

CHARTER OF THE TOWN OF MITCHELLVILLE, TENNESSEE.¹

PRIVATE ACTS 1909

CHAPTER 429

House Bill No. 1065

(By Mr. Puryear)

A BILL to be entitled AN ACT to incorporate the town of Mitchellville, Sumner County, Tennessee, and the inhabitants thereof, and to provide for the government and control of the same, and to define the corporate limits and the powers of said municipal corporation, and for other purposes.

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¹Priv. Acts 1909, ch. 429, is the current basic charter act for the Town of Mitchellville, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2020 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

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SECTION 1

INCORPORATION

Be it enacted by the General Assembly of the State of Tennessee, That the town of Mitchellville, in Sumner County, Tennessee, and the inhabitants thereof be, and they are hereby, constituted an incorporation and body politic by the name and style of "The Mayor and Aldermen of the Town of Mitchellville, Tennessee," and by the same shall have perpetual succession; shall sue and be sued, and pleaded and be impleaded in all courts of law and equity; may purchase, receive, and hold property, real and personal and mixed, within said town or without the limits of the same, and may sell, release, and dispose of the same for the benefit of said town, and may make such contracts for public grounds and promenades as will be beneficial to said town and its inhabitants; and may have and use a common seal and change it at pleasure.

SECTION 2

BOUNDARIES

Be it further enacted, That the corporate limits of said town of Mitchellville shall be as follows:

Beginning at a stone at what is known as the "Goose Pond," and running east and crossing the L & N.R.R. to a line between Isaac Groves and Mrs. Moss, and continuing east with this line, in all 1,075 yards, to the line between Samuel Arnett and Y. T. Groves; thence with their line north, crossing the LaFayette Road and running north with a lane east of Y. T. Groves' house to a point in John Parks' north line, in all 1,400 yards; thence with said John Parks' north line, crossing the L. & N.R.R. track and continuing west to a point in McNeill and Mulloy's line, in all 1,075 yards; thence south with said line 1,400 yards to the beginning.

Beginning in the south line of the Corporation, at J. T. McNeill line, running south 16 chains; thence east 8 chains to Portland Road north 16 chains to Corporation line; west 8 chains to McNeill corner. This being the property of O. E. Garrett, on east side of Town.

Beginning at the north corner of school lot, running north with John R. Parks line 5 chains, west 5 chains to street, south 5 chains with street to school lot, east 5 chains to Parks line. This being the property of Paul Yokley. [As amended by Priv. Acts 1941, ch. 188, § 1]

SECTION 3

OFFICERS

Be it further enacted, That the officers of said corporation shall be a Mayor, Board of Aldermen, five in number, a Recorder, a Treasurer, and City Marshall, and such other officer or officers as may be provided for by the by-laws and ordinances of said corporation.

SECTION 4

MAYOR AND ALDERMEN
ELECTION AND DUTIES

Be it further enacted, That the Mayor and Aldermen shall be elected by the qualified voters of said town, and shall hold their offices for a period of four (4) years and until their successors shall be elected and qualified, and where

two or more persons shall have an equal number of votes for either office, the election shall be determined by a majority vote of the Council of Board-elect; a vacancy, whether temporary from absence or otherwise, shall be supplied in the same manner. The Mayor shall fill all vacancies occurring in any office, except that of Aldermen, until the same can be filled by election by the Board. Vacancies, either of Mayor or Aldermen, by death, removal, or resignation, shall be filled by the votes of a majority of the Board present at a meeting. No one shall be elected Mayor unless he is a bona fide citizen of the town, and unless he shall have been a bona fide resident thereof four years next preceding his election; and he shall be a freeholder of the value of three hundred dollars in said corporation, and the qualifications for Aldermen shall be the same as that of Mayor. The Mayor shall preside at all meetings of the Board when he is present and take care that all the ordinances of the town are duly enforced; take an oath of office before he enters upon the duties of the same, and call special sessions of the Board when he may deem it expedient, and perform such other duties as may be required of him by the laws or ordinances of said town.

