



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

July 22, 2024

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# McMinn

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Dear Reader:

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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.

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<b>McMinn</b> .....	<b>4</b>
<b>Chapter I - Administration</b> .....	<b>5</b>
<b>County Register</b> .....	<b>5</b>
<b>Deeds</b> .....	<b>5</b>
<b>Private Acts of 1961 Chapter 292</b> .....	<b>5</b>
<b>County Trustee</b> .....	<b>5</b>
<b>Private Acts of 1997 Chapter 4</b> .....	<b>5</b>
<b>Hiwassee River Tri-County Port Authority</b> .....	<b>5</b>
<b>Public Acts of 1963 Chapter 357</b> .....	<b>5</b>
<b>Mobile Home and Travel Trailer Parks</b> .....	<b>13</b>
<b>Private Acts of 2000 Chapter 114</b> .....	<b>13</b>
<b>Administration - Historical Notes</b> .....	<b>13</b>
<b>Chapter II - Animals and Fish</b> .....	<b>16</b>
<b>Red Foxes</b> .....	<b>16</b>
<b>Private Acts of 1955 Chapter 356</b> .....	<b>16</b>
<b>Animals and Fish - Historical Notes</b> .....	<b>16</b>
<b>Chapter III - Bond Issues</b> .....	<b>16</b>
<b>Bond Issues - Historical Notes</b> .....	<b>16</b>
<b>Chapter IV - Boundaries</b> .....	<b>22</b>
<b>Creation of the County</b> .....	<b>22</b>
<b>Acts of 1819 Chapter 7</b> .....	<b>22</b>
<b>County Seat</b> .....	<b>22</b>
<b>Acts of 1821 Chapter 204</b> .....	<b>23</b>
<b>Change of Boundary Lines</b> .....	<b>24</b>
<b>Acts of 1822 Chapter 194</b> .....	<b>24</b>
<b>Acts of 1833 Chapter 214</b> .....	<b>24</b>
<b>Public Acts of 1833 Chapter 16</b> .....	<b>24</b>
<b>Acts of 1837-38 Chapter 304</b> .....	<b>25</b>
<b>Acts of 1849-50 Chapter 98</b> .....	<b>25</b>
<b>Acts of 1873 Chapter 69</b> .....	<b>25</b>
<b>Acts of 1881 Chapter 61</b> .....	<b>25</b>
<b>Acts of 1901 Chapter 347</b> .....	<b>26</b>
<b>Acts of 1903 Chapter 166</b> .....	<b>26</b>
<b>Private Acts of 1923 Chapter 229</b> .....	<b>26</b>
<b>Private Acts of 1929 Chapter 184</b> .....	<b>26</b>
<b>Private Acts of 1933 Chapter 262</b> .....	<b>26</b>
<b>Private Acts of 1935 Chapter 239</b> .....	<b>27</b>
<b>Private Acts of 1935 Chapter 295</b> .....	<b>27</b>
<b>Private Acts of 1937 Chapter 849</b> .....	<b>27</b>
<b>Private Acts of 1951 Chapter 346</b> .....	<b>28</b>
<b>Boundaries - Historical Notes</b> .....	<b>28</b>
<b>Chapter V - Court System</b> .....	<b>29</b>
<b>General Sessions Court</b> .....	<b>29</b>
<b>Private Acts of 1947 Chapter 210</b> .....	<b>29</b>
<b>Court System - Historical Notes</b> .....	<b>31</b>
<b>Chapter VI - Education/Schools</b> .....	<b>34</b>
<b>Board of Education</b> .....	<b>34</b>
<b>Private Acts of 1999 Chapter 61</b> .....	<b>34</b>
<b>Superintendent or Director of Schools</b> .....	<b>34</b>
<b>Audit</b> .....	<b>34</b>
<b>Private Acts of 1949 Chapter 529</b> .....	<b>34</b>
<b>Education/Schools - Historical Notes</b> .....	<b>35</b>
<b>Chapter VII - Elections</b> .....	<b>36</b>

<b>Campaign Literature .....</b>	<b>.36</b>
<b>Private Acts of 1982 Chapter 337 .....</b>	<b>.36</b>
<b>Commissioner of Elections .....</b>	<b>.36</b>
<b>List of Registered Voters .....</b>	<b>.36</b>
<b>Private Acts of 1957 Chapter 20 .....</b>	<b>.36</b>
<b>Districts - Reapportionment .....</b>	<b>.37</b>
<b>Civil Districts .....</b>	<b>.37</b>
<b>Private Acts of 1953 Chapter 121 .....</b>	<b>.37</b>
<b>Elections - Historical Notes .....</b>	<b>.38</b>
<b>Chapter VIII - Health .....</b>	<b>.39</b>
<b>County Health Officer - Physician .....</b>	<b>.39</b>
<b>Private Acts of 1933 Chapter 864 .....</b>	<b>.39</b>
<b>Landfills .....</b>	<b>.40</b>
<b>Private Acts of 1987 Chapter 43 .....</b>	<b>.40</b>
<b>Health - Historical Notes .....</b>	<b>.41</b>
<b>Chapter IX - Highways and Roads .....</b>	<b>.41</b>
<b>Commissioner of Highways .....</b>	<b>.41</b>
<b>Private Acts of 1982 Chapter 189 .....</b>	<b>.41</b>
<b>Roads .....</b>	<b>.41</b>
<b>Private Acts of 1991 Chapter 83 .....</b>	<b>.41</b>
<b>Highways and Roads - Historical Notes .....</b>	<b>.43</b>
<b>Chapter X - Law Enforcement .....</b>	<b>.45</b>
<b>Law Enforcement - Historical Notes .....</b>	<b>.45</b>
<b>Chapter XI - Taxation .....</b>	<b>.46</b>
<b>Assessor of Property .....</b>	<b>.46</b>
<b>Additional Duties .....</b>	<b>.46</b>
<b>Private Acts of 1961 Chapter 292 .....</b>	<b>.46</b>
<b>Hazardous Waste Facilities Privilege Tax .....</b>	<b>.47</b>
<b>Private Acts of 1991 Chapter 131 .....</b>	<b>.47</b>
<b>Hotel/Motel Tax .....</b>	<b>.48</b>
<b>Private Acts of 1989 Chapter 5 .....</b>	<b>.48</b>
<b>Law Library Litigation Tax .....</b>	<b>.50</b>
<b>Private Acts of 1971 Chapter 150 .....</b>	<b>.50</b>
<b>Taxation - Historical Notes .....</b>	<b>.51</b>

# McMinn



McMinn County Courthouse

**Original Compilation By:** William C. McIntyre, Legal Specialist

**Revised and Edited By:** Bretran R. Thompson, Legal Specialist,  
February, 1986

**Updated By:** Elaine Turner, February, 2005

## Chapter I - Administration

### County Register

#### Deeds

### Private Acts of 1961 Chapter 292

**SECTION 1.** That it shall be the duty of the Tax Assessor of McMinn County to be present in person, or to have a deputy present, at his office in the Courthouse during office hours. It shall be the further duty of the Tax Assessor to stamp or cause to be stamped all deeds presented at his office, with a stamp showing that he has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper correction on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the tax rolls of McMinn County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof.

**SECTION 2.** That the County Register of the County of McMinn, State of Tennessee, shall not record any deed conveying real estate in said County unless same bears the stamp of the Tax Assessor of said County, certifying that said Tax Assessor has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments.

**SECTION 3.** That the provisions of this Act shall have no effect unless the same shall be approved by a two-thirds vote of the County Council of McMinn County and its approval or nonapproval shall be proclaimed by the presiding officer of said body having jurisdiction to approve or the reverse, and the same shall be certified by him to the Secretary of State.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1961.

### County Trustee

### Private Acts of 1997 Chapter 4

**SECTION 1.** The Trustee of McMinn County may accept property taxes at any time after July 10 in accordance with the provisions of Tennessee Code Annotated, Section 67-1-701.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: February 24, 1997.

