

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

CHAPTER NO. 109

HOUSE BILL NO. 3233

By Representative Pinion

Substituted for: Senate Bill No. 3178

By Senator Herron

AN ACT to amend Chapter 297 of the Acts of 1909; as amended by Chapter 473 of the Private Acts of 1917; Chapter 808 of the Private Acts of 1925; Chapter 220 of the Private Acts of 1927; Chapter 71 of the Private Acts of 1927; Chapter 629 of the Private Acts of 1929; Chapter 530 of the Private Acts of 1935; Chapter 915 of the Private Acts of 1949; Chapter 315 of the Private Acts of 1953; Chapter 198 of the Private Acts of 1957; Chapter 168 of the Private Acts of 1959; Chapter 25 of the Private Acts of 1971 and Chapter 38 of the Private Acts of 1995; and any other acts amendatory thereto, relative to the charter of the Town of Ridgely.

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<sup>1</sup>Priv. Acts 2002, ch. 109, is the current basic charter act for the Town of Ridgely, 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.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 297 of the Acts of 1909; as amended by Chapter 473 of the Private Acts of 1917; Chapter 808 of the Private Acts of 1925; Chapter 220 of the Private Acts of 1927; Chapter 71 of the Private Acts of 1927; Chapter 629 of the Private Acts of 1929; Chapter 530 of the Private Acts of 1935; Chapter 915 of the Private Acts of 1949; Chapter 315 of the Private Acts of 1953; Chapter 198 of the Private Acts of 1957; Chapter 168 of the Private Acts of 1959; Chapter 25 of the Private Acts of 1971 and Chapter 38 of the Private Acts of 1995; and any other acts amendatory thereto, being the charter of the Town of Ridgely, is amended in its entirety to read as follows:

## SECTION 1

## INCORPORATION, NAME, AND GENERAL POWERS

The Town of Ridgely, in the County of Lake, and the inhabitants thereof, within the boundaries hereinafter set out are hereby incorporated and created and constitute a body politic and corporate under and by the name and style of the "Town of Ridgely," and by that name may sue and be sued, plead and be impleaded in courts of law and equity; may use a common seal, and change the same at pleasure; may acquire property by purchase or otherwise, and sell, lease, or dispose of same; may contract and be contracted with; and do any and all acts for corporation purposes that a natural person might do. The governing body of the town shall be the Board of Mayor and Aldermen.

## SECTION 2

## BOUNDARIES

The boundaries of the Town of Ridgely shall be those fixed in Chapter 297 of the Acts of 1909, as amended, and as extended and contracted by ordinances of the Town passed under the general law of the state governing annexations and contractions, and any subsequent annexations or detachments of territory made pursuant to law.<sup>1</sup>

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<sup>1</sup>The boundaries of the Town of Ridgely as set out in Priv. Acts 1909, ch. 297, § 2, as amended, are as follows:

"BEGINNING at a point in the extreme south corporate limits of said town as defined by Chapter 297 of the Acts of 1909, where the center line of Main Street now intersects the north boundary line of the Glasscock-Radebaugh tract of land now owned by A. G. Harris, and runs thence north eighty-five (85) degrees and thirty (30) minutes east, 1392 feet to a point, it being the southeast corner of a tract of a land formerly owned by W. L. Dilliard, and said point being 68 feet east of A. G. Harris northeast corner; thence north five (5) degrees and no minutes west, with Dilliard's east boundary line and Wyatt's west boundary line, 407 feet to a point, the same being 400 feet south of the south margin of Wyatt Street; thence north, eighty-five (85) degrees and no minutes east, and parallel to the south margin of Wyatt Street, 1344 feet to a point in center line of the right-of-way of Tennessee State Highway Number 78; thence north, eighty-five (85) degrees and no minutes east, 400 feet to a point; thence north, four (4) degrees and no minutes east, 4715 feet to a point, the same being 393 feet east of the center line of the right-of-way of Tennessee State Highway Number 78 and being aligned in an east-west bearing with the north margin of a graveled public road which extends westwardly from the west side of State Highway Number 78; thence north, eighty-six (86) degrees and no minutes west,

