

CHARTER OF THE CITY OF WATERTOWN, TENNESSEE<sup>1</sup>

CHAPTER NO. 187

HOUSE BILL NO. 490

(by Mr. Phillips.)

A BILL entitled An Act to incorporate the City of Watertown, in Wilson County, Tennessee; to provide the government and control thereof; and to provide for the ways and means of the conduct of the administration of said corporation.

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<sup>1</sup>Priv. Acts 1937, ch. 187, is the current basic charter act for the City of Watertown, 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 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 which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

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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INCORPORATION OF WATERTOWN, TENNESSEE

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, that the City of Watertown, in Wilson County, Tennessee, and the inhabitants thereof are hereby constituted and declared a body politic and corporate, by the name and style of "Watertown, Tennessee," and by that name shall have perpetual succession; may use a common seal and alter it at pleasure; may sue and be sued, plead and be impleaded in all the courts of law and equity in all actions whatsoever; may purchase, receive, own and hold real estate, personal and mixed property, within or without said city, for corporate purposes and sell 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.

BOUNDARIES<sup>1</sup>

SEC. 2. Be it further enacted, That the corporate limits of said Watertown, Tennessee, shall embrace the territory within the following boundaries, to-wit:

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<sup>1</sup>The boundaries contained in this basic charter act as amended have been extended by the adoption of several annexation ordinances. These ordinances are entered in the minute books of the city council and are of record in the city recorder's office.

Beginning at a point at the intersection of the east boundary of the Tennessee Central Railroad right of way and J. R. Eastes' south boundary and the northeast corner of Lot No. 42 of the R. N. Givans' addition to Watertown, said point being indicated by an iron pin; thence with the said east boundary of the Tennessee Central right of way south 26 degrees west 858 to the north boundary of State Highway No. 26; thence with said east boundary of the Tennessee Central right of way, south 37 degrees west 182 feet to a point in same; thence south 54 degrees west 250 feet to a point in said Tennessee Central right of way; thence south 68 degrees west 158 feet to a point in said Tennessee Central Railroad right of way; thence with said right of way south 77 degrees west 1,900 feet, crossing the Neal road and Round Lick Creek, to an iron pin, the northeast corner of C. J. Phillips' tenant house lot; thence south 77 degrees west 950 feet to an iron pin J. R. Smith estate and Hale corner; thence with the dividing line between the Smith and Hale property south 3 degrees west 473 feet to a point originally the center of the creek, said Smith estate's corner; thence south 74  $\frac{3}{4}$  degrees west with a dividing line between Smith and Hale 284 feet to an iron pin on original line and corner. Thence south 70 degrees west 1,545 feet, crossing the Statesville Road at south end of bridge, to two box elders and rock pillars; thence west 1,221 feet to a rock pillar; thence north 20 degrees west, 858 feet crossing the Tennessee Central Railroad to an iron pin in the north boundary of State Highway No. 26, the southwest corner of the Round Lick Church property. Thence with the west boundary of the Round Lick Church property north 10 degrees west 433 feet to an iron pin, the northwest corner of said Round Lick Church property; thence with the north boundary of the said Round Lick Church property north 75 degrees east 422 feet to a cedar post; thence north 15 degrees west 1,086 feet to a rock in the south margin of Vanderbilt Street; thence with the south boundary of said street north 85 degrees west 314 feet to an iron pin; thence north 3 degrees east with the east boundary of public road 470 feet to an iron pin; thence east 1,140 feet to an iron pin; thence south 13 degrees east 100 feet to an iron pin in the south margin of Locust Street; thence with the south margin of Locust Street north 86 degrees east 1,926 feet to an iron pin in the west margin of Euclid Avenue; thence with the west margin of Euclid Avenue, north, 9 $\frac{1}{2}$  degrees east 248 feet to a cedar post in north boundary of Walnut Street; thence with said north boundary of Walnut Street south 80 degrees east 692 feet to a point in the west boundary of Elm Avenue; thence with the west boundary of Elm Avenue, north 9 $\frac{1}{2}$  degrees east 758 feet to an iron pin; thence south 84 degrees east, crossing Commerce Road and Round Lick Creek, 300 feet to an iron pin, Hobart Trawick's southeast corner; thence with said Trawick north 47 feet to an iron pin; thence south 85 degrees east 1,345 feet to an iron pin in the dividing line between the Waters Cemetery and Clark Bland; thence with said Bland south 3 degrees west 528 feet to a Hackberry, the northwest corner of the Christian Church property; thence with the north boundary of said Christian Church property south 80 degrees east 335 feet to an iron pin; thence south 21 degrees

west 228 feet to a rock; thence south 86 degrees east 430 feet to the beginning. [As amended by Priv. Acts 1949, ch. 300, § 1]

### TO ANNEX NEW TERRITORY

SEC. 3. Be it further enacted, That territory adjoining said city may be added thereto and included in the corporate limits thereof as follows: Six citizens, resident freeholders in the territory proposed to be added and included in the corporate limits of said city, shall sign a petition in writing over their signature, in which shall be described in metes and bounds the particular territory proposed to be added and included and shall submit the same to the City Council of said city for consent and approval; and if said City Council consent and if a majority of the citizens who are legally qualified voters in said territory consent, the said territory shall become a part of said corporation; and to test the same by said voters in said territory and obtain their consent, or the consent of a majority of them, an election shall be held at some convenient and public place in said territory; and each voter entitled to vote in state and county elections who shall have resided in said territory for more than six months, and each non-resident freeholder who shall be citizen of the State of Tennessee and shall have owned a freehold within said territory for more than six months previous to said election, shall be a qualified voter, and no other shall be; and the Election Commissioners for Wilson County, or other body or persons legally authorized to hold elections in said county, shall hold the election; shall give twenty days' notice of the time, place and purpose of the election, and shall appoint judges and clerks to aid in said election, and shall make a return of the result to the City Council of said city; and if a majority of the qualified voters in said territory be in favor of the addition and incorporation with said city, then said territory shall become a part of said city; provided, however, that nothing in this section shall be understood to preclude the General Assembly of the State of Tennessee from enlarging or diminishing the boundaries of said city.

### ADMINISTRATIVE BRANCHES

SEC. 4. Be it further enacted, That the corporate authority of said city shall be vested in a City Council composed of a Mayor and six Aldermen, and in such officers as may be appointed in pursuance of law as otherwise provided in this charter. The legislative power of said corporation shall be exercised by the City Council. The said Mayor shall be elected by the qualified voters of said city and the said Mayor and Aldermen will hold their offices for a term of two years. No person shall be eligible for the office of Mayor or Aldermen of said city who has not been a resident of said city for at least one year immediately preceding the election, and the Mayor and Aldermen before entering on the duties of his office, shall take an oath that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability, without favor or partiality.

## CITY COUNCIL

SEC. 5. Be it further enacted, That the City Council shall be the judge of the qualification and election of its own members. It may determine its own rules of proceedings and prescribe punishment of its members for non-attendance or disorderly conduct, and enforce the same. Two-thirds of its members concurring may expel a member for improper conduct while in office. It shall require a majority of its members to constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time; an ordinance may be adopted by the council to compel the attendance of absent members by fines and penalties.

## MEETINGS OF COUNCIL

SEC. 6. Be it further enacted, That the City Council shall hold its meetings at such times as it may determine, not exceeding one regular meeting per month, but special meetings of the Council may be called by the Mayor or two-thirds of the Aldermen by written notice, at any time when the public interest requires it. The purposes of such special meetings shall be stated in the call, and no business shall be entered upon or transacted at such special meetings except that which is mentioned in the call.

## MAYOR--DUTIES AND POWERS OF

SEC. 7. Be it further enacted, That the Mayor shall preside at all meetings of the City Council, vote in all elections for officers of the city and upon all questions coming before the Council where there is a call for ayes and nays, and in all cases where there is a tie. He is also vested with all the powers and duties of an Alderman. It shall be his duty to see that all the ordinances of the city are enforced. He shall examine all bills passed by the City Council and should any of them not meet his approval shall return the same to the next regular meeting of the City Council with his objections thereto in writing and no law or ordinance so vetoed by the Mayor shall go into effect unless the same be again passed by a two-thirds' vote of the whole number of the City Council.

