

CHARTER OF THE TOWN OF HALLS, TENNESSEE¹

CHAPTER 445.

Senate Bill No. 393.

AN ACT to incorporate the town of Halls, in Lauderdale County, Tennessee.

TABLE OF CONTENTS

| <u>SECTION</u> | <u>PAGE</u> |
|--|-------------|
| 1. Incorporation, name, and general powers | C-3 |
| 2. Corporate boundaries | C-3 |
| 3. Miscellaneous powers enumerated. | C-5 |

¹Acts 1901, ch. 445, is the current basic charter act for the Town of Halls, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 1993 session of the Tennessee General Assembly and is current with the laws from the 2024 Regular Session of the 113th 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. As set out here, most of its general and permanent amendments to date have been incorporated. Several amendments to the charter do not expressly amend any specific section of the charter or are ambiguous as to how they should be implemented. Apparently when some amendments were made the General Assembly did not consider earlier amendments. Where practicable, amendments have been incorporated by the compiler in the text of the charter. Other amendments have been included in footnotes and one has been added as an unofficial new § 13A. 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.

The only acts which have not been included are those authorizing or validating bond issues, those providing for special assessments against abutting property for public improvements, two providing for a tax assessor, etc. (see footnote to § 25), and one authorizing the purchase of the Dyersburg Air Base (see footnote to § 3). These acts have not been included because they have served their purpose.

| <u>SECTION</u> | <u>PAGE</u> |
|--|-------------|
| 4. Board of mayor and aldermen; quorum; qualifications; term; appointment, term, duties, and compensation of recorder, treasurer, marshal, policemen, etc.; dismissal and replacement of officers, agents, etc.; oaths of office | C-8 |
| 5. Compensation of mayor, recorder, treasurer, aldermen, and other personnel | C-9 |
| 6. Town elections; city court | C-9 |
| 7. Rules and regulations for elections; qualifications for voting | C-10 |
| 8. Certificates of election. | C-10 |
| 9. Tie votes for mayor or alderman. | C-10 |
| 10. Filling of vacancies | C-11 |
| 11. Mayor's term, qualifications, duties, and responsibility | C-11 |
| 12. Mayor pro tem | C-12 |
| 13. Mayor's power and duty to enforce charter and ordinances and to appoint special marshals. | C-12 |
| 13A. City court | C-12 |
| 14. Town marshal | C-13 |
| 15. Marshal's power to execute criminal process, distress warrants, etc., and to make arrests and require assistance; to report and pay over fines; to collect taxes | C-14 |
| 16. Recorder. | C-14 |
| 17. Treasurer | C-15 |
| 18. Board to prescribe duties of officers, agents, etc. | C-15 |
| 19. Night policemen. | C-15 |
| 20. Bonds required of certain personnel. | C-16 |

| <u>SECTION</u> | <u>PAGE</u> |
|--|-------------|
| 21. (Deleted) | C-16 |
| 22. Expenditure of corporate funds | C-16 |
| 23. (Deleted) | C-16 |
| 24. Ordinances | C-16 |
| 25. Taxes | C-17 |
| 26. Delinquent taxes | C-17 |
| 27. Failure of officers to collect or pay over money | C-18 |
| 28. Date of effect | C-18 |

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Halls, in the County of Lauderdale, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name and style of the Mayor and Aldermen of the town of Halls, and by such name may sue and be sued, plead and be impleaded, in all the courts of law and equity and in all actions whatever; and may grant, receive, purchase and hold real, personal and mixed estate and dispose of the same for the benefit of said town, and for that purpose alone, and do all other acts touching the same as natural persons for the benefit of said town, and may have a town seal.

Sec. 2. Be it further enacted, That the boundary¹ of said town shall be as follows: Beginning at a stake nineteen poles North of the center of Tigrett Street G. W. Hurt's Northwest corner; runs thence North with E. R. Sumrow's East boundary line sixty poles to a stake in Samuel Young's south boundary line; thence east with said Samuel Young's south boundary line sixty-four poles to a stake; thence north across said Young's land at twelve poles passing N. H. Mitchell's southwest corner in all thirty-two poles to a stake in said Mitchell's west boundary line; thence north eighty-six and one-fourth degrees east across said N. H. Mitchell's land at sixty poles passing the North end of the I.C.R.R. Bridge in all sixty-five poles to a stake in east line of said R. R. Right of Way;

¹The corporate boundaries as herein described have been extended by annexation ordinances of record in the recorder's office.

