

CHARTER OF THE TOWN OF ALTAMONT, TENNESSEE¹

CHAPTER NO. 664.

HOUSE BILL NO. 1288.

(By Mr. Norvell.)

AN ACT to incorporate the town of Altamont, in the County of Grundy, and State of Tennessee, and to provide for the election of officers thereof and prescribe their duties; to define the corporate limits and prescribe the powers and duties of said municipal corporation; to provide for the raising of the revenue for the support of said incorporated town and for other purposes.

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¹Priv. Acts 1917, ch. 664, is the current basic charter act for the Town of Altamont, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2009 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 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 Private 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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SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Altamont, in the County of Grundy, and State of Tennessee, and the inhabitants thereof be, and are hereby constituted a body politic and corporate under and by the name of the "Town of Altamont" and under that name they may have perpetual succession; may sue and be sued; grant, receive, and purchase and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of the said town of Altamont, and may have and use a common seal, and alter the same at pleasure.

SEC. 2. Be it further enacted, That the town of Altamont located in the Second Civil District of Grundy County, Tennessee, be and the same is hereby bounded as follows:

"Beginning at the southwest corner of the pasture fence lately built and owned by T.B. and Jas. H. Northcut, said beginning corner being in what is known as the `Sandy Flat' and on the east side of the main Altamont and Tracey road about one-half mile south of the Altamont Court House; running then in a northeasterly direction to what is known as the `Franklin Pond' on the Gretter road; then northwardly to the stone bridge across Piney Creek and on the Altamont and Beersheba Springs road; thence with the Northcuts Cave road to the northeast corner of the old McClure place and to include same and the Altamont graveyard; thence in a southwestwardly direction to the northwest corner of the Oak Hill tract of land; then south to the Pelham and Altamont public road; thence southeast to the beginning."

SEC. 3. Be it further enacted, That the officers of the town of Altamont to be chosen by the qualified voters thereof shall be as follows: A Mayor and four¹ Aldermen who shall constitute the town council, known as the "Board of Mayor and Aldermen," a majority of whom shall constitute a quorum for the transaction of business. No person shall be eligible to the office of Mayor or Aldermen unless he is at least twenty-five years old and a qualified voter under the laws of the State of Tennessee, and has been a bona fide resident of the town for a period of at least one year, said Mayor and Aldermen shall be chosen

¹Sections 4 and 5 of chapter 186 of Private Acts of 1990, provide:

"SECTION 4. Nothing herein shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such incumbent was elected.

SECTION 5. Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term, of any official prior to the end of the term for which he was elected."

hereafter by the qualified voters of the town of Altamont and shall hold their offices until their successors are elected and qualified. [As amended by Priv. Acts 1990, ch. 186, § 1]

SEC. 4. Be it further enacted, That the first officers of the town of Altamont shall consist of the following parties, to-wit: E.C. Shelton, Mayor; J.B. Nunley, John Scruggs, and A.L. Stockhart, Aldermen, and that they hold their offices as above set out and be vested with all the powers of regularly elected officers until the 1st Saturday of May, 1918, and until their successors are elected and qualified. In case any vacancy in the office of Mayor or Aldermen should at any time occur, said vacancy shall be filled by the remaining members.

SEC. 5. Be it further enacted, That beginning on the 1st Tuesday after the 1st Monday in May, 1990, and every two years on the same day thereafter, an election shall be held in the Town of Altamont for the purpose of electing a Mayor and four Aldermen. The present Mayor and Board of Aldermen shall continue to serve until such time as their successors are elected.

Said election shall be held in accordance with the election laws in the State of Tennessee; provided, however, that any person owning real estate within the corporate limits shall be entitled to vote in said election. The term of office of Mayor and Board of Aldermen is thus fixed at two years and until their successors are elected and qualified. Said Mayor and Aldermen shall be compensated at a rate to be determined by the Mayor and Board of Aldermen.¹ [As replaced by Priv. Acts 1990, ch. 186 § 2]