No bill shall become a law without having been passed on two separate readings by a majority vote, both of which shall not be at the same meeting, and no bill shall become a law until signed by the Mayor, unless the same is passed over his veto.

The Mayor shall have the power to make temporary appointments to fill vacancies occasioned by illness, absence, or other disabilities of any city officer, and to suspend any City officer, except an Alderman, for misconduct in office or neglect of duty, reporting his action with his reason therefor in writing to the

next meeting of the City Council for its action thereto. He shall at least once every year cause to be presented to the City Council a complete statement of the financial condition of the city, and shall from time to time communicate to the City Council such information, and suggest and recommend such measures as may in his judgment tend to the improvement of the general interest of the city. He shall perform such other duties as may be required of him by ordinance. He shall have power to bid in property of the city at all tax and judicial sales when the city is a party. In the absence of the Mayor, the Aldermen shall have the authority to elect a Mayor pro tem, who shall be vested with all powers of the Mayor.

### POWERS AND AUTHORITY OF COUNCIL

SEC. 8. Be it further enacted, That the City Council shall have full power and authority within said corporation:

1. To levy and collect taxes upon all property taxable by law for State purposes.
2. To levy and collect taxes upon all privileges taxable by the laws of the State.
3. To require all male citizens 18 years of age and over, living within the corporate limits, to work on the streets, alleys and other public places of said city, such number of days as may be prescribed, not exceeding eight days in any one year; or to fix a commutation by paying a specific sum per day in lieu of such work.
4. To appropriate money and provide for the payment of the debts and expenses of the corporation.
5. To fix the salaries of all officers and employees of said corporation not fixed herein, and provide for the payment of same.
6. To make regulations and laws to secure the general health and safety of the inhabitants of said city; to declare, prevent and remove nuisances; to make and enforce quarantine laws and regulations; to prevent the introduction and spread of contagious diseases.
7. To erect, regulate, and maintain hospitals and pest houses within or without the corporate limits of said city; and said city shall have the right to acquire by purchase, receive by gift or procure by condemnation proceedings, as authorized by the laws of the State of Tennessee, land for said purposes. The same being Sections 3398, 3399, 3400 and 3401, of the 1932 Code of Tennessee.

8. To provide for the regulation and inspection of meats, vegetables and other provisions, and of butter and milk, and of oil and other spirits; and to establish, maintain and regulate markets, and erect and maintain market houses.

9. To provide for the appointment of a police force and fix their pay; to impose fines, forfeitures and penalties for the breach of any city ordinance, and provide for their recovery; but no penalty shall exceed fifty dollars and not be less than two dollars.

10. To establish, regulate and provide for the maintenance of and regulate a system of free schools, but so as to avoid sectarian influence.

11. To license, tax and regulate all privileges taxable by the State.

12. To license, tax and regulate hackney carriages, carts, omnibuses, wagons, drays and automobiles, and fix the rate for the carriage of persons and property within the city.

13. To license, tax and regulate theatrical and other exhibitions, and to suppress immoral or vicious theatrical or other exhibitions.

14. To prohibit and suppress all gambling houses, disorderly houses, bawdy houses and obscene pictures and literature.

15. To prohibit and suppress the sale of spirituous, vinous, malt and other intoxicating liquors.

16. To regulate, restrain, or prevent the carrying of articles dangerous in causing or producing fires, and to regulate and suppress the sale of firearms, and to prevent and suppress the carrying of firearms, and to prevent and suppress the selling and carrying of pistols, bowie knives, dirks, or other deadly weapons.

17. To regulate the storage of powder, tar, pitch, resin, salt peter, gun cotton, coal oil, gasoline and all explosive and inflammable material; and to regulate or suppress the sale of firecrackers, toy pistols, fireworks and all explosives.

18. To regulate the use of lights, lamps, electric wiring, steam, gas and hot air pipes in all factories, shops or other places or buildings.

19. To establish fire districts and prevent the erection of wooden buildings and buildings covered with combustible material therein.



20. To prevent the dangerous construction and conditions of building, chimneys, flues, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous, and to make such general regulations for the prevention and extinguishment of fires as said City Council may deem expedient.

21. To regulate the size, number and manner of construction of doors and stairways in all public halls or other public buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so there may be convenient, safe and speedy exit in case of fire, and to provide for sufficient fire drill in public assemblage and schools of said city.

22. To provide for the prevention and extinguishment of fires, to organize and maintain a fire company or companies, and provide the same with quarters, uniforms, engines, hose, hooks, ladders and other necessary equipment.

23. To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the corporation, and for the punishment of all breaches of the peace, noise, disturbance, and disorderly assemblies by day and by night.

24. To pass all ordinances necessary for the health, convenience, safety of the citizens of said city, and to carry out the full intent and meaning of this Act, and to accomplish the objects of this corporation.

25. To regulate, tax, license, or suppress the keeping and going at large of all animals within the town; to impound the same, and in default of redemption, in pursuance of ordinance, to sell or kill the same.

26. To establish and regulate all inspections, weights, and measures not otherwise provided by law within the corporate limits of said city.

27. To prevent and remove all filth and rubbish from the city, and all encroachment into, and obstructions upon, all streets, lanes, alleys, sidewalks, avenues, and pavements, and for the cleaning of the same.

28. To provide the city with water and lights; to erect hydrants and pumps; to construct reservoirs, standpipes and power houses; to dig wells, to lay pipes for conducting and distributing water over the city, to erect wire lines, poles and conduits for the carriage of current; to keep the same in repair; to lay pipes and conduits for the bringing of water from streams, reservoirs, wells and standpipes; and string wire, erect poles, and lay conduits from power houses for

the purpose of conducting current within the city for the use of the inhabitants thereof in such a way and manner as shall be deemed for the best interest of the city, and to keep the same in repair; to hold by gift, or acquire by purchase of condemnation proceedings, under the general laws of the State, rights-of-way for water pipes, conduits, wire lines and poles to and from streams, wells and pumping stations, standpipes, powerhouses, and sites for erection of standpipes, reservoirs, either within or without the corporate limits of said city, and to maintain the same, under Sections 3398, 3399, 3400, and 3401, of the 1932 Code of Tennessee.

29. To acquire by purchase or gift, and construct and erect and operate and maintain sewers and a sewerage system within and without the corporate limits of the city, and for these purposes the city shall have the right to condemn lands and right-of-way under the general laws of the State of Tennessee. The same being Sections 3398, 3399, 3400, and 3401, of the 1932 Code of Tennessee.

30. To erect and maintain in or near the city a workhouse or jail; provided, however, the same shall be constructed in a substantial and comfortable manner; and all persons detained in such workhouse or jail shall be sufficiently and substantially fed and cared for. In the absence of such workhouse or jail, it shall be the duty of the jailer of Wilson County to receive all persons committed to his charge by the officials of said city and keep such person or persons until demanded by the proper officers of said city to be released or delivered to them, or until such person or persons are otherwise lawfully discharged; and it shall be the duty of said jailer to feed and care for such persons so committed to his keeping in the same manner as it his duty toward State prisoners in like cases, and for such services, said jailer shall be compensated by said city in such amount as shall be agreed upon by said jailer and the City County of Watertown, but in no case to exceed the amount allowed for State prisoners; and all persons so confined for the payment of any fine or costs assessed against them shall be allowed one dollar per day on said fine and costs for each day's confinement, and shall perform such labor as their physical condition will permit. But in no case shall any person be confined or imprisoned under this Act for a period longer than ninety days.

31. To open, alter, abolish, widen, establish, grade, pave, or otherwise improve, clean and keep in repair, streets, avenues, lanes, alleys, sidewalks, squares, gutters and conduits; and to erect, establish, and keep all necessary buildings and improvements for the use of the city; and to make all necessary provisions for the maintenance, regulation and improvement of the same, and to make all necessary appropriations for said purposes; and to take and appropriate grounds for widening streets, avenues, squares, parks, gutters and promenades when the public convenience requires it, under the provisions of the

laws of the State of Tennessee. The same being Sections 3398, 3399, 3400 and 3401 of the 1932 Code of Tennessee.