runs thence south along the east line of the said Railroad Right of Way fifty-nine poles to a stake; thence east across the land of B. M. Archer and F. H. Walker sixty-five and one-fifth poles to a stake in the west boundary line of the Mrs. J. A. Nunn tract of land; thence south with the said Mrs. Nunn's West boundary line twenty poles to a stake; thence east across the lands of Mrs. J. A. Nunn and R. C. Jordan heirs seventy-four poles to a stake in east edge of R. C. Jordan's orchard; thence south sixteen poles to a stake in W. A. Rawles North boundary line; thence east with said Rawles North boundary line thirty and one-half poles to a stake in the east margin of the Halls and Friendship road; thence south with the east margin of said road at thirty-one poles crossing Tigrett Street in all sixty-five poles to a stake in the North margin of Hall Street; thence west with the south margin of said Hall Street fourteen poles to a stake; thence south across the land of W. H. Hall at forty-eight and one-half poles crossing the Halls and Chestnut Bluff road in all ninety-four poles to a stake in G. W. Ringer's field; thence west at one hundred and fifty poles crossing the I. C. Railroad in all one hundred and ninety poles to a stake in S. A. Pugh's field; thence south thirty-five poles to a stake in S. A. Pugh's field; thence west at fifty poles crossing south end of College Street and on in the same direction along the North margin of the Mitchell Road in all one hundred and forty-one poles to a stake; thence north across the lands of R. S. Alsobrook at sixty-six poles crossing the west end of Buffalo Street and into the lands of S. A. Pugh in all one hundred and five and three-fifths poles to a stake in said Pugh's field; thence west across the lands of said S. A. Pugh sixty and one-half poles to a stake in the east margin of the public road; thence North with the east margin of said road twenty poles crossing west end of Main Street at seventy-three and three-fifths poles crossing west end of Tigrett Street and on North nineteen poles further into the land of D. Dunivant in all ninety-two and three-fifth poles to a stake in said Dunivant's field; thence east across the lands of D. Dunivant and E. R. Sumrow one hundred and seven and one-half poles to the beginning. [As amended by Priv. Acts 1915, ch. 137]

Sec. 3. Be it further enacted, That said corporation shall have full power¹

¹Other miscellaneous powers granted to the town by various acts not expressly amending any particular section of the charter include the following:

Fire limits. Acts 1905, ch. 61, § 1, provides: "That the Board of Aldermen and Mayor of the town of Halls, Lauderdale County, Tenn., shall have the right to establish a 'Fire Limit' and prescribe penalty for a violation of same by ordinance."

Disposition of light and water plant. Priv. Acts 1921, ch. 253, provides: "That the Board of Mayor and Aldermen of the town of Halls in Lauderdale County, Tennessee are hereby authorized and empowered to sell, lease, rent or otherwise dispose of the City Light and Water plant in said town of Halls, Tennessee, and to fix the term of such sale, rental or lease of said City light and water plant, as they in their judgement shall see proper to fix."

Dyersburg Air Base. Priv. Acts 1947, ch. 447, authorized the Town of Halls and the Town of Dyersburg to acquire, own, operate and maintain jointly for municipal purposes the "Dyersburg Air Base."

Borrowing. Priv. Acts 1967, ch. 477, provides:

(1) That the town of Halls, in Lauderdale County, Tennessee, by and through its Mayor and Aldermen shall have the power and authority by resolution to borrow money from time to time and to issue interest bearing notes, warrants and certificates of indebtedness to finance the expenses of the town, and improvements and additions to the town and its utilities and to make other improvements and to purchase real estate to be acquired and used in accordance with the provisions of Sections 6-1701, to 6-1716, inclusive of the Tennessee Code Annotated and in accordance with Section 6-2819 of Tennessee Code Annotated, as authorized by the Mayor and Alderman of said town; provided, that said notes, warrants and certificates of indebtedness shall not be issued unless and until a resolution authorizing the same has been passed and adopted by the Mayor and Alderman of said town of Halls, Tennessee.

(2) That said notes, warrants and certificates of indebtedness hereby authorized to be issued shall be signed by the Mayor and counter signed by the Recorder and shall have the seal of the town attached.

(3) That such notes, warrants and certificates of indebtedness and the interest there on shall be the absolute direct binding general obligations of the town of Halls, Tennessee, and shall be paid out of taxes collected and other revenues received by said town and that said notes, warrants and certificates of indebtedness when issued shall be exempt from state, county and municipal taxation in Tennessee, except inheritance, transfer and estate taxes.

(continued...)

and authority:

1. To enact and pass such laws and ordinances necessary and proper to preserve the health of said town.
2. To prevent and remove nuisances.
3. To establish night watches and patrols, and to employ all necessary police officers to preserve the peace and enforce the ordinances of the town.
4. To punish breaches of the peace or good order within its jurisdiction; to ascertain and declare the boundaries and alleys and streets of said town, and have the same registered in the Register's office in Ripley.
5. To grant privileges and the use and enjoyment of the same.
6. To provide for the working and paving the streets and alleys, and for building and repairing sidewalks.
7. To sell and dispose of streets and alleys, and if necessary for the public good, but no sale and disposition of said streets and alleys shall be of any validity whatever unless the Mayor and Aldermen of said town make a deed to the purchaser, and the same duly registered in ten days thereafter.
8. To provide for licensing and regulating auctions.
9. To tax, regulate and restrain theatrical and public amusements within the bounds of said corporation.
10. To restrain and prohibit gambling.
11. To establish inspections within the town.
12. To erect and regulate the markets.
13. To provide for the establishment and regulation of fire companies and the sweeping of chimneys.
14. To dig wells and erect cisterns and otherwise make arrangements and contracts for supplying the town and inhabitants thereof with water, and make contracts for lighting the town with gas, electricity, and otherwise regulate such gas and electric light companies.
15. To impose, collect and appropriate fines, forfeitures and penalties for a breach of their laws and ordinances.

(...continued)

(4) That the indebtedness authorized and incurred on behalf of the town of Halls to purchase a project site in accordance with Section 6-2819 of the Tennessee Code Annotated, in the amount of \$60,000.00 plus interest at the rate of four one-half (4 1/2) per cent per annum and evidenced by a first mortgage real estate note dated October 21, 1967, to the Bank of Halls, and secured by a Deed of Trust of record in Book 53 at page 149 in the Register's Office for Lauderdale County, Tennessee, and all other indebtedness heretofore authorized and created by and on behalf of the town of Halls, by and through its Mayor and Aldermen, be and the same are hereby validated and legalized in all respects, said indebtedness being created for and the proceeds used for the benefit of said town."

