

CHARTER FOR THE TOWN OF McLEMORESVILLE, TENNESSEE<sup>1</sup>

CHAPTER NO. 507

House Bill No. 459

(By McCollum)

AN ACT entitled, "AN ACT to incorporate the Town of McLemoresville in the County of Carroll and State of Tennessee, to prescribe its boundaries, its duties, and its powers; and to provide for the creation of a Board of Mayor and Aldermen to govern said Town and to provide for their election; to define their qualifications, powers and duties and fix their compensation."

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<sup>1</sup>Priv. Acts 1949, ch. 507, is the current basic charter act for the Town of McLemoresville, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2019 session of the Tennessee General Assembly and is current with the laws from the 2024 Regular Session of the 113<sup>th</sup> Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

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

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SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the territory hereinafter described in Section 2, and the inhabitants thereof, are constituted a body politic and corporate by the name and style of the Town of McLemoresville, and shall have perpetual succession by said corporate name; shall sue and be sued by its corporate name, plead and be impleaded, grant, receive, purchase and hold real estate and personal property, and dispose of the same for the benefit of the said town; and may have and use a corporate seal.

Sec. 2. Be it further enacted, That the corporate limits of said town shall be as follow:

"Beginning at a stake one hundred feet north of a dwelling, said dwelling belonging to Mr. J. E. O'Neill and being located on U.S. Highway No. 70 alternate, boundary running thence to a stake one hundred feet northeast of a dwelling on Highway No. 105, said dwelling being the property of Mr. T. W. Cary, thence southwest to a stake one hundred feet west of a dwelling, said dwelling being the property of Mr. H. B. Rogers and being located on the old No. 77 Highway, commonly known as the McLemoresville and Atwood Road, thence southeast to a stake, said stake being located at the intersection of a private road and U.S. Highway No. 70 alternate, said private road being the property of Mr. E. H. Harrell, thence more southeastwardly to a stake located on the old McLemoresville and Terry's Store Road, said stake being one hundred feet south of a dwelling belonging to Mr. Russell Younger, thence east to the east boundary fence of property belonging to Mr. J.D. Traywick, thence northeast to the beginning."<sup>1</sup>

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<sup>1</sup>Priv. Acts 1951, c h. 402, § 1, provides:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Corporate limits of the Town of McLemoresville in the County of Carroll be changed, extended and enlarged and fixed so as to embrace the territory within the following boundaries:

"Beginning at a point in the center of a bridge in old Lexington Road and  
(continued...)

Sec. 3. Be it further enacted, That the governing body of the Town of McLemoresville shall be known and designated as the Board of Mayor and Aldermen of the Town of McLemoresville, said governing body to consist of a Mayor and five (5) Aldermen, each of whom shall be a resident of the corporation for two (2) years prior to his or her election, at least twenty-five (25) years of age, and not convicted of any felony. That said Board of Mayor and Aldermen shall be elected for a period of four (4) years by the qualified voters of said corporation and shall serve until their successors are elected and qualified. The regular term of office of such Mayor and Aldermen shall begin on the Second Tuesday in January following the election.

The salaries of the Mayor and Aldermen shall be set by ordinance. No ordinance for an increase in salary shall have the effect of altering the salary of the Mayor and Aldermen prior to the end of the term of office to which such persons were selected. They shall also be reimbursed for actual and necessary expenses incurred in the conduct of their official duties. [As amended by Priv. Acts 1961, ch. 336, § 1, and replaced by Priv. Acts 2019, ch. 14, § 1]

#### Section 4.

(a) The election to fill the offices of the board of mayor and aldermen shall be held at the same time as the State General Election. The Mayor and Aldermen shall be sworn in during the first meeting of the Board of Mayor and Aldermen the following January.

(b) The Carroll County Election Commission shall call the election as herein authorized and the election shall be governed in the same manner as elections are held in other municipalities of Carroll County and the State of Tennessee.