32. To grant the right-of-way through the streets, avenues and squares of said town for the purposes of street railroads, or other railroads, electric light systems, telephone systems, telegraph systems, water and gas mains, or for other purposes, and to regulate the laying out, construction and operation of the same.

33. To regulate the speed of trains and locomotive engines within the limits of said city, and to direct and control the location of railroad and car tracks in said city, and to require railroad companies to construct at their own expense such bridges and approaches, tunnels and other conveniences at public crossings and such viaducts and their approaches over their tracks where the same cross or extend along the public highways or streets of said city, and to put such streets or crossings in such condition and state of repair as not to interfere with the free and proper use of such street or crossing as the City Council of said city may deem necessary.

34. To designate or enclose a plot of ground, and if necessary to acquire the same by purchase, not to the annoyance of any citizen, where all speeding of horses or other animals and where all exhibitions and shows of stock and jockeying may be conducted, and prohibiting the same in other portions of said corporation under penalty as prescribed by ordinances.

35. To make and enforce all laws and regulations necessary or proper for the preservation or protection of all trees, buildings, fences, streets, avenues, alleys, sidewalks, pavements, parks, squares, promenades, cemeteries, wires, poles and sewer lines and other property situated within the city.

36. To pass all laws and ordinances for the government of the city and the rightful enjoyment of the powers herein conferred, and the regulation of the officers, agents and employees 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 and health, peace and good order of the city conferred by law upon municipal corporations; provided, they be not incompatible with the laws of the State and this Act.

37. To make contracts with any person or corporation for public utility service for lights, power, or heat, to be furnished to the municipality, and/or, to the inhabitants therein, and such contracts may be exclusive of other persons or corporations engaged in furnishing the same service, and such contracts shall not extend beyond a period of forty years.

38. To grant to any person or corporation all necessary franchises for light, water power or heat to be furnished the municipality and/or the inhabitants thereof. Such power to grant franchise shall embrace the power to grant exclusive franchises, and for a period not exceeding forty years, upon terms in the franchise agreement, within the corporate limits, either as of the present date or any later date.

The city council is empowered to borrow by notes or bonds an amount not to exceed Fifty-Thousand Dollars (\$50,000.00), without a referendum, for uses and purposes authorized by Chapter 17, Title 6, Tennessee Code Annotated, Chapter 28, Title 6, Tennessee Code Annotated, and Chapter 29, Title 6, Tennessee Code Annotated, and to pledge the full faith and credit of the city for the payment thereof. [As amended by Priv. Acts 1971, ch. 74, § 1]

### HOW COUNCIL MAY NOT USE FUNDS

SEC. 9. Be it further enacted, That the City Council is forbidden to make any appropriations of money or credit in the way of donations for festivities, pageants, excursions, or parades, nor shall they be authorized to subscribe for stock in any railroad company of any other corporations, or give or lend any money, aid or credit to any person or corporation whatever; and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for purposes strictly municipal and local and according to the provisions of this Act.

However, the city is authorized and empowered to exercise all the rights, privileges, and powers provided for municipalities in Chapter 17, Title 6, Tennessee Code Annotated, Chapter 28, Title 6, Tennessee Code Annotated, and Chapter 29, Title 6, Tennessee Code Annotated, and to exercise all similar or related powers which may be authorized by any other chapter of the Tennessee Code Annotated. [As amended by Priv. Acts 1971, ch. 74, § 2]

SEC. 10. Be it further enacted, That the City Council shall not exempt from taxation any property not exempt from State taxation, except that it may, in its discretion, exempt the equipment, buildings and other property of factories operating in said city and property dedicated for community purposes.

### FORM OF ORDINANCE

SEC. 11. Be it further enacted, That all ordinances shall begin by an enacting clause, as follows: "Be it enacted by the City Council of Watertown, Tennessee," and shall at the end of the bill or ordinance contain this provision, that, "This ordinance shall take effect from and after its passage, the welfare of

the city requiring it." Otherwise the same shall not take effect until twenty days after its passage.

### ELECTION OF MAYOR AND ALDERMEN

#### SEC. 12. Be it further enacted, That:

Sub-Section 1. The first election for Mayor and Aldermen of said city under this Act shall be held at regular polling place in said city, to be fixed by the City Council, on the first Saturday in December, 1937, and bi-annually thereafter, and the persons declared elected shall assume office on the first Friday in January, 1938. Said election shall be held by the same officer or officers who are authorized by the laws of the State of Tennessee to open and hold elections for members of the General Assembly. Notice of said elections shall be given and said elections held in the same manner as provided by law for the election of members of the General Assembly of Tennessee and all persons shall be entitled to vote in said elections, or any other corporation elections of said city, who are qualified to vote for members of the General Assembly of Tennessee, and shall have resided within the corporate limits of said city, or own a freehold of the value of fifty dollars therein, for six months next preceding such election at which they offer to vote. The officers holding the election shall canvass the vote within three days next following each election and deliver to each officer elected a certificate of his election. The person receiving the highest number of votes cast for Mayor shall be declared elected, and the six persons receiving the highest number of votes cast for Aldermen shall be declared elected Aldermen of said city. The City Council so elected shall meet at the regular time of the first monthly meeting after their election, to which meeting each member of the City Council shall present his certificate of election, and a record of the same shall be made on the minutes of the City Council.

Sub-Section 2. Upon the effective date of this act, the next election for Mayor and Aldermen of said city under this Act shall be held at the general election conducted in November, 2000, and subsequently shall be held at the general election in November of even-numbered years. Persons currently serving as Mayor and Aldermen shall continue to serve until their successors are elected pursuant to this Sub-Section. The terms of the members of the City Council elected pursuant to the November, 2000, election shall be as follows: The three (3) members receiving the highest number of votes shall be elected for four (4) years; the other members shall be elected for two (2) years. Thereafter the terms of all members of the City Council shall be for four (4) years. Beginning with the November, 2000, election the term of the Mayor shall be four (4) years. [As amended by Priv. Acts 1999, ch. 54, § 1]

### QUORUM OF COUNCIL

SEC. 13. Be it further enacted, That a majority of the City Council shall be a quorum to do business, and if the Mayor or any Alderman shall die, resign or move out of the city, his office shall become vacant, and the vacancy shall be filled temporarily by the City Council at its next meeting, or as soon thereafter as may be convenient, such person so elected to fill such office for the unexpired term.

### CITY TREASURER

SEC. 14. Be it further enacted, That the City Council shall, at its first meeting, or as soon thereafter as practicable, elect a Treasurer for said city. Said Treasurer shall receive all moneys, funds and revenue of said city, and safely keep the same until disbursed in accordance with the provisions of this Act and such valid ordinances as may be passed by the City Council. All moneys, funds and revenues of every nature whatsoever, belonging to, collected by, or for, said city shall, without delay, be paid over to the Treasurer of said city, and no disbursement of any kind shall be made except through such Treasurer. And said Treasurer shall keep a detailed account of all moneys, funds or revenues received by him showing the source from which the same was derived, as reported to him. He shall lay out and disburse the funds of the city upon the warrant of the Recorder, countersigned by the Mayor when issued in accordance with the provisions of this Act, and in no other way, and note the same in a book to be kept by him for that purpose, and shall also note in said book the purpose, for which said warrant was drawn. He shall render a monthly statement to the City Council of the receipts and disbursements of his office, and said report shall be filed by the Recorder in his office. Before entering upon the discharge of the duties of his office, said Treasurer-elect shall take an oath to discharge faithfully the duties of his office, and also execute good, solvent and sufficient bond, with approved security, to discharge faithfully the duties of his office to the best of his skill and ability, and to receive, safely keep and disburse and pay over the moneys, funds, revenues and other property entrusted to his keeping according to the law. Upon going out of office said Treasurer will make full and complete report of all moneys, funds, revenues and other property on hand at his last preceding report, and of all receipts and disbursement since then, and turn over to his qualified successor all moneys, funds, revenues and other properties in his hands.