### Hiwassee River Tri-County Port Authority

### Public Acts of 1963 Chapter 357

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** That, in order to facilitate transportation in the Counties of Bradley, McMinn, and Polk in the State of Tennessee, and to promote navigation on the Hiwassee River, which traverses portions of the said counties; to facilitate the movement and transfer of people, goods and merchandise to, from and through the said counties; to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said counties, there is hereby established in Bradley, McMinn, and Polk Counties, Tennessee a Port Authority, to be known as "The Hiwassee River Tri-County Port Authority", "The Port Authority" or "The Port Authority Commissioners," for the purposes of (a) acquiring, constructing, operating and maintaining ports and navigation terminals on the Hiwassee River, including docks, wharves, piers, loading and unloading machinery, scales,

transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities; (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing or fabricating plants or other industries which require access to the waters of the Hiwassee River in their operations; and (c) acquiring, constructing, operating, and maintaining railroads, switchyards, concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Port Authority as hereinafter provided.

**SECTION 2.** That the development, maintenance, and operation of such facilities are hereby declared to be essentially public and governmental functions. The powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

**SECTION 3.** That the Port Authority shall consist of the Port Authority Commissioners, who shall be nine in number, and such subordinate officers and employees as may be selected by said Port Authority Commissioners, as hereinafter provided.

**SECTION 4.** That the said Port Authority Commissioners shall have power, and they are hereby authorized:

- (a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of Bradley, McMinn, and Polk Counties, Tennessee (except not within the present corporate limits of any other municipality now within said area, without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof, and any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.
- (b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purposes of this Act.
- (c) To accept grants, loans, or other financial assistance from any federal, state, county, or municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.
- (d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said counties which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of the Hiwassee River in their operations.
- (e) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.
- (f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.
- (g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.
- (h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of The Port Authority and the efficient operation of its facilities.

(i) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this Act.

**SECTION 5.** That, except as otherwise expressly provided in this Act, The Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration of facilities constructed or acquired pursuant to this Act; provided, however, that said Authority may lease or license lands or facilities under its jurisdiction, for operation by private persons or corporations, as provided in Section 4(e) of this Act.

**SECTION 6.** That the Port Authority is hereby authorized and empowered to condemn on behalf of and in the name of the Counties of Bradley, McMinn, and Polk in the State of Tennessee, any land, easements, or rights of way in said counties that, in the opinion of the Board of Commissioners, are necessary or convenient to carry out the purposes of this Act. Title to property so condemned shall be taken by and in the name of the county containing said property, and the property shall thereafter be entrusted to said Authority, as the agent of the county, to accomplish the purposes of this Act. Such condemnation proceedings shall be pursuant to and in accordance with Sections 23-1401 through 23-1525, inclusive, of the Tennessee Code Annotated, or as the same may be hereafter amended, or other eminent domain laws of the State of Tennessee that may be hereafter enacted; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court; provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by the Port Authority on behalf of the county taking such property, and upon posting of a bond with the Clerk of the Court in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

**SECTION 7.** That bonds issued pursuant to this Act, and income therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this Act, remains in the Counties of Bradley, McMinn, and Polk, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend the leasehold or other interest in such property which may be held by any private person or private corporation.

**SECTION 8.** That Bradley, McMinn, and Polk Counties, The Port Authority, and the Board of Commissioners shall not be required to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other like instrumentality of the State of Tennessee, or any political subdivision thereof, in order to acquire, construct, purchase, operate, or maintain any of the facilities authorized by this Act.

**SECTION 9.** That neither the Tennessee Public Service Commission nor any other board or commission of like character hereafter created shall have jurisdiction over The Port Authority with respect to the management and control of the facilities authorized by this Act, including the establishment of rates, fees, and charges, or otherwise.

**SECTION 10.** That the Board of Commissioners of the Port Authority shall consist of nine members. Three of the nine initial members of the Board of Commissioners of the Port Authority shall be elected by a majority vote of the members of each of the County Courts of Bradley and Polk Counties and the County Council of McMinn County on the first Thursday of March, 1963, or as soon as practicable, and their respective terms of office shall be as follows: The term of office of the first member selected by each respective county court or council shall expire the first Thursday of March 1965; the term of office of the second member selected by each respective county court or council shall expire the first Thursday of March 1967; the term of office of the third member selected by each respective county court or council shall expire the first Thursday of March 1969.

The successors in office, for each of the respective nine initial members of the Board of Commissioners of the Port authority whose full terms of office have expired, shall be elected by the county court or council which originally selected such initial member, as hereinafter provided, for regular terms of office of six years each thereafter, whose respective terms of office shall expire on the first Thursday of March of the respective years applicable.

The County Court or Council of each of the said counties, approximately thirty days prior to the expiration of the respective terms of office of the respective members of the Board of Commissioners of the Port Authority elected by it, shall elect their respective successors from among three nominees for the office, whose names shall be submitted to the respective county courts or council of the said counties by the Board of Commissioners of The Port Authority, and whose names shall be filed with the clerks of the County Courts of Bradley and Polk counties and the County Manager of McMinn County not less than sixty days prior to the expiration of the term of the respective member and Commissioner; provided, however,

that the county court or council by a two-thirds vote of all of the members of said court or council, may elect as said successor some person not nominated by the Board of Commissioners of The Port Authority. In the event of failure to elect a successor to any member of said board, the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member and Commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the county court or council originally electing him in the same manner last above provided, except that the names of the three nominees for the office shall be submitted to the clerks of the county courts of Bradley and Polk counties and the County Manager of McMinn County not less than thirty days prior to the election of said successor by said county court or council and such successor Commissioner shall be elected for the unexpired term of the deceased or retiring Commissioner, whose office is vacant.

Any person at least twenty-one years of age who has resided within the boundaries of the county whose court or council may elect him, for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of the Port Authority, except the members of the County Courts of Bradley and Polk Counties and the members of the County Council of McMinn County shall not be eligible to serve as a member of said Board of Commissioners. Any Commissioner who ceases to regularly reside within the boundaries of the county electing him shall automatically become ineligible to serve in said Office. All Commissioners shall be eligible for re-election, provided they are qualified as herein required.

Before entering upon their duties, all Commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, copies of the said oath of each Commissioner shall be filed with the Clerk of the County Court of his respective county, and additional copies of the oaths of the commissioners elected by the McMinn County Council shall be filed with the County Manager of said County.

A majority of the Commissioners shall constitute a quorum and the Commissioners shall act by vote of a majority present at any meeting attended by a quorum, and vacancies among the Commissioners shall not affect their power and authority, so long as a quorum remains. Within thirty days after their election as herein provided, the Commissioners shall hold a meeting to elect a Chairman. The Commissioners shall hold regular meetings at least once every four months, and at such regular time and place as the Commissioners may, by resolution, determine, and may hold such additional meetings, either regular or special, as may be determined by the Board of Commissioners.

Special meetings may be called and held upon such notice and in such manner as the Board of Commissioners, may, by resolution, determine. Save as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

The Commissioners shall designate a Secretary and a Treasurer, or the same individual as Secretary and Treasurer, and such Secretary and/or Treasurer may or may not be a Commissioner or Commissioners. The Secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of said meetings shall be available for inspection by the public at the office of the Authority, at all reasonable times.

The Board of Commissioners, by resolution, shall require the Treasurer or Secretary- Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the Secretary of the State of Tennessee.

The Board of Commissioners, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the Board of Commissioners may determine.

All members of the Board of Commissioners shall serve as such without compensation, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the County Courts of Bradley and Polk Counties and the County Council of McMinn County.

**SECTION 11.** That, except as otherwise herein provided, the Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

**SECTION 12.** That the Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors



and other subordinate officers and employees, as may be necessary for the efficient management and operation of the Port Authority, and the operation of the facilities provided for in this Act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

**SECTION 13.** That the Counties of Bradley, McMinn, and Polk in the State of Tennessee, shall have power and authority to issue and sell their bonds to finance the acquisition, construction, improvement and/or expansion of the facilities herein authorized, and to refund bonds previously issued, or refinance indebtedness previously incurred for such purposes. The Counties of Bradley, McMinn, and Polk may, in all respects, provide for the rights of the holders of all bonds, including the manner in which future bonds may be issued on a parity with such bonds.