16. To lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, the amount of said taxes to be levied and collected to be controlled by the Constitution and laws of the State.

17. To appoint a Recorder and Town Constable.

18. The Board of Mayor and Aldermen shall have full power and authority to prohibit and suppress the running of pool rooms, pool tables, billiard tables, bowling alleys, and etc., in said town of Halls and other places of public resort, and to restrain and regulate the selling or giving away of intoxicating liquors, spirituous, vinous, malt or mixed, within the town; Provided, it shall be and is hereby declared to be unlawful for any person or persons, company or corporation to sell, give away, bargain or tipple any intoxicating liquors, including wine, ale, cider, beer, or vinous, spirituous, malt or mixed liquors, or any adulteration, or mixed or either of same as a beverage in the town of Halls within one (1) mile of any school house, public or private, where school is kept, whether said school be in session or not, or within one (1) mile of any church building in which people usually congregate for religious worship. And the Town Council is hereby authorized to make ordinances for the punishment of any and all violations of the provisions of this section.

19. To build and keep in good condition a lock-up or calaboose for the safe keeping of persons before trial, and after trial if necessary, in order to collect or have worked out fines of those who may violate any of the laws or ordinances of the corporation.

20. To prevent and restrain riot, noises, disturbances or disorderly assemblages or other disorderly conduct in any street, house, or place within the town.

21. To establish and enforce quarantine laws and regulations and enforce the same within the town and within one mile thereof.

22. To prevent and regulate and prohibit entirely the use of fireworks, squibs, roman candles, skyrockets, etc.

23. To prohibit and suppress disorderly or bawdy houses, and all houses of ill-fame.

24. To establish and maintain a school within said town, and for that purpose a school tax may be levied in addition to that levied for county purposes, not to exceed in amount 40 cents on each one hundred dollars' worth of taxable property in the town. The Board of Mayor and Aldermen shall select a Board of Education, consisting of seven male voters, residents within the corporate limits, who shall give bond in such sums as the Board of Mayor and Aldermen may require to perform their duties, and who shall have power, together with the Mayor to employ teachers and provide the method in which said school shall be run, and otherwise run and operate said school in said town.

25. To establish water works and electric light plants in said town, if said town does not desire to establish water works and electric plants, then they may grant a franchise for said privilege to any individual, firm or corporation

to establish said water works and electric lights in said town. [As amended by Priv. Acts 1905, ch. 61, § 4, and Priv. Acts 1907, ch. 352]

Sec. 4. Be it further enacted, That the officers of the town of Halls, to be chosen by an election of the people, shall be a Mayor and six Aldermen, and that the Mayor and Aldermen shall constitute and compose the Board of Mayor and Aldermen of said town, five of whom shall constitute a quorum at any meeting, and all of the said officers shall be bona fide citizens and voters in the said town, they shall be elected by the qualified voters of said town, and they shall hold their offices for four (4) years and until their successors are elected and qualified. In case any of the said officers remove from the corporate limits of said town during their respective terms of office, they shall thereby vacate such office. The terms of all such officers to be elected by the people shall begin on the first day after they shall receive their certificates of election and thereafter on the first Thursday in May of every four (4) years, and shall continue until their successors are elected and qualified. The officers of the town of Halls to be elected by the Board of Mayor and Aldermen shall be a Recorder, a Treasurer, a ...¹ and such other officers, agents and servants as the Board of Mayor and Aldermen may deem necessary and may provide for by ordinance. ...² by the Board of Mayor and Aldermen, and the Treasurer and ...¹ shall be chosen from the bona fide residents and qualified voters in the corporation other than members of the Board of Mayor and Aldermen, and no person shall be eligible to the office of Mayor who is not a householder and freeholder, and no person shall be an Alderman who is not at the time of his election or appointment a householder or freeholder within said corporate limits. The Recorder, Treasurer and Marshal to be elected by ballot at the first meeting of the Board of Mayor and Aldermen in each year after the general election of officers of said corporation. The Board of Mayor and Aldermen shall have power to prescribe the duties of all officers, agents and servants. The Board of Mayor and Aldermen shall have the power to dismiss and remove any officer, agent or servant elected by the voters of the town or elected or appointed by the Board of Mayor and Aldermen for any misdemeanor or misconduct; Provided, it shall take a majority vote of the Mayor and Aldermen to so dismiss and remove any officer elected by the vote of the people of the town, and their places shall be filled as in cases of other vacancies. The Mayor, Aldermen, Treasurer, Marshal and Recorder shall, before entering upon the duties of their offices, take an oath before some Justice of the Peace of Lauderdale County to faithfully and honestly discharge their duties as such officers during their continuance in office.

¹Priv. Acts 1947, ch. 463, deleted the word "Marshal."

²Priv. Acts 1943, ch. 294, deleted the phrase "The Recorder shall be chosen from the Aldermen-elect."

