

CHARTER FOR THE TOWN OF BIG SANDY, TENNESSEE¹

CHAPTER 200.

Senate Bill No. 316

AN ACT to incorporate the town of Big Sandy in the county of Benton, and to provide for the election of officers, prescribe their duties, and for other purposes.

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¹Priv. Acts 1903, ch. 200, is the current basic charter act for the Town of Big Sandy, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2018 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.

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Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Big Sandy and the inhabitants thereof be and the same are hereby constituted a body politic and corporate under and by the name of "Mayor and Aldermen of the town of Big Sandy," and shall have perpetual succession by their corporate name; may be sued and may sue, plead and be impleaded, grant, receive and purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town.

Sec. 2. Be further enacted, That the corporate limits of the Town of Big Sandy, Tennessee are those fixed by Chapter 573 of the Private Acts of 1915, all Acts amendatory thereto, and all annexations¹ made pursuant to the general law of the Sate of Tennessee. [As amended by Priv. Acts 1907, ch. 118; Priv. Acts 1915, ch. 573; and Priv. Acts 1929, ch. 694; and replaced by Priv. Acts 1993, ch. 12, § 1]

Sec. 3. Be it further enacted, That the officers of the town of Big Sandy to be chosen by the people shall be a Mayor and Board of Aldermen, constituting a Town Council, each and all of whom shall be citizens of and voters in said town. The Board of Aldermen shall consist of (5) five members. Any Alderman after his election removing from the town shall thereby vacate his office. [As amended by Priv. Acts 1997, ch. 6, § 1]

Sec. 4. Be it further enacted, That the Town Council shall at the first meeting in each year elect a Recorder, Town Judge, Marshal and such other officers, servants or agents as they may deem necessary and may provide for by ordinance, and shall have power to prescribe the duties of the same; provided, nothing herein shall be deemed to prohibit the Council from electing officers, servants or agents in the interim when there has been a failure to elect at the time prescribed or new offices or positions have been created, the person elected to serve until the time herein prescribed for the election of such officers, servants or agents. The Town Council shall also fix the compensation of such

¹Annexation ordinances amending the corporate limits of the Town of Big Sandy are of record in the recorder's office.

officers and said compensation shall not be diminished or increased during the term for which they were elected. The council shall also have power to dismiss any officer, servant or agent elected or by them appointed, a majority of said council concurring in said dismissal for any misdemeanor, neglect of duty or misconduct. [As amended by Priv. Acts 1970, ch. 304, § 1(a)]

Sec. 5. Be it further enacted, That the Town Council shall have power by ordinance within the town:

1. To assess property for taxes, and to levy and collect, by proper officers, taxes upon all real and personal property, polls and privileges taxable by the laws of the State.

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

3. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, highways, alleys and sidewalks and sewers, or to have the same done. Also to erect, establish and keep in repair, bridges.

4. To license, tax or regulate everything or person licensed, taxed or regulated by the State or county.

5. To provide for the erection of all buildings necessary for the use of the town.

6. To regulate or prohibit and suppress all disorderly or bawdy houses.

7. To regulate the police of the town, to impose fines, forfeitures and penalties for the breach of any ordinances, and to provide for the recovery and appropriation of the same, and to appoint an officer for the town who shall be the Town Judge, before whom such recovery may be had, not however, to exclude the jurisdiction of any other competent court.

8. To provide for the arrest and confinement until trial of all disorderly or riotous persons, by day or by night; to authorize the arrest and detention of all suspicious persons found violating any ordinance of the town.

9. To prevent or punish by pecuniary penalties, or otherwise, all breaches of the peace, noise or disturbance, disorderly assemblies in an alley or street, house or any place in the town, by day or by night; to prevent and remove all encroachments into and upon all streets, sidewalks and alleys established by law or ordinance.

