

CHARTER FOR THE TOWN OF WHITE PINE, TENNESSEE¹

CHAPTER NO. 176

HOUSE BILL NO. 2906

By Representative Davis

Substituted for: Senate Bill No. 2883

By Senator Wallace

AN ACT to enact a new charter for the Town of White Pine, and to repeal Chapter 309 of the Private Acts of 1915, as amended by Chapter 345 of the Private Acts of 1919, chapter 463 of the Private Acts of 1927, chapter 380 of the Private Acts of 1949, Chapter 19 of the Private Acts of 1971, Chapter 11 of the Private Acts of 1987, Chapter 198 of the Private Acts of 1990, and all other acts amendatory thereto.

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¹Priv. Acts 1994, ch. 176, is the current basic charter act for the Town of White Pine, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2008 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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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 309 of the Private Acts of 1915, as amended by Chapter 345 of the Private Acts of 1919, Chapter 463 of the Private Acts of 1927, Chapter 380 of the Private Acts of 1949, Chapter 19 of the Private Acts of 1971, Chapter 11 of the Private Acts of 1987, Chapter 198 of the Private Acts of 1990, and all other acts amendatory thereto, is repealed in their entirety.

SECTION 2. The Town of White Pine, in the County of Jefferson, and the inhabitants thereof within the boundaries hereinafter specified be, and are hereby, constituted a body politic and corporate under and by the style and name of the "Board of Mayor and Aldermen of the Town of White Pine," and shall have perpetual succession; may sue and be sued, plead and be impleaded in all Courts of law and equity and in all sections whatever; may purchase, receive, hold, sell, lease, rent, and dispose of property, real and personal within and without the limits of the town for corporate purposes; and do all acts touching the same as natural persons, and shall have a common seal and change it at pleasure.

SECTION 3. The corporate limits of the Town of White Pine, Tennessee, shall embrace the territory prescribed in Chapter 309 of the Private Acts of 1915, as amended by Chapter 380 of the Private Acts of 1949, and any other amendment or amendments thereto, and as expanded by annexation ordinances

passed by the town under the general annexation law of the state.¹ The boundary descriptions in Chapter 309 of the Private Acts of 1915, as amended by Chapter 380 of the Private Acts of 1949 shall remain valid and in effect notwithstanding the repeal of these acts.

SECTION 4. The officers of the corporation are a Mayor and five (5) Aldermen. The terms of office of the Mayor and Aldermen elected in the June, 1993 election for a term of two (2) years shall be extended to the date of the regular November election in 1996. At the regular November election in 1996 the Mayor shall be elected for a term of four (4) years, the two (2) Aldermen receiving the highest number of votes shall be elected for a term of four (4) years, and the three (3) Aldermen receiving the next highest number of votes shall be elected for a term of two (2) years, or until their successors are elected and qualified. Thereafter the date of the town election is the date of the regular November Election, and the Mayor and Aldermen elected at such elections shall be elected for four (4) year terms of office, or until their successors are elected and qualified. [As replaced by Priv. Acts 1995, ch. 41, § 1]

SECTION 5. Any candidate for mayor and aldermen of the town shall be a qualified voter and resident of the town at the time he qualifies to run for office, and following their election the mayor and aldermen shall each continuously reside within the corporate limits of the town during their terms of office.

Any person who is qualified to vote in General State Elections and who has resided within the corporate limits of the town for the same period that qualifies a person to vote in General State Elections, and any person who has continuously been a bona fide owner in fee simple of real estate within the corporate limits of the town for a period of three (3) months next previous to a municipal election, shall be entitled to vote in municipal elections.

The person receiving the greatest number of votes for mayor, and the five (5) persons receiving the greatest number of votes for aldermen, shall respectively be elected mayor and aldermen. Before taking office the mayor and aldermen-elect shall go before any Jefferson County or Town of White Pine officer authorized to administer oaths, and shall make and subscribe to an oath to well, truly, impartially, and faithfully discharge the duties of their respective offices, which oaths shall be filed with the recorder.

Meetings of the board of mayor and aldermen shall be on the first Tuesday of each month, unless changed by ordinance, except that special meetings may be called from time to time as hereinafter provided.

¹These corporate limits have been extended by annexation ordinances of recorder in the office of the recorder.