¹Be it further enacted by the General Assembly of the State of Tennessee, That hereafter no Recorder, Marshal, or any Police Officer shall be elected for the Town of Halls, Tennessee, but hereafter in May, 1947, and then on May of each odd year, after the new Board of Mayor and Aldermen have been elected and duly qualified,² it shall be their duty to employ some one as Recorder, and also such police officers as shall be necessary and required for the Town of Halls, Tennessee, but none of which shall be employed until the Board shall first fix the compensation³ to be paid each of them, and each of said parties, that is, the Recorder and Police Officers, shall be under the supervision and control of said Board of Mayor and Aldermen, and just for such time as they give satisfaction to the Board of Mayor and Aldermen of Halls, Tennessee. [As amended by Priv. Acts 1905, ch. 61 § 5; Priv. Acts 1913, ch. 231, § 2; Priv. Acts 1943, ch. 294, § 2; Priv. Acts 1945, ch. 505; Priv. Acts 1947, ch. 463, § 1; and Priv. Acts 1993, ch. 36, §§ 1 and 2]

Sec. 5. Be it further enacted, That the Mayor shall receive such salary as fixed by the Board of Mayor and Aldermen, but in no event less than four thousand eight hundred dollars (\$4,800.00) per annum and that the salaries of the Recorder or Treasurer⁴ and the Aldermen and all other officers, agents and servants of the corporation shall be fixed by the Board of Mayor and Aldermen,⁵ and that the Mayor and Recorder shall have and receive the fees and perquisites of such office. [As amended by Priv. Acts 1905, ch. 61, § 6; replaced by Priv. Acts 1935, ch. 418, § 1; amended by Priv. Acts 1949, ch. 338; Priv. Acts 1957, ch. 45; and Priv. Acts 1993, ch. 36, § 4]

Sec. 6. Be it further enacted, That the election for Mayor and Aldermen of the town of Halls shall be held by the Sheriff of Lauderdale County, or his

¹This paragraph has been inserted at this point arbitrarily by the compiler because it seemed to be a logical place for it. It is taken from Priv. Acts 1947, ch. 463, § 2, which did not expressly amend any particular section of the charter.

²The language in this paragraph which suggests that the board of mayor and aldermen is elected every two years is inconsistent with the first paragraph of this section and with charter sections 6 and 11, as amended by Priv. Acts 1993, ch. 36, which provide that the board of mayor and aldermen shall be elected every 4 years.

³See also § 5 in this charter.

⁴See also § 17 in this charter and the footnote thereto.

⁵See also § 4 in this charter.

deputy, assisted by two clerks and three judges, to be appointed by the officer holding the election. Said judges and clerks shall be legal voters in said town. The first election shall be held within ten days after the passage of this Act by the General Assembly, and on the first Thursday in May of every four (4) years thereafter. The votes in all elections shall be by ballot, and the Board of Mayor and Aldermen shall fix by ordinance the place and house for holding such election. Within two days after said election the Sheriff shall issue a certificate of election to the officers elected. There shall be a City Court¹ for the Town of Halls which a City Judge appointed by the Mayor shall preside. The City Court of the town of Halls shall have the same jurisdiction as that currently conferred upon the General Sessions Courts. Notice of said election shall be given at least ten days before same. If the Sheriff should fail to hold said election at the time herein fixed, it shall be his duty to hold it as soon as may be after giving the regular ten days' notice. If there be no Sheriff, or if for any reason the Sheriff be incompetent, then the election shall be held by the Coroner of said county under the same rules and regulations as are herein prescribed for the Sheriff. [As amended by Priv. Acts 1935, ch. 418, § 3; Priv. Acts 1947, ch. 463, § 2; Priv. Acts 1974, ch. 325, § 8; and Priv. Acts 1993, ch. 36, §§ 3 and 5]

Sec. 7. Be it further enacted, That all rules and regulations that are in force at the various State and county elections shall be enforced and control the elections under this Act. The qualifications for the voters in said town election shall be as follows: He shall be qualified to vote for State and county officers; he must have resided for six months preceding the election within the corporate limits of the town or be a bona fide owner of real estate in the corporate limits of the town.

Sec. 8. Be it further enacted, That the person receiving the highest number of votes for Mayor shall be declared elected to said office, and that the six persons receiving the highest number of votes for Aldermen shall be declared elected, and it shall be the duty of the person holding the election to make out and deliver to the persons so elected to the various offices a certificate of their respective election, and also to certify to the Mayor-elect the persons elected to the various offices, within two days after the election, and the same shall be produced at the first meeting of the Mayor and Aldermen after the election, and the same shall be spread on record on the minutes of that meeting.

Sec. 9. Be it further enacted, That in case there should be a tie in the election of Mayor and Aldermen, or all or either, the judges and clerks of the election shall forthwith certify the same to the officer holding the election, and said officer shall forthwith give notice of same and hold an election for the filling

¹See § 13A of this charter.

of the office or offices as to which the tie exists, and he shall advertise the same for ten days, and said election shall be held as hereinbefore prescribed.

Sec. 10. Be it further enacted, That in case of the death, resignation, or removal of any officer elected by the Board of Mayor and Aldermen or by the people during his term of office, or a vacancy in any office, for any cause, the Board of Mayor and Aldermen may fill such vacancies by electing a successor. Said election by the Board of Mayor and Aldermen shall be held by them as soon after the vacancy occurs as ten days' notice of the election can be given before some regular or called meeting of the Board of Mayor and Aldermen, and the person or persons so elected shall have the same privileges and perform the same duties as the persons whose places they are appointed to fill, and upon like conditions, and shall fill out the unexpired term of the office so made vacant.

