

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

CHAPTER 414.

Senate Bill No. 442.

AN ACT to incorporate the town of Toone in Hardeman County, and to define its boundaries, rights and powers.

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SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Toone, in Hardeman County, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name and

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<sup>1</sup>Pub. Acts 1903, ch. 414, is the current basic charter act for the Town of Toone, Tennessee. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2009 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 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."

style of the town of Toone, and shall have perpetual succession; that by this corporate name and style it may sue and be sued, contract and be contracted with; grant, receive, purchase and hold real and personal property, and dispose of the same for the benefit of said town, and may have and use an official seal.

SECTION 2. The boundaries of such municipal corporation shall be as follows:

The corporate boundaries or limits of the Town of Toone shall be and embrace all the territory now within the corporate limits of the Town of Toone as of the effective date of this act, as heretofore established and defined by acts of the General Assembly of Tennessee, by ordinances of the Town of Toone and by law and/or ordinances or as may hereafter be modified by acts of the General Assembly or ordinances of the Town of Toone. [As replaced by Priv. Acts. 1961, ch. 26; and Priv. Acts 2009, ch. 30, § 1]

SECTION 3. Be it further enacted, that at the 2004 regular November election (held on the first Tuesday following the first Monday in November), and at the regular November election held each fourth year thereafter, an election shall also be held in the town of Toone for the purpose of electing a mayor and six (6) aldermen, whose terms of office shall begin on the second Monday in November at 12:01 p.m., and who shall serve for a term of four (4) years and until their successors are elected and qualified. All such elections shall be conducted by the county election commissioners at the same hours and places for holding general elections and under the general election laws of the state. The incumbents, who hold the positions of mayor and aldermen on the effective date of this act, shall continue to serve in the positions for which they were elected until such time as their successors are elected and qualified pursuant to the provisions of this act. No person shall be eligible to hold the office of mayor or alderman of said town until he or she is and has been a resident citizen of said town for twelve (12) months preceding his or her election, and is otherwise a legally qualified voter of said town. All persons living within the boundaries of the town of Toone for six (6) months before said election and all persons owning real estate in said town and who are otherwise entitled to vote for members of the general assembly, shall be entitled to vote in said corporation elections. [As replaced by Priv. Acts 1987, ch. 61; and Priv. Acts 2004, ch. 96]

SECTION 4. Be it further enacted, That the Mayor and the Aldermen so elected, before entering upon the discharge of their duties, shall each take an oath before some person authorized by law to administer an oath that they will honestly and faithfully discharge the duties of Mayor or Alderman, as the case may be, of the town of Toone without fear, favor or partiality. The Board of Mayor and Aldermen shall at their first meeting after each election, elect one of its number to serve as Vice-Mayor. The Board of Mayor and Aldermen shall

also appoint a Recorder and a Treasurer who both may, but are not required to be, from among their members. The Recorder and Treasurer shall each give a bond, in the sum required of them by ordinance, before entering on the discharge of their official duties. By vote of the Board of Mayor and Aldermen, the same person may be appointed Recorder and Treasurer. [As replaced by Priv. Acts 1961, ch. 236, § 2; and Priv. Acts 2009, ch. 30, § 2]

SECTION 5. Be it further enacted, That the legislative powers of the town of Toone shall be vested in and exercised by the Board of Mayor and Aldermen over whose meeting the Mayor shall preside, and cast the deciding vote when there is a tie; a majority of the Aldermen shall constitute a quorum for the transaction of business. In the absence of the Mayor the Vice-Mayor shall preside over the meeting, and should any of said offices become vacant, the Board of Mayor and Aldermen shall fill the same by electing some one to fill out the unexpired time. [As replaced by Priv. Acts 2009, ch. 30, § 3]

SECTION 6. Be it further enacted, That the Board of Mayor and Aldermen may appoint a town Judge who shall serve at the will of the Board. The Judge shall try all offenses created by this act or any lawful ordinance of said town, and impose penalties, and enforce the collection and payment of the same. In the absence or temporary disability of the Judge, the Mayor may designate a qualified person to serve as Judge. The compensation of the Judge shall be fixed by the Board of Mayor and Aldermen. [As replaced by Priv. Acts 1961, ch. 236, § 3; and Priv. Acts 2009, ch. 30, § 4]

SECTION 7. Be it further enacted, That the Board of Mayor and Aldermen shall judge of the qualification and election of all officers of said corporation, including the Mayor, Aldermen and Marshal, and shall decide all contested elections, and from its actions in this respect any party aggrieved may appeal to the Circuit Court; said Board may prescribe its own rules of procedure and may punish its members or Marshal by a fine or suspension for misconduct in office, by a majority vote, and may expel any member, Mayor or Marshal, by a two-thirds vote, and said Board shall hold regular meetings at such times as it may determine.