(c) The expense of the election shall be borne by the Town of McLemoresville, payable to the Carroll County Election Commission. The

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<sup>1</sup>(...continued)

44 rods South of edge of Highway U.S. 70 A, and running North 18 degrees West 124 rods to a point in center of U.S. Highway No. 70 A at the West end of a bridge then North seventy-six degrees West 55 ½ rods to a cedar tree in the Carey Smith boundary line, thence North sixty-eight degrees West 84 rods, to center of Highway No. 105 at the East end of a bridge, thence South 29 degrees West 188 rods to center of a bridge on old Atwood road, thence South 23 degrees East crossing U.S. Highway at 116 rods continuing in all 152 rods to a stake in Earl Woods field, thence South 84 degrees East 46 rods to a walnut tree standing in E. H. Harrell's field, thence South 79 degrees East 156 rods to Terry road continuing in all 164 rods to a stake in a field, thence North 6 ½ degrees West 170 rods to point of beginning."

corporation shall use the same election officers and polling places as assigned for the State General Election.

(d) The Carroll County Election Commission shall place upon the ballots in the elections herein provided the names of those persons who, by petition signed by twenty-five (25) qualified voters of the corporation and filed with the election commission forty-five (45) days before the election, shall be designated as candidates for such office. [As replaced by Priv. Acts 1992, ch. 200, and Priv. Acts 2019, ch. 14, § 2]

Sec. 5. Be it further enacted, That any person otherwise qualified to vote in any of the elections in Tennessee and who has been a resident of the corporation for thirty (30) days prior to the election, shall be entitled to vote in the election under the provisions of this Act; provided, however, that any person who is the owner of real estate within the corporate limits, but who is not a resident, may vote in the election mentioned in this Charter, so long as such person is qualified to vote at his or her usual place of residence. [As replaced by Priv. Acts 2019, ch. 14, § 3]

Sec. 6. Be it further enacted, That when an election is held under the provisions of this Act to fill the offices of Mayor and Aldermen, the person receiving the highest vote for Mayor and the five persons receiving the highest votes for Aldermen shall be declared elected and the officers holding the election shall make returns to the Carroll County Board of Election Commissioners as in other elections; said returns to be delivered not later than Monday following the election, after which the Carroll County Board of Election Commissioners shall canvass the returns and issue certificates of election.

Sec. 7. Be it further enacted, That the Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman is convicted of a felony, is removed from office, fails to attend a required number of regular and special sessions, resigns, dies, or moves outside the corporate limits. The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term or until the next regular Town election, whichever shall occur first. [As replaced by Priv. Acts 2019, ch. 14, § 4]

Sec. 8. Be it further enacted, That if any member of the Board of Mayor and Aldermen shall move outside the corporate limits, such removal shall vacate the office.

Sec. 9. Be it further enacted, That before entering upon the discharge of their duties as Mayor and Aldermen each of such officers shall subscribe to an oath in writing which shall become part of the Minutes of the board and which

said oath shall be to the effect that each shall faithfully, honestly and impartially perform the duties of their office without fear or affect and to the best of their skill and ability and that each will support the Constitution of the United States and the Constitution of the State of Tennessee.

Sec. 10. Be it further enacted, That the Board of Mayor and Aldermen shall meet in regular session on the Second Tuesday in each month and may meet at special session from time to time as the Mayor may deem advisable or may be called into special session upon the written request of three members of the board.

Sec. 11. Be it further enacted, That the Board of Mayor and Aldermen shall appoint a Recorder whose duties shall be to collect taxes, keep the finances of said Town, and perform all such other duties as may be placed upon him or her by the Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall, by ordinance, fix the compensation of the Recorder. [As amended by Priv. Acts 1961, ch. 336, § 2, and replaced by Priv. Acts 2019, ch. 14, § 6]

Sec. 12. Be it further enacted, That the Board of Mayor and Aldermen shall have power by ordinance:

(1) To preserve the health, quiet, peace, and good order of said town, including such quarantine regulations as occasion may require in accordance with Tennessee Code Annotated, Title 68, Chapter 5, Part 1.