The members-elect of the Board of Aldermen, before entering upon their official duties, shall take an oath before some person authorized to administer an oath to support the Constitution of the United States and the State of Tennessee, and to discharge truly and to the best of their ability the duties of Aldermen. The Board of Aldermen shall consist of five members unless the number is increased or diminished by ordinance of the corporation, which may be done by the Board. [As amended by Priv. Acts 1986, ch. 142, § 1; and Priv. Acts 1992, ch. 151, § 1]

SECTION 5

APPOINTMENT OF OFFICERS

Be it further enacted, That the Board shall have full power and authority to appoint such officers, servants, and agents of the corporation as they may deem necessary and shall provide for by ordinance; but no person shall be eligible to any office, either elective or appointive, in said town unless he shall have been a bona fide resident of the town for not less than two years previous thereto. The Board shall fix the compensation of said officers from time to time, and shall have power to dismiss any officer, servant, or agent by them appointed, five of said Board concurring in said dismissal.

SECTION 6

ELECTIONS

The Election Commission of Sumner County, Tennessee, or such persons as may be authorized to hold state and county elections, shall hold an election

at the voting place in said Town of Mitchellville, Tennessee on the first Tuesday in November, 1994, and on the same day every four (4) years thereafter for the purpose of electing a Mayor and five (5) Aldermen.

Those persons elected as Mayor and Aldermen shall take office at the first meeting of the Board of Aldermen following the election and shall hold their respective offices until the expiration of the terms for which they were elected, and until their successors are elected and qualified. [As replaced by Priv. Acts 1986, ch. 142, § 2; and Priv. Acts 1992, ch. 151, § 2]

SECTION 7

TREASURER, RECORDER AND CITY MARSHAL

Be it further enacted, That the Treasurer, Recorder, and City Marshal shall be elected at the first meeting of the Board of Aldermen after the election held by the Sheriff as above provided and after all regular elections as hereinbefore provided for, and shall hold their offices for a period of two years or until their successors are elected and qualified; but the Board shall have the right by ordinance at any time to change the time of the election of said officers or the duration of their terms of office. Said officers shall each enter into a bond of five hundred dollars, payable to the Mayor and Board of Aldermen, for the faithful performance of their duties, and, in addition thereto, shall enter into such bonds, take such oath, and perform such duties as said corporation may by ordinance direct. No member of the Board of Aldermen shall be eligible to any of said offices.

SECTION 8

GENERAL POWERS

Be it further enacted, That the Mayor and Aldermen shall have power within the town by ordinance:

1. To levy and collect taxes upon all property taxable by law for State purposes; to make such rules and provide such penalties upon delinquent taxpayers as said Board may see proper for the enforcement of the collection of such taxes.
2. To levy and collect taxes upon all privileges and polls taxable by the laws of this State; provided, that the poll tax shall not exceed one dollar annually.
3. To appropriate money and provide for the debts and expenses of the town by the levy of a special tax when the same shall be necessary.
4. To make regulations to prevent the introduction of contagious diseases into the town; to establish pesthouses, hospitals, and institutions of like

character necessary in the warding off, checking, or prevention of such diseases, and make regulations for the government of the same.

5. To establish a system of free schools and levy a special tax for its maintenance.

6. To make regulations to secure the health of the town, and to prevent and remove nuisances.

7. To provide the town with waterworks, cisterns, pumps, etc.

8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, alleys, and sidewalks; to require the owners of property to build and construct, repair, or pave streets fronting their residences and business houses, and where any such person shall fail to build or repair the sidewalk in front of his residence or business house or clean the street front of same after notice provided by such ordinance shall have been given, or to abate or remove a nuisance upon his premises or adjoining the same for which he or she is responsible, and the city shall do the work, it shall be done at the expenses of the owner of such lot or premises, and the cost thereof shall be, and is hereby, declared a lien upon such lot or premises. Said lien shall be enforced in the same manner as mechanic liens are enforced, and to provide for lighting the streets.