Said Treasurer shall be removable at the pleasure of the City Council. Compensation for his services as Treasurer may be allowed him by the City Council as it may from time to time determine.

## ANNUAL FINANCIAL STATEMENT

SEC. 15. Be it further enacted, That once every twelve months the City Council shall publish a financial statement, which shall show in detail the liabilities of said city; its assets and approximate value, amount of money on hand, and all receipts and expenditures for the period ending. A copy of said statement shall be filed with the Recorder who shall spread the same on the minutes of the City Council at the next regular meeting.

## SALARIES OF OFFICERS

SEC. 16. Be it further enacted, That the salaries of all officers, agents and servants of said city shall be fixed by the City Council, and the City Council shall have power to require of them such bonds as it may prescribe; but it shall require a good and solvent bond of the Recorder, to be approved by it, sufficient in amount to cover all moneys and other properties that come, or may come, into the hands of said Recorder, to perform faithfully said duties of his office and account for faithfully and pay over according to law all moneys and other properties that shall come into his hands.

## RECORDER--DUTIES OF

SEC. 17. Be it further enacted, That the term of office of the Recorder shall be for the length of the term of the members of the City Council who elected him, and, among the other duties imposed upon such Recorder by this Act, and by the City Council, he shall be vested with jurisdiction, power and authority, and it shall be his duty to hear and determine all charges of violation of the laws and ordinances of said City of Watertown, Tennessee; to impose fines for the violation of such laws and ordinances; to preserve and enforce order in his court; to enforce the collection of all fines imposed by him in the same way that Justices of the Peace may enforce collection of fines imposed by them for violation of the laws of the State, and in default of payment or security of any fine so imposed, to commit the offender to the workhouse to be dealt with as provided in this Act. He shall keep a docket in which shall be entered all cases heard or determined by him for offenses against the laws and ordinances of said city, and shall make and enter a minute in each case of all orders and judgments rendered or pronounced by him in each case. Monthly he shall pay over to the Treasurer of said city all fines collected by him; filing with the Treasurer thereof at the time of payment a report showing in detail from whom each fine is collected, when, and for what offense; and he shall likewise make report thereof to the City Council monthly, and in addition thereto show what persons have been confined in the workhouse for the payment of fines.

### RIGHT OF APPEAL

SEC. 18. Be it further enacted, That the defendant in all cases heard and determined by the Recorder as provided in the foregoing section shall have the right to appeal to the Circuit Court of Wilson County, Tennessee, giving bond with security in the sum of one hundred dollars; that all such appealed cases shall be tried de novo.

### MAYOR MAY TRY CASES

SEC. 19. Be it further enacted, That in the absence, failure to act, refusal to act or incompetence of the Recorder, and his incompetence shall be determined in the same manner and shall be such as would disqualify a Justice of the Peace in similar cases the Mayor shall hear and determine such cases. And if the accused and two reputable citizens of said city shall make oath that justice in their opinion will not be meted out by the Recorder to the defendant, the Mayor shall hear and determine such case. And the Mayor is hereby vested with the power, authority and jurisdiction of the Recorder in such cases, and appeal shall likewise lie from the Mayor's decision to said Circuit Court, and the Mayor may remit any fine imposed by the Recorder or himself.

### CITY JUDGE MAY BE ELECTED

If both the Recorder and Mayor fail or refuse to act or are incompetent to act in such capacity, the City Council, in its discretion, may elect a City Judge, who shall have all the duties and powers vested in the Recorder and Mayor under Sections 17, 18 and 19 hereof.

### RECORDS

SEC. 20. Be it further enacted, That said Recorder shall keep his office in the city, and shall keep all books and papers pertaining to his office and those of the respective departments on file in his office, and shall turn them over to his successor, or to the City Council in case of his removal, resignation or going out of office. He shall perform such duties as the City Council may assign to him, subject at all times to its control and direction. He shall keep a record of all receipts and expenditures of each department and a record of the business transacted by the City Council.

### ASSESSMENT OF TAXES

The Recorder shall make all assessments of polls and of property, issue all privilege licenses, collect all privilege license taxes, ad valorem taxes on property, and all other taxes and assessments and moneys and obligations



owing to the city, under direction of the City Council or authority of the Aldermen of said city, and promptly pay the same over to the Treasurer, filing with the Treasurer at the time of payment a detailed report thereof and also make a report thereof in detail each month to the City Council.

The Recorder shall keep a correct record of all receipts and disbursements of each department of the city. He shall, under direction of the City Council, draw all warrants upon the Treasurer, but no warrant shall be paid by the Treasurer until the same is countersigned by the Mayor.

The books and accounts kept by the Recorder shall be subject to the inspection of the public, and be audited by the direction of the City Council, and, when necessary, the City Council may provide clerical assistance for the Recorder.

#### BOARD OF EQUALIZATION

SEC. 21. Be it further enacted, That when the Recorder shall have assessed the property in said city for taxation, it shall be the duty of the City Council to inspect such assessments and to correct and equalize the same, and for this purpose it may appoint a committee from its own number to act as a City Board of Equalization, and opportunity shall be given the public to appear before such Board of Equalization to be heard regarding the assessment of their own property or that of others, and for this purpose a time and place shall be designated and at least five days before the time of said meeting publication by hand bills or publication in a newspaper thereof shall be made. Said Board of Equalization shall submit its action in the premises to the City Council for correction and approval, and all person not satisfied with the action of said Board in the assessment of his or any other property may file objection with the City Council, such to be specific and in writing.

#### CHIEF OF POLICE

SEC. 22. Be it further enacted, That the Chief of Police shall be ex officio chief of the fire department. He shall also be ex officio superintendent of streets and alleys unless the City Council shall deem it proper to elect or appoint some other person to that position.

It shall be the duty of the Chief of Police to see that all ordinances of said city are enforced. He shall show the names of all persons arrested, what offenses charged with and the disposition of their cases, in a report to be submitted by him monthly to the City Council. He shall do and perform such other duties and make such other reports as may be required by him by said City Council not inconsistent with the provisions of this Act. And said Chief of

Police and all other police officers of said city shall have all the power and authority and jurisdiction limits of sheriffs pertaining to all matters returnable to or pending before said Recorder. And all members of the police department shall be subject to the call of the Chief of the Fire Department.

#### CITY ATTORNEY

SEC. 23. Be it further enacted, That the City Attorney may be appointed to hold office during the term of the City Council making the appointment. It shall be the duty of said City Attorney to advise with the City Council, attend to all litigated matters for or against the city and such other duties as may from time to time be fixed by ordinances. For prosecution of all offenders against City ordinances he shall be allowed a reasonable fee to be fixed by the Recorder and taxed as part of the costs, in no case to be less than two and 50/100 dollars. For other services he shall receive reasonable compensation and payment shall be had out of the general fund by order of the City Council.

#### MAYOR TO SIGN ALL DOCUMENTS

SEC. 24. Be it further enacted, That the Mayor shall sign all notes, bonds, or other evidences of indebtedness, and all contracts of the city, to be attested by the Recorder, and if the Mayor shall refuse to sign any such contract or instrument the same shall become effective upon the signature of two-thirds of the other Aldermen of said city.

#### COUNCIL MAY BORROW MONEY

SEC. 25. Be it further enacted, That the City Council shall have the power to anticipate the annual revenue of the City of Watertown by borrowing money to meet the payment of interest, sinking fund, redemption fund, and other current expenses, and pledge the tax levy for the current year in which said money is borrowed for the payment thereof; provided, however, that the amount borrowed in anticipation of the annual revenues for the current year shall not exceed seventy-five per cent of the tax levy for the year in which said money is borrowed; and provided, further, that the members of the Board of Mayor and Aldermen who shall vote to issue such notes in excess of said 75% of said tax levy shall be individually liable for any sum borrowed in excess of that amount.