In case of a vacancy in the office of mayor from death, resignation, non-residency, or for any other reason, the aldermen shall appoint one (1) of their members to the office of mayor for the remainder of the unexpired term. In case of a vacancy in the office of alderman for any reason enumerated above, the mayor and aldermen shall appoint a person who meets the qualifications for the office of alderman under this section to the office of alderman for the unexpired term.

SECTION 6. It shall be the duty of the mayor to preside at, and have a voice in, all meetings of the Board of Mayor and Aldermen. He shall have authority to enforce order in the meetings of the board. He shall have the authority to vote in all elections and appointments for officers of the town and in all cases of a tie vote. All ordinances, resolutions and minutes and records of the board shall be approved and signed by the mayor.

The mayor shall sign all contracts authorized by the board and all checks and warrants on the recorder for the payment of any moneys appropriated by the board. The mayor shall also take care that all the ordinances of the town are enforced, respected, and observed within the limits of the town.

The mayor may call special sessions of the board when he thinks it expedient, and shall perform all other duties which the board by ordinance may impose upon him. Reasonable notice of any special meeting called by the mayor shall be given to the aldermen.

SECTION 7. The recorder is invested with the powers to try civil offenses against the Town of White Pine, unless the Board of Mayor and Aldermen has appointed another person to the office of town judge. However, the board shall not have the authority to appoint as town judge any officer or employee of the town.

The recorder shall be present at all meetings of the board, and shall keep accurate minutes of all proceedings of the same. He shall collect the property and other taxes due the town in any of the manner prescribed by state law and approved by the board. He shall act as treasurer, and receive from and properly account for the taxes and funds that come through his hands from any source whatsoever, and shall keep such books and financial records as the board may direct, and shall make such reports and settlements and perform such other duties as may be imposed on him by the board.

SECTION 8. The board of mayor and aldermen shall have power to:

- (1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;
- (2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;
- (3) Make special assessments for local improvements;

- (4) Contract and be contracted with;
- (5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;
- (6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the town, upon the credit of the town or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the town, or solely upon the credit of the proceeds of special assessments for local improvements, under the Local Government Public Obligations Act, Tennessee Code Annotated, Title 9, Chapter 21, or any other state law permitting such transactions;
- (7) Expend the money of the town for all lawful purposes;
- (8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the town or state;
- (9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the town, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of state law governing condemnation;
- (10) Take and hold property within or without the town or state upon trust; and administer trusts for the public benefit;
- (11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the town, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, Tennessee Code Annotated, Title 9, Chapter 21, or any other state law permitting such transactions;
- (12) Grant to any person, firm, association or corporation (including the town) franchises for public utilities and public services to be furnished the town and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the town itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the town at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;
- (13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the town and those therein. The power to make contracts embraces the power to make exclusive contracts.

When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the town at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of any general law of the state;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property, abutting on or adjacent to these streets, highways or alleys under any general laws of the state;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost

of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the town, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the town, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the town court of civil offenses against the laws and ordinances of the town who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse until the fines are paid;

(28) (A) Enforce any ordinance, rule or regulation by civil penalties, forfeitures costs, and by other actions or proceedings in any court of competent jurisdiction.

(B) No fine may exceed five hundred dollars (\$500.00) for any one (1) offense, except that the maximum fine for moving traffic violations shall be fifty dollars (\$50). Court costs shall be set by ordinance.

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the town;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the town, impound them, and in default of redemption, sell or kill them;

(31) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

SECTION 9. The due and delinquency dates for property taxes, and the penalties for delinquent property taxes, shall be those prescribed in state law for the collection of county property taxes. Delinquent property taxes shall be collected by the City Recorder in any manner authorized under state law and approved by the Board of Mayor and Aldermen.

SECTION 10. The Mayor and Alderman shall establish their compensation from time to time by ordinance. [As replaced by Priv. Acts 1995, ch. 41, § 2]

SECTION 11. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of The Town of White Pine. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town of White Pine and certified to the Secretary of State.

SECTION 12. 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 11.

PASSED: APRIL 13, 1994

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

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

APPROVED this 22 day of April 1994

s/Ned McWherter
NED McWHERTER, GOVERNOR

PRIVATE ACTS COMPRISING THE CHARTER OF THE TOWN OF
WHITE PINE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1994	176	Repealed and replaced the entire charter.
1995	41	Repealed and replaced §§ 4 and 10.