Sec. 11. Be it further enacted, That the Mayor shall hold his office for four (4) years and until his successor is elected and qualified, and that no person shall be elected Mayor who has not been, at the time of his election, a citizen of the State of Tennessee, and a bona fide resident and citizen of and a voter in the corporation for six months preceding such election. It shall be the duty of the Mayor to preside at all meetings of the Board of Mayor and Aldermen; to vote in elections of the officers of the town to be elected by the Board of Mayor and Aldermen, and give the casting vote on all other matters; to take care that all the town ordinances are duly imposed, respected, and observed, and to see that all persons that use vulgar and obscene language or curse in his presence, are arrested and brought to trial for said offense; to call special meetings of the Board of Mayor and Aldermen when he may deem the same expedient and proper; to see that all the property of the town is protected and preserved, and together with the Aldermen, to take acknowledgments and pass upon the sufficiency of all bonds of officers; to fill all vacancies occurring between the meetings of the Board of Mayor and Aldermen, or until the same can be filled by an election of the Board of Mayor and Aldermen; to settle with all officers once every month and see that all money paid over to the Treasurer, and then to see, at the end of each month where the Treasurer has the town's money deposited and the amount thereof, and report the same to the Board of Mayor and Aldermen once every month, and in case he fails to perform these duties, and any loss occurs to the town by default, he shall be personally responsible for said default.¹ [As amended by Priv. Acts 1913, ch. 231, § 1; Priv. Acts 1974, ch. 325, § 9; and Priv. Acts 1993, ch. 36, § 6]

¹Some of the provisions of this section may have been superseded by implication Priv. Acts 1974, ch. 325, which created a city court for the town. See § 13A in this charter.

Sec. 12. Be it further enacted, That in the absence of the Mayor, for any reason, from a meeting of the Board of Mayor and Aldermen, it shall be the duty of the Board to elect a Mayor pro tem. from their numbers, whose duty it shall be to preside at said meeting and discharge all the duties of the Mayor, and all of the matters of the Board transacted while he is so acting shall be as valid and binding as if the Mayor was present in person.

Sec. 13. Be it further enacted, That for any violation of the town charter, by-laws, or ordinances, coming to the knowledge of the Mayor, it shall be his duty to issue a warrant and order the arrest of the parties so offending to be brought before him for trial,¹ and in the absence of the Town Marshal, he shall have the power to appoint any citizen to act as special Marshal in such cases, or the Mayor may, for any violation of any of the by-laws or ordinances of said town committed in his presence, order any person or persons to arrest said violator of the law or ordinances and bring said person before him for trial, and any person or persons appointed by the Mayor to execute a warrant or order to arrest any offender for violation of any of the by-laws or ordinances committed in his presence, who shall refuse to execute said warrant, or arrest said offender, shall be guilty of any offense against the corporation and finable.

Sec. 13A. ²Be it further enacted, that: (1) There is hereby created a City Court for the Town of Halls which shall have exclusive original jurisdiction of all violations of municipal ordinances.

(2) There shall be a City Judge who shall hold and preside over the City Court. The Judge shall be a person not less than thirty (30) years of age. He shall be appointed by the Mayor with the consent and approval of the Aldermen for a term which shall be concurrent to the term of office of Mayor, and the person appointed shall serve until the expiration of said term, or until his successor shall have been appointed and qualified. In the event the Judge shall be temporarily absent the Mayor shall be the Judge of said Court and shall hold Court during the absence of said regular Judge, and the Mayor, as special Judge, shall be vested with the same powers as the regular Judge. In the event of a vacancy in office of City Judge the Mayor, with the consent and approval of the Aldermen, shall appoint a Judge to serve the unexpired term.

¹Some of the provisions of this section may have been superseded by implication Priv. Acts 1974, ch. 325, which created a city court for the town. See § 13A in this charter.

²This section is unofficial. The compiler arbitrarily added it at this point and designated it as § 13A. The official act did not provide where it should be added to the charter.

(3) The Judge of said Court shall have all the authority necessary and proper for the conduct of said court and he shall have the authority to make rules for the orderly operation of his Court.

(4) So far as the same is applicable to this Court, the Judge and the cases within the jurisdiction of the City Court, the laws regulating the forms of process, the trial of cases, judgements, right to appeal, procedure for appeal, the collection of fines and costs, and other procedural matter, shall be the same as in General Sessions Court.

(5) So far as the same is applicable to the Court, the Judge and the cases within the jurisdiction of the City Court, the Judge of said Court shall have the same and coexistent authority and jurisdiction with General Sessions Courts to conduct preliminary examinations of any person brought before the Court upon a warrant for any criminal offense or misdemeanor and to bind such person over to the Court in charge of or impaneling the grand jury.

(6) The Judge of said Court shall receive as his compensation for his services as Judge an amount to be set by the Board of Mayor and Aldermen, which amount shall not be altered during the term for which he was appointed, which compensation shall be paid to him in equal monthly installments by the Town of Halls. All fees and other emoluments which shall accrue because of the services rendered by the Judge shall be the property of and shall be paid to the Town of Halls.

(7) The Chief of Police, or one of the police officers of Halls designated by the Chief of Police, shall be the Clerk of the City Court. The Clerk shall have the duty to keep all the records of the court and shall keep a docket in which shall be entered the disposition of all cases heard by the Court. The Chief of Police shall receive no additional compensation for his services as Clerk. All fees and other emoluments which accrue because of services rendered by the Clerk shall be the property of and shall be paid to the Town of Halls.