SEC. 6. Be it further enacted, That said Mayor and Aldermen, under the style of "Town Council" shall constitute the legislative body of said corporation; they shall meet once every two months, and oftener if they deem it necessary, and shall have power to pass all ordinances and resolutions and to make all orders that are necessary to carry out the objects of this character; and it will not be necessary for an ordinance to pass more than one reading, but before an ordinance becomes effective, it shall on or before the next meeting after its passage be signed and approved by the Mayor; but the Mayor shall have veto power. In case the Mayor shall refuse to approve an ordinance, he shall return same to the council at its next meeting, with his reasons stated in writing for his refusal, and said ordinance shall not be binding unless the council, by the

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affirmative of three¹ members shall pass the same, the Mayor's veto notwithstanding. [As amended by Priv. Acts 1990, ch. 186, § 3]

SEC. 7. Be it further enacted, That it shall be the duties of the Mayor to preside at all meetings of the town council, to vote on all questions coming before the council in case of a tie vote. He shall have power to call special meetings of the town council when he deems such meetings necessary. He has power to fill all vacancies of any office until the same is filled by the town council. He shall see that all town ordinances and resolutions are enforced, observed and respected, and, in cases of emergency he shall have the power to appoint special policemen, and the town council may by ordinance prescribe penalties for a failure to obey such call.

In case of absence, sickness, or other disability of the Mayor, the recorder shall be, for the time being, Mayor pro tempore, with all the powers and duties as given the Mayor.

SEC. 8. Be it further enacted, That said Mayor and Aldermen shall, before assuming the duties of their offices, take an oath before some person authorized to administer oaths to impartially and faithfully perform the duties of their respective offices. The other officers of said corporation to be elected by the town council will also take an oath before Mayor, which oath will be to the same effect and all of said oaths shall be taken before the officers assume their respective duties and then be filed with the recorder. In addition to said oaths, the recorder and marshal will execute such bonds as may be required of them by the town council for the purpose of securing such sums of money as may come into their hands as such officers.

SEC. 9. Be it further enacted, That the town council, at its first meeting in every year, or as soon thereafter as possible, elected from the bona fide citizens of the town of Altamont a recorder, who shall also act as treasurer, a marshal, and such other officers as they may deem necessary who shall hold their offices for one year, or until their successors are elected and qualified. in the absence of the recorder; the town Justice of the Peace to be elected by the qualified voters of said town shall have all the powers and duties of said recorder. He will be liable on his official bond as Justice of the Peace for any money belonging to said town that may come into his hands. Said town Justice of the Peace shall be elected according to the State election laws now in force, and future elections shall be held under the State elections then in force. The compensation of the recorder shall consist of his fees, which shall be the same as now allowed clerks, Justices of the Peace, and trustees for similar services, and such additional compensation as the Board of Aldermen may unanimously

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agree upon. The fees of the town marshal shall be the same as now allowed by the law to sheriffs, constables and trustees and he shall receive such additional compensation as the Board of Aldermen may unanimously agree upon.

SEC. 10. Be it further enacted, That it shall be the duty of the recorder to try all cases for the violation of any and all ordinances of the corporation and all offenses against the peace and dignity of the town, and he is hereby vested with all the powers of a Justice of the Peace in the trial of criminal cases; provided, that in case of absence, sickness, or other disability of the recorder, the town Justice may try such cases as heretofore set out. In case any accused party makes oath that he cannot get justice, in his opinion, before said recorder, a change of venue may be had from the recorder to the Mayor, who is hereby empowered to try and decide said case under the ordinances of the town. In case an appeal is taken from a fine imposed by the recorder or Mayor, the party appealing shall be required to enter into bond securing the fine and costs to said corporation conditioned to successfully prosecute said appeal.

SEC. 11. Be it further enacted, That the recorder of said corporation shall keep an accurate and correct minute of all the proceedings of the town council, issue privilege license, and collect taxes on same; he shall collect all ad valorem and special taxes levied by the town council; he shall keep a proper ledger of the same; he shall make out the town tax book and turn the same over to the town marshal for collections, taking his receipt therefor.

In making out the tax book for said corporation, the said recorder will take the same from the tax duplicate in the County Court Clerk's office, giving a description of the property and the same amount set out in said tax duplicate; provided, however, that if any property on said tax duplicate lies partly within the corporate limits of the town of Altamont and partly without the corporate limits, he shall so assess the property as to give a fair valuation of the property within the corporation.