The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of redemption with or without premium, may be declared or become due after the maturity date thereof, and may be in such amount as may be provided by resolution or resolutions of the County Courts or Council, as the case may be, of said counties. Such bonds may be issued for money or property, at public or private sale, for such price or prices and at such rate or rates of interest, and may be hypothecated in such manner as the said County Courts or Council may determine, but the interest cost to maturity of the bonds, when the interest cost to maturity bonds, when issued for property (at the value determined by said County Courts or Council, which determination shall be conclusive), or the money received for any issue of said bonds, shall not exceed the maximum rate fixed by law, payable semiannually. Such bonds shall have all the qualities and incidents of negotiability.

Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the said County Courts or Council may determine, in the resolution authorizing said bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable.

In case any of the officers whose signatures or countersignatures appear on such bonds shall cease to be such officers before the delivery of the bonds, such signatures and countersignatures shall nevertheless be valid and sufficient for all purposes, the same as though such officers had remained in office until the bonds had been delivered. Such bonds may be issued, notwithstanding and without regard to any limit or restriction on the amount or percentage of indebtedness, or of outstanding obligations of the Counties of Bradley, McMinn, and Polk, contained in any other statute, general or special, and notwithstanding and without regard to the requirements of any other general or special statute, including requirements as to elections for the approval of such bonds.

In the case of bonds payable solely out of the revenues of The Port Authority, it shall be the duty of the County Courts or Council, as the case may be, of Bradley, McMinn, and Polk Counties to provide, by resolution, for the issuance of such bonds, as requested by the Port Authority Commissioners.

Prior to a vote by the County Courts and Council of said counties authorizing the issuance of bonds to be financed wholly or in part through tax levies by the said County Courts and Council, the Port Authority Commissioners shall prepare and submit to the County Courts of each of the counties of Bradley and Polk and to the County Council of McMinn County, a recommendation that bonds in a stated amount be issued hereunder, and the equal pro rata amount to be issued by each county, supported by a report on the need for, and projected use of the facilities for the financing of which such bonds issue is proposed, including a review of alternate solutions, if any, and a justification of the solution proposed.

Bonds may be issued as direct and general obligations of each of the Counties of Bradley, McMinn, and Polk payable out of their several and separate general income and revenue, or at the election and subject to the determination of the Port Authority Commissioners, may be made payable only out of the revenues from the facilities of the Port Authority. In case the bonds are issued as general obligations of the said counties, it shall be the duty of the County Court or Council, as the case may be, of each of the said counties to levy a tax each year, over and above the taxes levied for general county purposes and other special county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but said County Courts shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose, will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of each of the said

County Courts and Council authorizing their issuance. Said bonds shall contain a recital that they are issued pursuant to and in accordance with this Act, and such recital shall be conclusive evidence of their legality.

**SECTION 14.** That in order to secure the payment of any of the bonds issued pursuant to this Act, the interest thereon, or in connection with such bonds, the County Courts of Bradley and Polk Counties, and the County Council of McMinn County shall have power, as to such bonds, to the extent not inconsistent with the mandatory provisions of this Act;

(a) To pledge the full faith and credit and unlimited taxing power of each of the said counties to the punctual payment of the principal of and interest of such bonds.

(b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized, and to pledge all or any part of the proceeds derived from the sale, transfer, lease, or other disposition of any land or other facilities as provided for in this Act.

(c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.

(d) To provide for the replacement of lost, destroyed or mutilated bonds.

(e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.

(f) To covenant as to the rates and charges for the use of facilities of the Port Authority, and for its services.

(g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due, before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(j) To vest in a Trustee or Trustees, the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; and to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such trustee or trustees, and limiting the liability thereof, and describing what occurrences shall constitute "events of default," and prescribing the terms and conditions upon which such trustee or trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this Act.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

**SECTION 15.** That any holder or holders of bonds, including trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, or any other proper officer, agent or employee of any of them, including, but without limitation, the right to require the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, and any proper officer, agent or employee of any of them, to assess, levy and collect taxes, and to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of taxes or Authority revenues, and to require the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, and any officer, agent or employee of them, to carry out any other covenants and agreements and to perform its and their duties under this Act.

(b) By action or suit in equity to enjoin any acts or things, which may be unlawful or in violation of the rights of such holders of bonds.

**SECTION 16.** That the County Court or Council, as the case may be, authorizing and issuing said bonds shall have power, by resolution, to confer upon any holder or holders of a specified amount or percentage of bonds, including a trustee or trustees, for such holders, the rights, in the event of an "event of default",

as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds, or trustee or trustees thereof:

(a) By suit, action or proceedings in any court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising there from, in the same manner as the Authority itself might do, and shall deposit such monies in a separate account or accounts, and apply the same in accordance with the obligations of the bonds issued under this Act, as the court may direct.

(b) By suit, action or proceedings in any court of competent jurisdiction, to require the County Court or Council, as the case may be, authorizing and issuing said bonds, or the Port Authority Commissioners, to act as if they were the trustees of an express trust.

Any such resolution shall constitute a contract between the County and the holders of bonds of such issue.

**SECTION 17.** That an equal one-third share of all expenses actually incurred by the Port Authority Commissioners in the making of surveys, estimates of cost and of revenue, employment of engineers, attorneys, or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which said Commissioners deem necessary in connection with or precedent to the acquisition or improvement of any of the facilities herein provided for, and which they deem necessary to be paid prior to the issuance and delivery of the bonds issued pursuant to the provisions of this Act, may be met and paid out of the general funds of each of the counties of Bradley, McMinn, and Polk, not otherwise appropriated, or from any other fund available, as may be provided by the County Courts and Council of the said counties.

All such payments from the general or other funds shall be considered as temporary, noninterest bearing loans, and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of such bonds.

**SECTION 18.** That the County Courts of Bradley and Polk Counties and the County Council of McMinn County are authorized to appropriate to the Port Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Port Authority Board of Commissioners, or expenses or operation of any of the facilities authorized by this Act, and said County Courts or Council are authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within each said county, sufficient to pay the appropriation made by it to the Port Authority.

**SECTION 19.** That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this Act, shall be paid to the Treasurer of the Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts, separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as the Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

**SECTION 20.** That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as follows:

(1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities shall not be used for this purpose.

(2) The payment of the interest on the bonds issued pursuant to the provisions of this Act, and the principal of said bonds, as they severally mature, and/or payments into sinking fund reserves for this purpose.

(3) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes, as may be required under any bond indenture or as the Port Authority Commissioners may deem necessary or desirable.

(4) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the

purposes of this Act. None of such revenue shall go into the general funds of the said counties, except as may be directed by the Port Authority Commissioners.

**SECTION 21.** That, except as otherwise herein expressly provided, all contracts of the Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than Five Hundred Dollars (\$500.00), or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than One Thousand Dollars (\$1,000.00) shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

(1) An emergency arises and requires immediate delivery of the supplies or performance of the service; or

(2) Repair, parts, accessories, supplemental equipment or services or required supplies, or services previously furnished or contracted for, in which case such purchase of supplies or procurement of services shall be made in the open market in the manner common among business men.

Provided, further, that in comparing bids and in making awards, the Commissioners may consider such features as quality and adaptability of supplies or services, the bidders' financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with the specifications.

Provided, further, that in the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement of bids shall be required, but the Board of Commissioners may employ or select such architects, engineers, attorneys or professional consultants and advisors, as in the judgment of the Commissioners best meet the qualifications for rendering such services.

Provided, further, that after advertisement for bids, as provided in this section, if no acceptable bid is received, the Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or suppliers, to secure the construction of facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction", that is, the Board of Commissioners may employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this Act with its own employees.

**SECTION 22.** That the Port Authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or municipality in the State of Tennessee, provided such governmental agency shall consent to such use.

