

CHARTER OF THE TOWN OF AUBURNTOWN, TENNESSEE¹

CHAPTER NO. 65

HOUSE BILL NO. 80

(By Bryson)

AN ACT to incorporate the town of Auburntown in Cannon County, to fix its boundaries, to define its powers and to provide for its government and for the election of municipal officials.

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¹Priv. Acts 1949, ch. 65, is the current basic charter act for the Town of Auburntown, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2021 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

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.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, that the Town of Auburntown in Cannon County and the inhabitants thereof are hereby constituted a body politic and corporate by the name of Auburntown and by that name shall have perpetual succession; may use a common seal and alter it at pleasure, may sue and be sued in all courts of law and equity; may purchase, receive, own and hold real estate, personal and mixed property, within and without said town for corporate purposes and sell and dispose of such property for the benefit of the corporation and to do all other things touching the same that a natural person may do.

Sec. 2. Be it further enacted, That the boundaries of said town shall be as follows:

"Beginning at the junction of Marshall Creek and Sanders Fork Creek, in Auburntown, Tennessee, and running in a northeast direction with the west bank of Sanders Fork Creek to the west end post of the Carl Ed Hancock foot bridge (8/10 of mile), thence in a southeast direction 1452 feet to a pecan tree; thence in a northeast direction 363 feet to a rock; thence in a northwest direction 1542 feet on a line parallel with said 1452 foot line, then running in same direction fifty yards east of Highway 96 to the east corner post in Winfred Gaither and Roy Hamilton line (one 4/10 mile), then northwest fifty yards to Highway 96. Then south with Highway 96 (1/10 mile) to stake in fence of Roy Hamilton and Hop Robinson. Then northwest with Robinson and Hamilton fence 100 yards from Highway 96 to a stake in fence. Then southwest 100 yards west of highway to a stake in fence of I. B. Gaither and Ural Bethal line. Then northwest 50 yards with J. D. Fite line to the north corner fence post of Grizzle and Fite line. Then southwest parallel with Highway 96 at a depth of 150 yards to a stake 100 yards north of Marshall Creek Road. Then westward (100 yards north of Marshall Creek Road) to a stake in the line of Bain and Summars. Then North 300 yards with Bain and Summar's line. Then West 440 yards to Robinson and Summar's line. Then South with Robinson and Summar's line 250 yards. Then West to Northwest corner post in T. E. Turney's yard fence. Then southward to concrete slab in Marshall Creek Road. Then westward with south edge of Marshall Creek Road 6/10 mile to south end of culvert in front of Ervin Davenport house. Then south with Bryn and Turney line to the northwest corner post in Homer Bells yard fence. then West 100 yards North on Highway 96 to a stake in Turney and Donnell's line. Then south with Turney and Donnell fence 100 yards to Highway 96. Then east with Highway 96 to the northwest corner fence post of Dunn and Bethel. Then south 150 yards with Dunn and Bethel line to stake. Then east 5/10 mile to tree in Van Trease and Baptist Church line 150 yards south of Highway 96. Then southward to a stake in northwest corner of

school ground. Then south with Donnell and school ground line to a tree in southwest corner of school property. Then east with Kennedy line to stake 200 yards west of Auburntown and Woodbury Road in Kennedy fence. Then south to the southwest corner of V. R. Kennedy barn. Then east to the Auburntown and Woodbury Road at V. R. Kennedy's spring. Then north with Aburn and Woodbury Road. Then east 100 yards to the southwest corner post in D. S. Odom and Dr. Vanhook line. Then north to the southeast corner of J. A. O'Neal's barn (in front of M. H. Robinson store), then northeast to starting point at junction of Marshall Creek and Sanders Fork Creek.

Add thereto and incorporate therein an area 72 yards by 33 yards South of and adjacent to the South corporate line as originally enacted lands of Garland Gaither bounding 33 yards on the South line of the corporation as now defined and bounded 72 yards on the West by the lands of Patterson and Gaither, bonded 33 yards on the North by Gaither, and, on the East 72 yards by Gaither. [As amended by Priv. Acts 1957, ch. 216]

Sec. 3. Be it further enacted, That the officials of the town of Auburntown shall consist of C. S. Hawkins, Mayor; and T. L. Carter, J. H. Jones, M. J. Summar, R. R. O'Neal, M. B. Odom and W. B. Kennedy, as Aldermen, all of whom shall serve until the first Saturday in May, 1949, and until their successors shall be elected and qualified.