In said case said tax duplicate does not give a sufficient description of the property to identify same, the recorder can refer to the assessor's books for the description, which must be sufficiently given to identify the property.

Any party having property partly within the corporation and without same that objects to the valuation placed on same by the recorder may appeal to the town council to correct the same.

Said town council is hereby given the power to change and correct the list of taxes thus made out by the recorder.

If any property real, mixed or personal, within said corporate limits has escaped assessment, it shall be the duty of said recorder to assess the same. For assessing said property, the said recorder will be entitled to receive only of the compensation now allowed by law to assessors for similar work. When this assessment is completed, said recorder shall make oath that it is a true and correct copy of the assessment as shown in the County Court Clerk's office of all the property within the corporate limits of the town of Altamont, except as changed, where property lies partly without the corporate limits of said town, and except as to property that has escaped taxation; and that in these instances he has assessed same to the best of his skill and ability.

The said recorder shall also have charge of all the records and property of said corporation, and shall take special care of the same. He shall perform such other duties that the town council may by ordinance impose upon him not in conflict with this chapter or the statute laws of this State.

SEC. 12. Be it further enacted, That the said recorder acting as treasurer for said corporation, shall receive from the town marshal all money that may come into his hands and receipt him for same.

He shall keep a proper account of all funds of whatever nature that may come into his hands, and for such purposes he shall keep such book or books as the town council may direct.

He shall pay out money in his hands only upon the order of the town council approved by the Mayor. When required by the town council or the Mayor, he shall furnish a full and explicit report of all moneys received and the disbursement of the same, which report shall be subject to the inspection of any taxpayer in the corporate limits.

SEC. 13. Be it further enacted, That the marshal of the town shall thoroughly acquaint himself with the by-laws and ordinances of the town. He shall rigidly enforce the same, for which purpose full police power is hereby given him, which he may promptly exercise without warrant in hand, and when necessary, he shall have the right and power to call to his assistance any member of the male citizens of said town, he may deem necessary to assist him in making arrests, and the town council may impose a penalty upon any one refusing to obey such a call. He shall collect all taxes except privileges: taxes, and the ad valorem tax on merchants and others subject to such tax by laws of the State of Tennessee, and shall perform such other duties that may be imposed upon him by the town council. He shall have charge of the town prison, and shall be entitled to not exceeding forty cents per day for boarding prisoners. When a prisoner is committed to him, he shall take charge of him and keep him safely until he is tried, and if fined and the judgment so direct, shall work said prisoner upon the streets of the town, or otherwise work him.

Provided, however, said marshal shall receive additional compensation of not exceeding one dollar per day for such time he works such prisoner.

SEC. 14. Be it further enacted, That the basis upon which property shall be taxed and the taxes collected by the town of Altamont shall be the same as provided by the general laws of the State. The report of the recorder of the assessment made by him as set out in Sec. 11 of this Act which assessment is intended to include all persons and all property within said corporate limits subject to State and county taxes, including poll tax, shall constitute the assessment for said town. As soon as said assessment is completed, which shall not be until after the County Board of Equalizers have passed upon the same, said recorder shall submit to the town council a certified statement of the total amount of the assessment, including telephone property, together with a certified statement of the revenue derived by the town from privilege taxes, merchants and ad valorem taxes and fines from the preceding fiscal year. Upon this basis, the town council should proceed by ordinance to make the proper levy to meet the expenses of the town for the current fiscal year, and all special assessments that are necessary to be made.

SEC. 15. Be it further enacted, That on the first Monday in July of each year, that is, the year succeeding the assessment, all uncollected and unpaid taxes shall, on the said first Monday in July, become delinquent taxes; and the marshal shall make out a list of such delinquent taxes and turn same over to the recorder, certified to by him upon oath that the taxes so turned over are unpaid and delinquent. Said taxes shall then become delinquent, and shall have the

same force and effect of a judgment of a Court of Record and the recorder shall have the power to issue distress warrants in the name of the town of Altamont to the marshal to enforce the collection of the taxes against the person owing the same; and such distress warrant or warrants shall be executed by the town marshal of the town of Altamont by a levy upon and a sale of the goods and chattels of said delinquent taxpayers under the same provisions as prescribed by law for the issuance of distress warrants for the collection of State, county and school taxes.