**SECTION 23.** That the Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of the Port Authority. The Commissioners may also as the agent of the counties of Bradley, McMinn, and Polk, sell, transfer, lease, or otherwise dispose of any real property in the custody and control of the Port Authority, except that any land that has been acquired through condemnation proceeding may be sold, transferred, leased or otherwise disposed of only with the approval of the County Court or Council of the County containing such property, and any vote as to such approval shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

**SECTION 24.** That the powers, authority and rights conferred by this Act shall be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

**SECTION 25.** That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

**SECTION 26.** That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Hiwassee River, facilitating the movement and transfer of goods and merchandise to, from and through the counties of Bradley, McMinn and Polk, encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said counties.

**SECTION 27.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of each of the County Courts of Bradley and Polk Counties and the County Council of McMinn County, except that failure to approve this Act by one or more of the said county courts or council within 90 days after enactment of this Act shall not prevent the one or more of said county courts or council remaining

from approving this Act which shall take effect as though written for the one or more counties approving it. Its approval or non-approval shall be proclaimed and countersigned by the clerks of each of the County Courts of Bradley and Polk Counties, and the County Manager of McMinn County, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

**SECTION 28.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1963.

## Mobile Home and Travel Trailer Parks

### Private Acts of 2000 Chapter 114

**SECTION 1.** The purpose of this act is to provide areas within the unincorporated territory of McMinn County for the location and development of planned mobile home parks and travel trailer parks. Areas for mobile home parks are to be developed and located so as to provide safe and sanitary living conditions for the mobile home occupants and to prevent the unplanned development of mobile home parks in the unincorporated territory of McMinn County. Areas for travel trailer parks are to be developed and located so as to provide safe and sanitary living conditions for travel trailer park occupants in the unincorporated territory of McMinn County.

**SECTION 2.** The McMinn County Regional Planning Commission is authorized to develop regulations for the location and development of mobile home parks and travel trailer parks in the unincorporated territory of McMinn County. These regulations shall be effective upon approval by the County Legislative Body of McMinn County and on such date as is set by such resolution for the effective date of such regulations. Prior to any action on such proposed regulations, the county clerk shall cause a copy of such proposed regulations to be published in a newspaper of general circulation in the county.

**SECTION 3.** The McMinn County Regional Planning Commission shall have the authority to establish operational procedures for administering the regulations authorized by this act and may establish reasonable fees for the administration thereof, subject to the approval of the County Legislative Body of McMinn County.

**SECTION 4.** The County Executive or his or her designee may bring action in the courts of McMinn County seeking an injunction against any violation of the regulations adopted pursuant to this act or to enforce any penalty authorized by this act. Any person who willfully neglects or refuses to comply with any of the provisions of this act shall be subject to a civil penalty of not more than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense

**SECTION 5.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body of McMinn County and certified by such presiding officer to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejection the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.

Passed: May 15, 2000.

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for McMinn County, but they have been specifically repealed or superseded by current law.

1. Private Acts of 1943, Chapter 45, created the office of Purchasing Agent and Budget Clerk. This act was repealed by Private Acts of 1947, Chapter 346, below.
2. Private Acts of 1947, Chapter 346, set up the budget procedure for McMinn County. The Office of Director of Finance was to be held by an experienced accountant to administer the financial affairs of the county, including the budget.

**County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in McMinn County. These acts are included for historical reference only. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. The position of McMinn County Attorney was first created by Private Acts of 1919, Chapter 26. This officer was to be elected by the county court for terms of two years and was to receive such compensation as the county court might set. This act was repealed by Private Acts of 1935, Chapter 209.
2. Private Acts of 1943, Chapter 171, recreated the position of County Attorney. This act provided that McMinn County Court would elect a person to that office every two years and pay him an annual retainer of \$1,800. The County Attorney was to advise county officials on legal problems, file nuisance abatement suits and act as delinquent tax collector. This office was abolished when the County Council was created in 1947.

**County Clerk**

The following acts once affected the office of county clerk in McMinn County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1823, Chapter 68, directed the McMinn County Court Clerk to move his office and the county records from Calhoun to Athens, by the first Monday of December, 1823.
2. Private Acts of 1929, Chapter 530, provided for the appointment of a deputy county court clerk, at an annual salary of \$1,200.
3. Private Acts of 1931, Chapter 226, increased the deputy county court clerk's annual salary to \$1,500. Private Acts of 1933, Chapter 306, decreased the deputy county court clerk's annual salary to \$1,080. Private Acts of 1931, Chapter 226 was repealed by Private Acts of 1935, Chapter 175.
4. Private Acts of 1931 (2nd Ex. Sess.), Chapter 3, authorized the appointment of one deputy county court clerk at an annual salary of \$1,500. This salary was to be paid from the fees of the office with any deficit to be paid from the county general funds.
5. Private Acts of 1933, Chapter 859, set the annual salary of the county court clerk at \$3,750 per annum.
6. Private Acts of 1935, Chapter 175, repealed the Private Acts of 1931, Chapter 226.

**County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of McMinn County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1826, Chapter 78, provided that the McMinn County justices of the peace could at their first session of the year elect three of their members to hold the remaining courts for that year.
2. Acts of 1832, Chapter 113, gave the county court the authority to make contracts for the construction of offices in Athens for the county clerks and the register.
3. Private Acts of 1855-56, Chapter 246, authorized the election of a Magistrate in the town of Calhoun, in McMinn County. This act was repealed by Acts of 1868-69, Chapter 21.
4. Acts of 1881, Chapter 15, provided for the appointment of Notaries Public for McMinn County. This act was superseded by T.C.A. § 8-16-101 which allows the respective legislative bodies to elect as many notaries as deemed necessary.
5. Private Acts of 1921, Chapter 344, set the per diem of Justices of the Peace in McMinn County at \$4.00, and limited this to ten days per annum.
6. Private Acts of 1947, Chapter 346, created a 9 member County Council for McMinn County which was vested with all policy-making and administrative powers of county government that were not expressly reserved to another agency. The Council employed a County Manager to serve as the executive head of county government. The manager in turn employed the Director of the Department of Finance and the Director of the Department of Highways and Public Works. This act was amended by Private Acts of 1967-68, Chapter 127, Private Acts of 1976, Chapter 244 and Private Acts of 1978, Chapter 237. This act was impliedly repealed by Public Acts of 1978, Chapter 934, Section 35, which required the General Assembly to submit an alternative form of government to the voters of counties that had a county council-manager form of government.

McMinn county rejected the alternative form of government as set forth in the Private Acts of 1980, Chapter 180, and therefore county administration falls under the provisions set forth in general statutory law.

7. Private Acts of 1951, Chapter 123, amended Private Acts of 1947, Chapter 346, by authorizing the County Council to procure an official seal for papers and documents.
8. Private Acts of 1953, Chapter 314, amended Private Acts of 1947, Chapter 346, above, by rewriting Section 20 in its entirety so that the County Council would have the sole power to sell or issue bonds or other obligations of the county.
9. Private Acts of 1967, Chapter 183, allowed Justices of the Peace twenty-five dollars for any regular or called meeting of the court and a five cent mileage allowance.
10. Private Acts of 1975, Chapter 13, amended Private Acts of 1947, Chapter 346, above, by authorizing a procedure for certain purchases and contracts without competitive bids.

### **County Register**

The following acts once affected the office of county register in McMinn County, but are no longer operative.

1. Private Acts of 1929, Chapter 529, provided for the appointment of a deputy county register in McMinn County, who was to receive a monthly salary of \$60, to be paid out of the county general fund.
2. Private Acts of 1931, Chapter 250, was identical to the 1929 act described above, except that the salary of the deputy county register was raised to \$70 per month. This act was amended by Private Acts of 1933, Chapter 307, to lower that monthly salary to \$50.
3. Private Acts of 1933, Chapter 861, set the salary of the register of deeds in McMinn County at \$2,750 annually.
4. Private Acts of 1935, Chapter 210, was an act to repeal Private Acts of 1929, Chapter 307, the same being an Act fixing salary or compensation of one Deputy County Register. Private Acts of 1929, Chapter 307, was actually an act authorizing Crockett County to issue road bonds, so the legislative intent of this act is unclear. Apparently, Private Acts of 1935, Chapter 210, was meant to be a repealer of either Private Acts of 1929, Chapter 529, or Private Acts of 1931, Chapter 250.