393 feet to a point in the center line of the right-of-way of Tennessee State Highway Number 78; thence north, eighty-six (86) degrees and no minutes west, along the north margin of a graveled public road 2574 feet to a point, the same being the center line of the right-of-way of the Illinois Central Railroad System; thence north eighty-six (86) degrees and no minutes west, along the north margin of a graveled public road, 207 feet to a point therein; thence south, three (3) degrees and thirty (30) minutes east, crossing said public road, 438 feet to a stake, or point, in the west boundary line of the right-of-way of the Illinois Central Railroad System; thence south, nineteen (19) degrees and forty-five (45) minutes west, with the west boundary line of the right-of-way of the Illinois Central Railroad System, 2253 feet to a point therein, the same being 400 feet north, nineteen (19) degrees and forty-five (45) minutes east, of the north margin of Depot Street; thence west, parallel to the north margin of said Depot Street, 500 feet to a point; thence south, nineteen (19) degrees and forty-five (45) minutes west, crossing Depot Street and continuing parallel to the west boundary line of the right-of-way of the Illinois Central Railroad System, 1750 feet to a point in Wilma Dodd's field, formerly owned by both J. T. Foster and W. N. Wyatt, both of whom are deceased; thence south, eighty-six (86) degrees and no minutes east, 525 feet to a point in the east boundary line of the right-of-way of the Illinois Central Railroad System; thence north, nineteen (19) degrees and forty-five (45) minutes east, 471 feet with the east line of the right-of-way of the said Illinois Central Railroad system to a point therein, the same being 400 feet south, nineteen (19) degrees and forty-five (45) minutes west, from the center line of Riddle Street where the center line of Riddle Street intersects the east right-of-way line of said Illinois Central Railroad System; thence north, eighty-five (85) degrees and thirty (30) minutes east, 921 feet to a point in Wilma Dodd's east boundary line and Talmadge Taylor's west boundary line, the same being 400 feet south, four (4) degrees and no minutes east, from the center of Riddle Street; thence south, four (4) degrees and no minutes east, with the east boundary line of Wilma Dodd's tract of land, and with the west boundary line of properties owned by Talmadge Taylor, Paul Willingham, Mrs. W. L. Willingham, A. G. Harris, Mrs. Eva Kendall and Arthur Taylore, 1213 feet to a point in Wilma Dodd's south boundary line; thence north, eighty-five (85) degrees and thirty (30) minutes east, 458.4 feet to a point in the extreme south boundary line of said town, the same being the point of beginning." (As amended by Priv. Acts 1949, ch. 915)

### SECTION 3

#### DATE OF ELECTIONS; TERMS OF OFFICE

On the second Tuesday in June, 1995, and on the second Tuesday in June every four (4) years thereafter, an election shall be held at the customary voting place, or places, in the town for the purpose of electing a Mayor and six (6)

Aldermen, who shall hold office for four (4) years, or until their successors are elected and qualified. The Board of Mayor and Aldermen may, by ordinance, change the date and place of holding the election; however, such change, if any, shall not limit or affect the four (4) year term of office herein set forth.

#### SECTION 4

#### QUALIFICATIONS FOR MAYOR AND ALDERMEN

No person shall be eligible to the office of aldermen or mayor unless such person is a qualified voter in town elections hereinafter defined, and has been a resident of the town for at least one (1) year immediately preceding such person's election.

#### SECTION 5

#### QUALIFICATIONS FOR VOTING

All persons who are entitled to vote for members of the general assembly of the state and who have been bona fide residents of the town for thirty (30) days prior to such election shall be entitled to vote in all town elections.

#### SECTION 6

#### ELECTION RULES

All elections for mayor and aldermen shall be called and held under the same rules and regulations governing the elections held by the state under the general election laws, and it shall be the duty of the county commissioners of elections to immediately canvass the election returns, and to deliver to each person elected a certificate of such person's election.

#### SECTION 7

#### FIRST BOARD TO ORGANIZE AND BE VESTED WITH POWER

After the first election to be held under this act the mayor and aldermen shall, on the first Tuesday after such election, meet, qualify, and organize, and shall then be vested with full power to legislate for and govern the town.

