

CHARTER FOR THE TOWN OF LINDEN, TENNESSEE

CHAPTER NO. 365.¹

House Bill No. 681.

(By Mr. Sparks.)

AN ACT to incorporate the Town of Linden, Tennessee in the County of Perry, State of Tennessee; to define the corporate limits thereof; to designate the wards thereof; the constituting of the territory thus incorporated a separate road district; to provide for the paying over by the Trustee of said county to the Treasury of said corporation all State and county road funds collected from persons or property within said corporation; to define the rights, powers, and liabilities of said town; to provide for the government and control of same; to provide for the election of officers, and prescribing their duty; and providing for other purposes incident to the incorporation of said Town of Linden, Tennessee; and repealing all laws and parts of laws in conflict with this Act.

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¹Priv. Acts 1923, ch. 365, is the current basic charter act for the Town of Linden, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2016 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 act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts 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 Acts."

²See page C-22 for other acts affecting the Town of Linden not included in the charter.

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Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Town of Linden, Tennessee, in the County of Perry, and State of Tennessee, and inhabitants thereof, within the boundaries hereinafter set out, are hereby constituted a body politic and corporate by the name and style of Linden, Tennessee, and by that name shall have perpetual succession, may use a common seal and may alter it at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded in all the courts of law and equity in all actions whatsoever; may purchase, receive and hold property, real and personal, within or without said town for corporate purposes, and sell or dispose of same for the benefit of the corporation; and do all other things touching the same as a natural person may do.

Sec. 2. Be it further enacted, That the corporate boundaries¹ of the Town of Linden, Tennessee, shall be as follows, to-wit:

Beginning at Sam Savage's southeast corner (the old J. C. Savage home place), thence north 32° east, 18 poles to Melba McNabb's southeast corner; thence forth 17° east, 22 poles to Zemer's southeast corner; thence north 10° east 25 poles to his northeast corner; thence west 75 poles to Claude Edward's northwest corner; thence south 40° west, 18 poles to a stake; thence north 56° west, 44 poles to a stake; thence south 20° west, 38 poles to a stake in branch, it being Jim Deere's northwest corner; thence west 134 poles to G. W. Wood's northwest corner; thence south 146 poles to A. Webb's southwest corner; thence south 55° east, 47 poles to a stake in north bank of branch; thence south 15° east, with branch 18 poles to Plainer Branch; thence east with same 16 poles to Walter Parnell's northwest corner; thence south 27° west, 16 poles to a stake; thence south 10° west, 20 poles to his southwest corner; thence south 82° east, 36 poles :o a cherry tree; thence north 25° east, 8 poles to d new street; thence east with south side of same 68 poles to State Highway No. 13; thence north with the same 44 poles to the southwest corner of the old original Mollie Lomax tract; thence east with the south boundary of the same 70 poles to the southeast corner of the same; thence north 100 poles to the old Chester Sloan southeast corner; thence north with the east boundary of this and the Mrs. Myrtle Polk tract to the beginning. [As amended by Priv. Acts 1931, ch. 567, as replaced by Priv. Acts 1947, ch. 551, and Priv. Acts 1951, ch. 551]

¹The boundaries have been changed by the following annexation Ordinances which are of record in the office of the recorder: Ord. #95-7 (December 1995), Ord. #01-9-A (October 2001), and Ord. #04-01-A (Nov. 2004).

Sec. 3. Be it further enacted, That the said town as embraced in the incorporate limits as herein set out shall be divided into three wards as follows:

Ward No. 1 shall begin at the west boundary line of said corporate limits where the Perryville and Linden Road crosses said corporate line; thence east with said road and Main Street to the east boundary line of said, corporate limits; thence with same north and continuing with same on the beginning.

Ward No. 2 shall begin at D. A. Godwin's northwest corner on Main Street; thence south passing on the east of Sam Anderson's residence to the south boundary of the corporate limits; thence west, following said corporate limits, to the southwest corner of Ward No. 1; thence east with Main Street, which is the south boundary line of Ward No. 1, to the beginning.

Ward No. 3 shall begin at the northeast corner of Ward No. 2; thence south with the east boundary line of ward No. 2 to the south boundary line of said corporate limits; thence east, following said corporate limits, to the southwest corner of Ward No. 1; thence west with the south boundary line of Ward No. 1 to the beginning.

Sec. 4. Be it further enacted, That the government and corporate authority of said town shall be vested in a Mayor and six Aldermen, and in such officers as may be appointed or elected in pursuance of law, or as otherwise provided in this charter; the legislative power of said corporation shall be exercised by a Board of Mayor and Aldermen, which shall be composed of a Mayor and six Aldermen, as aforesaid, who shall be chosen by the qualified voters of said town, and all persons owning real estate in their own names, in said town, but residing without its limits, and who would be qualified to vote for the members of the General Assembly of the State of Tennessee, together with all other qualified voters residing within the boundaries of said town, shall be qualified to vote for Mayor and Aldermen, and in all town elections. [As replaced by Priv. Acts 1981, ch. 99, § 1]

Sec. 5. Be it further enacted, That the Mayor and Aldermen shall hold their respective offices for a term of four years, except as otherwise provided herein, from the first day of September, next following the day of their election, as above provided, and until their successors are duly elected and qualified; and said Mayor and Aldermen shall be elected by the voters of the city at large, but no elector shall be entitled to vote for more than one Alderman from each ward. [As replaced by Priv. Acts 1981, ch. 99, § 2; and amended by Priv. Acts 2006, ch.123, § 1]

Sec. 6. Be it further enacted, That no person shall be elected Mayor who is not at the time a citizen of the State of Tennessee, a qualified voter, and for

at least twelve (12) consecutive months immediately prior to the Mayor's election a bona fide resident of Linden. The Mayor may fill all vacancies occurring in offices, except that of Aldermen, until the same shall be filled in the manner provided by this Act. Beginning with the mayoral term immediately after the municipal election of August 2016, the salary of the Mayor shall be set by ordinance, except that the salary of the Mayor shall not be changed during the Mayor's term of office. It shall be the duty of the Mayor to preside at all meetings of the Board, but the Mayor shall not be permitted to vote for any officer or agent, or upon any measures, propositions, resolutions, or ordinances before the Board except in the case of a tie vote, in which case the Mayor shall cast the deciding vote. It shall be the Mayor's duty to see that all ordinances of the Town are duly enforced, respected and observed; and the Mayor shall, upon application, instruct officers of their duties.

Beginning with the mayoral term occurring immediately after the municipal election of August 2016, the Board of Mayor and Aldermen shall, by majority vote, elect an Alderman to serve a two-year term as Vice Mayor. In the event of a vacancy in the office of Mayor, the Vice Mayor shall immediately accede to the office of Mayor. In the event the Mayor is absent from a Board meeting, the Vice Mayor shall serve as the presiding officer of the Board. In the event of a vacancy in the office of Vice Mayor, the Board shall appoint another Alderman to complete the remaining term of office.