9. To establish, regulate, and support a night watch or patrol.

10. To erect a market house, establish markets, and regulate the same; to erect a calaboose or workhouse in or near said town, and regulate the same, and any person who shall fail or neglect to pay any fine or cost imposed on him by any ordinance of said town may be committed to the workhouse or calaboose until such fine and cost of either be fully paid every person committed to the workhouse shall be required to work for the town at such labor as his health and strength will permit, within or without such workhouse, not exceeding ten hours each day, and for such work or labor the person so confined and employed shall be allowed, exclusive of his board, a credit upon such fine and costs of not less than thirty cents per day and as much more as said town may by ordinance prescribe until the whole is discharged, when he or she shall be released; provided, that no person shall be required to work for more than four months for one offense.

11. To provide for the erection of all buildings necessary for the use of the town, and to pass laws making the injury, destruction, or defacing of them a misdemeanor, and to provide for the inclosing, improving, and regulating of all public grounds belonging to the town, either in or out of its corporate limits.

12. To license, tax, and regulate all vocations, pursuits, or callings that may at any time be licensed or taxed by the State of Tennessee pursuant to an Act of its General Assembly or otherwise.

13. To license, tax, and regulate hackney carriages, carts, omnibuses, wagons, drays, and vehicles of every sort and description, and to license, tax, and regulate theatrical and other shows, exhibitions, and amusements.

14. To prohibit and suppress all disorderly houses and bawdy houses.

15. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate the storage of combustible or explosive materials of all kinds, and to regulate the use of lights, candles, and stovepipes in stables and other places.

16. To establish standard weights and measures to provide for the inspection of scales and regulate the weights and measures to be used in the town in all cases not otherwise provided for by law; and to provide for and regulate the inspection of butter, lard, and other provisions, and to regulate the vending of and provide for the inspection of poultry, fish, milk, or vegetables, and to prohibit or regulate the sale of all impure, unwholesome, or unhealthy food or drinks or liquids; and to restraining the forestalling of provisions and to suppress hucksters.

17. To regulate the police or patrol of the town; to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery, collection, and appropriation; to regulate the giving of bail by offenders; to imprison any offender or offenders for refusal or failure to discharge, pay, or secure according to ordinance fines, forfeitures, or penalties imposed upon them, either in the county jail or workhouse, and to provide for the arrest and confinement in the jail, calaboose, or workhouse of all disorderly persons within the town by day or by night, and to authorize the arrest and detention of all suspicious person or persons found violating any ordinance.

18. To prevent and punish by pecuniary penalties and imprisonment all breaches of the peace, noise, disturbance, or disorderly assemblies in any street, house, or other place by day or by night, and all offenses, whether civil or criminal, arising under the by-laws and ordinances, shall be cognizable before the Recorder, who, upon application, shall issue his warrant direct to the City Marshal or other officer of the town, or to the Sheriff or any Constable whose duty it shall be immediately to execute the same, which warrant may be served by said officer of the town, or to the Sheriff or any Constable, whose duty it shall be immediately to execute the same, which warrant may be served by said officer on the offender anywhere within the limits of the county of Sumner, and upon the return of said warrant it shall be the duty of the Recorder to hear and determine the cause and give judgment accordingly, from which judgment in all cases an appeal lies to the Circuit Court of Sumner County upon the defendants entering into a good and solvent bond in the sum of two hundred and fifty dollars for his appearance at the next term of the Circuit Court which shall convene thereafter. In the event any person so appealing shall fail or refuse to enter into such bond for his or her appearance, said city, through its officers, shall have the right to confine such person in the city workhouse or in the county jail until the case may be reached or tried by the Circuit Court. It shall be the duty of the jailer or Sheriff of Sumner County to receive and keep any person or persons in jail who may be committed to his charge for a breach of the by-laws and ordinances of said corporation, and all disorderly persons committed to the charge by the City Marshal or other officers of the said

corporation or of the State and county for which he shall receive the same fees as in other cases of imprisonment, to be paid by the offender, and for which execution shall be awarded by the Recorder; and in case of insolvency, the said costs or fees shall be paid by the corporation. In case of the incompetency or absence of the Recorder, the same being made to appear to the Magistrate, he shall have and exercise the same jurisdiction as is conferred by this Act upon the Recorder.