10. To provide for the removal of all obstructions from the sidewalks and to provide for the construction and repair of all sidewalks and for cleaning same; to provide for the removal of all obstructions and refuse from the porches of business houses and other houses; to require owners of property to erect sidewalks and sewers in accordance with such ordinances as the council may provide at the expense of the owners of the ground fronting same.

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

To levy special school tax upon property which shall be used for school purposes alone.

12. To tax, regulate or restrain theatrical or other public amusements, shows and exhibitions within the town; to prohibit horse swapping upon the public square; to restrain or prohibit gambling; to pass all ordinances and by-laws not contrary to the constitutional laws of the State that may be necessary to carry out the full intent and meaning of their corporation.

13. To commit any person or persons who may fail to pay or secure any fine or cost imposed on them by ordinance thereof said town to the city jail until such fine or cost be fully paid or secured, and every person so committed to the jail or workhouse shall be required to work for the town at such labor as his or her strength and health will permit, not exceeding ten hours per day, until the whole fine and costs are paid, and for such labor the persons so employed shall receive the sum of five dollars (\$5.00) per day, exclusive of board.

14. Said corporation shall be allowed to enter into an agreement with Benton County relative to committing prisoners to the county jail.

15. To prepare and have published a digest or compilation of all the ordinances and resolutions of a public nature in force within six months after the passage of this Act, and a like digest as often as may be necessary.

16. No member of the Town Council shall become a bondsman for any agent, officer or servant of the town, nor be directly or indirectly interested in any contract with the corporation.

17. To judge the qualifications of and election of and returns of its own members; to prescribe rules for the determination of contested elections, and to determine how vacancies shall be filled and to determine all questions in case of ties in any election and to prescribe rules for the government of the Board of Mayor and Aldermen.

18. To define nuisances and prohibit same.

19. All ordinances passed by the Board of Mayor and Aldermen pursuant to this Charter shall be read three times before such passage with at least twenty-four hours between each reading. [As amended by Priv. Acts 1970, ch. 304, § 1(b); and Priv. Acts 1993, ch. 12, § 2]

SECTION 6. Elections for the Town of Big Sandy shall be conducted as provided by general law on the second Tuesday in June 2011 and June 2013. All city elections after June 2013 shall be held as provided by general law at the regular November election held on the first Tuesday after the first Monday in November in every even numbered year.

The terms of the mayor and three aldermen elected at the June 2011 election shall expire the first Monday in December 2014. The terms of the two aldermen elected at the June 2013 election shall expire the first Monday in December 2016. The terms of the officers elected in June 2011 and June 2013 shall begin on the third Tuesday in June following their election. After the

November 2014 election the terms of all officers of the Town of Big Sandy shall begin on the first Monday in December following their election for a term of four (4) years and they shall hold office as hereinafter provided and until their successors are elected and qualified. To be qualified to vote in town elections a voter must be qualified to vote in state and county elections and have been a resident of said town for six (6) months prior to the election or be an owner of real property within the town limits. [As amended by Priv. Acts 1905, ch. 240; Priv. Acts 1905, ch. 425; and Priv. Acts 1947, ch. 804; and replaced by Priv. Acts 1997, ch. 6, § 2; and Priv. Acts 2011, ch. 16, § 1]

Sec. 7. Be it further enacted, That the judges and clerks to hold the election shall be sworn and qualified according to the election laws of the State, and said election shall be conducted in all respects as all the various State and county elections, by virtue of the election laws of the State. The judges and clerks shall preserve the ballots cast in said election, who shall preserve the same.

Sec. 8. Be it further enacted, That the persons receiving the highest number of votes, respectively, for Mayor and Aldermen, shall be declared elected, and it shall be the duty of the officer holding said election to make out and deliver to the Recorder a certificate of the election within three days after their election, which certificate shall be produced at the first meeting of the board, and a minute shall be made thereof upon the minutes of the town; and if the Marshal fails to hold said election at the time herein mentioned, it shall be his duty to hold it as soon thereafter as may be, after giving the regular notice, and for failure to hold said election as prescribed in this Act he shall forfeit and pay to said corporation the sum of \$25, to be recovered by action of debt in the name of Big Sandy; and if there be no Marshal, or he be a candidate for any office, or incompetent for any reason, the election shall be held by a person to be appointed by the Mayor and Aldermen, under the same regulations and penalties as hereinbefore prescribed.