Before entering upon the duties of his office, the Mayor shall have taken an oath to faithfully discharge the duties of such office.

It shall be the duty of the Mayor from time to time to lay before the Board of Mayor and Aldermen in writing all matters that the Mayor may deem it important to have acted upon, accompanied with suitable recommendations. The Mayor shall examine all ordinances passed by the Board of Mayor and Aldermen and, should any of them not meet his approval, the Mayor shall return the same to the next regular meeting of the Board, with the Mayor's objections thereto in writing, and no ordinance so vetoed by the Mayor shall go into effect unless the same be again passed by a majority vote of the entire Board. No ordinance shall become effective without having been passed on two (2) separate readings by a majority vote, both of which readings shall not be at the same meeting of the Board, and signed by the Mayor. If the Mayor fails to return any ordinance to the next regular meeting of the Board after its passage, it shall become effective without the Mayor's signature.

The Mayor shall have the authority to temporarily suspend any Town officer or agent, except an Alderman, City Recorder, or the Treasurer, for misfeasance or malfeasance in office, pending the action of the Board, reporting the Mayor's action with the Mayor's reasons therefor in writing to the Board at its next meeting. The Mayor shall have the authority to call special sessions of the Board of Mayor and Aldermen when the Mayor may deem it necessary and expedient, or whenever the Mayor is petitioned in writing by at least four (4) Aldermen to call such a special meeting or session. In a called or special

meeting, the Board may consider and transact business as fully as at a regular meeting of the Board. The Mayor may remit, wholly or in part, fines, forfeitures, and penalties imposed by corporate courts, but the Mayor shall make a report of such remission at the next meeting of the Board of Mayor and Aldermen, together with the reasons therefor. [As replaced by Priv. Acts 2016, ch. 51, § 1]

Sec. 7. Be it further enacted, That no person shall be an Aldermen unless he be a citizen of the State of Tennessee, a qualified voter, and shall own real estate situated within said town to the assessed value of Five Hundred Dollars, and for one year a bona fide resident of said town. Each Alderman, before entering upon the duties of his office, shall take an oath to faithfully demean himself in office and discharge the duties thereof.

Sec. 8. Be it further enacted, That the Board of Mayor and Aldermen shall have full power to appoint and elect all officers, servants, and agents of the corporation except the Mayor and Aldermen, who shall be elected by the people as herein provided, and said Board shall have power for sufficient cause to dismiss and discharge any officer, servant, or agent that it may appoint or elect, by a majority vote of the entire Board. In the event of a vacancy in the office of Alderman, the Board shall have the power to elect or appoint a successor or successors from among the qualified voters of the town, and the successor or successors shall hold office until the next regular municipal election and until their successors are duly elected and qualified. Four (4) Aldermen shall constitute a quorum to transact business. [As replaced by Priv. Acts 1981, ch. 99, § 3; amended by Priv. Acts 2000, ch. 153; and replaced by Priv. Acts 2016, ch. 51, § 2]

Sec. 9. Be it further enacted, That the Board of Mayor and Aldermen of Linden, Tennessee, shall have control of the finance of the city and all the property of the corporation, real, personal and mixed, and shall have full and unlimited power and authority by ordinance within the town:

(1) To levy and collect taxes (and to dispense the same) for a school, road and all corporation purposes, upon all property taxable by law for State purposes; and the assessment on all ad valorem, real and personal property for the purpose of meeting the current expenses of the corporation shall not exceed \$2.50 on each One Hundred Dollars of assessable property within said town.

(2) To levy and collect taxes upon all privileges taxable by law for State purposes, and on polls.

(3) To appropriate money for the payment of the debts and expenses of the town.

(4) To make regulations and laws to secure the health, safety, peace and comfort of the town, determining what shall be deemed nuisances, and removing, preventing and abating same.

(5) To make regulations and laws to prevent the introduction and spreading of contagious diseases; and to establish pest houses and hospitals.

(6) To alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and repair streets, alleys, sidewalks and pavements; and to declare and determine what streets shall be opened and graded, and what sidewalks and pavements shall be built, and the width and the quality of the same.

(7) To establish, support and regulate a night watch and day police.

(8) To regulate the vending of meats, poultry, fish, and vegetables within the corporate limits.

(9) To license, tax and regulate auctioneers, grocers, merchants, druggists, retailers, taverns, hotels, public boarding houses, restaurants, professions, insurance companies and agents, hawkers, peddlers, artists, livery stables, billiards, nine pin and ten pin alleys, drays, hacks, wagons, omnibuses, automobiles (operated for hire or profit), garages, automobile companies and agents, and all other businesses and occupations lawful to be carried on and conducted within the corporate limits of the town, and which are taxable by the State; provided, that no tax shall be imposed on any business or calling or property exempt for taxation by the State.

(10) To license, regulate and suppress theatricals, motion picture show, and other shows, exhibitions and amusements; and to regulate and suppress all disorderly houses and assembles.

(11) To prohibit gaming and gaming houses in the corporate limits, and to prohibit by ordinance the sale, manufacture and transportation of intoxicating liquors, including ale, wine, whiskey and beer, within the limits of said corporation, and to provide by ordinance suitable penalties for the violation of such ordinances; and to prevent the sale or giving such liquor to minors within the limits of such corporation, and to provide suitable penalties for the prevention of same.

(12) To impose fines, forfeitures and penalties for the breach of any law or ordinance of the town, and to provide for the recovery of the same.

(13) To provide for the arrest and confinement until trial of all rioters, drunken and disorderly persons in the town, by day or night, and to authorize the arrest and detention of all persons found violating any ordinance of said town.

(14) To prevent and punish by pecuniary fines and penalties all breaches of the peace, fighting, drunkenness, disorderly conduct and disturbances, by day or night and within the corporate limits.

(15) To abolish, close and fill up sinks; and to prevent and remove all filth in the town and all encroachments into and obstructions upon all streets, alleys, sidewalks, pavements and public grounds, and for the cleaning of the same.

(16) To provide for the cutting and removal of weeds, bushes and undergrowth of any kind upon vacant lots within said town and to charge the

expenses incident thereto to the owner of said lot or ground, to be collected by suit at law or equity, or in the same manner as taxes are collected; and to provide for the punishment of the owner or owners of said lot or ground for failure to promptly comply with any ordinances or orders passed or made by said Board of Mayor and Aldermen with respect to the matters referred to in this section of this Act.