(2) To declare what is a nuisance and to prevent and remove the same, in accordance with Tennessee Code Annotated, Title 29, Chapter 3.

(3) To levy and collect taxes on all property within the corporate limits taxable by the laws of the State of Tennessee subject to the limitations hereinafter expressed.

(4) To appropriate money and provide for the debts and operating expenses of the town.

(5) To suppress the sale of intoxicating liquors.

(6) To provide for the lighting of the town, public buildings, and other places and make contracts with persons or corporations for the lighting of the town.

(7) To pass laws controlling the speed limit within the town.

(8) To impose fines, forfeitures, and penalties for the breach of any ordinance adopted under this Act and to provide for their recovery and the arrest of any party or parties breaching said ordinances, and to provide for their fines for the violation thereof.

(9) To provide for a police force and to appoint the same.

(10) To pass all ordinances necessary for the health, peace, convenience, safety, and good order of the town, and for the suppressing and prohibition of any and all Acts and things made criminal by the laws of the State of Tennessee, and to provide a punishment of the breach of same. [As replaced by Priv. Acts 2019, ch. 14, § 7]

Sec. 13. Be it further enacted, Be it further enacted, That the Board of Mayor and Aldermen shall have power to levy taxes on all real estate within the corporate limits on each one hundred dollars assessed valuation, which property assessment shall be taken from the rolls of the tax assessor of Carroll County, Tennessee. [As amended by Priv. Acts 1961, ch. 336, § 3, and replaced by Priv. Acts 2019, ch. 14, § 8]

Sec. 14. Deleted by 2019 amendment. (As deleted by Priv. Acts 2019, ch. 14, § 9]

Sec. 15. Be it further enacted, That all taxes shall become due, payable and delinquent at the same time as State and County taxes and shall constitute a lien upon the property and that the Board of Mayor and Aldermen shall have the same rights of enforcing the lien as now provided to the State and County in enforcing the collection of the delinquent taxes.

Sec. 16. Be it further enacted, That upon the presentation of a certified copy of this Act to the Board of Election Commissioners for Carroll County, Tennessee and it shall be their duty to call an election on the First Monday in March, 1949, if within ten (10) days and if not within ten (10) days, then within ten (10) days from the date of the presentation to them of the Certified Copy hereof for the purpose of electing a Board of Mayor and Aldermen under the provisions of this Act who shall serve until their successors are elected and qualified.

Sec. 17. Be it further enacted, That the provisions of this Act are hereby declared to be severable, if any of its sections, provisions, excerpts, sentences, clauses, phrases or parts be held unconstitutional or void the remainder of this Act shall continue in full force and effect, it being the legislative intent now being declared that this Act would have been adopted if such matter had not been included herein.

Sec. 18. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1949.

Walter M. Haynes,  
Speaker of the Senate.

McAllen Foutch,  
Speaker of the house of Representatives.

Approved: April 6, 1949.

Gordon Browning,  
Governor.

ACTS COMPRISING THE CHARTER OF THE  
TOWN OF McLEMORESVILLE, TENNESSEE

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| YEAR | CHAPTER | SUBJECT   |
|------|---------|---|
| 1949 | 507     | Basic charter act.  |
| 1951 | 402     | Amended boundaries § 2 footnote.  |
| 1961 | 336     | Amended § 3, compensation of mayor and aldermen; § 11, recorder's compensation; and § 13, taxes levied.   |
| 1992 | 200     | Replaced § 4, elections.  |
| 2019 | 14      | Replaced § 3, governing body; replaced § 4, elections; replaced § 5, voter qualifications; replaced § 7, vacancy in the board of mayor and aldermen; deleted § 8, members of the board of mayor and aldermen to live in corporate limits; replaced § 11, recorder, duties; replaced § 12, board of mayor, powers; replaced § 13, taxes levied; and deleted § 14, taxes, business. |