SECTION 8. Be it further enacted, That the Mayor and Board of Aldermen of said town of Toone shall have power by ordinance

1. To levy and provide for the assessment and collection of taxes on all property subject to taxation.
2. To appropriate and borrow money to provide for the payment of the debts and expenses of the town.
3. To make and enforce quarantine laws to prevent the introduction and spread of contagious diseases.

4. To make and enforce regulations for the public health and prevent and remove nuisances and to open, improve and extend streets, sidewalks, alleys, public squares and roads.
6. To make and keep in repair bridges, culverts, sewers, gutters, etc.
7. To rent and erect buildings either in or out of the corporation for the use of the town.
8. To license, regulate and tax privileges taxable by the laws of this State.
9. To suppress and prohibit houses of ill-fame, gambling, gambling houses and the sale of intoxicating liquors, etc.
10. To provide for the prevention and extinguishment of fire and organizing fire companies, etc.
11. To regulate the police of the town, and to impose forfeitures and penalties for the breach of ordinances and provide for the collection of the same.
12. To prevent and punish all persons for any breach of the peace and for any disturbance of the peace of said town.
13. To pass all ordinances not contrary to the Constitution and laws of Tennessee nor of the United States that may be necessary to carry into effect the grants of power herein, and to accomplish the object and purposes of this Act of incorporation.
14. To exercise and have all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the town and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Act as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this Act shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution of applicable public laws of the state. [As amended by Priv. Acts 1961, ch. 236, §§ 5 and 6]

SECTION 9. [As deleted by Priv. Acts 2009, ch. 30, § 5]

SECTION 10. Be it further enacted, That the Recorder shall keep an accurate minute of the proceedings of the Board; he shall open all privileges, license and collect all privilege taxes and keep a record of same; his compensation shall be fixed by ordinance. [As replaced by Priv. Acts 2009, ch. 30, § 6]

SECTION 11. Be it further enacted, That no ordinance shall become a law of said town of Toone, unless the same shall have passed two readings by a majority vote and shall have been signed by the Mayor, unless he fails to veto same by the next regular meeting of the Board. The Mayor shall examine all

ordinances passed by the Board and sign same at once if it meets his approval; if it does not meet his approval, he shall return the same to the next regular meeting of the Board with his objection in writing and no ordinance so vetoed shall go into effect until the same is again passed by a majority of the entire Board. [As replaced by Priv. Acts 2009, ch. 30, § 7]

SECTION 12. Be it further enacted, The Mayor shall temporarily fill all vacancies in the town's work force, subject to the approval of the Board at its next regular meeting. The town's employees shall receive such compensation as allowed by ordinance.

A special called meeting may be called by the Mayor, or by any three Aldermen, and he or they shall state to the Board in writing the purpose of such meeting, which, together with the action of the Board, shall be spread on the minutes of the regular minute book. The Mayor shall take care that all ordinances are duly enforced and observed, and perform other duties such as may by ordinance of the Board be required of him.

The Board of Mayor and Aldermen may, by Ordinance, entered upon the minutes, set the salary of the Mayor and Aldermen. Any ordinance establishing, increasing, or decreasing such salary shall be adopted at least one hundred and eighty (180) days prior to the next city municipal election and shall be in accordance with Article XI, Section 9 of the Tennessee State Constitution. [As amended by Priv. Acts 1961, ch. 236, § 7; and replaced by Priv. Acts 2009, ch. 30, § 8]

SECTION 13. Be it further enacted, That as soon as the first Board of Aldermen are elected and qualified under this Act, and shall have organized, they shall demand and receive and receipt for all money, books, accounts and other property belonging to the old corporation of the town of Toone Station at the time the Act abolishing the charter of Toone's Station went into effect; and they shall collect all fines, forfeitures, penalties and taxes, and all other debts due said old corporation of Toone's Station, and may bring suit to collect same.

SECTION 14. Be it further enacted, That this Act take effect from and after the 19th day of April, 1903, the public welfare requiring it.

Passed April 3, 1903.

ED. T. SEAY,  
Speaker of the Senate.

L. D. TYSON,  
Speaker of the House of Representatives.

Approved April 13, 1903.

JAMES B. FRAZIER,  
Governor.

ACTS COMPRISING THE CHARTER OF THE TOWN OF  
TOONE, TENNESSEE

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YEAR	CHAPTER	SUBJECT
1903	414	Basic Charter Act.
1907	448	Created a special school district (See related acts at the end of the charter).
1925	12	Amended § 3 relative to elections and term of officers.
1931	397	Amended § 3 relative to elections and term of officers.
1961	26	Replaced § 2 relative to corporate boundaries.
1961	236	Replaced § 3 relative to elections and term of officers; § 4 relative to board of mayor and aldermen; § 6 relative to marshal; amended § 8 relative to powers of the board; and § 12 relative to mayor's powers.
1987	61	Replaced § 3 relative to elections and term of officers.
2004	96	Replaced § 3 relative to elections and term of officers.
2009	30	Replaced §§ 2, 4, 5, 6, 10, 11, and 12, and deleted § 9 and Priv. Act 1907, ch. 448 (relative to special school district).