(17) To erect and establish a workhouse, jail or house of correction, and to organize the same in or near the town; and any person who shall fail or neglect to pay any fines and cost or to secure the same, in a manner satisfactory to the town authorities, or give bond to appear and work out his fine that may be required shall be committed to the workhouse, jail or house of correction until such fine and cost are paid or secured as required, and for such time as may be adjudged, and every person so committed shall work for the town at such labor as his or her health shall permit, within or without said workhouse, jail or house of correction, not exceeding ten hours per day, and for such shall be allowed, exclusive of board, a credit on such fine and costs of such amount as may be fixed by said Board of Mayor and Aldermen for each day of work until the whole is discharged, when such persons shall be released. And said Board of Mayor and Aldermen of said Town of Linden, Tennessee, shall have full power and authority to contract with the sheriff, jailor or county authorities of Perry County, Tennessee (and of any other county within said State), for the purpose of confining any prisoners within the jail, workhouse, or house of correction of such counties, and for the purpose of fully providing for the working, caring for and detention or imprisonment of such prisoners; and by permission of the authority in charge of said county workhouse, jails or houses of correction, said Town of Linden, Tennessee, shall have authority and power to confine its prisoners in such workhouses, jails, or houses of correction; and in such event said county workhouse, jails, or houses of correction shall be considered, for all the purposes of this section of this Act, as the workhouse, jail, or house of correction of the corporation herein created.

(18) To appoint a Recorder, a Treasurer, a Tax Assessor, a Health Officer, and all such other officers and agents as the necessities of the corporation may require, and as the Board of Mayor and Aldermen shall determine are needed; and to appoint or elect a Board of Street Commissioners and a Board of School Commissioners, each of said Boards or Committees to consist of three members, who may be members of the Board of Aldermen, and fix and determine their pay and compensation; provided, that no officer of this corporation shall receive pay or compensation for his services, except the Marshal or police officers, the Recorder and Tax Assessor, who shall receive such compensation for their services as may be fixed and determined by the Board of Mayor and Aldermen; and provided, further, that the Recorder shall receive such fees for cases tried by, or coming before him, as are allowed Justices of the Peace for like cases, and shall also receive such other fees for issuing privilege and other licenses in the same amounts as the Clerk of the Perry

County Court shall be entitled to receive for like services, but such fees shall not be paid by the corporation, but by those obtaining such license, and those against whom judgment and costs may be rendered in the trial or hearing cases.

(19) The Recorder shall have the right to charge the defendant in all cases of a criminal nature with fines, all costs, including the fees and costs of himself and the officer.

(20) To designate and impose a plot of ground in or near the town, not to the annoyance of any citizen, where are speeding of horses, or other animals, and where all exhibitions and shows of stock and all jockeying and trading of animals may be conducted; and to prohibit the same in other portions of the town and upon all streets, alleys and public grounds, under penalties prescribed by ordinance.

(21) To compel by ordinance the owner or owners of property in any street, alley or avenue, within the corporation, to grade, construct, pave and repair the sidewalks and foot pavements for the whole extent, or any portion of the front along the same, the same to be done according to the grade furnished by the municipal engineer, or Board of Street Commissioners, and if the owner of the lot or ground shall fail to comply with the provisions of this Act, and of said laws and ordinances as may be duly enacted by the Board of Mayor and Aldermen, for grading, constructing, paving and repairing of the sidewalks and foot pavements within such time and in such manner as may be prescribed thereby, then the Board of Mayor and Aldermen may contract with some suitable person, on the best terms that may be made for the grading, constructing, paving and repairing such sidewalks and foot pavements, and pay for same, or said Town of Linden, Tennessee, may do such work itself, and all amounts so paid or expended shall be a lien on said lot or lots, and shall constitute a charge against the owner of the ground on which said work shall be done, and may be enforced by attachment in law or equity, or may be recovered by suit in the name and for the use of the Town of Linden, Tennessee, before any court of competent jurisdiction, and the said Board of Mayor and Aldermen of the Town of Linden, Tennessee, shall not be liable for any damages to the owner of any lot or parcel of land for the removal of any fences or other obstructions nor for the land, unless the same exceeds six feet in width; provided, however, that such land taken or used shall be for the use and benefit of said corporation of Linden, Tennessee.

(22) To establish quarantine regulations and laws, and to enforce the same within the town and within one mile thereof; and to provide for the management, regulation and prohibiting of slaughter-houses and the slaughtering of animals; to prevent or regulate the driving of stock through the town; to prohibit the election of soap factories, stock yards, slaughter-houses, pig pens, cow stables, dairies and other nuisances of like character, within the corporate limits or any portion thereof, and to remove and regulate the same; to regulate and prevent the carrying on of any business which may be dangerous

or detrimental to public health and to declare, prevent or abate nuisances on public or private property and the cause thereof.

(23) To regulate the storage or keeping of illuminating oils, dynamite, gun powder, tar, pitch, resin, gasoline, carbide and all other explosives or combustible materials, and to regulate or prohibit the use of fire arms or fireworks of all kinds.

(24) To regulate parapet and partition walls, and to prevent the dangerous construction and condition of chimneys, flues, fire places, hearths, stoves, stove pipes, ovens, boilers and all kinds of fire apparatus, and to cause the same to be removed or placed in a safe condition when considered dangerous; and to prevent the deposit of ashes, cinders and refuse of all kinds in improper places.

(25) To regulate the use of lights, lamps, electric wiring, steam, gas or hot air pipes, in all factories, shops, or other buildings or places.

(26) To establish fire districts, and to prevent the erection of wooden buildings covered with combustible materials; to provide for the inspection and removal of any building within the corporate limits found to be in an unsafe and dangerous condition, or to require that same be placed in a safe and secure condition, and in the event of the removal or destruction of such buildings so found to be unsafe and dangerous, the said Board of Mayor and Aldermen of said Town of Linden, Tennessee, shall not be liable for any damages to the owner of such buildings.

(27) To provide the town with water; erect hydrants and pumps; to construct reservoirs and stand-pipes and power houses; to lay pipes for the conducting and distributing of water over the town; to lay pipes and conduits for the bringing of water from steams, reservoirs or stand-pipes; to hold by gift or acquire by purchase or condemnation proceedings under the general laws of this State, rights-of-way for water pipes or conduits to and from convenient water supplies, and sites for stand-pipes, reservoirs, pumping stations, intakes, powerhouses, either within or without the corporate limits, and to maintain same.

(28) To provide for lighting the streets and public grounds and buildings by electricity, or other means, and to maintain such lighting.

(29) To grant the right-of-way through streets, avenues and squares of said town for the purpose of electric light systems, water mains and other purposes.

(30) To restrain, regulate, license, or prohibit cattle, hogs, horses, sheep, dogs, fowls and all other animals from running at large within the town, and to authorize the summary sale or other disposition of all such animals when found so running at large.

(31) To prohibit and punish the abuse of animals, and horse racing, and fast driving or riding within the streets.

(32) To fix and regulate the speed limit and operation of automobiles, trucks, motorcycles, and all motor propelled vehicles, and to provide for the punishment of those violating such ordinances.