## SECTION 8

ELECTION AND TERM OF OFFICE OF MARSHAL, RECORDER,  
TREASURER, AND TAX COLLECTOR, ETC.

All officers of the town shall be elected by the board of mayor and aldermen at the first regular meeting after the annual election, and among the officers to be so elected shall be a marshal, recorder, treasurer, tax collector, and water/wastewater superintendent, but other officers or employees may be chosen and their duties prescribed whenever the board shall deem it for the good of the town. The officers above mentioned shall hold office for two (2) years and until their successors are elected and qualified. The board may combine any two (2) or more of such offices by ordinance if deemed proper.

## SECTION 9

## OFFICERS REQUIRED TO TAKE OATH

The mayor and aldermen and all town officers shall, before entering upon the discharge of their duties, take the following oath before the city recorder, the mayor, or some other person authorized to administer oaths: "I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States of America and the State of Tennessee; that I will, in all respects, observe the provisions of this charter and ordinances of the Town of Ridgely, Tennessee, and that I will faithfully discharge the duties of the office of \_\_\_\_\_".

## SECTION 10

## OFFICERS HANDLING MONEY TO BE BONDED

All officers of the town who handle any funds or money of the town shall, before undertaking to serve, enter into bonds, with good security, payable to the board of mayor and aldermen, who shall fix the amounts thereof, the same not to be less than the total amount of moneys to come into the hands of such officers.

## SECTION 11

## SALARIES OF OFFICERS

The aldermen shall receive as compensation a sum to be set from time to time by an ordinance of the board, except that such compensation shall not be increased nor diminished during their terms of office. The mayor, marshal, and

all other officers shall receive such compensation as the board shall allow, and all salaries shall be fixed by ordinance at least thirty (30) days before each annual election hereafter, and the same shall not be increased nor diminished during such terms of office.

## SECTION 12

### BOARD OF MAYOR AND ALDERMEN TO HAVE LEGISLATIVE AND GENERAL POWERS; MAYOR TO PRESIDE, MAKE RECOMMENDATIONS, AND VOTE IN CASE OF TIE

The legislative powers and all general powers shall be vested in the board of mayor and aldermen. The mayor shall be a member of the board, and shall preside at all its meetings, and shall recommend to the board at each meeting such measures as the mayor shall consider for the good of the public. The mayor may vote in case of a tie, but not otherwise.

## SECTION 13

### MEETINGS OF BOARD

The board shall meet regularly at least once every month at the times and places prescribed by city ordinance. The board shall meet in special session on written notice of the mayor or any four (4) aldermen and served on the other members of the board, or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meeting.

## SECTION 14

### QUORUM OF BOARD FOR TRANSACTION OF BUSINESS

Four (4) members (the mayor being considered a member) of the board shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time.

## SECTION 15

### VACANCIES

The board of mayor and aldermen shall declare that a vacancy exists for the position of mayor or alderman when any of the following conditions is found to exist:



- (1) Resignation from office;
- (2) Death of the office holder;
- (3) Relocation of the office holder's residence from the town;
- (4) The office holder is removed from office in accordance with the provisions of Tennessee Code Annotated, Title 8, Chapter 47, for being convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude;
- (5) The office holder fails to attend any meetings of the board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of at least six (6) months so as to prevent the office holder from discharging the duties of office.

When a vacancy has been declared in the office of mayor, the vice mayor shall immediately assume the duties of the mayor in the mayor's legislative, executive, and judicial capacity, and shall serve in such capacity for the remainder of the unexpired term of the mayor's office or until the next regular town election, which shall occur first. If the next regular town election occurs prior to the expiration of the term, a special election shall be held, at the same time as the regular town election, to fill the remainder of the unexpired mayoral term.

When a vacancy has been declared in the office of any alderman, the board shall choose some other qualified resident of Ridgely to fill the office of alderman. Such aldermanic appointee shall serve in such capacity for the remainder of the unexpired term of the alderman's office or until the next regular town election, whichever shall occur first. If the next regular town election occurs prior to the expiration of the term, a special election shall be held at the same time as the regular town election, to fill the remainder of the unexpired aldermanic term.