It shall be the duty of the Clerk to collect all fines imposed by the City Court and all costs which accrue, and pay the same to the Town of Halls.

The Clerk shall have authority concurrent with the Judge to issue warrants and other process, except those which the law requires to be issued by a judicial officer. [Priv. Acts 1974, ch. 325, §§ 1--7, and amended by Priv. Acts 1988, ch. 137]

Sec. 14. Be it further enacted, That the duties of the Town Marshal shall be as follows: He shall thoroughly acquaint himself with the laws and ordinances of the town, and he shall rigidly enforce the same; and for this purpose police authority is hereby given, which he may exercise without warrant in hand. He shall collect all fines in favor of the town; he may execute distress warrants issued to him by the Recorder for taxes; he shall report, monthly, names of all persons exercising any privileges in the corporation; he shall perform such other duties as the Board of Mayor and Aldermen may by ordinance impose upon him; he shall also superintend the working and repairing

of the roads and streets in the corporation, and superintend the making, putting down, and repairing the sidewalks within the corporation under the directions and instructions of the Board of Mayor and Aldermen.

Sec. 15. Be it further enacted, That the Marshal of the town of Halls shall have the same power to execute all criminal process or distress warrants issued to him by the Mayor or Recorder within corporate limits, or one mile beyond, that constables have, and for that purpose he is hereby clothed with all the powers of a constable as to civil and criminal processes; and shall have power to execute all warrants; issued by the Mayor or Recorder, or Justice of the Peace residing within the corporation, and make arrest for all violations of town ordinances. He shall have the power to summons any person or persons to aid him in the execution of any process, or the arrest of any violator of the ordinances of the town, and such person or persons summoned and refusing to act shall forfeit and pay the sum of \$10 for any such refusal, to be recovered before the Mayor for the use of the town; and on such fine being assessed by the Mayor, it shall be recovered as fines assessed for the violation of any town ordinance. The Marshal shall also report to each regular meeting of the Board all revenues and fines collected by him, and shall pay the same over monthly. That it shall be the duty of the Marshal of the said town of Halls to collect all taxes due said town, and that the Marshal of said town shall receive no compensation for his services in collecting said taxes. [As amended by Priv. Acts 1909, ch. 363, § 2, and Priv. Acts 1911, ch. 636]

Sec. 16. Be it further enacted, That the powers and duties of the Recorder of the town of Halls, in Lauderdale County, Tenn., shall be, and the same is, as follows: He shall keep in a well bound book an accurate account and minutes of all the proceedings of the Board of Mayor and Aldermen, issue all privilege license, make out the tax book for the town, pay over to the Treasurer all moneys collected by him every month; he shall draw a warrant upon the Treasurer for all moneys to be paid by the Board of Mayor and Aldermen, and keep a full record of the same; he shall make to each regular meeting of the Board of Mayor and Aldermen and to any special meeting of the same when so offered by the Board a full statement of the finances of the corporation, showing its true financial condition; and he shall do and perform such other duties as the Board of Mayor and Aldermen may impose upon him. [As amended by Priv. Acts 1909, ch. 363, § 1]¹

¹Priv. Acts 1913, ch. 231, § 2, purported to delete from § 16 the provision that: "he shall make out the tax books for the town, and in doing so he shall use the assessments made for the State and County taxes for the current year and he shall make the same in accordance with the State laws regulating and governing assessments of the State and County taxes." However, due to the
(continued...)

Sec. 17. Be it further enacted, That the duties of the Treasurer¹ shall be as follows: He shall receive from the Marshal and Recorder all funds and revenues whatever that come into their hands for the corporation, and receipt for the same, and shall keep a proper account for the same; and shall receive and take care of any other fund or revenue which shall be coming to the town from any other source, and for this purpose he shall keep such books as may be necessary, or as the Board of Mayor and Aldermen may direct; he shall pay out said funds only upon the warrant of the Recorder, countersigned by the Mayor; he shall make, monthly, a full and explicit account and statement of all finances under his control, showing the amounts he has collected or received, and the disbursements of same; and to each regular meeting of the Board he shall make a report; and he shall also perform such other duties pertaining to the office as the Board of Mayor and Aldermen may, by ordinance, direct.

Sec. 18. Be it further enacted, That the duties of the other officers agents, and servants of the town, shall be such as the Board of Mayor and Aldermen may, by ordinance, prescribe.

Sec. 19. Be it further enacted, That the night policemen, or other public officer that shall be appointed by said Board of Mayor and Aldermen, shall have the same rights, powers, and duties, as to the execution of civil and criminal process, and as to arresting criminals and violators of the ordinances of the town, that constables have in this State.

(...continued)

1909 amendment, the quoted phrase had already been deleted from § 16.

Priv. Acts 1919, ch. 341, § 2, provided: "That Section 16 of Chapter 445 of the Acts of 1901 be amended so as to read as follows: after the word Aldermen in the ninth line of said section shall be the following words, 'and he shall have as compensation for said services five per centum (5%) of all taxes collected, but before entering upon the duties of collecting said taxes he shall enter into a good and solvent bond payable to the said Board of Mayor and Aldermen in the sum of one thousand dollars conditioned on the faithful performance of his duty and the accounting of all such taxes by him collected.'" The word "Aldermen" did not appear in the ninth line of § 16 as originally enacted or as amended. Therefore, the compiler has included this amendment in the footnote instead of guessing as to how to codify it.