19. To provide for the assessment of all property taxable for municipal purposes, either by providing for a special assessment thereof by some person appointed or elected to make such assessment; provided, such assessment shall be for taxation for municipal purposes only, or to adopt the assessment made by the county or District Assessor for State and county purposes, or in such other manner as to the authorities of said corporation may seem right and proper, and to levy taxes upon all taxable property subject to taxation for municipal purposes, not to exceed One Dollar (\$1.00) on the One Hundred Dollars (\$100.00) of taxable property for all purposes.

20. To provide for the collection of delinquent taxes, and to fix the time when same shall become delinquent; prescribe such penalties as they any see proper to enforce their payment or collection, and to this end it is now provided that the Circuit or Chancery Courts of Sumner County shall have jurisdiction in all cases involving the revenue of the said corporation without regard to the amount, and said corporation shall have the right to join in any suit for the collection of such taxes as many persons as may be desired and sue for the collection of taxes upon as many different pieces of property as may be deemed advisable in any one bill; provided, the number of pieces of property or taxes shall not exceed twenty-five; and, provided, further, that the costs of such cases shall be prorated among the parties of pieces of property.

21. And said Mayor and Aldermen shall have full power and authority to enact such by-laws and ordinances as may be for the general welfare of the citizens of said town, and as may be necessary to preserve the health, quiet, peace, and good order and good morals of the town, and to protect and preserve the property of its citizens, and to provide for and protect the moral and physical well-being of all minors.

22. The Mayor and Board of Aldermen shall have the authority to appropriate money and provide for the payment of interest of the town, and to borrow money, not to exceed the sum of Twelve Thousand Dollars, (\$12,000.00), of borrowed money, at any one time, not including the present debt of the town, or any bond or note or other security given or which may be given therefor, but said amount may be borrowed in addition to the present liabilities and in addition to the bonded indebtedness of the town, provided that the Mayor and

Board of Aldermen shall issue no note or bond of the town, for such borrowed money for a longer period than five(5) years. [As amended by Priv. Acts of 1957, ch. 33, § 2; and Priv. Acts of 1951, ch. 45]¹

SECTION 9

CITY MARSHAL

Be it further enacted, That all process directed to the City Marshal or other officer of the corporation may be executed by the Sheriff of the county or any Constable or by such other person as may be designated by an ordinance of the corporation.

SECTION 10

ABSENCE OF CERTAIN TOWN OFFICERS

Be it further enacted, That in the absence, temporary or otherwise, of the Recorder, the City Marshal or other officers may apply to a Justice of the Peace for a warrant, who shall issue it, and on the arrest of the offender proceed to hear and determine the case; and if the person charged be adjudged guilty, shall assess such fine and penalty as may be prescribed by ordinance of the town in such cases. In the event of the absence of the Mayor, temporary or otherwise, the said corporation may provide by ordinance some person or official to act and serve in his stead as Mayor pro tempore, and such Mayor pro tempore shall be invested with all the powers and charged with all the duties that the Mayor has or would have.

SECTION 11

VIOLATION OF MUNICIPAL ORDINANCE

Be it further enacted, That when any person or persons may be convicted or fined for any offense against the laws or ordinances of the corporation, it shall be the duty of and lawful and proper for the Recorder or Justice of the Peace who may render the judgement to commit the offender to the workhouse or calaboose or to the county jail to work out at hard labor the said fine and costs, or he may receive good and sufficient security for said fine and costs, and within thirty days thereafter shall issue the execution therefor, directed to the City Marshal or other officer of the corporation, or to the Sheriff or other lawful

¹Priv. Acts 1951, ch. 65, did not specify where this change was to be added. The compiler added the change as number 22 under General Powers.

officer of the county, which execution shall have the same force and validity as executions issued by Justices of the Peace, and the officer or officers to whom directed shall have the same power and authority and be charged with the same duties with respect to the same as Constables or Sheriff. In case the officer into whose hands the execution may come shall fail to make proper return of the same before the Recorder or Justice of the Peace within thirty days from the date of its issuance, or if such officer fail on demand to pay over to the Treasurer any money by him collected on such executions, he and his securities shall be liable to the same penalties that Constables are now subject to by law for failing to return executions issued by Justices of the Peace or for failing to pay over money collected on the same by motion before a Justice of the Peace.