## SECTION 16

### BOARD'S AUTHORITY TO HIRE AND DISMISS EMPLOYEES AND TO REQUIRE REPORTS

The board shall appoint all other employees and agents necessary to execute the laws, such as deputy marshals, scavengers, etc., and may require reports from any and all officers and employees; and any officer of the town, except the mayor and aldermen, and including the marshal, may be suspended

or removed from office for misconduct or incompetence or inattention to duty in the discretion of the board.

#### SECTION 17

##### BOARD TO CONTROL TOWN'S FINANCIAL AFFAIRS, PROPERTY, FRANCHISES AND UTILITIES

The board shall have control of the finances of the town and all property and franchises of the same and power to appropriate money out of its treasury for all proper corporation purposes, and to regulate all affairs of the town not herein specifically entrusted to some other authority.

#### SECTION 18

##### INTRODUCTION AND PASSAGE OF ORDINANCES, RESOLUTIONS, ORDERS, ETC.; MAYOR'S VETO POWER

Any member of the board, including the mayor, may introduce resolutions or proposed ordinances or bills before the board; all general and permanent ordinances or laws shall be written or printed, and shall be read and passed on two (2) different days, and shall receive on final passage the assent of a majority of the board. All other resolutions and orders may be passed and adopted by a majority vote of the whole board without the necessity of passing same on two (2) readings, as above provided for ordinances; provided, however, that if the mayor disapproves of any proposed ordinance, order, or resolution, the mayor may veto the same, and, in that event, the measure cannot be again considered until the next regular meeting of the board, when it may be passed notwithstanding the veto of the mayor; provided, a majority of the board shall vote in favor of same, only one (1) meeting being required for such vote; all votes taken by the board shall be by ayes and nays, and the minutes shall show the vote, except when a measure shall pass unanimously.

#### SECTION 19

##### ORDINANCE BOOK AND MINUTES TO BE KEPT

All ordinances shall be properly styled and numbered, and shall be recorded by the recorder in a book called the ordinance book in the order in which they shall be passed; a full and accurate record of the proceedings of the board shall be kept by the recorder in a well-bound book, to be known as the minutes; ordinances shall not be copied into the minutes, but reference shall be made on the minutes to the caption or title or the general nature of such ordinances, so as to identify the same.

## SECTION 20

## LEGISLATIVE POWERS

The board shall have power to pass and adopt all laws, rules, regulations, and ordinances necessary and proper for carrying into effect the provisions of this act and to secure the health, peace and general welfare of the town, and to do any and all things legitimately incident to municipal government, and to this end the board shall have power by ordinance:

(1) To levy and collect taxes on all property, privileges, and polls in accordance with the laws of Tennessee;

(2) To provide for the prevention and punishment of offenses against the person, public and private property, public decency, and morality, the public health, peace, justice, and public policy committed within said town, in accordance with general law;

(3) To impose maximum and minimum fines for the violation of the ordinances of the town, and to provide for the collection of fines and forfeitures; provided, however, no fine may exceed fifty dollars (\$50.00);

(4) To make quarantine regulations, establish pesthouses and hospitals, appoint health officers and guards, in accordance with general law; to require property owners, lessees, or their agents to keep their premises clean;

(5) To declare what are nuisances, and to prevent same or provide for the removal of the same;

(6) To regulate, restrain, or prohibit cattle, hogs, horses, and other animals and fowls from running at large within said town; to authorize the summary sale or other disposition of same, and to prevent the raising or keeping of hogs within the town;

(7) To provide for the inspection and regulation of buildings, walls, chimneys, flues, stoves, pipes, to the end that danger from fire may be prevented;

(8) To establish fire limits, and to make and enforce regulations for the prevention and extinguishment of fires; to establish and equip a fire company; to regulate the keeping and storage of explosives and combustible material; to regulate or prohibit the sale and use of fireworks, toy guns, etc.;

(9) To provide for the digging of wells; planting of trees; the erection of a jail, or other public buildings; laying out of commons, parks, and cemeteries; and the acquiring of sites of cemeteries;

(10) To open, establish, widen, extend, alter, abolish, grade, pave, macadamize, and keep in repair all streets, alleys, thoroughfares, commons, and squares; to dig ditches and drains, construct sewers, culverts, bridges, crossings, and sidewalks, and keep same in repair;