Sec. 4. Be it further enacted, That on the first Tuesday after the first Monday in November, 2004, and every four (4) years thereafter the County Election Commissioners shall hold an election in the town of Auburntown for the purpose of electing a Mayor and six (6) Aldermen for said town, who shall hold their offices for a period of four (4) years therefrom and until their successors shall be elected and qualified. No person shall be eligible to be elected Mayor or Alderman unless such person at the time of his election and induction into office shall have been a citizen of the State for two years and a bona fide citizen of the town six months previous to his election and shall be 25 years of age. The Mayor shall preside at all meetings of the Board of Mayor and Aldermen and shall have a vote upon all matters coming before the Board. It shall be his duty to faithfully execute all ordinances and resolutions of the town and in case of an emergency, he shall have the power to call to the aid of the Marshal such special police as he may deem proper. [As amended by Priv. Acts 1988, ch. 175; and Priv. Acts 2003, ch. 4]

Sec. 5. Be it further enacted, That the said Mayor and said Aldermen under the style of Board of Mayor and Aldermen shall constitute the legislative body of said corporation. They shall meet once each month and oftener if they deem it necessary; and shall have power to pass all resolutions and ordinances

and to make all orders that are necessary to carry out the obligations of this Charter; and it shall not be necessary for an ordinance to pass more than one reading, but before an ordinance becomes effective it shall on or before the next meeting after its passage, be signed and approved by the Mayor, but the Mayor shall have veto power and if he shall refuse to approve an ordinance, he shall return same to the Board of Mayor and Aldermen at its next meeting, with his reasons stated in writing for his refusal, and said ordinances shall not become binding unless as many as five Aldermen vote for its passage, in such case it shall become the law of the town.

Sec. 6. Be it further enacted, That in addition to the Mayor and Aldermen the officials of the town shall consist of a Marshal and City Recorder, who shall be elected by and whose compensation shall be fixed by the Board of Mayor and Aldermen. Such officials shall hold office for a period of two years from the date of their election and until their successors shall be elected and qualified, except that the election of the first Marshal and Recorder shall not exceed beyond the first Saturday in May, 1949, and until their successors are elected and qualified. It shall be the duty of the Marshal to enforce all penal ordinances of the city, to preserve peace therein and it shall be the duty of the Recorder to issue all licenses within the city, to collect all taxes and to apply them for corporate purposes. Before entering office, the Recorder shall execute bond in such sum as may be fixed by the Board of Mayor and Aldermen for the faithful performance of his duty. No money shall be paid out by the Recorder except pursuant to authorizations therefor on the part of the Board of Mayor and Aldermen.

Sec. 7. Be it further enacted, That the Board of Mayor and Aldermen shall have the power by ordinance or resolution:

(1) To levy and collect taxes upon all real and personal and mixed property, polls and privileges taxable under the laws of this State, but no ad valorem tax shall be fixed by them in excess of 25c on the one hundred dollars' worth of taxable property:

(2) To appropriate money and to provide for the payment of the debts and liabilities of the town.

(3) To license and tax all privileges made such by the laws of the State where municipal privilege taxation is permissible.

(4) To make all necessary regulations and laws to secure the health, safety, peace and comfort of the inhabitants of the town.

(5) To regulate, prohibit and suppress all disorderly houses.

(6) To provide for the arrest and confinement of all offenders against the ordinances of the town and to require the payment or working out of all fines duly assessed for breach of the ordinances of the town. All offenders against the ordinances of the town shall be triable by the Recorder, who for this purpose is given all the powers of a justice of the peace as to offenses occurring within the corporate limits thereof. Any person aggrieved by a judgment of the Recorder may appeal to the Circuit Court upon executing bail for his or her appearance and likewise executing an appeal bond or pauper's oath in lieu thereof.

(7) To maintain a system of streets and alleys and prohibit encroachments thereon and to take all other steps necessary to keep such in repair and free of obstructions.

Sec. 8. Be it further enacted, That the basis of assessment of property of the town of Auburntown shall be that fixed by the County Tax Assessor and County Board of Equalization and upon such assessment becoming final, it shall be the duty of the Recorder to obtain an accurate copy thereof and therefrom to make out the tax books for the City of Auburntown. All taxes due the City shall be due and payable upon December 1 of each year and shall become delinquent upon February 1 next following. The town shall have power by distringas to enforce the collection of any taxes due to it but such remedy shall not be exclusive but in addition to all other remedies now conferred by law for the collection of municipal taxes. All vacancies in the office of Mayor or Aldermen of the town shall be filled for the remainder of the unexpired term by the remaining members of such Board. In addition, the town shall have all other powers necessary to the health, safety and welfare of its inhabitants to regulate motor driven vehicles of all kinds and the speed at which they shall be operated within said town.

Sec. 9. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 26, 1949.

McAllen Foutch,
Speaker of the House of Representatives.

Walter M. Haynes,
Speaker of the Senate.

Approved: January 27, 1949.

Gordon Browning,
Governor.

**PRIVATE ACTS COMPRISING THE CHARTER OF THE
TOWN OF AUBURNTOWN, TENNESSEE**

YEAR	CHAPTER	SUBJECT
1949	65	Basic charter act.
1957	216	Amended § 2, boundaries.
1988	175	Amended § 4, election date.
2003	4	Amended § 4, election date.