SEC. 16. Be it further enacted, That all municipal taxes upon real estate, in the town of Altamont are hereby declared to be a lien on said property from and after January 10, for which the same was assessed subject alone to the lien of the State of Tennessee and County of Grundy for taxes legally assessed thereon.

No assessment shall be invalid because the size and dimensions of any tract or lot or parcel of land has not been precisely stated in the assessment, or because the valuation or amount of taxes is not correctly given, or because assessed to unknown owners, or because assessed to wrong party.

No assessment shall be invalid on account of any objections or informality merely technical, but all such assessments shall be good and valid.

SEC. 17. Be it further enacted, That the lien for delinquent taxes running unpaid as above provided shall be enforced against the property and the owners thereof in the way and manner provided in Chapter 6 of the Acts of the Legislature of 1897, the same having been passed April 1, 1897, entitled:

"An Act to enable incorporated towns and cities in Tennessee to sue in their corporate name in Chancery Courts for municipal taxes assessed on real value; to enforce the lien for same by the sale of the land assessed and in such suit to make the owners of as many as 25 distinct parcels of land defendants." Provided, that no real property on which delinquent taxes are due shall be proceeded against as above set out until a distress warrant has been issued against the owner of said realty and returned by the marshal "Nulla Bona."

SEC. 18. Be it further enacted, That the town council shall have the right to elect any officers other than those herein named, but such officers shall serve without compensation unless otherwise ordered by the full and unanimous vote of the town council.

All officers elected by the town council shall be twenty-one years of age and shall have been a citizen of Altamont for a period of one year.

Said town council shall have the power by ordinance or resolution within the corporate limits of said town

1. To levy and collect taxes upon all real, personal and mixed property, polls and privileges taxable by the laws of the State of Tennessee.

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

3. To license, tax, and regulate everything, person, business, and corporation licensed, taxed and regulated by the laws of the State of Tennessee.

4. To open, establish, extend, widen, alter, abolish and discontinue any street or alley, and to grade, pave and otherwise improve the same, and to establish, maintain and keep in repair culverts, sewers, gutters, or to alter, change, abolish and discontinue the use of the same.

5. To regulate and provide for the construction of sidewalks and foot pavements.

6. To regulate, prohibit, or suppress all disorderly houses, bawdy houses, or ill fame.

7. To prohibit gambling houses, saloons, and the illicit sale of liquors within the corporate limits of the town of Altamont.

8. To regulate and prohibit giving, selling, procuring for or delivering to any student of any school within the corporate limits of the town of Altamont any intoxicating liquor; to regulate and prohibit the carrying of intoxicating liquor upon the lands of any institution of learning within the corporate limits.

9. To make regulations to prevent the introduction and spread of contagious diseases within the town, and to make quarantine laws for this purpose, and to enforce the obedience of same within one mile of the corporate limits, and to provide a place to confine parties infected with the contagious diseases within the same.

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

11. To provide for the erection of all buildings that may be necessary for the use of the town.

12. To provide for the prevention and extinguishment of fire, organize, regulate, and establish fire companies; to regulate the erection of any wooden buildings regarded as dangerous in causing fires.

13. To regulate the police of the town, to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the recovery of the same.

14. To provide for the arrest and confinement until the trial of all disorderly, riotous or drunken persons by day or by night.

15. To arrest all persons who lounge around the streets or stores without any visable means of support.

16. To regulate or prevent the discharging of fire-arms, fire crackers, or any other explosive within the corporate limits, and to regulate and prohibit the sale of fire crackers, Roman candles, sky rockets, and other similar explosives within the corporate limits of said town, and provide penalties for violations.

17. To commit any person or persons who fail or refuse to pay or secure any fine or cost upon him for any violation of any ordinance of the town, to jail or workhouse until said cost and fine is paid or secured, any person so committed shall work for the town within or without said jail at such labor as his or her strength will permit not exceeding ten hours per day.

For such labor said prisoner shall be entitled to a credit of forty cents per day until the whole of the fine and cost is paid, when they shall be discharged.

