, to assess all property within the corporate limits of the Town for taxation. The Board shall be known as the Property Tax Assessment Board, and shall observe the rules and regulations laid down by the Mayor and Board of Aldermen, and the ordinances thereof, in the assessment and valuation of all property, and shall assess the property within the municipality at its fair cash value as of April 10th of each year, and as nearly as possible assess all property at a uniform valuation. The Board shall complete its assessment and certify the same to the Recorder not later than the first day of July of each year. All taxes shall be due and payable on January 1 and delinquent on March 1 following the taxable year. The assessment shall be made in the same manner as the assessment, levy and collection of taxes for state and county purposes, and all laws relating to assessments, levy and collection of taxes by state and county officials shall apply to all the officials, agents and employees of the Town.

SECTION 16. The Town Attorney shall possess the following qualifications, and his duties shall be as follows:

(a) The Town Attorney shall be a regular licensed attorney at law, and qualified to practice law in all the courts of the State of Tennessee.

(b) It shall be his duty to represent the municipality in all suits in which the Town of Decaturville shall be engaged or concerned in any of the courts of the Town or State.

(c) He shall give legal advice and written opinions to any of the Town officials on any and all legal matters concerning the Town of Decaturville, when requested to do so by the Mayor or the Board of Aldermen, and shall attend all meetings of the Mayor and Board of Aldermen when requested to do so by the Mayor or any member of the Board.

(d) He shall when requested by the Mayor or Board of Aldermen, draft any and all ordinances, and when requested to do so, examine any and all ordinances considered by the Mayor and Board of Aldermen, and pass upon their validity and legality, and shall perform such other and further legal services as are consistent with his office.

(e) The salary of the Town Attorney shall be fixed by the Mayor and Board of Aldermen by ordinance, and the Town Attorney shall, in addition to his regular compensation, be paid additional fees as his services may demand, and the Mayor and Board of Aldermen may within their discretion allow.

SECTION 17. The Mayor and six (6) Aldermen herein named and especially designated as Mayor and Aldermen of the Town of Decaturville, shall hold their office subject to the provisions herein set forth, until the second Tuesday in January 1969, or until their successors are duly elected and qualified.

SECTION 18. The Town of Decaturville shall call for an election to be held on the first Tuesday of November 2004 and the first Tuesday of November every four (4) years thereafter, being the same day as the state general election, to elect a Mayor and six (6) Aldermen. Those persons elected and qualified on the first Tuesday of November 2004 shall be elected for a term of three (3) years, ten (10) months and twenty-eight (28) days and shall take office on the second Tuesday in January 2005 with their terms ending on the second Tuesday in December 2008. Beginning with the 2008 election and every four (4) years thereafter, persons elected and qualified shall be elected to four (4) year terms to assume office at the time set for the beginning of the first regular meeting of the board on the second Tuesday in December following the election and shall hold their offices until their successors are elected and qualified. All candidates shall meet the petition requirements as established by state law and enforced by the Election Commission.

All candidates for the office of Mayor and Alderman shall be legal residents within the Town of Decaturville, shall have had their residences within the Town for not less than one (1) year prior to the election in which they are candidates, and be legally qualified voters within the Town.

All registered voters of the municipality are eligible to vote in elections. All registered voters who reside outside the boundaries of the town who own real property located within the town limits of the Town of Decaturville shall be entitled to vote in all municipal elections and municipal referenda held in such town. In cases of multiple ownership of real property, no more than two (2) owners who are registered voters shall be eligible to vote under this subsection. [As amended by Priv. Acts 1980, ch. 256, § 1, replaced by Priv. Acts 2001, ch. 9, § 1; and amended by Priv. Acts 2008, ch. 78, § 1]

SECTION 19. The Mayor and Board of Aldermen shall by ordinance fix the tax rate on or before October 1 of each year.

SECTION 20. The Town of Decaturville shall also have all the powers that are now, or may hereafter be, granted to municipalities in the State of Tennessee, that are general in their nature under the Constitution and laws of the State of Tennessee and such general powers shall be in addition to any special powers hereby granted and are not in degradation of any such special powers contained in this Charter. The enumeration of powers in this Charter

shall not be constructed as a restriction of powers, but in the construction of this Charter the same shall be given a broad construction so as to effectuate the purposes of this Act, and the Town of Decaturville shall possess all powers expressly given or by necessary implication needed to carry into effect this Charter.

SECTION 21. The territory adjoining the Town may be added hereto, and included in the corporate limits and annexed to the Town of Decaturville, as and in manner provided by general law.

SECTION 22. Chapter 276 of the Private Acts of 1915, Chapter 555 of the Private Acts of 1927, Chapter 827 of the Private Acts of 1937, Chapter 649 of the Private Acts of 1947, Chapter 880 of the Private Acts of 1949, Chapter 100 of the Private Acts of 1953, Chapter 349 of the Private Acts of 1957, chapter 369 of the Private Acts of 1959, and Chapter 295 of the Private Acts of 1961, constituting the Charter of the Town of Decaturville are repealed.

SECTION 23. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 24. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Town Council of Decaturville. Its approval or non-approval shall be proclaimed by the presiding officer of the Town Council and certified by him to the Secretary of State.

SECTION 25. For the purpose of approving or rejecting this Act, as provided in Section 24, it shall take effect on becoming a law, but for all other purposes upon being ratified as provided in Section 24.

PASSED: March 11, 1968

James H. Cummings,
Speaker of the House of Representatives

Frank C. Gorrell,
Speaker of the Senate.

APPROVED: March 13, 1968

Buford Ellington,
Governor.

This is to certify that according to the official records on file in this office, House Bill NO. 1273, which is Chapter No. 351 of the Private Acts of 1967, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

Joe C. Carr,
Secretary of State.

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

YEAR	CHAPTER	SUBJECT
1967	351	Repealed and replaced the entire charter.
1980	256	Amends § 18 relative to the length of terms of the mayor and aldermen.
2001	9	Replaces § 18 relative to election of mayor and aldermen.
2008	78	Amends § 18 relative to qualifications of voters.