¹Priv. Acts 1925, ch. 268, § 2, provides: "That the said Act (Acts 1901, ch. 445) be further amended to provide that the Treasurer of the Town of Halls, shall not be allowed or paid any commission whatever for handling the funds of the Town of Halls, Tennessee."

See also § 5 in the charter.

Sec. 20. Be it further enacted, That before entering upon the discharge of their respective duties, the Marshal, night policeman, Recorder, and Treasurer, shall each enter into bond, with good security, in the sum of \$500, conditioned upon the faithful discharge of their respective duties; said officers shall also enter into bond, with good and sufficient sureties, in doubled the supposed amount which may come into their hands, respectively, conditioned upon the faithful and diligent collection and faithful accounting for all the moneys that should or ought to come into their hands, respectively, from fines, levies, and assessments, and any other sources, and which ought, by law, to be collected and paid over. The Marshal shall be liable for wilful failure or neglect to collect any and all moneys which it is made his duty to collect under this charter. Said bond shall be made payable to the Mayor and Aldermen of the town of Halls, and their successors in office, for the use and benefit of said town and said bond shall be taken and approved by the Board of Mayor and Aldermen at a regular meeting, or at a meeting called for the purpose, and shall be spread of record on the minutes of the Board, and the bond shall be filed with the Mayor and carefully preserved by him. A copy of said bond, certified to by the Recorder or Mayor shall have the same force and effect as certified copies from courts of record in this State. No officer of the corporation shall become a bondsman for any other officer, and any bond taken with an officer as surety thereon shall be null and void to all those sureties, and the Mayor and Aldermen shall be liable for such default.

Sec. 21. Deleted. [As amended by Priv. Acts 1919, ch. 341, § 1; Priv. Acts 1925, ch. 268, § 1; Priv. Acts 1927, ch. 365; Priv. Acts 1935, ch. 418, § 2; and deleted in its entirety by Priv. Acts 1993, ch. 36, § 7]

Sec. 22. Be it further enacted, That no money shall be paid out of the treasury except upon the order of the Board of Mayor and Aldermen, and then it shall not be paid out except upon a warrant drawn by the Recorder, countersigned by the Mayor. [As amended by Priv. Acts 1967, ch. 478, § 1]

Sec. 23. Deleted. [As amended by Priv. Acts 1909, ch. 363, § 3, and then repealed by Priv. Acts 1967, ch. 478, § 2.]

Sec. 24. Be it further enacted, That all ordinances shall be signed by the Mayor and Recorder, and the same shall be spread upon the minutes of the Board of Mayor and Aldermen, and shall be filed and preserved among the records of the town. They shall also be recorded in a book to be kept for the purpose; and a certified copy of the ordinance from the minutes or from the book kept for the purpose, shall be full evidence of the same in all trials in any of the courts of this State, the certificate to be made by the Mayor under the seal of the corporation, if the corporation have a seal.

Sec. 25. Be it further enacted, That the Board of Mayor and Aldermen shall have full power to enforce the collection of all taxes¹ assessed upon personal and real property, polls, merchants, and privileges, and to this end the Marshal and Recorder of the town of Halls shall have, and are hereby clothed with all the powers for the collection of the taxes on personal and real property and polls and merchants and privileges that are, by law, conferred upon the collectors of the State and county taxes of the same character, respectively, and the Recorder of said town is clothed with all the powers for the collection of privilege taxes in the corporation that are, or may hereafter be, by law, conferred upon the collectors of State and county taxes, with the same penalties prescribed by said law. The Recorder shall have the power to issue distress warrants, and the Marshal shall have the power to execute the same for taxes, and also for fines due said corporation.

Sec. 26. Be it further enacted, That the Board of Mayor and Aldermen shall have full power to collect any delinquent taxes and privileges and polls that become due to the corporation, and to this end, they shall have power to appoint such attorneys, officers, and agents as they may deem necessary and proper, who are hereby empowered to proceed to collect all such delinquent taxes, in the same manner that delinquent State and county taxes are collected, or may be collected when the taxes are assessed or the proceeding is had to collect the same; and the general statutes of Tennessee in force as to mode of collection of said taxes, or at the time said taxes are assessed, shall be enforced and shall apply and inure to the benefit of the town of Halls for the collection of its delinquent taxes; and that all taxes assessed for said town upon real estate

¹Acts 1905, ch. 61, § 3, provided: "That Chapter 445 of the Acts of 1901 be, and the same is hereby, further amended, so that all tax due the town of Halls, both property and poll tax, shall be due and payable on September 15 for the current year for which they are assessed, and shall be delinquent on the 1st day of December of said year, and to grant an extension of the said tax it shall require a two-thirds vote of the Board of Mayor and Aldermen."

Sections 1 and 2 of that same 1905 act provided for a tax assessor and a five (5) member board of equalizers, all to be elected by the Board of Mayor and Aldermen.

Priv. Acts 1913, ch. 231, § 2, provided for a tax assessor and a three (3) member board of equalizers, all to be elected by the Board of Mayor and Aldermen.

Since neither the 1905 act nor the 1913 act provided expressly where the provisions relating to the tax assessor and board of equalizers should be added to the charter, and since the functions of these offices are now handled by the County, the provisions relating to the tax assessor and board of equalizers have not been included in this compilation.

in the corporation shall be and constitute a lien upon the same, in the same way and to the same extent that State and county taxes are a lien upon the same.