(11) To compel property owners to build sidewalks and foot pavements at their own expense, and keep same in repair, if deemed expedient. In the event this method of building pavements is adopted, a lien shall exist on the land abutting on and along said pavements, to secure the amount of the cost of constructing such pavements; and to provide for the enforcement of such lien; and to fix a penalty for failure to build such pavements;

(12) To make contracts with persons, companies, or corporations for furnishing the town and its inhabitants with water and lights, and to fix reasonable rates and charges for such water and lights;

(13) To grant franchises and rights of way over the streets, alleys, thoroughfares, and public property for the electric lights, gas pipes, telegraphs, telephones, steam and electric roads, etc., and for such other kindred purposes, as the board may deem proper; provided, that no municipal franchise shall be granted to any person, company, or corporation for a period of more than twenty (20) years; and

(14) To declare the jail a workhouse or to establish a workhouse, and to make regulations for the working of persons convicted of violating laws within the corporate limits of the town in said workhouse or upon the streets and public works, in accordance with general law.

## SECTION 21

### POWERS AND DUTIES OF THE MAYOR

The mayor shall be the chief executive officer of the town; the mayor shall see to the enforcement of all the ordinances of the town; the mayor shall see that the officers and employees of the town perform their duties, and shall examine their books and require reports from them from time to time; the mayor may make pro tempore appointments in case any ministerial officer shall be prevented from attending to such duties by reason of sickness, absence, death, or other disability, such appointment to remain in effect until the board shall act on the same; the mayor shall have power to suspend any ministerial officer for

misconduct of dereliction of duty, reporting such action at once to the board, which may take whatever action it may deem necessary in regard to the matter; the mayor shall sign all warrants drawn on the treasury of the town and all contracts and obligations authorized by the board, and no warrant or contract not so signed shall be valid; the mayor shall sign the minutes and see that they are properly kept; the mayor shall be chairman ex officio of the committee on streets and public works, and it shall be the mayor's duty to see that all thoroughfares, drains, and public utilities are kept in proper order and repair; the mayor shall see to the preservation of the peace and health of the town, and in case of emergency the mayor shall have power to call for aid every male inhabitant for the maintenance of the peace or enforcement of the laws of the town, and a failure to obey such order shall subject the one so failing or refusing to a fine of one dollar (\$1.00) to fifty dollars (\$50.00). The board may impose other duties and powers on the mayor in addition to those mentioned if it shall deem it necessary.

## SECTION 22

### DUTIES OF THE VICE MAYOR; TEMPORARY ABSENCES IN THE MAYOR'S OFFICE

The board shall appoint a duly elected and qualified alderman to serve as vice mayor. The vice mayor shall serve as mayor pro tem during the temporary absences of the mayor and shall immediately relinquish such mayoral duties and authority upon the return of the mayor. Except when serving as mayor pro tem during such temporary absences of the mayor, the vice mayor's duties shall be as prescribed for the position of alderman.

## SECTION 23

### DUTIES OF THE RECORDER

It shall be the duty of the recorder to make out the tax books of the town, collect privilege taxes, keep a full and accurate account of the proceedings of the board, preserve the records and papers and public seal, and to perform such other duties as may be imposed upon the recorder by the board.

## SECTION 24

### DUTIES OF THE TREASURER AND TAX COLLECTOR

It shall be the duty of the treasurer to receive and receipt for all monies due the town, pay out the same on warrants properly drawn on the treasurer, and to perform any and all duties pertaining to such office which shall be

required by ordinance; and unless otherwise provided by ordinance, the tax collector shall perform the duties of treasurer.

#### SECTION 25

##### TREASURER AND COLLECTOR TO COLLECT AND PAY OUT PUBLIC MONIES AND MAKE SEMI-ANNUAL SETTLEMENTS WITH THE MAYOR

The tax collector (or treasurer and collector) shall collect and pay out as hereinbefore provided all public monies upon proper vouchers, and shall settle and file with the mayor the tax collector's accounts at least twice each year.

#### SECTION 26

##### POWERS AND DUTIES OF THE TOWN MARSHAL

The town marshal shall be chief peace officer of the town; shall be vested with all the powers of a constable; shall arrest all violators of the town ordinances and enforce the laws of the state in accordance with general law; and shall perform such other duties as the board may require.

