

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

CHAPTER 373

House Bill No. 647.

(By Mr. Lanier.)

AN ACT Entitled "An Act to incorporate the town of Atoka, Tipton County, Tennessee, and to prescribe its corporate boundaries and regulate its municipal government."

**SECTION 1.** Be it enacted by the General Assembly of the State of Tennessee, That the citizens of Atoka, in the county of Tipton, State of Tennessee, are hereby incorporated by the name of the Mayor and Aldermen of Atoka, and by that name may sue and be sued and contract and be contracted with, hold real and personal property, assess taxes to improve its streets and sidewalks and public squares, and pass all ordinances necessary of the benefit and good of the town.

**SECTION 2.** Be it further enacted, That the boundaries of the said town of Atoka, Tennessee shall be as follows: beginning at a stake, the S.E. corner of Kimbrough to the S.W. corner of Blaydes in a pond; thence in a northerly direction with the lines of Kimbrough and Blaydes about 600 feet to a stake; thence westerly to an oak tree near Kimbrough's smokehouse about 300 yards; thence westerly to the S.W. corner of Kimbrough's garden; thence northerly within Kimbrough's garden fence to a stake in the Memphis and Covington Road about 200 feet; thence easterly along said road about 300 yards to a tree near the house where Russell now lives, the foregoing boundaries including the residence house of V. Kimbrough; thence running about 150 feet to the S.W. corner of O.E. Tenant's lot; thence with this line to the Atoka and Munford Road about 200 feet from A.F. Walker's line; thence N.E. across Mrs. Tipton's field about 1,200 feet to a forked black locust on the bank of a branch west of Sam Robertson's line 150 feet; thence with the meanderings of said branch across the Covington and Atoka Road; thence along the creek to the N.E. corner of the old Stevenson tract of land now owned by Mrs. W.E. McCarty; thence nearly south

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<sup>1</sup>Priv. Act 1911, ch. 373, is the current basic charter act for the Town of Atoka, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2011 Session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the ends of those sections the citation to the official act or acts constituting the amendment or amendments.

with the old Stevenson line to C.L. Harmon and McCarty's corner; thence nearly south with Harmon's Stevenson's and Ervin's lines to the Idaville and Atoka; thence south to a point on Mrs. Fannie Simonton's line joining McLaughlin about 600 feet; thence east on said line to Mrs. Anna Walker's about 400 feet; thence on the line of McLaughlin and Walker to the Bethel and Atoka Road; thence about 300 feet to the beginning corner.

**SECTION 3.** Be it further enacted, That there shall be a Mayor and six Aldermen, who shall constitute the Board of Mayor and Aldermen of Atoka, and they shall be elected by the qualified voters as hereafter provided.

**SECTION 4.** Be it further enacted, In order to increase the participation of the voters in municipal elections and to save considerable expense for the taxpayers of the Town of Atoka, the Board of Mayor and Aldermen hereby extend the terms of the current members of the board so that future elections of the Town of Atoka will be conducted at the regular election held in November of even-numbered years. The terms of the three aldermen whose terms expire in May 2007 are hereby extended until the first regular meeting of the board in December 2008, at which time the three aldermen elected at the November 2008 election shall take office. The terms of the three aldermen and the mayor whose terms expire in May 2009 are hereby extended until the first regular meeting of the board in December 2010, at which time the mayor and aldermen elected at the November 2010 election shall take office.

At the election to be held in November 2008, and each succeeding election held every two years thereafter, the three (3) candidates receiving the highest number of votes for alderman shall be elected for a term of four (4) years or until their successors are elected and qualified.

At the election to be held in November 2010, and each succeeding election held every two years thereafter, the three (3) candidates receiving the highest number of votes for alderman shall be elected for a term of four (4) years or until their successors are elected and qualified.

At the election to be held in November 2010, and each succeeding election held every four years thereafter, there shall be an election for the office of mayor, who shall be elected for a term of four years or until the mayor's successor is elected and qualified.

The Mayor and Aldermen shall assume office at the first regular meeting of the board in December following their election. (as amended by Chapter 63, Private Acts of 1977, and replaced by Chapter 125, Private Acts of 2006)

**SECTION 5.** Be it further enacted, Every person elected to the office of Mayor or Alderman shall have been a resident of the state of Tennessee for more than one (1) year, a resident within the boundaries of Atoka for not less than six (6) months immediately preceding the election, and shall continue to reside within the town of Atoka during his term of office. In case of the removal of any officer of the town of Atoka, his respective office shall immediately become vacant. (as amended by Chapter 19, Private Acts of 1973, and replaced by Chapter 125, Private Acts of 2006)

**SECTION 6.** Be it further enacted, That all elections for said town of Atoka shall be held by the Commissioners of Elections of Tipton County, under the laws of the State of Tennessee governing elections, or by such officer or officers and in such manner as the laws of the State may prescribe.

**SECTION 7.** Be it further enacted, That all persons who are qualified to vote for members of the General Assembly in the State and who have been actual bona fide residents and citizens of the territory within the corporate boundaries of Atoka for six months prior to the election, and all nonresidents who are qualified voters under the laws of the State of Tennessee and Tipton County, owning real estate in Atoka, shall be entitled to vote in the election to be held on the second Tuesday in May, 1911, and at every subsequent municipal election.

**SECTION 8.** Be it further enacted, The officers of the corporation of Atoka shall, before entering upon the discharge of duties of the office, take an oath to support the Constitution and the laws of the United States and the State of Tennessee. (as replaced by Chapter 125, Private Acts of 2006)

**SECTION 9.** Be it further enacted, That the salaries and compensation of all officers of the town of Atoka shall be fixed by ordinance of the Board of Mayor and Aldermen; and the said salaries of the various officers heretofore mentioned may be changed by ordinance, but they shall not be increased or diminished for the term for which they are elected.