### **County Trustee**

The following act once affected the office of county trustee in McMinn County, but is no longer operative.

1. Private Acts of 1933, Chapter 860, set the annual salary of the McMinn County Trustee at \$3,750.

### **Purchasing**

The following act once affected the purchasing procedures of McMinn County, but is no longer operative.

1. Private Acts of 1947, Chapter 346, which set up the County Council-Manager form of government required that competitive bids were to be made for purchases over \$500.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of McMinn County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1822, Chapter 179, provided that the county court might make an additional allowance of money to the persons who had run and marked the county boundary lines.
2. Acts of 1837-38, Chapter 79, authorized the appointment of a surveyor by the county court.
3. Private Acts of 1943, Chapter 45, established the office of Purchasing Agent and Budget Clerk for McMinn County, but this position was abolished with the establishment of the County Council by Private Acts of 1947, Chapter 346.
4. Public Acts of 1965, Chapter 79, created the Cherohala Commission for the purpose of assisting in the development of the various outdoor recreational resources in that part of the Cherokee National Forest and adjacent areas lying in the southeastern area of the State of Tennessee and for the attraction of tourists to this area of the state.
5. Private Acts of 1980, Chapter 180, created an alternative form of County Manager government in McMinn County which contained several variations from the current government. Provisions for four additional councilmen to be elected at large, appropriate rules for their conduct of meetings and their business, the powers and duties of the County Manager, the various departments of the government, the budget and capital improvement program, and other aspects of the proposed

county government were all contained in this Act. The effectiveness of this legislation depended on the approval of it by a majority of the voters at the May 6, 1980, election. Our information is that the people rejected this statute at the election rendering it null and void. McMinn County therefore comes under the general law as described in Public Acts of 1978, Chapter 934, Sections 1 through 27.

## Chapter II - Animals and Fish

### Red Foxes

#### Private Acts of 1955 Chapter 356

**SECTION 1.** That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 32,000, and not more than 32,050 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census. Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

**SECTION 2.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 9, 1955.

### Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in McMinn County. They are included herein for reference purposes.

1. Acts of 1889, Chapter 171, provided for the protection of game in the state. Deer, quail, and partridges were specifically regulated. This act was amended by the Acts of 1901, Chapter 250, which permitted the hunting of deer, quail, and partridges for profit in McMinn County.
2. Acts of 1895, Chapter 127, provided for the protection of fish in Tennessee. Prohibited means of fishing were dams, traps, seines, nets, dynamite, and explosives. However, this act was amended by Acts of 1897, Chapter 280, to permit the use of fish traps and nets.
3. Acts of 1903, Chapter 183, made it unlawful to kill fish by means of net, dynamite or poisons in all the streams of Bradley, McMinn, and James Counties.
4. Acts of 1907, Chapter 15, prohibited livestock from running at large. Owners of such livestock were held responsible for damages. (Applicable in counties with populations between 19,163 and 19,175 by the 1900 Census and apparently intended to apply to McMinn County.)
5. Private Acts of 1911, Chapter 48, prohibited livestock from running at large. Owners of such livestock were held responsible. This Act was applicable in counties with populations between 21,000 and 21,100 by the census of 1910, and apparently enacted to reflect the population changes of the 1910 Federal Census since its provisions were identical to the 1907 Act.
6. Private Acts of 1915, Chapter 289, prohibited quail hunting for three years in McMinn County. After this closed season has passed, hunting was permitted from December 15 through January 15 of each year.
7. Private Acts of 1921, Chapter 405, exempted McMinn County from the general dog law of the state.
8. Private Acts of 1921, Chapter 575, determined the hunting season for quail, partridge, and doves to be from November 15 through February 1 for quail and partridge, and from September 1 through March 1 for doves.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for McMinn County is included below for



reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

### **Bridges**

1. Private Acts of 1911, Chapter 324, recited that the County Court of McMinn County had adopted a Resolution to join Bradley County in the construction of a bridge across the Hiwassee River at Charleston for the use of passenger vehicles and pedestrians on an equal basis, which share would not exceed \$16,000; and that there were other bridges in the county which also needed renovation or repair costing an estimated \$9,000. This act gives the Quarterly Court the authority to issue \$25,000 in coupon bonds, at an interest rate not to exceed 5%, and to mature from five to thirty-five years as the court might direct. All the essential details of a valid bond issue and the mandatory tax levy for the sinking fund were included. A commission to be named by the court would be in full charge of the work.

### **Courthouse**

1. Acts of 1832, Chapter 113, was the authority for the County Court of McMinn County, a majority of the Justices being present, at their next regular, or any subsequent regular meeting, to agree with some suitable person or persons, to erect adequate buildings at and upon some corner of the Public Square in Athens, for Clerk's and Register's offices, which buildings, when erected, shall be at the disposition of the said County Court to rent out to the best advantage of the county. The court may in its discretion remove the stocks from the Public Square to some other sufficient location in town. Some of the funds were allowed to be used for the repair of the courthouse.
2. Private Acts of 1927, Chapter 462, allowed the Quarterly County Court of McMinn County to issue up to \$60,000 in short-term notes at 5% interest, or less, and to mature in from three to fifteen years as the court may direct. These funds would be kept separately as the "Court House Repair Fund." These notes could be used by the County Judge, or Chairman, and the Clerk of the County Court. The court shall appoint three citizens who, with the County Judge, or Chairman shall constitute a committee to supervise the repairs, or remodeling of the Court House, provided that all the conditions stipulated in the act are observed. All the details to make up a valid bond issue and the tax levy to amortize the bonds are included in the act.
3. Private Acts of 1945, Chapter 503, permitted the Quarterly Court of McMinn County to issue up to \$100,000 in coupon bonds to erect a courthouse and jail and build additions to the same and to equip and furnish the said edifice. The interest rate could not exceed 4% and the maturity period would be for 20 years, or less. All details are present for the issue and the sinking fund tax is required. These bonds are declared exempt from the taxation of other governments, but, a provision is included that these bonds shall not be issued unless State, or Federal, money is available to maintain the construction.

### **Funding**

1. Private Acts of 1933, Chapter 15, stated that all the prior proceedings of the Quarterly Court of McMinn County, heretofore had with respect to the issuance of \$40,000 in Funding Notes, dated January 1, 1933, bearing interest at the rate of 6%, and maturing through 1943, are hereby confirmed and validated, and declared to be the incontestable obligations of McMinn County. The Quarterly Court would levy an additional tax each year until the bonds were paid.
2. Private Acts of 1935, Chapter 536, declared that all the proceedings of the Quarterly County Court of McMinn County, heretofore authorizing the issue of \$75,000 in Funding Bonds, maturing through 1945, \$75,000 in Refunding Bonds, maturing through 1949; and \$100,000 in Refunding Bonds, maturing through 1949, all bearing an interest rate of 4½%, and, in order to remove all doubt as to the genuineness of said bonds, are hereby ratified, legalized, confirmed, and validated, and declared to be the incontestable obligations of the county. The County Chairman and the Clerk of the County Court are given the authority to attend to all the details of the issue and the Quarterly Court was mandated to levy a tax, in addition to all other property taxes, which would be calculated to repay the bonds.
3. Private Acts of 1937, Chapter 81, ratified, confirmed, and validated all the previous actions taken by the Quarterly County Court of McMinn County in regard to the issuance to \$125,000 in Bonds, at 4% interest, and which would mature according to the schedule prescribed in the act which went through the year 1962. The bonds were to be used to fund and to pay off the outstanding indebtedness of the county. The Quarterly Court must levy a tax for the sinking fund as long as any of these bonds were outstanding.
4. Private Acts of 1941, Chapter 28, validated the actions of the Quarterly Court held in connection with the issuance of \$250,000 in Funding Bonds for the county, bearing a 3% interest rate, and

maturing according to the schedule established in the act, running through the year 1960. It would be the duty of the Quarterly Court to levy a tax, as long as any of these bonds were outstanding, to repay them.