(33) To regulate the operation and use of automobiles, trucks, motorcycles, and all motor propelled vehicles; and to fix and enforce an age limit for the drivers or operators thereof.

(34) To examine, license and regulate chauffeurs or drivers of operators of motor propelled cars who operate such cars or automobiles for profit, hire, or compensation, providing the qualifications for such chauffeurs, or drivers and providing for the punishment of all persons violating such ordinances by failure or refusing to comply therewith.

(35) To provide for the inspection of buildings, elevators and steam boilers.

(36) To provide for the inspection and weighing or measuring of coal, wood or other fuel, and hay, corn and other grain; to provide for the inspection and measurement of lumber, and all other materials.

(37) To provide for and regulate the inspection of beef, pork, poultry, flour, meal, milk, butter, lard and all other provisions; to restrain and punish the regrading and forestalling of provisions, and to provide for and regulate the inspection of petroleum and all other oils.

(38) To prevent and restrain riots, noises, disturbances, disorderly assemblages, in any streets, houses or places within the town; breaches of the peace, fighting or disorderly conduct, drunkenness, Sabbath-breaking, public profanity, and to make and enforce all such police regulations as may be necessary and proper for the protection and welfare of the citizens and the property within the town.

(39) To provide for the numeration of the inhabitants of the town; to regulate the burial of the dead, the registration of births and deaths; the keeping and returning of bills of mortality, and impose penalties on physicians, sextons, and others for any default in such duty.

(40) To designate such places within the town as may be used for the burial of the dead, to prohibit the burial of the dead at such places other than those designated; or to prohibit such burials of the dead at any place within the town.

(41) To prevent the sale, circulation and disposition of obscene literature, including books, papers, prints, pictures and the like, and to punish any person who sells or offers to sell, or who circulates, or exposes to public view such literature, books, papers, prints, pictures and the like.

(42) To regulate, prevent and prohibit the erection, manufacture, or display of sign boards or bill boards, and all signs, posters, or other advertisements, or of advertising matters which are offensive, improper, unsightly, indecent, lascivious, obscene, or otherwise objectionable, upon, along, or near the sidewalks, streets, or public places, or within view thereof, and to

declare any such sign board, poster, or other advertising matters, etc., to be a public nuisance, and to provide for the abatement thereof.

(43) That the said Board of Mayor and Aldermen of the Town of Linden, Tennessee, through its officers and agents, may at all reasonable times within the town limits, enter into and examine all dwellings, lots, yards, inclosures, buildings, cars, and vehicles of every description, to ascertain their condition for cleanliness, health, and safety; take down and remove buildings, walk or structures that are or may become dangerous or unsafe, and without liability for damages to the owner, or to require the owners to remove or put them in a safe and secure condition at their own expense; may direct, regulate and provide for the safe construction, inspection and repair of all public and private buildings within the town; may compel persons to aid in extinguishing fires, or in the preservation of property likely to be destroyed or stolen; and whenever a nuisance has been declared by the Board of Mayor and Aldermen by an ordinance duly passed, the Mayor is authorized to abate and remove such nuisances, and the cause thereof, in a summary manner, at the cost of the owner or occupant of the premises where the nuisance or cause thereof may be, and for that purpose may enter and take possession of any premises or property where such nuisance may exist or be produced.

(44) To restrain and punish vagrants, mendicants, street beggars, and prostitutes, and to define who shall be considered and treated as vagrants.

(45) To license, tax, regulate and restrain or prohibit the running at large of dogs and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

(46) To provide for the closing of wells and springs used by the public, whenever the same are injurious to health.

(47) The foregoing enumerations or particular powers granted to the Board of Mayor and Aldermen of Linden, Tennessee, in this charter shall not be construed to impair any general grant of power herein, or in this charter contained, or granted by tie general laws of the State, nor to limit any such general grant of power of the same class or classes as those herein enumerated; and the said Board of Mayor and Aldermen shall have full power to pass, publish, amend, enact, and repeal all such ordinances, rules, and regulations not inconsistent with the provisions of this charter, or contrary to the laws of the State, or the United States, as it may deem expedient or necessary in maintaining the peace, order, good government, health and welfare of the town, its trade, commerce, manufactories or that may be necessary or proper to carry into effect the provisions of this charter. [As amended by Priv. Acts 1945, ch. 403]

Sec. 10. Be it further enacted, That all ordinances shall begin with an enacting clause as follows: "Be it enacted by the Board of Mayor and Aldermen of Linden, Tennessee," and that the end of said ordinance contain the provisions, "That this ordinance take effect from and after its passage, the public welfare

requiring it," otherwise the same shall not take effect until twenty days after its passage.

Sec. 11. Be it further enacted, That the Town of Linden, Tennessee, is hereby given the power of eminent domain, for the purpose of effectuating the objects, purposes and powers of this charter, to be exercised under the general laws relating to eminent domain.

Sec. 12. Be it further enacted, That the Town Marshal shall be elected by the Board of Mayor and Aldermen of said town, and said Town Marshal shall hold his office for a term of one year from his appointment. The Marshal shall take an oath to perform well and truly the duties of his office, before entering upon the same, which oath shall be administered by the Recorder or the Mayor, and he shall execute bond in such amount and in such conditions as may be fixed or required by the Board of Mayor and Aldermen, for the faithful discharge of duty and the sure accounting for and paying over of all moneys that may come into his hands. Said Marshal, and any policemen appointed or elected as provided in this Act, shall have full power and authority, within the corporate limits, to execute all civil and criminal or State warrants, issued by the Recorder or other municipal authorities, in the same manner and to the same extent as may be done by district constables under existing law. The Marshal, unless otherwise provided by the Board of Mayor and Aldermen, shall collect all taxes and assessments (except privilege taxes), due the town, and shall receive for such services such compensation as may be fixed and ordered by the Board of Mayor and Aldermen, but not to exceed the amount of five per cent of the amounts so collected. He shall also be entitled to such other fees for the making of arrests and serving of legal process, as Constables are now entitled to receive by law, and to be paid in the same manner as the fees of such Constables are paid, and not by the town.

He shall be subject to removal by the Board of Mayor and Aldermen for malfeasance or misfeasance in office, or for any cause deemed proper by the Board, and said Board is authorized to appoint his successor, and in the event of a vacancy in said office occurring while said Board is not in session, the Mayor shall have authority to appoint a Marshal, but said appointment shall be ratified by the Board at the next regular meeting. [As amended by Priv. Acts 1953, ch. 366]

Sec. 13. Be it further enacted, That arrests for all violations of corporate ordinances committed within the limits of the town may be made with or without warrants and may also be made within one mile of the nearest corporate boundaries by any Marshal, policeman or officer having a warrant for such arrest.

