



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

December 21, 2024

Private Acts of 1931 Chapter 689

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Private Acts of 1931 Chapter 689

SECTION 1. That the inhabitants of the territory hereinafter described are hereby constituted a body politic and corporate under the name of Hickory Valley Taxing District, and by that name shall have perpetual succession, shall sue and be sued in all the courts of law and equity in all matters relative to its corporate action, may purchase, receive and hold real estate and personal property within the corporate limits of said town, and may sell, lease or dispose of same for the benefit of the town, and may purchase, receive and hold personal property and real estate beyond the corporate limits of the town for corporate purposes. The corporate limits of said town shall embrace the territories within the following boundaries:

"Beginning at the northwest corner of the East Brainerd incorporation line and running north one thousand feet west of the Municipal Airport Road to the airport property line; thence north along the airport property line to the N. C. & St. L. R. R.; thence northwest along the said railroad one thousand feet northwest of the Chickamauga Station; thence running northeast to Timmons Creek; thence north along the east side of said creek to the old Cleveland Pike; thence east along the Cleveland Pike to Reids Road; thence north on the east side of Reids Road to the south boundary of the Southern Railway right of way; thence east along the south side of the said railroad to the old Cleveland Pike grade crossing; thence due east to the old James County line, now the Fourth District line of Hamilton County; thence south following the district line to the Standifer Road; thence west along the south property lines of McInturf, Boulton, Nielsen, Burton, Ayers and Pennybaker to a point five hundred feet east of the Gunbarrel Road; thence south running five hundred feet east of the Gunbarrel Road to the section line south of the Cleveland Road extension; thence west following the section line to within one thousand feet east of the Hickory Valley Road; thence south one thousand feet east of the Hickory Valley Road to the north boundary line of the East Brainerd incorporation; thence west along said boundary line to the beginning. Excepting, however, all of the area lying within the limits of the right of way of the Southern Railway."

SECTION 2. That said town shall have power by ordinance of its governing authority within said city:

- (1) To assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation and privileges taxable by law for State, county or city purposes and to make special assessments for regular improvements,
- (2) To contract and be contracted with,
- (3) To make regulations in reference to health and sanitation, with full power to control contagious diseases and establish quarantines,
- (4) To appropriate money and provide for the expenses and debts of the town,
- (5) To prevent public and private nuisances,
- (6) To make regulations governing the good order of the inhabitants and to provide penalties for the violators of its laws,
- (7) To provide for the erection and maintenance of all public buildings,
- (8) To provide for the organization and regulation of a Police Department and a Fire Department,
- (9) To provide for the lighting of the streets, highways and other public places,
- (10) To require the building and maintenance of sidewalks,
- (11) To contract with any public service corporation or corporations for the furnishing of water, gas, electricity, or telephone service,
- (12) To exercise the power of eminent domain as now provided by law for taking over private property for corporate purposes and internal improvement.

SECTION 3. That all qualified voters residing within or owning real estate within the corporate limits of said town shall be entitled to vote at any municipal election held under the authority of this Act.

SECTION 4. That said corporation be and it is hereby authorized to contract indebtedness by borrowing money and to issue its bonds therefor for the purpose of erecting buildings and constructing and maintaining sewers, and for the erection and maintenance of a waterworks system and lights, *provided* that the aggregate indebtedness to be incurred for such purposes shall not exceed ten per centum of the assessed valuation of the taxable property of the said town as shown by the last assessment preceding the date of issuance of such bonds, and *provided, further*, that no bonds shall be sold for less than par and accrued interest and shall not draw more than six per cent interest. Any bonds issued under this authority shall be authorized by ordinance and shall be signed by the Mayor and Clerk of the governing board. Said corporation is hereby authorized, when approved by ordinance of the governing board, to

issue the necessary amount of bonds, not to exceed Twenty-five Thousand (\$25,000) Dollars, for the purpose of contracting for a water system connecting with the said town and supplying the citizens and public buildings thereof with water. Such bonds, if and when issued, shall be designated as "Water Supply Bonds," shall bear interest not exceeding six per cent per annum and shall run for a period of not less than five nor more than twenty-five years, and shall not be sold for less than par. All issues of bonds other than the "Water Supply Bonds," herein authorized shall be made only after submission of the issuance of the said bonds to the voters of said town after the approval by the majority of the voters in said election called for that purpose and held in accordance with the general election laws of Tennessee.