Sec. 9. Be it further enacted, That a majority of the Town Council shall be a quorum to do business and if the Mayor or any of the Aldermen, or any officer should die, resign or move away, the vacancy shall be supplied by the council at its next meeting, or as soon thereafter as may be, and the person or persons so elected shall perform the same duties and be vested with the same powers and privileges as the person whose place they are appointed to fill, and upon like conditions; and the Mayor and Aldermen and all officers shall respectively take an oath before entering upon the duties of their office before some person competent to administer an oath, to execute the same faithfully and impartially, and the Mayor and Aldermen shall also take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee.

Sec. 10. The mayor shall hold office for four (4) years and until his successor shall be elected and qualified. No person shall be eligible for the office of mayor unless such person has resided within the municipality for at least six (6) months next preceding the election and is a voter of said town. A vacancy in the office of Mayor shall be filled by the council. The Mayor shall fill all vacancies arising in any office until the same be filled by the Town Council. It shall be the duty of the Mayor to preside at all meetings of the council, to vote in the election of all officers of the town, and in all cases where it is a tie vote. All ordinances shall be approved and signed by the Mayor, also resolutions, on or before the next meeting of the council, and the Mayor shall have veto power, and if he shall refuse to approve any ordinance or resolution he shall return the same to the council at its next meeting with his reason for his refusal and said ordinance or resolution shall not be valid, unless the council by a two-thirds vote pass the same, notwithstanding the Mayor's veto; but if the Mayor does not veto the same as provided it shall be valid without his signature. The Mayor shall also take care that all the ordinances of the town are fully enforced, respected and observed within the town limits; shall call special sessions of the council when he may deem it expedient, and perform all other duties which the Town Council may by ordinance impose upon him.

The Recorder shall keep an accurate minute of all the proceedings of the Town Council; shall issue privilege licenses, and collect taxes on same. He shall make out the town tax books, and collect all taxes levied by the Council. He shall act as Treasurer, receipt for, take care of and keep proper account of all funds of whatever nature that may come into his hands, including funds collected and paid over to him by the Town Judge, Marshal and other authorized collecting officers, and keep a proper account of the same. For such purposes he shall keep such books as the Council may direct. He shall make out and present quarterly, or oftener if required by the council, a full and explicit account and report of the finances of the town, which report the Council may order published for the information of the town. Before entering upon the discharge of his duties he shall give bond with good security conditioned upon the faithful and honest discharge of all duties pertaining to his office, and similar in all respects to that of the Marshal and Mayor as hereinafter provided; he shall perform such other duties pertaining to his office as the Council may direct.

The Town Judge is hereby vested with all the powers of a Justice of the Peace in all cases of violation of the criminal laws of the State within the limits of the municipality, and shall try all offenses against the ordinances, peace and dignity of the town of Big Sandy; provided, however, that a change of venue may be had in any case when affidavit is made by the accused and at least one disinterested person that justice in their opinion will not be meted out by the Town Judge, to any Alderman of the town of Big Sandy, who is hereby authorized to try and decide such case. In the event an appeal is taken from any