Sec. 14. Be it further enacted, That the Board of Mayor and Aldermen shall have power and authority to elect and appoint a Recorder, who shall be empowered with all the powers and authority of Justice of the Peace, and he shall hold office for one year from his appointment or election. He shall have jurisdiction of all cases for violation of the criminal laws of the State as other Justices of the Peace, and shall hear and determine all breaches of the law and violation of the ordinances of the town, and be empowered to impose fines and costs, and preserve and enforce order in his court as other Justices of the Peace may do, and he shall be entitled to the same fees allowed by law to Justices of the Peace for similar services; provided, however, no such fees or cost shall be recovered from said town; and he shall receive such additional compensation for his general services as Recorder as the Board of Mayor and Aldermen may allow and direct by ordinance or otherwise; it shall be his duty to be Secretary of the Board of Mayor and Aldermen, to keep a record of the proceedings, to have custody of the town seal, and all records, papers, and documents belonging to said town; to draw orders or warrants on the Treasurer for the payment of such moneys and finds as may be directed by the Board.

The Recorder shall take the oath of office as prescribed for the Justices of the Peace before entering upon the duties of his office, and shall execute bond in such amount and conditions as may be required by the Board for the faithful performance of his duties, and the sure accounting of all moneys coming into his hands. An appeal shall be from judgments of the Recorder to the Circuit Court of Perry County, Tennessee, as now allowed by law from judgments of Justices of the Peace, and the Recorder shall keep a docket or record of such judgments and appeals; he shall issue privilege license, and keep a proper ledger account of same, and collect the taxes on same, unless the duty be delegated to some other official by the Board of Mayor and Aldermen; he shall make out the town tax books and turn same over to the Marshal for collection, and to shall perform such other duties pertaining to his office as the Board of Mayor and Aldermen may provide by ordinance.

Said Recorder shall have power to issue distress warrants in the name of the Town of Linden, Tennessee, to enforce collection of all taxes and privileges due said town; the same may be executed by the Marshal of the town, and made returnable at such time as may be fixed by ordinance or directed by the Recorder.

The officer collecting such taxes and privileges under a distress warrant shall be entitled to collect a fee of fifty cents and four per cent commission, to be paid by the party owing said taxes, and against whom said distress warrants is directed.

Sec. 15. Be it further enacted, That the Recorder in all cases heard or determined by him, for offenses against the corporate laws and ordinances, shall tax in the bill of cost the same amounts and for the same items allowed in courts of Justices of the Peace for similar work in State cases, and in addition shall add

thereto the sum of One Dollar as a tax therein, which tax shall be paid into the general funds of the town treasury.

He shall certify to the Marshal or town policeman, for collection, all fines, cost and forfeitures imposed by him for offenses against the laws and ordinances of the town.

Sec. 16. Be it further enacted, That in event of the absence, sickness, or incompetency of the Recorder, the Mayor shall be empowered with all the rights and authority vested in said Recorder, to perform all duties pertaining to the office of Recorder, or said Mayor may appoint and designate some acting Justice of the Peace of Perry County, Tennessee, to try such cases and perform such duties temporarily.

Sec. 17. Be it further enacted, That the Treasurer shall have charge of all moneys of said corporation or town, and shall execute bond in such amount and conditions as may be ordered or directed by the Board of Mayor and Aldermen for the faithful discharge of the duties pertaining to his office, and the sure accounting of all moneys coming into his hands.

No person shall be appointed Treasurer who has not resided within said corporation for a period of one year or more, and who is not the owner of real estate situated within said corporation to the assessed value of Five Hundred Dollars; but all banks located within the said town are eligible to hold the office of Treasurer.

The Treasurer shall keep a record of all moneys coming into his hands, the fund or account to which same pertains, and shall pay out and disburse same only upon the written or printed order or warrant of the Recorder. He shall submit a report of the receipts and disbursements made by him, and the condition of the finances of said town, whenever called upon by the Board of Mayor and Aldermen. He shall be subject to dismissal or removal by the Board of Mayor and Aldermen by malfeasance and misfeasance in office.

Sec. 18. Be it further enacted, That the Board of Mayor and Aldermen shall have the right to appoint a City Attorney, to fix his compensation or salary and also to fix their own compensation. [As amended by Priv. Acts 1951, ch. 561, § 1]

Sec. 19. Be it further enacted, That the Mayor and Aldermen shall have power and authority to sell and convey, lease and otherwise dispose of all property, real, personal and mixed, belonging to the corporation, as to them shall seem best. All conveyances of property to the corporation shall be made to "Linden, Tennessee," and all conveyances from the corporation shall bear the corporate name of the town signed by the Mayor and attested by the Recorder, and the two latter shall acknowledge the execution of such conveyances.

Sec. 20. Be it further enacted, That all bonds, notes, or evidences of indebtedness of the corporation, and all contracts to which said corporation is a party, shall have the name of the town signed by the Mayor and attested by the Recorder; provided, that no such bond, notes, contracts, etc., shall be signed without the approval of a majority of the Board of Mayor and Aldermen.

Sec. 21. Be it further enacted, That the Board of Mayor and Aldermen shall have no power or authority to incur any indebtedness in excess of the revenue derived from the taxes and from all other sources for the current year.

Sec. 22. Be it further enacted, That the assessment for taxes for the year 1923, and for every year thereafter, shall be made as of January 10; the assessment shall be made by the town Tax Assessor, who shall be governed by the laws of the State and governing assessors for the State, and shall have all the rights and authorities, and such additional authorities and modifications as the Board of Mayor and Aldermen shall deem best by ordinance, in order that all property within said corporation may be lawfully assessed for taxation, and the taxes due thereon collected, for the year 1923, and for each year forever thereafter, in accordance with such tax rates as the Board of Mayor and Aldermen may by ordinance fix for said respective years.

Sec. 23. Be it further enacted, That there shall be a Board of Equalization for said town to go over the assessment made by the Tax Assessor and equalize same. It shall consist of three resident free holders in said town, appointed by the Board of Mayor and Aldermen, and said Board of Equalization shall meet annually, not later than June 1st. All parties aggrieved by their assessments may appear before such Board of Equalization and present their grievance or grievances, and if, after their appearance there, they are aggrieved by the decision of said Board, they may in five days thereafter appeal to the Board of Mayor and Aldermen.

Sec. 24. Be it further enacted, That the annual tax levy shall be made by the Board of Mayor and Aldermen not later than June 1st of each year. Said taxes, when levied, shall have all the force and effect given by the State laws to the State in this State. All taxes assessed and levied on real estate shall be a lien upon the property so assessed from the tenth of January of the year for which the taxes are assessed and shall be and remain a lien thereon for a period of six years from said date and at the expiration of said period of six years all such taxes shall be barred and the lien herein created cancelled and extinguished, unless the same are collector suits have been instituted for collection within said period of six years; and such lien for taxes assessed shall be enforced as other liens are enforced, by suits at law or in equity, and in such suits there may be included as many as twenty-five distinct pieces or tracts of land, the owners thereof being made defendants to the bill, and such suit shall

not be subject to objection for misjoinder by reason of the distinct interests which the several defendants have in the property proceeded against, and in the event that the Board of Mayor and Aldermen elect or find it necessary to enforce the town's lien on the property for unpaid taxes thereon or against the persons indebted, there shall be taxed up as a part of the cost fifteen per cent of the amount of taxes and interest due, as a penalty to be paid to the town.