SEC. 26. Be it further enacted, That the City Council shall have power and authority in cases of emergency, when there are no funds in the Treasury to meet such emergency, to issue warrants not exceeding six per cent interest, payable at any time the City Council may elect, and such warrants shall not be disposed of at less than par, and the funds derived therefrom shall go into the

City Treasury and be disbursed as all other corporate funds but for the purposes for which they were issued; and said warrants shall be paid out of the first general funds collected or received; provided, however, that the total amount of such warrants issued and outstanding shall at no time exceed One Thousand Dollars.

### COLLECTION OF TAXES

SEC. 27. Be it further enacted, That in order to enforce collections of taxes on property or privileges when due the Mayor and Aldermen are empowered by ordinance to fix penalties to be paid by delinquent tax payers in addition to the legal rates of interest for non-payment of taxes when due, such penalty not to be greater than that prescribed for the enforcement of the collection of State and County taxes, and to be paid into the City Treasury when collected as City taxes are paid and collected. And all liens and remedies for the collection of city taxes shall be applicable to the collection of such penalties. The proceedings for the collection of taxes are in rem. The City Recorder shall have the power to issue distress warrants and alias and plures distress warrants running in the name of the State of Tennessee and on behalf of the City of Watertown to enforce the collection of all taxes, privileges and assessments and the interest and penalties thereon. Such warrants may be executed by the Sheriff or any deputy sheriff or constable of Wilson County, or by the town marshal or any policeman of the City of Watertown, and for each return of nulla bona on such warrants there shall be a fee of 25 cents to be taxed in the costs, and for each collection made under such warrants there shall be the same fees as for collecting under executions at law, which shall be paid by the delinquent tax payer. In addition to the remedy by distress warrant, said city may also collect any delinquent taxes upon privileges or real or personal property together with all interest and penalties thereon by suit at law or in equity. All ad valorem taxes on real estate and personal property shall become a lien as in the case of the State and County taxes, and shall become due and also delinquent on such date or dates in each year as may be fixed by ordinance of the Mayor and Aldermen of the City of Watertown.

The City of Watertown shall have power and authority to file bills in equity and include any and/or all pieces of property or tracts of land, the owners thereof being made defendants to the bill, and such cause shall not be subject to objection for misjoinder by reason of such several and distinct interests or because publication has not been made for delinquency. All persons necessary to enable the court to enforce the lien and divest the title out of the owner or owners and invest the same in the purchaser may be made parties defendant. Should any person interested pay the tax, interest, penalties and costs after the bill has been filed and before the sale of the land, the city shall dismiss the suit as to such person and property to the extent of that property. Each person shall

pay his together with attorney's fees not to exceed ten (10) per cent of the principal, interest and penalty, same to be fixed by the City Council. The bills herein provided for shall be in substance and in form the same as other bills in the Chancery Court for the purpose of foreclosing and enforcing the liens and collecting taxes, assessments and moneys due under lien and divesting title and making title. No attachment is necessary or required. No defendant shall be entitled to a copy of the bill without applying to the Clerk of the Court and paying for such copy. It shall not be necessary that all defendants' names be included in the copy of the subpoenas to be left with said defendants, or in publication for any non-resident defendants. The cause shall be at issue as to any defendant when his answer is filed or pro confesso has been taken. It may be proceeded with by or against any one or more of the defendants until final judgment, sale and confirmation of title, without in any way affecting any other defendant to the suit. Any party to the bill shall have the right to an appropriate appeal to the Supreme Court, as in the case of State or County taxes, or shall have the right of writ of error, as their rights in such proceedings may be, and such appeal shall not affect the proceedings as to other parties in said bill. When property is sold under such proceedings, the purchaser shall be vested with the fee simple title, and the property is sold without equity of redemption, upon the terms of six and twelve months.

#### QUALIFICATIONS OF MAYOR AND ALDERMEN

SEC. 28. Be it further enacted, That no person shall be elected to the office of Mayor or Alderman of said city who is not at the time of his election twenty-one years of age, a citizen of Wilson County, State of Tennessee, and a qualified voter of the State of Tennessee, and who does not possess the other qualifications prescribed in this Act. Any person holding the office of Mayor shall be a freeholder, owning property in his own name in the amount of not less than fifteen hundred dollars, and any person holding the office of Alderman shall be a freeholder owning property in his own name or as tenant by the entirety in the amount of not less than one thousand dollars.

SEC. 29. Be it further enacted, That all valid ordinances of the Board of Mayor and Aldermen of Watertown, Tennessee, now in force, not inconsistent herewith, shall be and remain in full force and effect; and all legal and subsisting debts, taxes, assessments, obligations, liabilities, actions, claims, contracts, and prosecutions, arising under the charter of said city, in force at the time of the passage hereof, shall remain and continue in full force and effect; and the City Council shall take the City of Watertown, and administer the same for the benefit of the City of Watertown, Tennessee, under the provisions of this Act, and shall assume and discharge all legal and subsisting obligations arising under said former charter of incorporation.

The following persons are hereby appointed to the offices of said corporation respectively, which offices they shall hold until the first Friday in January, 1938, and until their successors are elected and qualified by this Act, to-wit: G. E. Patton, Mayor; E. D. Patton, M. H. Wells, Walter C. Boyd, W. J. Beard, Horace Bell and Forrest Smith, Aldermen.

### MAY BUILD STREETS AND SEWERS

SEC. 30. Be it further enacted, That:

Sub-Section 1. This municipality shall have authority to design, execute and contract for the construction, establishment or improvement, renewal or repairs of any highway, street, alley or public place by establishing, grading, or paving them with any kind of approved construction and material; by putting down curbs, gutters, culverts and drains thereon; by laying watermains and service connections thereto, by laying and establishing sewers and private lateral connections thereto, together with disposal plants, flush tanks in connection therewith, or otherwise providing or improving the same in the manner, to the extent and with the materials the City Council, with the approval of the Mayor, may by ordinance prescribe; to provide funds with which to make such improvements, and to assess and declare a lien for the cost of expense thereof against the property abutting, contiguous or adjacent to such highway, street, alley, or other public place so improved, in the proportions provided in this Act.

Sub-Section 2. That such ordinance shall designate the highway or highways, street or streets, alley or alleys, or other public places to be improved; the location and terminal points of the proposed improvements, the nature, kind and extent of the enterprise, and the character of the materials proposed to be used. One or more highways, streets, alleys, or other public places may be included in any one ordinance as one improvement for any of said improvements, but in case of an improvement as to paving the cost per front foot must be approximately the same in all of the highways, streets, alleys, or other public places included in any one ordinance.

It shall direct that surveys, plans, specifications, drawings and estimates of the cost thereof be prepared and filed with the City Recorder, or it may adopt those already prepared for such improvements and order them filed with the City Recorder. Said surveys shall be filed not later than five (5) days before the hearing hereinafter provided. It shall appoint a time when the City Council shall meet, which shall be not less than seven (7) days after the date of the publication of the notice of such proposed improvement, to hear objections, or remonstrances to said improvements on any ground those who are interested may have. The surveys, estimates, etc., shall be open to examination to those

who have an interest therein. The notice of the passage of such ordinance shall be published once in some newspaper having a general circulation in Wilson County. The notice shall state at least (a) the locations and terminal points of the street or streets, alley or alleys, or other public places to be improved; (b) the time and place, not less than seven (7) days after the publication of the notice aforesaid; and at the time of such hearing the City Council shall meet to hear remonstrances or protests; and (c) it shall state the character of the improvement and the materials to be used therein, in general terms. The City Council shall meet at such place and time, or adjourned times and place, as it may designate, and all persons whose property may be affected by such improvements may appear in person, by agent or writing, and make their objections or protests to said improvement. The City Council shall have authority either to confirm, modify, reject or amend any such ordinance at such hearing; such amendment or modification may be of either material, the extent of the enterprise or the terminal points or streets to be included in the improvement. Failure to object or protest at the time of confirmation or hearing shall constitute a waiver of any and all irregularities, omissions and defects in the proceeding prior to such time.