fine imposed by the Town Judge or Alderman of said town for violation of any of its ordinances to the Circuit or Criminal Court at Camden, Tennessee, the person so appealing shall give bond and security for the payment of said fine and cost, and to abide by and perform the judgment of the Court on appeal, and shall in no case be entitled to an appeal from said fine and cost on pauper's oath. It shall be the duty of the Town Judge to collect, receipt for, and pay over to the Recorder all fines, penalties, forfeitures and costs imposed by him for ordinance violation, and he shall render a monthly report to the Town Council of all such fines, penalties, forfeitures and costs collected and of all assessed and uncollected; provided, the Town Judge may certify to and authorize the Marshal to collect, receipt for and pay over to the Recorder such fines, penalties, forfeitures and costs. Receipts for fines, penalties, forfeitures and costs paid over by the Marshal to the Recorder shall be prepared by the Recorder in duplicate, and a copy of the receipt showing the style and docket number of the case shall be provided the Town Judge promptly. Costs in favor of any person paid a fixed salary by the Town shall belong to the Town and be paid into its treasury.

No person shall be eligible for the office of town judge unless such person holds a valid law license from the State of Tennessee.

The Marshal shall acquaint himself thoroughly with the laws and ordinances of the town, and it shall be his duty to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand. He shall have power to execute State warrants and other processes which constables generally have within the town limits. He shall be Chief of any police organized within the town limits. He shall, when authorized by the Town Judge, collect, receipt for and pay over to the Recorder fines, penalties, forfeitures, and costs imposed by the Town Judge for ordinance violation. He shall perform such other duties as the Council may impose upon him. [As amended by Priv. Acts 1970, ch. 304, § 1(c); Priv. Acts 1997, ch. 6, § 3; and Priv. Acts 2011, ch. 16, § 2]

Sec. 11. Be it further enacted, That the fees and compensation of all officers herein mentioned shall be such as the council may prescribe.

Sec. 12. Be it further enacted, That it shall be the duty of the jailer of Benton County to receive and keep in jail any person who may be committed to his charge for a breach of the by-laws and ordinances of said town, and all riotous and disorderly persons committed to his charge by the Marshal or other officers of the town, for which he shall receive such fees as may be agreed upon by the council by and with his consent; provided, the corporation and Benton County agree as hereinbefore provided.

Sec. 13. Be it further enacted, That before entering upon the discharge of their duties the Mayor, Town Judge, Recorder and Marshal shall enter into bond with good sureties and in such amount as may be fixed by the council, conditioned upon the faithful discharge of their duties and upon diligent collection and faithful accounting for all moneys that shall or ought to come into their hands for fines, forfeitures or other moneys due said town, and which ought by law be collected and paid over by them.

And the said Marshal shall be liable as herein mentioned for failing to collect money, to return process or pay over money collected by process issued by the Recorder Town Judge or Aldermen. Said bonds shall be filed with the Recorder and preserved carefully among the records of the town.

Said bonds shall be made payable to Big Sandy or its Treasurer for the use and benefit of said town. The Town Marshal shall pay over to the Recorder all moneys collected by him for said town. He shall render quarterly, and as much oftener as the council may require, full and complete statements of the finances under his control. [As amended by Priv. Acts 1970, ch. 304, § 1(d)]

Sec. 14. Be it further enacted, That when any tax or duty shall be levied or imposed by said corporation upon any real estate lying in said town, and the owners, or owner, or occupiers thereof, shall not pay the same, and the Marshal shall make returns of that fact under oath that the owners have no personal property in said town, upon which to distrain for said tax or duty, it shall be the duty of the Recorder, by and with the advice and with the consent of the council, to take such steps for the collection of said tax or duty as are provided by the laws of the State.

Sec. 15. Be it further enacted, That if the Recorder Town Judge or Marshal shall fail to collect, after collecting, fail or refuse to pay over any money received by them for the use of said town, said Recorder or Marshal shall be liable to be proceeded against by motion or suit at common law in the Circuit Court of Benton County, or in any other court having jurisdiction of the person of the Recorder Town Judge or Marshal as the case may be, and it shall be the duty of such court to render up judgment against them or other delinquent officers and his sureties for the money so received, or that ought to have been collected in the name of Big Sandy; provided, that if the suit be by motion the officers shall have five days' notice thereof. [As amended by Priv. Acts 1970, ch. 304, § 1(e)]

Sec. 16. Be it further enacted, That the Board of Mayor and Aldermen are forbidden from making appropriations for any money or taxes to be assessed and collected in any other manner than for strictly corporate purposes.