Sec. 25. Be it further enacted, That all taxes due the Town of Linden, Tennessee, except privileges and merchants' ad valorem, shall be due and payable October 1 of each year, and shall draw interest at six per cent from and after March 1 of the succeeding year; provided, however, that the Board of Mayor and Aldermen shall have power to extend the time for payment without penalty and interest not exceeding three months. In addition to bearing interest, all delinquent taxpayers shall pay such penalty due by them after March 1 of the succeeding year as the Board of Mayor and Aldermen may fix, not to exceed the amount fixed as a penalty on delinquent taxes by general laws for State purposes. [As amended by Priv. Acts 1951, ch. 561, § 2]

Sec. 26. Be it further enacted, That no assessment shall be invalid because the size and dimension of any lot, tract or parcel of land, or the amount of the valuation or tax is not correctly given, nor because the property has been assessed in the name of the person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid. The Board of Mayor and Aldermen shall have full power to correct any errors in the tax assessment, and to assess any property for taxation that may have been omitted or overlooked by the Tax Assessor, or Board of Equalization; to reduce and enlarge the same in all proper cases, and to release such taxes as to said Board of Mayor and Aldermen shall seem proper and expedient.

Sec. 27. Be it further enacted, That the Board of Mayor and Aldermen shall have full and unlimited power to provide by ordinance the manner of collecting all taxes and privileges due the Town of Linden, Tennessee, and shall have and is authorized to confer upon its officers, agents, servants, and attorneys all the powers given by the State law for the collection of taxes on real, personal and mixed property and polls.

Sec. 28. Be it further enacted, That the territory herein incorporated as the Town of Linden, Tennessee, shall be and constitute a separate road district of Perry County, Tennessee, and that all the road funds assessed by the County Court upon property, privileges, or otherwise, within the limits of said corporation, when collected by the Trustee of said county shall be kept separate by him and paid over annually to the Treasurer of Linden, Tennessee, to be used

for construction, repairing the public roads, streets, alleys and sidewalks and pavements of said town.

Sec. 29. Be it further enacted, That all male residents of Linden, Tennessee, between the ages of twenty-one years and fifty years shall be subject to street and road labor within said town, except those who may from time to time be exempted by the Board of Mayor and Aldermen of Linden, Tennessee, for a sufficient cause shown. That the Board of Mayor and Aldermen shall, on or before July 1st of each year, assess the number of days to be worked by the street or road hands during that year, which shall not be less than three days nor more than six days for each year; and each male resident within the territory embraced within the limits of Linden, Tennessee, between the ages of twenty-one years and fifty years, and who is not exempted as herein provided, shall perform the number of days' labor of eight hours each so assessed upon the streets, alleys, public squares, public roads, sidewalks, and pavements of Linden, Tennessee, under the direction and supervision of the Board of Street Commissioners, or any foreman or overseer acting under said Board's authority, but all persons subject to such road duty shall have as many as three days' notice or warning of the time and place of said work, which notice or warning may be given verbally or in writing, by said overseer or foreman, or as the Board of Mayor and Aldermen may direct, and any person failing or refusing to faithfully and honestly perform such labor or work, when warned or notified to do so, as herein provided, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars and not more than Fifteen Dollars, in the discretion of the Court, for each offense, and the cost thereof, and on failure to pay or secure said fines and cost shall be dealt with as other violators of the law and ordinances of Linden, Tennessee; provided, however, that any person subject to street or road duty or labor may commute the same by paying to the road or street foreman, or to such other official as the Board of Mayor and Aldermen may direct, on or before the first day of August of each year such sum per day as may be fixed by said Board of Mayor and Aldermen, but not to exceed the sum of \$1.50 per day, and may commute at a later date, with permission of said Board, and all persons commuting shall be exempt from road and street duty for that year; provided, further, that all moneys and funds arising from or collected by the corporation for a commutation, fines and costs under this section shall go into the road and street funds, unless otherwise specifically directed by said Board of Mayor and Aldermen.

Sec. 30. Be it further enacted, That said Board of Mayor and Aldermen shall meet in regular session at least one time in each month, and such time to be fixed and regulated by ordinance; but any failure of said Board to so meet for the transaction of the business of said corporation shall not vitiate or effect this charter, or any laws or ordinances of said town, or any rights, benefits, and privileges granted to said town, but any such failure to so meet shall subject the

members of the Board of Mayor and Aldermen to have charges preferred against them, or any of them, for malfeasance and misfeasance in office and for which they may be fined and dismissed from office.

Sec. 31. Be it further enacted, That said Board of Mayor and Aldermen shall have full power and unlimited authority to assess and levy a privilege tax upon all teams, wagons, automobiles, trunks, motorcycles, and all other vehicles of every kind, and to collect same in the same manner as other taxes are collected, and to provide for the punishment of all persons violating any such ordinances or laws.

Sec 32. Be it further enacted, the three Aldermen elected in December of 2003 shall have their terms extended until their successors are duly elected and qualified during the county general election held on the first Thursday of August 2008. Furthermore, the three Aldermen and the Mayor elected in December of 2005 shall have their terms extended until their successors are duly elected and qualified during the county general election held on the first Thursday of August 2010. Beginning in August 2008 and thereafter, all regular city elections will be held in conjunction with the county general election held on the first Thursday of August in even numbered years. Terms of office are staggered and are for a period of four years or until the elected official's successor has been duly elected and qualified. Should there be a tie, the Board of Mayor and Aldermen shall decide the election by a majority vote. [As replaced by Priv. Acts 1981, ch. 99, § 4, and Priv. Acts 2006, ch. 123, § 2]

Sec. 33. Be it further enacted, That the powers, rights and privileges of this Act shall not be lost or forfeited by a failure to hold an election every two years as herein directed, but shall continue and be exercised at any time by the Board of Mayor and Aldermen, when elected in accordance with the provisions of this charter; and if for any cause the election for Mayor and Aldermen should not occur on the day fixed by this Act, it shall be held as provided by law within thirty days thereafter, and not less than ten days notice.

Sec. 34. Be it further enacted, That the Board of Mayor and Aldermen of the Town of Linden, Tennessee, be, and they are, hereby authorized to issue bonds, running not less than ten years, and bearing not more than the legal rate of interest from date, for school purposes, and not exceeding in amount more than \$10,000.00; provided, however, before said bonds are issued that they first submit the issuance of said bonds to a vote of the legal qualified voters of said town, who reside in said corporation, and the same is carried by a majority vote of those voting in said election.