5. Private Acts of 1943, Chapter 78, ratified and validated the proceedings of the Quarterly Court of McMinn County held in connection with the issue of \$125,000 in Funding Bonds of the county at split interest rates of 2½% and 2¼%, same being declared to be the incontestable obligations of the county. The proceeds shall be turned over to the Trustee of the county who shall keep them separately to pay off and retire the outstanding debts of the county. The customary tax levy to amortize the bonds was required and the debts to be paid legitimated.

### **General**

1. Private Acts of 1923, Chapter 187, stated that the county courts in counties with no more than 25,786, and no less than 25,700 in population, shall be prohibited from issuing bonds of any kind or for any purpose without first calling an election and submitting the question to the qualified voters of the county. The election must be held at least 30 days before the bonds are proposed to be issued, and be governed by the general election laws of the state. The margin stated that this act applied to Lincoln County but the population figures make it applicable also to McMinn County.
2. Private Acts of 1923, Chapter 540, also prohibited the County Courts of all counties between 25,786 and 25,700, from issuing bonds of any kind and for any purpose without first calling an election and submitting the question to the qualified voters of the county. This act repealed Private Acts of 1923, Chapter 187, above, and made this law effective in both Lincoln and McMinn Counties.

### **Roads**

1. Acts of 1899, Chapter 350, was the enabling legislation for the Quarterly Court of McMinn County, three-fifths of the Justices being present and voting therefor, to issue up to \$100,000 in bonds to lay out, construct and improve the public roads of the county but not until the issue has been submitted to, and ratified by a majority of voters of the county. The bonds would mature over a period not to exceed 20 years, and bear an interest rate of 6%, or less. The county court shall also appoint a commission of from three to five persons who shall have and exercise general supervision over the work with the power to award contracts as they deem best to responsible parties, reporting periodically on the status of the project to the court, and keeping good records of all transactions, all essential details and the customary tax levy are contained in the act. This act was repealed by the one below.
2. Acts of 1901, Chapter 478, was the authority for the Quarterly Court of McMinn County, to issue \$125,000 in bonds, or so much thereof as may be necessary, to lay out, construct, and build macadamized public roads, and to improve other roads by macadamizing them. The court shall appoint a three member commission, who are not Justices, and who shall generally supervise all phases of the work, keeping records of all meetings and transactions, and who may employ an engineer to assist them, and reporting their findings and recommendations to the court. If the report is accepted, the county court will proceed to order the work done, as recommended; if the report is rejected, the county court shall select the roads to be built, or improved and proceed after that fashion. The bonds shall mature during a period no longer than 20 years, at an interest rate not to exceed 6%. Commissioners may be paid their expenses plus such compensation as the court may fix. The usual details of the issue and the tax levy requirement to amortize the bonds are included, plus Acts of 1899, Chapter 350, above, is repealed.
3. Acts of 1903, Chapter 440, provided that, subject to the approval of a majority of the voters in a referendum held for that purpose on a date set by the Quarterly County Court of McMinn County, the court was empowered to issue up to \$200,000 in bonds, to locate, build, and improve certain public and pike roads and to pay the expenses incidental thereto. The bonds shall mature in less than 40 years, and have an interest rate not to exceed 5%. The essential details of the form signatures, and issuance of the bonds are included, plus a mandatory tax levy to repay them over the required period. The County Judge, or Chairman, with the approval of the court, shall appoint a five member pike commission who are considered the best qualified men available, who shall all be sworn and bonded before entering upon their duties. The commissioners may employ civil engineers to advise and assist them and to survey the proposed road routes, and they may accept aid from the state, if offered, and in the best county interests. they may award contracts on a bid basis, with holding at all times 10% of the contract price as a reserve to the county. A list of twenty-four roads, or parts to be worked on, are included in Section 7 of the act. The election at first shall concern \$165,000 of the authorization, and the remainder shall not be issued until a second election indicates approval of the voters. This act was repealed by Acts of 1907, Chapter

- 26, entirely.
4. Acts of 1905, Chapter 430, permitted the Quarterly Court of McMinn County to submit to the voters of the county the proposal to issue, first, \$200,000, and, secondly, \$80,000, in bonds to locate, build, and improve certain roads in the county. There will be two ballot boxes, one for the first issue, and one for the second issue in the election to be held after proper notice has been given and at the expense of the county. The details of the issues, once approved, are given, and the required tax levy, are included in the statute which limits the interest rate to 5%, and the maturity schedule to 40 years, but any bonds may be called earlier than the maturity date if the special features in this law are observed. Five Pike Commissioners shall be appointed to supervise the work generally, and to contract for it, if deemed advisable, provided all the details and requirements specified in the law, similar to those stated above, are met. Another list of 24 rods is prescribed in the act and given priority of improvement, which list seems to be substantially the same as the preceding act had. This act was also repealed by Acts of 1907, Chapter 26, in its entirety.
  5. Acts of 1907, Chapter 26, repealed specifically Acts of 1903, Chapter 440, Item 3, above, and Acts of 1905, Chapter 430, Item 4, above, and all other conflicting acts generally. This act gave the McMinn County Quarterly Court the authority to submit to the people the proposition to issue \$200,000 in bonds, on a date fixed by the court, to locate, build, and improve certain public or pike roads in the county. If approved, the bonds were limited to 5% interest, and a 40 year maturity schedule, with earlier payments possible under certain specified conditions. All essential details to be inserted in valid bond laws are present. This statute likewise called for the appointment of 5 Pike Commissioners who were given the same obligations and duties, and the same power and authority as the ones specified in previous legislation on the same subject. The list of roads having priority of attention was changed around somewhat and reduced in number to 22, probably because the second bond issue authorized heretofore, was omitted from this law. The other lengthy details are quite similar to the ones previously outlined herein. This act was repealed by the one following.
  6. Acts of 1909, Chapter 301, specifically repealed Acts of 1907, Chapter 26, Item 5, above, in its entirety. This act directed an election to be held at all precincts in McMinn County on the 5th day of June, 1909, to ascertain the will of the people on the matter of issuing \$250,000 in bonds to locate, grade, bed, metal, pike, and macadamize the public roads listed herein. If approved in the election, the county court shall issue said bonds in accordance with the details specified herein, at an interest rate which shall not exceed 5%, and to mature in thirty years, or less. When the bonds have been prepared and signed, they shall be delivered to a committee composed of James G. Fisher, W. C. Reynolds, and W. C. Dodson who shall sell the bonds in the most advantageous manner for which the three shall be paid their expenses and divide \$500. The proceeds shall be applied to the improvement or construction of a list of 18 roads, as enumerated in the act. The act names Robert J. Fisher, U. G. Thompson, and John C. Cate as Board of Pike Commissioners to hold the office until the next general election when their successors shall be chosen by popular vote. These commissioners shall take the oath written in the act, and be bonded, as required. They are given the power and authority mentioned in previous acts which includes the employment of an engineer to assist them. The members shall be paid each \$1,000 out of the bond money. A supplementary list of three roads is specified as the next order of priority if there is any surplus after complying with the first list. Provisions are made for subsequent elections if the first one is unfavorable. This act was repealed by the one below.
  7. Acts of 1911, Chapter 521, repealed Acts of 1909, Chapter 301, above, in its entirety. This act was the enabling legislation for the Quarterly Court of McMinn County to issue \$300,000 in bonds, without the necessity of a referendum election, at a maximum interest rate of 5%, and to mature in 30 years, or less, for the purpose of building and improving certain public roads in the county. The essential details and the sinking fund tax are established according to law and then the act names W. P. Wilson, T. F. Peck, W. H. Grubb, John Gregory, M. F. Arnwine, Bruce McMurray, and J. L. Emerson, as the "McMinn County Pike Commissioners" who shall be sworn and bonded as the act required and exercise the power and authority, and perform the duties specifically stipulated in the act with the assistance of an engineer they may employ, if desired, and which included the expenditure of all funds available. The list of roads to be involved in the program was rearranged, changed, and increased to 33. Cost of improvement, or construction, was limited to \$1500 per mile.
  8. Private Acts of 1913, Chapter 291, amended Acts of 1911, Chapter 521, Section 8, above, by changing the route of one of the roads specified to be improved in that Section and providing that this road be macadamized with gravel, or crushed stone, for one and one-half miles from Mt. Verd

to Cochran's Gap, and more if the commissioners think best.