18. To remove and prevent all filth in the town and all encroachments into and obstructions upon all streets, alleys, lanes, sidewalks, and pavements, and to provide for the cleaning of the same.

19. To prevent and punish by pecuniary penalty or imprisonment all breaches of the peace, noise, disturbance, or disorderly assemblies in any place in the town.

20. To suppress all immoral exhibitions within the corporate limits, and to regulate all amusements within said limits.

21. To prevent and remove any nuisances.

SEC. 19. Be it further enacted, That said Mayor and Aldermen shall have such further and additional power as may be necessary to carry out the purposes of this Act and to promote the good of the town and may collect and spend money for such purposes.

Provided, however, that no debt shall be contracted by said Mayor and Aldermen to exceed 5 per cent of the taxable property within said corporate limits without first submitting the question to a vote of the citizens of said town, and shall be ratified by them by a two-thirds vote of the qualified voters of said town of Altamont.

This Act shall not interfere with State and county road and school laws.

SEC. 20. Be it further enacted, That all laws or parts of laws contrary to or inconsistent with the provisions of this Act be, and the same are hereby repealed.

SEC. 21. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

PASSED: April 7, 1917.

s/Clyde Shropshire
Speaker of the House of Representatives

s/W.R. Crabtree
Speaker of the Senate

Approved: April 7, 1917

s/Tom C. Rye
Governor

RELATED PRIVATE ACTS

PAGE

Priv. Acts 1947, ch. 489,
"Gasoline Tax" C-13

CHAPTER NO. 489

House Bill No. 764

(By Bryant of Sequatchie)

AN ACT to apportion the Two Cent Gasoline Tax received by Grundy County from the State of Tennessee so as to provide that one-twelfth of said fund shall be set apart for the year 1947 and for each year thereafter and paid to the governing bodies of the incorporated municipalities of Tracy City, Palmer and Altamont, and to provide for the use of the said one-twelfth of the said Gasoline Tax Fund in the said municipalities of Tracy City, Palmer and Altamont.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That out of the Two Cent Gasoline Tax Fund now received by Grundy County from the State of Tennessee that one-twelfth of the said Fund paid to the Trustee of the said County for the year 1947 shall be paid by the said Trustee to the Governing Bodies of the Towns of Tracy City, Palmer and Altamont, on the following basis of apportionment, to-wit: Tracy City, Seventy-Five (75%) per cent of the said one-twelfth; Palmer, Fifteen (15%) per cent of the said one-twelfth; and Altamont, Ten (10%) per cent of the said one-twelfth.

SECTION 2. Be it further enacted, That for the year 1947 and each year thereafter the Trustee of the county will take a basis of arriving at the one-twelfth of the said Gasoline Tax Fund going to the said Municipalities the sum received from the State by the said County for the preceding year and shall set up on the books of the Trustee's Office one-twelfth of the said sum for the year 1947 and for each year thereafter, and shall pay the same as herein provided, to the said Governing Bodies of the Municipalities of Tracy City, Palmer and Altamont.

SECTION 3. Be it further enacted, That the Governing Bodies of the said Municipalities shall each year lay out and designate the streets, roads and bridges within the said Municipalities where said fund shall be expended and the Governing Bodies of the said Municipalities will cause to be made a record of all funds received under the provisions of this Act and the same shall be opened to inspection by any party interested.

SECTION 4. Be it further enacted, That the Trustee of Grundy County will make the division of this Fund as herein provided and shall pay the same to the Municipalities on or before the 1st day of June of each year, and the first payment under the provisions of this Act shall be made on or before the 1st day of June, 1947.

SECTION 5. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: February 27, 1947.

s/W.B. Lewallen,
Speaker of the House of Representatives.

s/George O. Benton,
Speaker of the Senate.

Approved: March 6, 1947.

s/Jim McCord,
Governor.

CHARTER AND RELATED ACTS FOR THE TOWN OF
ALTAMONT, TENNESSEE

| S)) YEAR | CHAPTER | SUBJECT |
|---|---------|--|
| S)) 1917 | 664 | Basic charter act. |
| 1947 | 489 | Gasoline tax. |
| 1990 | 186 | Amended, § 3; replaced § 5 in its entirety; and amended § 6. |