And to provide that said Board of School Commissioners may enter into contract with the County Board of Education of said county, and the County High School Board of Education of said county, or either of them, for purchasing

or acquiring such a site, and for erecting, furnishing and equipping a school building thereon for the use of the several schools administered by said Boards.

Sec. 35. Be it further enacted, That the following named qualified citizens and residents of the Town of Linden, Tennessee, be, and are, hereby designated and appointed as the first Board of Mayor and Aldermen of said town, to-wit: O. E. Kirk, Mayor; J. C. Savage and Edward Averett, Aldermen, First Ward; Sam Starbuck and Dr. L. B. Craig, Aldermen, Second Ward; and L. B. Duncan and B. F. Childress, Aldermen, Third Ward. They shall hold office until the first Monday of January, 1924, and until their successors are elected and qualified.

Sec. 36. Be it further enacted, That whenever in this Act any omission is made in defining the duties or authorities of any officers provided for herein and which is essential to properly carry out the objects of this Act, the Board of Mayor and Aldermen are hereby granted authority to supply such omissions; and they are further given power and authority to do any and everything necessary to carry out the object of this Act.

Sec. 37. Be it further enacted, That this Act is declared to be a public Act, and may be received and read in evidence in all courts and places; and proceedings of the Board of Mayor and Aldermen may be proved by certificate of the Recorder, printed copies of the by-laws and ordinances of the Town of Linden, Tennessee, purporting or proved to have been published under the authority thereof, as proved to be commonly used as such, and admitted as evidence of the existing ordinances of said town in the Recorder's Court of the said town, shall be admitted in all the Courts of the State as presumptive evidence of such laws and ordinances.

Sec. 38. Be it further enacted, That should the courts declare any section, provision or part of this Act unconstitutional or unauthorized by law, or in conflict with any other section or provisions of this Act, That such decision shall affect only the section, portion, clause, or provision so declared to be unconstitutional or unauthorized, and shall not affect any other section, portion, clause or provision of this Act, and such remaining sections, portions, clauses, and provisions of this Act which are not affected by any such court's decision or declaration shall remain valid and in full force.

Sec. 39. Be it further enacted, That all laws and parts of laws, both public and private, in conflict with this Act, be and the same are hereby repealed.

Sec. 40. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1923.

F. S. Hall,
Speaker of the House of Representatives.

Eugene J. Bryan,
Speaker of the Senate.

Approved March 28, 1923.

Austin Peay,
Governor.

RELATED ACTS

PAGE

Priv. Acts 1925, ch. 499,
"Linden Special School District" C-23

CHAPTER NO. 499.

House Bill No. 820.

(By Mr. Whitwell.)

AN ACT entitled, An Act to create and establish a special School District, for building purposes, out of a part of the Third Civil District of Perry County, Tennessee, including the town of Linden, said Special School District to be known and designated as the Linden Special School District to define the boundaries of the same; to provide for the election of officers and to define their duties; to authorize the issuance of \$10,000 of its coupon bonds for the purpose of erecting and equipping a public high school building, and acquiring land therefor; and to provide revenue with which to pay the interest on the bonds and to create a sinking fund for the payment of the bonds; and to provide for holding an election to determine whether or not said bonds may be issued.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That a Special School District be and the same is hereby created and established in Perry County, Tennessee, out of a part of the Third Civil District in the said county, including the town of Linden, the said Special District to be known and designated as the Linden Special School District, and the boundaries of the same are as follows:

Beginning at a stake in the center of the Linden and Perryville road about one mile west of Linden, near what is known as the Three Forks; thence north with the main dividing ridge to the Fourth Civil District line; thence east with the S. B. line of said Fourth Civil District to the east boundary line of the late John L. Vaughn farm; thence south with the east boundary line of said farm, and continuing south so as to include the farms of Tucker, Godwin & Godwin, Shelton and Mrs. C. P. Godwin farm on Coon Creek up to the Fourth Civil District line; thence south with said Coon Creek at the mouth of the Shelton Lane, and continuing south to the dividing ridge between Cook Creek and Short Creek; thence west with said ridge to Joe Tucker's west boundary line; thence south with said line to the Jones and Woolfork timber tract line and continuing south to the main dividing ridge between Short Creek and Hurricane Creek; thence west with said ridge to H. N. Ledbetter's east boundary line; thence with this line to the Buffalo river, so as to include his said farm; thence up said river to S. E. Polk's S. E. corner; thence with his S.B. line to the dividing ridge between the Tate Hollow and the Buffalo river; thence southwest with said ridge to the head of the Tate Hollow; thence continuing southwest direction with the Linden and Flatwoods public road to the main dividing ridge between Buffalo and Tennessee rivers; thence in a northern direction with said ridge to the beginning.

SEC. 2. Be it further enacted, That the officers of the said Linden Special School District shall be and consist of a board of five members, to be called a Board of Control, who and their successors in office shall be a body politic and corporate by and under the name of Linden Special School District, a majority of the said Board shall be a quorum for the transaction of business. The first Board of Control shall be O. A. Kirk, L. B. Duncan, John Vaughn, O. T. Craig and S. B. Hufstedler, and they shall serve until their successors are elected and qualified. The said Board of Control shall be elected by the qualified voters within the boundaries herein defined, and the first election for said Board of Control shall be in August, 1926, at the regular election. Said members shall be freeholders and twenty-five years of age, and of good moral character. Any vacancy that may occur in the Board may be filled by the remaining members of the Board. The Board of Control herein named and hereinafter elected, shall organize by electing one of their members as president or chairman, one as secretary, and one as treasurer.

SEC. 3. Be it further enacted, That said Board of Control and their successors in office are hereby declared to be the Board of Control of the said Linden Special School District, and by that name may sue and be sued, plead and be impleaded, and have continued succession for the purpose designated and stated in this Act. They may have a common seal, and may make such by-laws and rules and regulations that may be necessary to properly carry out the purpose of the Act, so as not to be inconsistent with the authorities herein conferred and the laws of the State of Tennessee. The members of said Board of Control shall each serve for a term of two years, and until their successors are elected and qualified, but the Board of Control herein named shall, as before designated, serve until the next regular election in August, 1926, and until their successors are elected and qualified.

SEC. 4. Be it further enacted, That the powers and duties of said Board of Control are as herein set out and generally as follows: To locate, and purchase, if necessary, a building site, to determine the character or kind of building to be erected, to contract for the construction of the same, and to receive and to pay for same when completed according to specifications of contract.