#### SECTION 27

##### JURISDICTION AND POWERS OF THE MAYOR'S COURT

A court is hereby established to be known as the "Mayor's Court". The mayor shall preside over said court, and shall have power to enforce ordinances of the town, impose fines, penalties and forfeitures, and enforce the collection of same; provided, however, no fine shall exceed fifty dollars (\$50.00).

#### SECTION 28

##### CITY RECORDER TO KEEP DOCKET OF CASES, FINES AND COSTS

The city recorder shall keep a docket of cases, and shall enter therein all fines and costs collected and imposed; such fines and costs shall be paid to the city recorder, who shall pay to the officer and witnesses their costs, and account to the board for the revenue thus accruing to the town.

## SECTION 29

## FEES OF MAYOR, OFFICER AND WITNESSES

The fees of mayor, officer, and witnesses shall be as fixed by ordinance, but until so fixed shall be the same as allowed to justices of the peace, constables, and witnesses under state law for similar services.

## SECTION 30

## RIGHT TO STAY EXECUTION AND TO APPEAL FROM MAYOR'S COURT

In all cases in which a person is convicted of a violation of an ordinance before the mayor, such convict shall have the right to stay execution for ten (10) days by giving good security for fine and costs, and the accused in such cases may appeal to the next term of the circuit court of Lake County from the judgment of the mayor, where the cause shall be tried de novo; provided, such person shall perfect the appeal within two whole days (Sunday excepted) by making bond in the sum of one hundred dollars (\$100).

## SECTION 31

CERTAIN STATE OFFENSES ADOPTED FOR  
LOCAL PURPOSES; PUNISHMENT

Each and every act which is made a misdemeanor under the laws of Tennessee and every offense thereunder below the grade of felony is hereby made an offense against the laws of the Town of Ridgely, and shall be punishable by a fine of one dollar (\$1.00) to fifty dollars (\$50.00); provided, that this section may be superseded, except for the limitation on the maximum amount of the fine, by specific ordinances should the board deem it proper.

## SECTION 32

## POWER TO LEVY AND COLLECT TAXES

The board of mayor and aldermen shall have power to levy and collect taxes for corporation purposes upon all property, privileges, and polls in accordance with the laws of Tennessee within the limits and jurisdiction of said town.

**SECTION 33****ASSESSMENTS**

In accordance with Tennessee Code Annotated, Section 67-5-103, taxes on property for municipal purposes shall be imposed on the value thereof as the same is ascertained by the assessment for state taxation, and shall be collected by the same officers at the time and in the manner prescribed for the collection of the state revenue.

**SECTION 34****DETERMINATION OF TAX LEVY; RECORDER TO PREPARE  
TAX BOOKS AND BE COMPENSATED THEREFOR**

After the assessment is completed, the board shall make an estimate of the amount of money needed to cover the expenses of the town for the ensuing year, and shall make the proper levy, and thereupon the recorder shall make up the tax books as county tax books are kept, and shall receive such compensation as the board may allow.

**SECTION 35****WHEN TAXES DUE AND DELINQUENT; COLLECTION  
OF DELINQUENT TAXES AUTHORIZED**

Taxes shall become due and delinquent on the same dates as state and county taxes are, and delinquents shall be subject to the same penalties and costs as fixed by state law, and delinquent taxes shall be collected in the same manner as state and county taxes are collected.

**SECTION 36****TAX COLLECTOR TO PREPARE A LIST OF DELINQUENT  
TAXPAYERS; TO BE EXECUTED ON PERSONAL  
PROPERTY BY THE MARSHAL**

As soon as practicable after taxes become delinquent, the tax collector shall prepare a list of delinquent taxpayers, specifying the amount of taxes on polls, personal property, and real property due from each, duly certified to, and shall deliver the same into the hands of the marshal or some constable or other person designated by the board for that purpose, which list shall have in the hands of such officer the same force and effect as an execution from a court of record and the same force as county tax books in the hands of an officer. Such



officer shall make due return of all taxes and tax lists, showing those who have paid and those who have not paid taxes, and certifying that no personal property was to be found out of which to make such taxes.