Sub-Section 3. That upon the confirmation of the ordinance, original or amended, hereinbefore referred to, it shall be the duty of the City Council of said municipality to proceed to construct the improvements thus authorized, which shall be done by contract with the lowest and best responsible bidder; or such work may be done by the municipality with its own employees, as the City Council may elect. If said work is let to the lowest and best responsible bidder, all bids submitted for the construction of such improvement or improvements shall be accompanied by a certified check, or a solvent bond with at least two good sureties, but such sureties must be citizens and residents of the County of Wilson, or one surety if an indemnity bonding company, given in the penal sum of at least ten per cent of the entire cost of the work to be done, computed on the basis of bids submitted and conditioned that the contractors named therein shall, in case said work is awarded to them, into a contract with the municipality within the time required and for the price named in their respective bids, and in accordance with the plans and specifications prepared by the municipality and the provisions of the ordinance. The City Council shall have the power to reject any and all bids and order new bids. The successful bidder shall execute a bond to the municipality in an amount equal to fifty per cent of the entire contract price of the improvement, conditioned that he will well and truly perform the terms and conditions of the contract in a workmanlike manner and in accordance with the plans and specifications which shall form a part of the contract, and shall indemnify and save the city harmless from all losses, costs, expenses and damages which may be sustained by reason of any negligence of such contractor, and will not plead or set upon a defense of co-tort-feasor.

Sub-Section 4. That the City Council, upon the completion of the work or improvement, shall apportion two-thirds of the cost of such improvements against the property abutting on or adjacent to or contiguous to such highways, streets, alleys, or other public places, according to the front foot or lateral footage of said property lying adjacent thereto on said highways, streets, alleys, or other public places; provided, however, that the aggregate or total cost shall not only include the cost of paving but in case of the opening or widening of a street, highway, or alley or other public place through property, that such cost shall include the cost of the property taken or purchased for such street opening, widening or extension.

And provided, further, that the aggregate or total amount of the levy of any assessment made against any place of property shall not exceed one-half of the assessed value of such lot not including the improvements thereon, for municipal taxes for the current year, as of the date at which the assessment is made, and the municipality shall pay any part of such assessment against such property that may be in excess of one-half of said assessed value of said lot. Where intersections of highways, streets, alleys or other public places are improved the municipality shall pay all of the cost of such intersections; but on the basis of the average cost of such improvement.

The cost of the expenses preliminary to other surveys, the inspection and superintendence of the work, the preparation of the plans and specifications, the printing and publication of the notices, resolutions, ordinances, including the notice of assessment, the preparation of the bonds and coupons, and the sale thereof, and all other necessary expenses, for the completion of such improvement incident thereto shall be included in the cost of the improvement. The cost of any guaranty of maintenance of work constructed under this Act shall not be assessed against the property as a part of the cost of the improvement; but a guaranty of such maintenance may be taken at the same bidding as the bidding for the construction. But the bidding shall not take into consideration such maintenance proposals in awarding the contract.

Sub-Section 5. That when the cost of improvement has been apportioned against the abutting property, the City Council shall have a notice published that a list of all assessments has been completed, and that on a day named, which shall not be less than ten (10) days after the date of the said published notice, that the City Council will consider any objections to the apportionment assessment that has been filed in the office of the City Recorder, the notice shall recite (a) that the lists are in the office of the City Recorder and may be inspected within business hours and during the time specified in the notice by any one having an interest therein, (b) also the general character of the improvement and (c) the terminal points and locations and streets improved.

All persons whose property it is proposed to assess with the cost of such improvements may before or on the date named file in writing with the City Recorder any objections or defense to the proposed assessment, as to errors either in the extent of the improvement or the amount thereof. This may be heard on such date named or at an adjourned date, before the City Council shall confirm, modify, or set aside said assessment, as shall by it be deemed to be proper. If no objection is filed or made to the pro rata or amount of such assessment, or if the owners of the property fail to put in an appearance by themselves or others, the assessment shall be confirmed, and made final on all questions of fact, and property owners who do not file objections in writing and set out their reasons, shall be held to assent to the same, and are barred to attack the regularity, validity or legality thereof. Such confirmation by the City Council shall be made at one reading or sitting of said body. The Mayor shall have the authority to approve or veto as a whole or in part, any levy or assessment, and in case he vetoes the same the City Council has authority to pass it over his veto in like manner as other ordinances. All such assessments shall be and constitute a lien on the respective property upon which such assessments are levied, superior to all other liens, mortgages, vendors' liens and otherwise, except those for taxes due the City, County and State. The enforcement by the State, County and City of their liens for taxes shall not operate to discharge in any manner or affect the municipality's lien for such assessments, but a purchaser at a tax sale for any such taxes against said property shall take the same subject to the lien of such assessment for said improvements, and if bid in by the State said land shall be taken subject to the lien of such assessments. The date of the approval of the improvement ordinance by the Mayor shall fix the time when all purchasers or creditors shall take notice of the proposed improvement and assessment and that the same shall become a fixed lien against said property as herein provided, and any one purchasing or acquiring an interest or claim in or to said property shall acquire the same subject to said lien, as of the date of the approval of said ordinance by the Mayor.

Any error or mistake in the name, number of lot, or description of the property, the amount of the assessment, or other irregularity or claim by any railroad that such assessment is against an easement of right of way may be corrected at any time by the City Council, and if a lien cannot be enforced as such for such assessment within the amount of such assessment, it may be collected as a valid claim for public improvements; and no such assessment shall be declared void or invalid by reason thereof, but correction may be made upon application by the City Council. However, this correction shall not go to the amount of the assessment. If any court of competent jurisdiction shall set aside any final assessment for irregularities, omissions or defects in the proceedings, then the City Council may upon reconsideration and notice, the same as



required in making the original assessment, set up a new assessment or claim for indebtedness in accordance with the provisions of this Act.

Sub-Section 6. That when the City Council shall have levied said assessments against the property abutting on such highways, streets, alleys and other public places, the City Recorder shall enter the same in a well bound book, styled "Special Assessment Book" which shall be ruled conveniently so as to show (a) the name of the owner of the property; (b) the number of the lot or part of the lot, and the plan thereof, if there be such; (c) the front footage or lateral extent of said lot and the depth thereof; (d) the amount that has been assessed against such lot; and (e) the amount of each installment, and the date on which such installments shall become due. This book shall be indexed according to the name of the owner of the property, and according to the name of the streets and terminal points of the improvements. The City Recorder shall issue receivable warrants to the individual desiring to pay any of said assessments which amount shall be paid to the City Recorder as other taxes and revenues are paid. All assessments levied by virtue of this Act shall be due and payable within thirty (30) days after the assessment is made final, as aforesaid; but at the election of the property owner, to be expressed by the payment of the first installment to be paid as hereinafter provided, said assessment may be paid in ten equal annual installments, and shall bear interest at the rate of six (6%) per centum per annum; the first to be paid within said thirty days.

Whenever any installments of any assessments shall become past due for a period of sixty days, it shall be the duty of the City Recorder to certify said installments and all other installments of the same assessment to the Mayor, whose duty it shall be to immediately enforce the collection of said installment or installments, by having a bill filed in the Chancery Court, to foreclose such assessment and lien on the property, and the property sold to satisfy the same. In case of any such delinquency, a bill to foreclose shall be filed and a lien therefor enforced in the Chancery Court of Wilson County. Any land against which a decree is rendered may be sold in said proceeding in bar of the equity of redemption, and all other rights, legal or equitable, belonging to the owner of any such land, including any mortgage, vendor's lien, or other lien or title, except for State and County taxes.

Twenty-five or more pieces or lots of land may be included in any one bill, and subject to the same rules of procedure as in the collection of city taxes, as hereinbefore provided. The Mayor, on behalf of said municipality, shall have the right to bid at such sale up to the amount of the assessments outstanding against the property, including all costs incident to said assessment and sale. And the Mayor and City Council may execute a deed upon the sale of said property after the same has been purchased by said municipality. The Chancery

Court shall have the authority to divest title out of the owner and vest the title in the city.

The entries in the Special Assessment Book heretofore referred to shall be a book of original entry, and certified copies thereof shall be competent evidence in any case in any court of this State.