SEC. 5. Be it further enacted, That said Board of Control may issue its interest-bearing coupon bonds in the amount of \$10,000 and sell or hypothecate the same and use the proceeds for the purpose of erecting and equipping a public high school building and acquiring land therefor; the said bonds to be in denominations of \$500.00 each, and to bear 6 per centum interest per annum from date of issuance. The said bonds shall bear serial numbers from No. 1, consecutively, to the last bond issued, and shall be subject to call at any time after the expiration of two years, and at any time any sufficient amount of funds are in the county treasury of said Perry County to the credit of the sinking fund

of the said Linden Special School District, and the remainder shall be called in and paid off not later than the end of twenty years from their issuance. Said bonds shall not be negotiated nor sold for less than their par value. To the end that a fund be created with which to pay the interest on said bonds and to create a sinking fund with which to pay off and retire said bonds, a tax rate of twenty-five cents on each \$100.00 worth of taxable property, both real and personal, situated within said Linden Special School District, is hereby assessed and levied on said persons and real and personal property for the year 1925, and every year thereafter until all of said \$10,000.00 coupon bonds is paid off and cancelled. The basis of said assessment of said tax on such property shall be its assessed value as shown by the book of the County Trustee of Perry County and all taxes assessed on real estate are a lien upon such real estate. The taxes herein assessed shall become due and be collected at the same time and in the same manner as taxes under the general law of the State by the County Trustee; but said taxes shall be under the control of the said Linden Special School District Board of Control and their successors in office to be used for no other purpose than the payment of bond indebtedness created under this Act; provided, said sinking fund may be paid out at any time in the liquidation of any bond or bonds issued under this Act, whether same be due or not, but no bond or bonds shall be paid for or purchased by said Board of Control at a greater amount than par value and accrued interest.

SEC. 6. Be it further enacted, That an election shall be held in said Linden Special School District, after due advertisement thereof as required by law, and not later than July 1, 1925, and that said election shall be held by a call of the duly qualified election commissioners of Perry County, Tennessee, and all qualified voter under this law of Tennessee residing in said Linden Special School District shall be eligible to vote in said election; at which election the following proposition shall be submitted to the vote of all qualified voters of said Linden Special School District, whether the said Board of Control hereinbefore mentioned shall be authorized and empowered to issue interest-bearing bonds of the amount proposed aforesaid, for the purpose of erecting and equipping a public high school building and to purchase or acquire the necessary lands aforesaid on which to erect said building.

SEC. 7. Be it further enacted, That the persons authorized by law to hold election in said Linden Special School District shall be persons appointed or selected by said Perry County election commissioners and said election shall be held under the laws governing elections of the State of Tennessee, to hold the election herein provided for, and said election commissioners are hereby authorized and required to prepare ballots to be used and voted at such election on which there shall be printed following:

(Vote for one)
 For Bonds.
 Against Bonds.

At the top of said ballot shall be printed: The Board of Control of said Linden Special School District be authorized and empowered to issue six per cent interest-bearing bonds in the sum of \$10,000.00 in amount for the building or erection of a school building, furnishing and equipping the same and securing material for said purpose, and if necessary the acquisition of land of said building and playground or campus.

At said election those who favor the issuance of said bonds shall place a cross (X) mark opposite the words "For Bonds," and those who oppose the issuance of bonds shall place a cross (X) mark opposite the words "Against Bonds."

SEC. 8. Be it further enacted, That it shall be the duty of said Board of Control of the said Linden Special School District when it shall be ascertained that a majority of all those voting on the question of the issuance of bonds have voted in favor thereof to declare the results, by ordinance or other proper proceedings as provided in the rules or by-laws of said Board, if said election is in favor of the issuance thereof, and in that event, and in no other, to cause said bond to be issued as provided herein, and cause the same to be converted into cash under such rules and regulations as they shall deem necessary to provide by said ordinance.

SEC. 9. Be it further enacted, That when said officers so holding said election shall canvass the returns of said election and same have been duly canvassed by the election commissioners of Perry County, Tennessee, and the results of said election when same is ascertained, on the question of the erection and equipping of a school building, and the acquisition of land for such building, and if same be carried in favor of said bonds or "For Bonds" for said purpose, they shall cause to be carried into effect the will of the people of said district as expressed at said election.

If a majority of the votes cast and voting on the proposition of the issuance of bonds shall be in favor of issuance of bonds, as herein provided, then the Board of Control of the Linden Special School District shall, as required above, declare, and it shall be binding and valid and a lien upon all taxable property under the law within said Linden Special School District.

SEC. 10. Be it further enacted, That said election shall be held in the same manner and by the authorities hereinbefore provided, and return shall be duly made under the law governing the election commissioners, or the Chairman thereof, for Perry County, Tennessee, who shall canvass said vote and declare the result either for bonds or against bonds, as the results may be, and report same to the Board of Control of the Linden Special School District after the same has been duly canvassed, it being the express purpose that this election be held under and in accordance with the election laws of the State of Tennessee.

SEC. 11. Be it further enacted, That if for any reason any section or part of this Act shall be held unconstitutional or invalid, then that fact shall not invalidate any other part of this Act, the same shall be enforced without reference to the part so held to be invalid.

SEC. 12. Be it further enacted, That all laws or parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1925.

W. F. BARRY,
Speaker of the House of Representatives.

L. D. HILL,
Speaker of the Senate.

Approved April 11, 1925.

AUSTIN PEAY,
Governor.

CHARTER AND RELATED ACTS FOR THE
TOWN OF LINDEN, TENNESSEE

| YEAR | CHAPTER | SUBJECT |
|------|---------|---------------------------------------------------------------------------------------------------------------------------|
| 1923 | 365 | Basic charter act. |
| 1925 | 499 | Created a "Linden Special School District." |
| 1931 | 567 | Amended § 2, <u>Corporate limits</u> . |
| 1945 | 403 | Amended § 9(1) relative to tax rate. |
| 1945 | 404 | Authorized \$40,000.00 bond issue for construction of memorial to soldiers and sailors. |
| 1947 | 551 | Replaced § 2, <u>Corporate limits</u> . |
| 1947 | 680 | Authorized \$150,000.00 bond issue for sanitary sewers. |
| 1951 | 551 | Replaced § 2, <u>Corporate limits</u> . |
| 1951 | 561 | Replaced § 18, relative to city attorney and amended § 25 relative to taxes. |
| 1953 | 366 | Amended § 12 relative to marshal. |
| 1981 | 99 | Replaced §§ 4, 5, and 8 relative to board of mayor and aldermen and replaced § 32 relative to municipal elections. |
| 2000 | 153 | Amended § 8 by changing "next regular election" to "next regular municipal election" wherever it appeared in the section. |
| 2006 | 123 | Amended § 5 by changing "January" to "September;" replaced § 32 relative to terms of aldermen. |
| 2016 | 51 | Replaced § 6 relative to duties of the mayor, and replaced § 8 relative to board of mayor and aldermen. |