9. Private Acts of 1917, Chapter 287, has no repealing clause whatsoever. This act calls for a referendum to be held wherein the qualified voters of McMinn County may vote "For" or "Against" the proposal to issue \$300,000 in bonds to locate, build, or improve certain public or pike roads in McMinn County. If approved, the Quarterly Court shall issue the bonds in accordance with the details specified in this statute with limitations of 5% on the interest rate, and 30 years on the maturity period. So long as there are bonds of this issue unpaid, the court shall levy annually a sinking fund tax. A three member Board of Pike Commissioners, not members of the Quarterly Court, is established, who shall be sworn and bonded, and select a chairman and secretary from among their number. They shall sell the said bonds, observing all the requirements of this law regarding the sale, and shall have the same authority and obligations as may have been heretofore granted to similar Boards, including the award of contracts and general supervision of all phases of the program which included a list of 65 roads to be affected in more or less degrees and with the amount to be spent on each one stipulated alongside of it. Some minimum specifications are provided. The court shall fix the compensation of the commissioners.
10. Private Acts of 1921, Chapter 847, amended Public Acts of 1919, Chapter 175, Section 3, by allowing McMinn County the power and authority to issue highway bonds, as were authorized under the public law whether the indebtedness thus created, together with the outstanding debts of the county exceeded the said five percent of the taxable property of the county or not.
11. Private Acts of 1947, Chapter 535, allowed the McMinn County Council to issue \$250,000 in 4%, 20 year bonds to purchase equipment, machinery, material, and supplies to be used in the repair, improvement, construction, maintenance, and building of roads and highways, and to acquire rights of way wherever needed. Each of the said bonds would be signed by the County Chairman and countersigned by the County Court Clerk, and all other expressed details on the issue of the bonds and the tax levy to amortize them must be noted and obeyed. These bonds would be the general obligations of the county and exempt from taxation from all State, County, and Federal agencies. No election referendum was necessary before the bonds could be issued. The County Council may contract with the State, or Federal, Governments, for funds, or contributions to the projects herein.

### **Schools**

1. Private Acts of 1919, Chapter 407, permitted the McMinn County Quarterly Court to issue up to \$175,000 in bonds to construct or acquire, a building or buildings, for a County High School to be located on county owned property in the county seat, and to be called "Memorial High School" in honor of the soldiers and sailors of McMinn County who served in the recent World War. This could not be done, however, until approved by a majority of the voters in an election which allowed them to vote for the High School only, or for the funds to be used on the High School and other schools as well. If the vote was for other schools to be included, then brick, or concrete, school buildings shall be built at Englewood, Riceville, and Niota at a cost not to exceed \$19,000 each; the school at Etowah shall be extended, or remodeled at a cost of \$36,000, or less; \$7,000 would be devoted to paying off the debts and completing the teacher's home at Calhoun, plus the remainder for the High School. The bonds were limited to 6% interest, and a 30 year maturity schedule. Resolutions were to be adopted fixing the details of the bond issue and a tax levy would be made to amortize them over the selected maturity period. This act was repealed by the one below.
2. Private Acts of 1921, Chapter 44, expressly repealed Private Acts of 1919, Chapter 407, Item one, above, in its entirety.
3. Private Acts of 1921, Chapter 49, was the authority for the Quarterly Court of McMinn County to issue \$300,000 in 6%, 20 year bonds, provided the same is approved in a referendum election held for that purpose which would be initiated by a petition of at least 50 voters, and held within 30 days after its receipt. The court would fix all the details of the issue by Resolution and provide for a tax levy with which these bonds would be repaid. The School Building Commissioners, assisted by an Advisory Board if in a school district, shall be the instrumentalities of expenditure. The buildings constructed hereunder shall be of permanent brick, or concrete construction. The High School at the county seat had \$75,000 allotted; the new, or remodeled, buildings at Etowah had \$45,000; the new school is to be located on 10 acres, or more, at Englewood, Riceville, and Niota, had \$25,000 each; the teacher's home at Calhoun had \$9,000, and the remainder would be used to build eight more schools in rural areas most urgently needing them.
4. Private Acts of 1929, Chapter 222, was the legislative authority for the Quarterly Court of McMinn County to issue up to \$125,000 in bonds, at a 5%, or less, interest rate, and maturing on

schedules of no less than 20, nor more than 30 years, which would be used exclusively to pay off and liquidate the outstanding indebtedness of the elementary and high schools of the county. They would be designated as the "County Board of Education Refunding Fund." The debts would be paid through the supervision of both the County Judge, Trustee, and Board of Education. The essential details and tax levy requirements were met by the act.

5. Private Acts of 1929, Chapter 425, provided that any deficits incurred by the McMinn County Board of Education in constructing and equipping consolidated schools in the county shall be paid out of the school funds of the county on a school warrant drawn on the Trustee by the Secretary of the Board of Education, and charged against the school funds of the county, but the amount of which shall not exceed \$3,200.
6. Private Acts of 1929 (Ex. Sess.), Chapter 19, allowed the Board of Education of McMinn County to issue up to \$100,000 in bonds, signed by the Chairman, with which to pay off, discharge, and liquidate the indebtedness of the elementary and high schools as of September 1, 1929, outstanding. The bonds shall have an interest rate at 6%, or less, and a maturity schedule requiring that 1/10 of the principal be paid annually. The proceeds shall be deposited with the Trustee and issued only upon the warrants, properly drawn, from the Board of Education. The Board was allowed to employ an attorney to advise and assist them in the payment of the debts and the handling of the bond issue. The bonds were made the general obligations of the county.
7. Private Acts of 1935, Chapter 300, was the enabling legislation for the city of Athens to issue up to \$50,000 in 6%, 30 year bonds to acquire a site and erect and equip a school building thereon which would be a part of the city school system. The details of the sale and application of the proceeds plus the customary sinking fund tax levy were all properly included in this statute.
8. Private Acts of 1935 (Ex. Sess.), Chapter 87, was the legislative authority for the County Chairman and County Court Clerk, of McMinn County, to issue and sell \$55,000 in School Bonds, payable at \$5,000 annually, on the first day of July for the next eleven years, with an interest rate of 4%, or less. The form of the bonds is written into the act, including the attestation of the Chairman and the counter signature of the Clerk. The proceeds will be available to assist in any Federal Public Works program involving the schools of McMinn County. All details and the required tax levy are contained in the law.
9. Private Acts of 1945, Chapter 492, authorized the Quarterly Court of McMinn County to issue up to \$200,000 in bonds to erect, repair, remodel and add to, furnish and equip school buildings at an interest rate of 4%, or less, and maturing not over 20 years from issue. The usual details were included, and the tax levy mentioned. The bonds were exempted from State, County, and Municipal taxes.
10. Private Acts of 1947, Chapter 534, allowed the County Council of McMinn County to issue up to \$300,000 for the erection of school buildings, additions and repairs to existing buildings, and for equipment and furnishings. The bonds have a maximum allowable interest rate of 4%, and the maturity schedule shall not exceed 20 years, but may be called at the end of five years. These bonds are declared exempt from taxation. The act includes the information on essential details and the tax levy requirement. The County Council may contract with State and Federal authorities in connection herewith.
11. Private Acts of 1949, Chapter 639, was the legislative authority for the McMinn County Council to issue \$300,000 in 4%, 20 year, callable bonds with which to erect, remodel, repair, furnish, and equip school buildings. The bonds shall be signed by the County Chairman and countersigned by the County Court Clerk. The bonds may be called at the expiration of five years from the date of issue. They are exempt from taxation by declaration in the act, and the issue and sale of a portion of them shall not void the sale of the remainder. The County Council is granted specific authority to contract with the State, or Federal, Governments, in connection with the purposes of this act.
12. Private Acts of 1957, Chapter 1, enabled the County Council of McMinn County to issue \$375,000 in 5%, 20 year bonds to construct, improve, and furnish schools and to pay the outstanding debts if they are valid and binding, and without submitting the same to a referendum. The bonds are declared to be tax exempt and the essential details and tax levy requirement are included. This act was properly ratified at the local level making it binding and legal.