SECTION 5. That the government of said town is hereby vested in a Board of Commissioners consisting of a Mayor and four Commissioners, all of whom must be bona fide residents of the corporate limits of said town. The first Mayor shall be L. T. Prigmore, and the first Commissioners shall be Lewis Roberson, W. E. Walker, J. W. Wilson, and P. C. Pennebaker, and shall hold their offices and act as such until the first Monday of September, 1932, and at the same time that the county election is held in August, 1932, and each and every two years thereafter there shall be an election for the purpose of electing a Mayor and Commissioners for the said town. The Mayor and Commissioners elected at such election shall assume their official duties on the first Monday of September thereafter and shall meet and organize on such date. A majority of the Board of Commissioners shall constitute a quorum. The first Board of Commissioners shall meet on the second Monday following the passage and approval of this Act and shall elect one of their number as Clerk of the Board, and thereafter each new Board of Commissioners shall likewise elect a Clerk. The Commissioners shall meet in regular session at least once every two months, the time and place of the meeting to be fixed by the Board of Commissioners. Special meetings of the Board may be called at any time by the Mayor on one days' written notice, mailed or otherwise delivered, to each Commissioner. The said Board of Commissioners, when organized, shall have full authority by an affirmative vote of a majority thereof to pass ordinances and resolutions for the government of said town in accordance with the provisions of this charter, and shall have the right to delegate the performance of any of the duties of any of the Board of Commissioners to the Mayor. The Mayor shall be the presiding officer of the Board of Commissioners, shall be the business and executive head and financial agent and treasurer of the town and shall be in charge of all funds of the town and of the enforcements [sic] of the ordinances and the execution of the contracts and obligations of the town, but no contracts in excess of One Hundred (\$100.00) Dollars are to be made or executed by the Mayor except with the approval and authority of the Board of Commissioners in regular session and shall perform all other duties required of him by any ordinance or resolution duly enacted, not in conflict with this charter, and shall have jurisdiction over all cases for violation of ordinances of the town, and power and authority to impose fines and costs and to punish by fine and/or imprisonment for violation of ordinances of the town, and to collect such fines and costs imposed by him and the power and authority to commit the offender to prison, or such other place provided therefor, for failure to pay same, until such fines and costs are paid at the rate of a day's imprisonment for each Fifty (50¢) Cents of such fines and costs. The Mayor may, without condition, remit fines and costs, or any part thereof, so imposed. Any person may appeal to the Circuit Court of Hamilton County from the judgments of the Mayor within two whole days, exclusive of Sundays, upon given appearance bond in the sum of One Hundred (\$100.00) Dollars. All fines and costs, which costs shall be the same as taxed by Justices of the Peace, shall be paid to the Mayor and become the funds of the town for general purposes of the town. The Commissioners shall serve without compensation, but may fix a compensation for the Mayor not in excess of Ten (\$10.00) Dollars per month. The Mayor and Board of Commissioners shall have the power and authority to create any official position and fix the duties thereof, and to appoint suitable persons thereto by ordinance and resolution. A complete minute record of the proceedings of said Commission shall be kept by the Clerk and such minutes shall be read and approved at each succeeding meeting of the Commission and be signed by the Mayor.

All ordinances providing for the issuance of bonds shall be passed on three readings, not more than two of which may be held at the same meeting or on the same date, and such ordinance shall after second reading be advertised in some newspaper published in Hamilton County at least two times and not less than one week prior to the final passage thereof. All vacancies occurring in the Commission shall be filled by the remaining Commissioners and the same Commissioner shall fill the vacancy until the next regular election.

SECTION 6. That the control and management of the public schools and the public roads, streets and highways within the territory herein incorporated are hereby reserved to the officials of Hamilton County, in whom the same are now vested by law, *provided, however,* that the sewers, water lines and light and power lines for said town may be laid in the public roads and highways and in the streets and alleys of said town by the authorities of said town, and in such event the said town shall be required to replace such roads and highways in as good condition as before such work was done.

SECTION 7. That when any bond issue is authorized under the provisions of this charter the Mayor and Board of Commissioners shall have authority to adopt the form of bonds and coupons and to fix the time for the maturity of such bonds at not less than five nor more than twenty-five years, and to provide for the levy of a tax on the property within the corporate limits of said town for the purpose of paying the interest on said bonds, and provide a sinking fund sufficient to retire such bonds within the period of their maturity.

The specific purpose of any bond issue shall be stated in the resolution authorizing such issue, and the money derived therefrom shall be used only for such purposes.

SECTION 8. That all officials of said town shall, before assuming the performance of any official duty, take an oath before some person authorized to administer oath under the laws of Tennessee to perform the duties imposed upon them honestly, fearlessly and to the best of their ability, and each official of said town who at any time shall be designated as custodian of any public fund shall, before taking over any of such fund, execute a bond with proper security, to be approved by the Mayor and Board of Commissioners, and for such amount as may be fixed by the Mayor and Board of Commissioners.

SECTION 9. That the Board of Commissioners be and are hereby authorized to provide for the collection of taxes and to enter into a contract with the Trustee of Hamilton County to collect same, and the manner in which same shall be kept and disposed of, and to fix the compensation for so collecting the taxes.

SECTION 10. That the said town, by ordinance of its Mayor and Board of Commissioners, may establish parks or playgrounds within the corporate limits and regulate and control same and the use thereof.

SECTION 11. That the Mayor and Board of Commissioners may by ordinance enforce any regulations or ordinances hereof by means of fines, penalties, or imprisonment, or by action or proceedings in any court of competent jurisdiction, or by any one or more of such means, and may impose costs as a part thereof, but no fine or penalty shall exceed Twenty-five (\$25.00) Dollars and no imprisonment exceed thirty (30) days.

SECTION 12. That before this Act shall become effective the question of incorporation shall be submitted to a vote of the legally qualified resident voters of said territory at an election which the Election Commissioners of Hamilton County, Tennessee, are hereby required to hold within said territory within a period of two years after the passage of this Act. If a majority so voting shall vote for incorporation, then this Act shall become effective, but if a majority of said voters shall be against incorporation, then this Act shall not become effective.

SECTION 13. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: July 1, 1931.

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