Sec. 17. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the town of Big Sandy, Benton County, be, and the same is, so amended as to give the Town Council of said town the power to create by proper ordinance a City Board of Health, which said Board of Health shall be clothed with all the powers and duties now devolving upon Boards of Health by the laws of the State, and said Town Council shall have the power to pass all necessary ordinances and resolutions for the health of the citizens of said town and for better protection of the inhabitants thereof.

Be it further enacted, That the Town Council may by ordinance adopt such rules and regulations as may be advisable for the control and management of said system of waterworks and electric-light plant and fix the rate to be charged for water and lights to the inhabitants or the parties who may be furnished with water and lights.

Be it further enacted, That the Town Council of the town of Big Sandy be, and is hereby, empowered to take and appropriate such lands or grounds as they may choose for the location of said waterworks and electric-light plant either within or without the corporate limits of said town for a site for waterworks and electric-light purposes, for pumping station or reservoir and light plant, for water pipe or pipes, for wire lines, and for right of way from pumping station or reservoir to water supply, for water pipe or pipes upon payment of damages. To exercise this power the Board of Mayor and Aldermen shall designate by ordinance the grounds to be appropriated and appropriate the same pursuant to the general laws of the State of Tennessee. [As added by Priv. Acts 1907, ch. 596; and amended by Priv. Acts 1993, ch. 12, § 3]

Sec. 18. The Town of Big Sandy, Tennessee, acting by and through the Board of Mayor and Aldermen in regular or special session, is hereby authorized to issue and sell bonds of said Town pursuant to the general laws of the State of Tennessee governing such bonds. [As added by Priv. Acts 1949, ch. 875; and replaced by Priv. Acts 1993, ch. 12, § 4]

Sec. 19. Be it further enacted, That this Act be declared a public law and may be read in evidence of all the courts of law and equity, and all ordinances, resolutions and proceedings of the Board of Mayor and Aldermen, when printed and published by the authority of the council, shall be received as evidence in all courts and places, without further proof, when certified by the Recorder.

Sec. 20. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1903.

ED T. SEAY,
Speaker of the Senate.

L. D. TYSON,
Speaker of the House of Representatives.

Approved March 27, 1903.

JAMES B. FRAZIER,
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF THE TOWN OF
BIG SANDY, TENNESSEE

YEAR	CHAPTER	SUBJECT
1903	200	Basic charter act.
1905	240	Amended § 6, elections.
1905	425	Amended § 6, elections.
1907	118	Amended § 2, boundaries.
1907	596	Added § 17, directing the town council to establish a city board of health; and renumbered existing §§ 17 and 18.
1915	573	Amended § 2, boundaries.
1923	399	Added Big Sandy Special School District.
1929	694	Amended § 2, boundaries.
1939	157	Repealed Priv. Acts 1923, ch. 399.
1947	804	Amended § 6, elections.
1949	875	Added § 18, waterworks bonds; and renumbered existing §§ 18 and 19.
1970	304	Amended § 4, other officers; § 5 by changing recorder to town judge; § 10, duties of recorder and marshal; § 13, adding town judge to language; and § 15, adding town judge to language.
1993	12	Replaced § 2, boundaries; amended § 5, amount paid to persons committed to jail or workhouse and added subsection 19; § 17, city board of health; replaced § 18, issuing and selling bonds.

YEAR	CHAPTER	SUBJECT
1997	6	Amended § 3, election of officers; replaced § 6, elections, and amended § 10, qualifications of town judge.
2011	16	Replaced § 6, elections, and amended § 10, terms and qualifications of mayor.