Sec. 27. Be it further enacted, That if the Recorder, Treasurer, Marshal, Mayor, or any officers of the said town should fail to collect, or after collecting, fail to pay over money by either of them received, for the use of the town, such officer shall be liable to be proceeded against, together with their sureties, by motion, or an original suit, in the Circuit or Chancery Court of Lauderdale County, or any other court having jurisdiction of the person of said officers and of the amount involved.

Sec. 28. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 8, 1901.

NEWTON H. WHITE,
Speaker of the Senate.

E. B. WILSON,
Speaker of the House of Representatives.

Approved April 19, 1901.

BENTON McMILLIN,
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF
THE TOWN OF HALLS, TENNESSEE

| YEAR | CHAPTER | SUBJECT |
|------|------------------|--|
| 1901 | 445 | Basic charter act. |
| 1905 | 61 | Amended charter relative to fire limits, tax assessor, board of equalizers, when taxes are due and delinquent, school taxes, election of marshal, and compensation of mayor and aldermen. |
| 1907 | 352 | Amended charter § 3(18), relative to pool halls and bowling alleys. |
| 1909 | 363 | Amended charter § 16, relative to powers and duties of recorder; § 15, relative to collection of taxes by marshal; and § 23, relative to school bonds. |
| 1909 | 364 ¹ | Authorized \$10,000 bond issue for certain public improvements. |
| 1911 | 441 | Amended Acts 1909, ch. 364, relating to streets and sidewalks. |
| 1911 | 636 | Amended charter § 15, relative to collection of taxes by marshal. |
| 1913 | 231 | Amended charter § 11, relative to trial of ordinance violators; § 25, relative to preparation of tax books, appointment of tax assessor and board of equalizers, and appointment of marshal. |

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

| YEAR | CHAPTER | SUBJECT |
|----------|------------------|---|
| 1913 | 232 ¹ | Authorized \$50,000 bond issue for certain public improvements. |
| 1915 | 137 | Amends charter § 2, relative to the corporate boundaries. |
| 1915 | 462 ¹ | Authorized \$8,000 refunding bond issue. |
| 1919 | 341 | Amends charter § 21, relative to compensation of the marshal and recorder. |
| 1919 | 683 ² | Abutting property law. |
| 1921 | 253 | Authorizes board of mayor and aldermen to sell, lease, rent, or otherwise dispose of light and water plant. |
| 1925 | 268 | Amends charter § 21, relative to compensation of mayor, aldermen, recorder, treasurer, and marshal. |
| 1927 | 365 | Amends Priv. Acts 1925, ch. 268, relative to compensation of the mayor. |
| 1927 | 772 ² | Amends Priv. Acts 1919, ch. 683, abutting property law. |
| 1929 | 126 ¹ | Authorized \$10,000 refunding bond issue. |
| 1929(ES) | 32 ¹ | Authorized \$10,000 refunding bond issue. |

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

²Abutting property laws have not been included in the foregoing compilation because they are now general laws with substantially the same provisions available for use by all municipalities.

| YEAR | CHAPTER | SUBJECT |
|----------|------------------|--|
| 1931 | 135 ¹ | Authorized \$10,000 refunding bond issue. |
| 1933 | 247 ¹ | Validated \$9,000 refunding bond issue. |
| 1935 | 418 | Amends the charter § 5, relative to compensation of the mayor, aldermen, recorder, treasurer, marshal, etc., and § 6, relative to the date for city elections. |
| 1935 | 485 ¹ | Validated \$27,500 refunding bond issue. |
| 1935(ES) | 48 ¹ | Authorized \$30,000 school bond issue. |
| 1935(ES) | 49 ¹ | Authorized \$10,000 bond issue for certain public improvements. |
| 1943 | 294 | Amends charter § 4, relative to appointment of recorder. |
| 1945 | 505 | Amends charter § 4, relative to election of marshal. |
| 1947 | 447 | Authorized town, with Dyersburg, to acquire, own, operate, etc., "Dyersburg Air Base." |
| 1947 | 463 | Amends charter § 4, relative to appointment and compensation of marshal, recorder, and policemen, and repeals Priv. Acts 1945, ch. 505. |
| 1949 | 326 ¹ | Authorized \$50,000 bond issue for certain public improvements. |
| 1949 | 338 | Amends charter § 5, relative to compensation of the mayor. |

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

| YEAR | CHAPTER | SUBJECT |
|------|------------------|--|
| 1953 | 122 ¹ | Validated \$130,000 bond issue for gas system. |
| 1955 | 80 ¹ | Validated \$45,000 "general purpose" bond issue. |
| 1957 | 45 | Amends Priv. Acts 1949, ch. 338, relative to compensation of the mayor. |
| 1967 | 477 | Authorizes borrowing by board of mayor and aldermen and validates existing debts. |
| 1967 | 478 | Amends charter § 22, relative to authority for drawing of warrants on treasury and § 23, relative to school bonds. |
| 1974 | 325 | Amends charter § 6, relative to trial of ordinance violators and creates a city court. |
| 1988 | 137 | Amends Priv. Acts 1974, ch. 235, relative to city court. |
| 1993 | 36 | Amends charter §§ 4, 5, 6, and 11, relative to terms of office and compensation of mayor and aldermen, and deletes § 21. |

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.