Sub-Section 7. That when the City Council shall have ordered the construction of any improvements under this section, it shall have the authority, for the purpose of providing the means to pay the entire cost of the improvements, including the municipality's share, as well as the share to be assessed upon the abutting property, to issue negotiable bonds of the municipality to an amount in par value not exceeding the estimated cost of such improvements, including the incidental expenses, and if property has been taken, the cost of such property taken included in such improvements, which costs shall be for the purpose of such improvement estimated by the City Council in the ordinance authorizing such bonds. The ordinances shall also contain an estimate of the amount of such cost which will be borne by the municipality and also the amount thereof which shall be assessed against the abutting property. Such bonds, and the interest thereon, at a rate not exceeding six (6%) per cent per annum, payable semi-annually, shall be payable in such medium or payments, and at such place or places, shall be in such form and be signed by such officers, as the legislative body of such municipality may determine by ordinance or resolution; coupons attached to such bonds may bear facsimile signature or signatures in case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officer or officers before the delivery of such bonds to the purchaser, such signatures shall, nevertheless, be valid and sufficient for all purposes and the same as if such officers had remained in office until the delivery of the bonds.

The City Council may use and adopt the form of bond and coupons substantially, if it so desires, as appears in Chapter 18 of the first extra session of the General Assembly of the State of Tennessee for 1913, or any proper form it may adopt. A portion of such bonds, not less than the estimate of the amount of the cost to be assessed upon abutting property, shall mature in annual installments, beginning not more than two years and extending not later than twelve years from the date of such bonds, in approximately equal amounts each year, but this requirement shall not be interpreted to require bonds of a smaller denomination than \$1,000.00, but only to secure such approximate equality. The remainder of such bonds shall mature at such time or times as the City Council may determine, but not later than twenty years from the date of the issuance of such bonds. The municipality may, in its discretion, prior to any sale of such bonds, provide that they or any of them shall be payable at the option of the municipality at any interest paying period, at par and accrued interest and

a premium of one-half of one year's interest, such option of prior payment not to be exercised until at least thirty days written notice shall have been filed by the municipality at the stated place or places of payment of principal and interest, and no such option of prior payment to be filed unless reference shall be made on the face of the bonds and recited in such bonds, that the same are issued to pay the cost or a portion of the cost of such street improvements, shall be a sufficient recitation of the purpose of the issuance. Said bonds shall be sold at public or private sale, with or without advertisement, as may be determined by the City Council, but not at a price so low as to result in costing the municipality more than six per cent per annum upon the proceeds actually received for said bonds, as computed by standard tables of bond values. Before any such bonds issue the City Council shall provide by ordinance that all assessments levied or to be levied against abutting property in respect to the improvement or improvements for which such bonds are to be issued are thereby pledged as a special fund for the payment of such bonds, and interest; and as collections of such assessments are made from time to time all thereof shall be placed in a special, separate and distinct fund, separate from all others, which fund shall be maintained and used solely for the payment of par and interest of the particular issue of bonds issued for such improvements.

Such bonds shall be the absolute and general obligation of the municipality, and it shall be the duty of the City Council to levy an ad valorem tax annually upon all of the taxable property of the municipality, in addition to all other taxes, which the municipality may be authorized to levy, sufficient with moneys then on hand and pledged to the payment of the principal and interest, if any, to meet the payments of principal and interest falling due in the ensuing year, and such taxes, when collected, shall be used for no other purpose than such payment.

An ordinance authorizing the issuance of such bonds shall be valid when passed by the City Council as may be provided by this Act and approved by the Mayor, and it shall not be necessary to submit to a vote of the electors or tax payers any question relating to such issues.

Any proceedings authorizing the advertisement or sale or award of bonds may be taken by an order or resolution made at a single session of the City Council, notwithstanding the order or resolution may have been introduced at the same session, and need not be taken by ordinance.

The Treasurer, or other custodian of the municipality's funds, shall be liable on his official bond to any holder of the bonds authorized by this Act for any loss or injury to such bondholders caused by the diversion of such officer of any of such funds or any part thereof hereby provided for the payment of the principal or interest thereof, whether such diversion be made for his benefit, or

the benefit of the municipality or others; and any member of the City Council who shall by his vote or in any other manner cause, aid or encourage any such diversion, whereby loss and injury to any bondholder shall be caused, shall be jointly and severally liable to such bondholder to the extent of such loss or injury.

No failure on the part of any municipal officer to comply with the provisions of this Act, and no failure in the existence or performance of any of the conditions precedent to the issuance of any bonds under this Act shall affect the validity of such bonds, and the same shall be in all respects valid and binding.

Sub-Section 8. In case the municipality shall levy and collect ad valorem taxes for the purpose of paying the principal and interest of any bonds or any part thereof, the municipality shall nevertheless have the power or authority to proceed to levy and collect the assessments and such assessments or parts thereof sufficient for the purpose shall be paid into the Treasury of the municipality to reimburse the Treasury for the amount that is paid out of such ad valorem taxes, and such money thus reimbursed to the Treasury shall be used under the general direction of the City Council of the municipality for legal corporate purposes for which all ad valorem taxes may be legally levied and collected.

Sub-Section 9. When the amount of the fund arising from the collection of assessments with accumulations equals the amount of outstanding bonds and accrued interest entitled to be paid out of such funds, the Mayor shall have the authority to order such bonds to be redeemed that may be presented in such amount for redemption.

Sub-Section 10. That whenever any owner shall have made objection or protest about any assessment and the City Council shall have confirmed such assessment notwithstanding such objection, then in that case, such owner shall have the right for a petition for the writ of certiorari to the Circuit Court of the county within thirty days from the confirmation of the assessment by the City Council. The filing of such petition shall not affect the legality of any other assessment, nor shall the result of such petition affect the entire assessment not included therein.

No assessment shall be levied by writ or injunction.

The procedure under such writ or certiorari shall be as in case of certiorari for appeal.

Sub-Section 11. This municipality shall have the authority to borrow money for the purpose of making payments for the improvements herein contemplated in anticipation of the realization of funds either by the sale of bonds or special assessments; and it is further authorized to make payment out of any funds on hand or such funds as may be available for either that portion of the work to be assessed against the abutting property owners or that which is to be paid for by the municipality itself; provided, that nothing in this Act shall be intended to prohibit this municipality from making payments of the entire cost of such improvements out of any funds which may be provided or available for such purposes.

SEC. 31. Be it further enacted, That the Mayor and Aldermen shall have the power and authority to fix a tax levy not exceeding a total levy of one dollar and fifty cents on the hundred dollars on property assessed for taxation for general municipal purposes for any one year. However, this does not include any levy for the payment of interest and principal of any bonds, or of any judgment or mandamus against the municipality.

SEC. 32. Be it further enacted, That

Sub-Section 1. That the word "Street" used in this Act shall mean any public highway, esplanade, boulevard, parkway, square, or street, or alley, or any part, or side, or part of any of the same, within the limits of said municipality.

Sub-Section 2. Be it further enacted, That it shall be lawful for said municipality to provide by ordinance for the establishment of a building line, or lines, or any street. After the establishment of any such line, or lines, no building or other structures shall be erected and no existing building reconstructed or repaired to the extent of more than forty per cent of its value, and no building or other structure shall be re-erected, within the line or lines so established, except subject to the rights of the municipality acquired under any such building line ordinance.

Such line or lines may be established on one or both sides of any street, for the total length of any street or any part thereof. The ordinance establishing such line or lines shall set forth the name of the street, and the part or parts thereof to which said line or lines shall apply, and shall provide that the owners of property abutting on said street within the part affected by such line, or lines, shall take notice of and be bound by the provisions of such ordinance.