#### SECTION 37

##### REAL ESTATE TAXES TO E LIEN ON SAID PROPERTY

All taxes due upon real estate are hereby declared a lien thereon until paid, or for the period of ten (10) years after the same become due, and this lien may be enforced in accordance with general law.

#### SECTION 38

##### POWER OF TOWN TO TAKE PRIVATE PROPERTY

The board shall have power 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; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapters 16 and 17, and Sections 7-31-108 - 7-31-111, or in any other manner provided by general law.

#### SECTION 39

##### COMMITTEE TO BE APPOINTED TO ASSESS DAMAGES FOR THE OWNERS OF PROPERTY CONDEMNED BY THE TOWN

In accordance with Tennessee Code Annotated, Section 7-31-108, when the owner of the land through which any street, alley, or park is to be extended or established requires compensation or damages for the same, the board shall, by ordinance or resolution, appoint freeholders not exceeding seven (7) in number who, after first being duly sworn, shall examine the premises and assess the damages or compensation, and report the same to the mayor and aldermen, which body shall cause the report to be spread upon its minutes with its action thereon.

#### SECTION 40

##### PROPERTY OWNERS TO BE BOUND BY APPRAISAL

In accordance with Tennessee Code Annotated, Section 7-31-110, after the report has been confirmed and damages allowed and appropriation made therefor, each and every property owner who fails or refuses to open or allow to

be opened such land for the purposes mentioned shall be subject to a fine of five dollars (\$5.00) for each and every day of such refusal or failure, which fine may be recovered before the mayor's court.

## SECTION 41

### APPEALS BY PROPERTY OWNERS

In accordance with Tennessee Code Annotated, Section 7-31-111, any owner aggrieved by such opening of the street, alley, etc., may appeal to the circuit court within twenty (20) days after the officers of the town have ordered the same to be opened and possession delivered; provided, that any such appeal shall not operate to prevent the town from taking possession of the land condemned, nor stay the opening or extension of any such street, alley or other improvement.

## SECTION 42

### ANNEXATION OF TERRITORY

Territory adjoining the town may be added to and included within the corporate limits of the same in accordance with general law and specifically Tennessee Code Annotated, Title 6, Chapters 51 and 58.

## SECTION 43

### PROPERTY OWNED BY TOWN EXEMPT FROM EXECUTION

Except as may be otherwise provided under the Government Tort Liability Act, or any other general law provision, all property, whether real or personal, held, or owned by the town, and all funds in the hands of the treasurer or any other person shall be exempt from seizure, garnishment, attachment, execution, or other legal process; nor shall there be any priority by pledge, mortgage, or otherwise of such property or taxes given to creditors.

## SECTION 44

### PROCEDURE FOR SPENDING MONEY BELONGING TO THE TOWN

No money shall be paid out of the town treasury except upon warrant signed by the mayor and countersigned by the recorder pursuant to authority theretofore granted by the board in open session; provided, that the mayor shall have the right to draw the mayor's own warrant for payrolls and street work up to a certain limit fixed by the board from time to time.

SECTION 45

OFFICERS NOT TO BE PECUNIARILY INTERESTED  
IN CONTRACTS WITH TOWN

In accordance with general law, no member of the board nor any officer shall be interested in any contract of any kind under such person's control or direction, and any contract in which any person shall have a pecuniary interest or expectation of profit shall be void.

SECTION 46

UNAUTHORIZED EXPENDITURES OR DEBTS

No order or ordinance of the board involving the expenditure of money or the creation of a debt against the corporation shall be made unless there be money actually in the treasury at the time or the same be within the amount of the current year's taxes.

SECTION 2. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 3. 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 that end the provisions of this act are declared to be severable.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Ridgely. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

PASSED: March 27, 2002

s/ Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

C-20

s/ John Wilder  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 3<sup>rd</sup> day of April 2002

s/ Don Sundquist  
DON SUNDQUIST, GOVERNOR

ACTS COMPRISING THE CHARTER OF THE TOWN OF  
RIDGELY, TENNESSEE

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YEAR	CHAPTER	SUBJECT
2002	109	Basic charter act.

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