**SECTION 10.** Be it further enacted, That the Mayor and Aldermen of the town of Atoka shall have power by ordinance in said corporation to levy and collect taxes upon all property taxable by law for State purposes and upon all privileges and polls taxable by the laws of the State; to appropriate money to provide for the debts and expenses of the town; to prevent and remove nuisances; to open, alter, abolish, widen, extend, preserve, and keep in good repair the streets and sidewalks; to establish patrols and watches; to regulate and suppress all disorderly houses and houses of ill fame; and to provide for the arrest and confinement of all vagrants, riotous or disorderly persons within the

limits of the town; to impose fines and penalties for the breach of any ordinance or by-law, and to provide for their recovery.

The Board of Mayor and Aldermen shall have authority to appoint some suitable person to serve as town marshal and to fix his compensation. The town marshal shall serve at the pleasure of the Board of Mayor and Aldermen. (as amended by Chapter 3, Private Acts of 1969)

**SECTION 11.** Be it further enacted, That the Mayor and Aldermen may, as soon as practicable after the passage of this Act, erect, purchase, or rent and organize a workhouse within or beyond the limits of the town; and any person who shall neglect, fail, or refuse to pay any fine or costs imposed upon him or her under any ordinance of the town shall be committed to the workhouse until such fine and costs be fully paid. Every person so committed to the workhouse shall be required to work for the town at such work as his or her health and strength will permit within or without the workhouse, not exceeding ten hours per day, Sunday excepted, and for such work shall be allowed forty cents per day and board until the whole fine and costs are discharged, when said person shall be released; and until such workhouse is established, such offenders may be made to work the streets of said town, subject to the same probation and limitations as above.

**SECTION 12.** Be it further enacted, That the Mayor shall act as President of the Board of Mayor and Aldermen, and that the Recorder and Treasurer shall act as Secretary or Clerk to said Board of Mayor and Aldermen, and during the absence of either one of these officials the Aldermen present shall choose one of their own members, to fill the vacancy temporarily; and said Board shall have power to fill all vacancies caused by death, removal, resignation, or otherwise.

**SECTION 13.** Be it further enacted, That four members of the Board of Mayor and Aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day or time to time.

**SECTION 14.** Be it further enacted, That all ordinances of the town of Atoka and a full and complete record of the proceedings of the Board of Mayor and Aldermen shall be kept by the Recorder and Treasurer, who shall keep a minute book, and also in a separate book called the "Ordinance Book," in which shall be recorded all the ordinances passed by the Board, with the date on which they were passed.

**SECTION 15.** Be it further enacted, That the Recorder and Treasurer shall collect, receive, and receipt and account for the revenue of the corporation; but he shall not pay out any part of the same except on warrants previously

authorized and issued by the Mayor and attested by the Recorder and Treasurer, and such warrants shall specify the particular fund out of which they are to be paid, the purpose of which they are issued, and shall be payable out of no other fund.

**SECTION 16.** Be it further enacted, That the Recorder and Treasurer shall have the custody of all public records and all contracts and of all deeds and other instruments of writing belonging to said corporation, except his own official bond.

**SECTION 17.** Be it further enacted, That the Board of Mayor and Aldermen may by ordinance prescribe and require a bond or bonds of any officer elected by said Board or by the people or voters of said town and fix the amount and terms thereof; and such bonds shall be required of any and all officers charged with the collection of the corporate revenue.

**SECTION 18.** Be it further enacted, That it shall be the duty of the Recorder and Treasurer to keep a full and accurate system of accounts with each official department of the corporate government, showing the amounts of receipts and expenditures of each of said departments; and he shall submit a statement of the same to the Board of Mayor and Aldermen whenever requested by said Board.

**SECTION 19.** Be it further enacted, That the Mayor of said town is hereby vested with full power and authority to try and determine all offenses for the violation of ordinances and laws of said corporation, and to impose and enforce and cause to be enforced penalties and punishments for violations of the laws and ordinances of the said town of Atoka; and he is also hereby vested within the limits of the said corporation concurrent jurisdiction with Justices of the Peace in cases of the violations of the criminal laws of the State of Tennessee, and to be entitled to the same fee as now allowed Justices of the Peace for their services, said court to have power and authority to preserve order and decorum while in session, and shall be vested with the same powers to suppress disorder in the courtroom as are incident to the Justices of the Peace. The Mayor shall have the power to remit fines and penalties.

**SECTION 20.** Be it further enacted, That the City Marshal of said town of Atoka, or any person of the police force of said town, may arrest any person who in his presence, may be guilty of a breach of any ordinance of said corporation or of a crime against the laws of the State of Tennessee; and they are empowered to serve process of any kind or character issued by or out of the Mayor's Court, and to serve process in criminal matters issued by a Justice of the Peace within the corporate limits of said town of Atoka.

**SECTION 21.** Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

**PASSED:** April 17, 1911

A.M. Leach,  
Speaker of the House of Representatives

N. Baxter, Jr.,  
Speaker of the Senate

**APPROVED:** June 24, 1911

Ben W. Hooper,  
Governor

ACTS COMPRISING THE CHARTER OF ATOKA, TENNESSEE

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YEAR	CHAPTER	SUBJECT
1911	373	Charter of incorporation.
1969	3	Section 4 (elections) amended.
1969	3	Section 10 (powers) amended.
1969	3	Section 20 (powers of marshal and police) amended.
1973	19	Section 4 (elections) amended.
1973	19	Section 5 (officers) amended.
1977	63	Section 4 (elections) amended.
2006	125	Section 4 (elections) replaced.
2006	125	Section 5 (officers) replaced.
2006	125	Section 8 (oath of office) replaced.