Sub-Section 3. That upon the final passage of such ordinance the municipality passing, the same shall be conclusively held to have taken an easement of way over all lands abutting the part or parts of the street to which

such building line ordinance is applied, and the owners of such lands shall thereupon be entitled to all the benefits accruing to owners of lands or other property taken by the public for public use, under the laws of eminent domain of the State of Tennessee. No notice of the taking of such easement to the owner of any property affected thereby shall be required other than the passage of an ordinance in conformity with the charter provisions of any municipality passing such ordinance. Such ordinance shall also provide that at a future time to be therein specified, not later than twenty-five (25) years after the passage of such ordinance, the municipal corporation shall widen the street to the line or lines established in such ordinance; but between the time of the passage of such ordinance and the time fixed therein at which the street shall be widened to such a line, or lines, the owners of the lands over which the municipality has acquired the easement aforesaid, shall have the right to make any use of such land not inconsistent with the right of such municipality under its easement, or inconsistent with the provisions of this Act, including the right to maintain upon such land any building, structure, or appurtenances existing thereon at the time of passage of such ordinance.

That any lands, or easement of lands, or grounds taken or appropriated under the provisions of this amendment within said city shall be taken in accordance with and under the provisions of Sections 3398, 3399, 3400 and 3401 of the 1932 Code of Tennessee, together with all amendments that now may exist, or may be hereafter enacted.

That said municipal corporation shall publish in substance said ordinance condemning any property or easement under this Act, stating in such publication, the terminal points and the width and sides of the streets condemned, and the date of the sitting of the condemnation commission. The commission may adjourn its sitting to any date it desires. Said publication shall be made one time in a newspaper of general circulation in Wilson County, Tennessee, and said notice shall be published at least once before the commission appointed to condemn said easement or to condemn said right-of-way meets to consider said condemnation. The passage of the ordinance and said publication shall be all the notice required to be given to any property holder interested, or having a right in said property.

Sub-Section 4. That the municipality passing such ordinance may proceed to the assessment of damages to the owner of lands affected thereby under the law relating to eminent domain; and the owners of said land shall likewise have the right to appeal to any Circuit Court in Wilson County in accordance with the provision of Section 3401, of the 1932 Code of Tennessee, and all amendments thereto; but no action shall be brought by any owner of property affected by such ordinance for damages by reason of the taking of such easement in any other manner or under any different limitations than as

provided under Sections 3398, 3399, 3400 and 3401 and amendments thereof; provided, however, that such limitations as to the right of appeal shall not apply to any person under disability whose right to bring an action is regulated or governed by any other Act or law of the State of Tennessee.

The measure of damage for the taking of such easement under any such ordinance shall be the difference between the value of the land at the time of the taking, without the easement, and the value of the land at the time of the taking subject to the easement of the municipality acquiring it under the ordinance; provided, however, that should this provision of this Act relating to the rule of the damages be held invalid, that the owners of any property affected by the taking of such easement by the municipality shall be entitled to such damages as may be awarded them under the law of the land. Nothing herein contained shall be held to give any municipality passing an ordinance under the provisions hereof, any right, title or interest in or to any building or improvement now or hereafter erected on any land over which the city acquires the easement hereinbefore provided for, or to the use or possession of any land within the line or lines so established until the acquisition of the land as hereinafter provided for.

Sub-Section 5. That at the end of the period designated in such ordinance the municipality passing it shall proceed to widen the street named therein, and to that end shall thereupon proceed to acquire by purchase, condemnation, or otherwise, the land necessary to be taken for such widening and the owner thereof shall be entitled to such damages as he may then be entitled to under the law where private property is taken for public use. Such widening and improving shall be done under any law then existing relating to the widening and improving of any street in any such municipality, and the cost thereof shall be borne in the manner then provided by law.

Sub-Section 6. That, if, between the time of the passage of any such ordinance and the widening of such street under the ordinance, the owners of land abutting such building line, or lines, are damaged by the passage of such ordinance in any manner otherwise than by the taking of such easement in the land, each shall have a right of action against the municipality passing such ordinance for any damages legally recoverable for such injury; provided, however, that any such action shall be brought within one year from the time it shall accrue, saving, however, to persons under legal disability the right to bring such action within such time as may be provided by law.

Sub-Section 7. That damages for the easement taken on damages to any owner hereinbefore provided for, may be paid by the municipality out of any general or special fund which may be provided for that purpose under the

general law of the State of Tennessee or any charter provision of any such municipality.

Sub-Section 8. That this Act shall not limit or abridge any power now or hereafter conferred by law or any municipality to establish building lines, whether under the police power, by eminent domain or otherwise.

SEC. 33. Be it further enacted, That if any section, clause, paragraph, or part thereof, shall be held to be invalid or unconstitutional, such invalid part shall not affect the validity of the balance of the Act, as this Act would have been passed by the General Assembly notwithstanding that such invalid part is elided.

SEC. 34. Be it further enacted, That Chapter 590 of the Private Acts of 1925 and all amendments thereto, including Chapter 26 of the Private Acts of 1935, be and the same are hereby repealed.

SEC. 35. Be it further enacted, That all laws and parts of laws in conflict with this Act be and same hereby are repealed and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 11, 1937,

Walter M. Haynes,  
Speaker of the House of Representatives.

Byron Pope,  
Speaker of the Senate.

Approved February 13, 1937.

Gordon Browning,  
Governor.



RELATED ACTS

PAGE

Priv. Acts 1997, ch. 18,  
"City of Watertown Traffic Regulation Cost Act" ..... C-34

CHAPTER NO. 18

SENATE BILL NO. 192

By Rochelle

Substituted for: House Bill No. 1532

By Bone

AN ACT to authorize the collection of court costs for criminal and traffic offenses arising within the jurisdiction of the City of Watertown.

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

SECTION 1. This act shall be known and may be cited as the "City of Watertown Traffic Regulation Cost Act".

SECTION 2. It is the intent and purpose of this act to require and authorize the collection of a special court cost for each summons, warrant, citation, presentment or indictment which is filed and heard within the criminal court of Wilson County, Tennessee, the General Sessions Court of Wilson County, Tennessee, and/or the City Court of Watertown, Tennessee, and which involves conduct or events occurring within the city limits of Watertown, Tennessee, that lead to the filing of charges for a criminal and/or traffic offense, and which involves prosecution by a city officer.

SECTION 3. The special court cost authorized under this act is ten dollars (\$10.00) and shall be charged and collected over and above other authorized court costs by the Clerk of the Criminal Court of Wilson County, Tennessee, the Clerk of the General Sessions Court of Wilson County, Tennessee, and the City Court of Watertown, Tennessee, as provided herein.

SECTION 4. Such court cost shall be collected by the clerks for all criminal and/or traffic violations which are prosecuted by city officers in Wilson County, Tennessee, and which involve offenses arising from conduct occurring within the city limits of Watertown, Tennessee, on and after the ratification of this act.

SECTION 5. The funds collected from this special court cost by the clerks shall be transferred to the City Recorder for the City of Watertown on a quarterly basis, and the City Recorder is authorized to establish a special fund

to allow such moneys to be used by the City of Watertown, Tennessee, for traffic regulation and enforcement.

SECTION 6. All funds collected under the provisions of this act shall be used for the purpose of traffic regulation and enforcement within the jurisdiction of the City of Watertown, Tennessee.

SECTION 7. The provisions of this act shall in no manner repeal, modify or interfere with the requirements to collect court costs under any other public or private laws applicable to Wilson County and/or Watertown, Tennessee.

SECTION 8. 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 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Watertown. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Watertown and certified to the Secretary of State.

SECTION 10. 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 upon being approved as provided in Section 9.

PASSED: March 24, 1997

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JOHN S. WILDER  
SPEAKER OF THE SENATE

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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 1997

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DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 192 in his possession longer than ten (10) days, so therefore, the bill becomes law without the Governor's signature.

CHARTER AND RELATED ACTS FOR THE  
CITY OF WATERTOWN, TENNESSEE

YEAR	CHAPTER	SUBJECT
1937	187	Basic Charter Act.
1949	300	Amends § 2 of the charter by extending the boundaries.
1971	74	Amends § 6 of the charter by authorizing city to issue bonds.
1971	74	Amends § 9 of the charter by placing restrictions on appropriations.
1997	18	Authorized the collection of court costs for criminal and traffic offenses. The act shall be known as the "City of Watertown Traffic Regulation Cost Act."
1999	54	Amends § 12 of the charter to provide staggered terms for members of the city council.