SECTION 12

AUTHORITY OF POLICE

Be it further enacted, That the City Marshal or other police officer of said corporation shall be invested with concurrent jurisdiction with District Constables of the State, and shall have and ex-exercise [sic] the same power in all matters relating to the enforcement of its ordinances and execution of its ordinances and execution of its process.

SECTION 13¹

NOTICE OF DAMAGES

Be it further enacted, That before the Mayor and Aldermen of the town of Portland, Tennessee, shall be liable for damage to any person for injury to person or property, the person aggrieved or some one for him shall give to the Mayor of the city notice in writing of the injury complained of within thirty days after the injury occurred, stating when, where, and how the same occurred and the extent thereof, and giving a statement of the facts in connection with the same, and before any suit shall be brought for such injury it shall affirmatively appear that such notice was given and that such corporation refused to pay damages.

¹Priv. Acts 1909, ch. 429, § 13 refers to Portland, Tennessee, which reference was apparently an error of the author.

SECTION 14

POLICE JURISDICTION

Be it further enacted, That the jurisdiction of the Recorder and the police authority of said corporation shall extend to a distance of one mile from the corporate limits of the same for the suppression of all disorderly acts and practices forbidden by the laws of the State or by the laws and ordinances of the corporation.

SECTION 15

LIQUOR PROHIBITED

Be it further enacted, That it shall never be lawful to sell within the corporate limits of said corporation nor within one mile of said corporate limits any wine, whisky, beer, ale, hard cider, or any malt, vinous, spiritous, or intoxicating liquors of any sort or description to be drunk as a beverage; nor shall any general law with respect to the sale of such liquors enacted by the General Assembly of this State be held or construed to alter, repeal, amend, or in any manner affect this provision.

SECTION 16

CITIZENS PUBLIC WORK REQUIREMENT

Be it further enacted, That all male residents within the corporate limits of said town within the ages of eighteen and fifty years, except such as are exempt by the ordinance of said corporation, shall be subject to assessment for labor on the streets and roads of said town, not to exceed six days, and shall be subject to perform such labor in person or by substitute and with wagons and teams and implements each and every year when assigned to such labor by the Mayor and Aldermen of said town or their designated officer or committeeman, or shall pay such reasonable sum in commutation of such labor as may be fixed by ordinance in lieu of such labor, and said Mayor and Aldermen are hereby empowered to enforce this provision and carry into effect the same by proper ordinance and by such fines and penalties as they may deem best.

SECTION 17

EFFECTIVE DATE

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

Passed May 1, 1909.

M. Hillsman Taylor,
Speaker of the House of Representatives.

Wm. Kinney,
Speaker of the Senate.

Approved May 1, 1909.

Malcolm R. Patterson,
Governor.

ACTS COMPROMISING THE CHARTER
OF MITCHELLVILLE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1909	429	Basic Charter Act .
1941	188	Amended Section 2 of Basic Charter regarding Boundaries.
1951	65	Amended Basic Charter regarding General Powers of Board of Mayor and Alderman.
1957	33	Amended paragraph 19, § 8 of Basic Charter regarding General Powers of Board of Mayor and Aldermen
1986	142	Amended § 4, mayor and aldermen election and duties; and replaced § 6, elections.
1992	51	Amended § 4, mayor and aldermen election and duties; and replaced § 6, elections.
1996	214	Record of local ratification for this act could not be established therefore this act was considered but was not included in this compilation.