### **Workhouse**

1. Private Acts of 1927, Chapter 730, was the legislative act which enabled the counties of Blount, Bradley, Loudon, McMinn, Monroe, Polk, and Roane to have their workhouse bonds received, approved, and collected by the Criminal Court Clerk of the respective counties and he shall account for the funds collected as the law requires. The bond shall not be approved unless it has two good and solvent sureties and one shall not be taken or received, when court is in session.

Obviously these bonds are not of the type to which this section is devoted although they are indexed in that manner.

2. Private Acts of 1929, Chapter 720, amended Chapter 730, Private Acts of 1927, above, and consequently has no bearing on the subject matter of this subject.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1819 Chapter 7

**SECTION 1.** That the territory contained within the lines hereafter mentioned, shall constitute a county the name of McMinn County.

**SECTION 2.** That the said county of McMinn, shall be bounded as follows, to wit: Beginning at the point where the meridian line will cross the line of Roane County; thence a direct line to a point which shall be equidistant from Tillasseh, on the Tennessee, and Hiwassee on the Indian boundary line; continuing the same course to the southern boundary line of this state; thence west with said line to the county of Hamilton; thence with the eastern line of said county to the county of Rhea; thence with the lines of the county of Rhea to the county of Roane; thence to the beginning.

**SECTION 3.** That all the Territory included in the lines hereafter mentioned shall constitute a county by the name of Monroe County.

**SECTION 4.** That said county of Monroe shall be bounded as follows, towit: Beginning at the beginning of McMinn county; thence running eastwardly with the line of Roane county to the Tennessee river; thence up said river to the mouth of Cowee and Nanteyalee; thence with the dividing ridge between said rivers to the eastern boundary line of this state; thence south with the said line to the line dividing this state from the state of Georgia; thence west to the county of McMinn; thence with the said county to the beginning.

**SECTION 5.** That for the administration of Justice, the courts of Pleas and Quarter sessions and the circuit courts in said counties shall be held at the following places, to-wit: For the county of McMinn, at the house of Major John Walker, and for the county of Monroe, at the house of William Dixon, on the south bank of Little Tennessee opposite the town of Morganton, at which places the said courts shall be holden, until otherwise provided for by law, under the same rules, regulations and restrictions, and shall exercise the same power and jurisdiction that is possessed by said courts, in other counties of this State.

**SECTION 6.** That the Sheriff's of the counties of Monroe and McMinn, shall each hold an election at the places appointed for holding courts in said counties on the first Friday and Saturday in May next, for the purpose of electing field officers of the Militia for said counties, under the same rules, regulations and restrictions, as are prescribed by law in similar cases; and the militia of the county of Monroe shall compose the sixty-sixth regiment, and shall be attached to the seventh brigade; and the militia of the county of McMinn shall compose the sixty-seventh regiment, and be attached as aforesaid.

**SECTION 7.** That it shall be the duty of the commandants of said sixty-sixth, and sixtyseventh regiments, having first been commissioned and sworn according to law, to divide their regiments into such number of companies, as they shall think best, for the convenience of said companies, and it shall be the duty of each of said commandants, to issue writs of election for company officers according to law.

**SECTION 8.** That said county of Monroe shall be attached to the election district of the county of Blount, and to be governed by the same rules and regulations as other elections are held in Blount county, and the Sheriff of Monroe County shall make return of the votes of his county for electors to elect a president and vice president, Governor, members to congress and members to the state Legislature, to the sheriff of Blount county, under the same rules and regulations as for other counties; and that said county of McMinn shall be attached to the election district of the county of Rhea under the same rules and regulations as govern the counties of Monroe and Blount.

**SECTION 9.** That it shall be lawful for any Justice of the Peace for Blount county, to attend at the first court for said county of Monroe, and any Justice of the Peace for Rhea county may attend the first court in the county of McMinn for the purpose of administering the necessary oaths to the Justices of said courts.

Passed: November 18, 1819.

### County Seat

## Acts of 1821 Chapter 204

**SECTION 1.** That it shall be the duty of the justices of the peace in each captain's company, to open and hold an election at the place of holding company musters in the county of McMinn on the first Saturday in May next, for the purpose of electing a fit and proper person from each of said captains companies as a commissioner to fix upon a suitable site for said seat of justice in said county of McMinn, to superintend the laying out of the same into convenient streets and alleys and the erection of the public buildings, for said county.

**SECTION 2.** That all free white male citizens of said county above the age of twentyone years, shall be entitled to vote for said commissioner; PROVIDED, that they shall vote within the captain's company where such persons may reside, and the person getting the highest number of votes in each company aforesaid shall be a commissioner for the purpose aforesaid.

**SECTION 3.** That said commissioners thus appointed shall appear at the next court of pleas and quarter sessions for said county, and there in open court each of them shall give bond with approved securities to the chairman of said county court and his successors in office, in the penalty of a thousand dollars, conditioned for the due and faithful discharge of the duties devolving upon each of them as commissioner as aforesaid, which said bond shall be filed in the clerk's office of said court.

**SECTION 4.** That the aforesaid commissioners or a majority of them are hereby authorized and required as soon as may be after said court, to hold a meeting and settle upon a place for the permanent seat of justice for said county of McMinn, which said site shall be fixed at a place in said county to be most permanently advantageous to said county, without regard to any other considerations and after a majority of them shall have agreed upon the places of fixing the seat of justice, shall make such agreement with the owner of the land, whereon they may wish to fix said seat of justice as to them shall seem right and just, and for the lowest price the same can be procured, for any quantity not less than forty, nor more than sixty acres, and shall take a title from the owner of said land to themselves and their successors in office as commissioners of said county town, and in the event the said commissioners shall deem it right to establish the town of Calhoun as the permanent seat of justice for said county, they shall before they establish the same receive a title to themselves and their successors in fee simple, for at least fifty acres of land, adjoining said town in an oblong square, commencing on the river Hiwassee, on the south eastern boundary of said town, and running northwardly along the length of said town, from the owner of the land surrounding said town, without giving any compensation therefor; and in the event said commissioners shall fix upon the town of Columbus as the seat of justice for said county, then and in that case said commissioners shall receive a title from the owner of the land lying immediately below said town in fee simple for the quantity of fifty acres of land commencing on the Hiwassee river, and on the western boundary of said town to run in an oblong square the whole length of said town, and in either case the said commissioner shall lay off the same into convenient lots, streets and alleys, and that the public buildings shall be built upon or near to the boundary line between the old and new town as near the center of the old and new town as a convenient site may be procured, which said lots shall be sold for the use of said town, as hereinafter provided for; but should said commissioners pitch upon another place in said county, they shall lay off the tract of land procured by the commissioners into a public square, lots, streets, and alleys of convenient size, which said town shall be known by the name of

**SECTION 5.** That said commissioner shall sell the lots in the town laid out in said county in either the ways by this act directed to the highest bidder, upon a credit of twelve months, the sales whereof shall be advertised in the Knoxville Register at least thirty days before said sales.

**SECTION 6.** That it shall be the duty of said commissioners to contract with suitable workmen to build a courthouse, prison and stocks; the court house and stocks to be placed on the public square, but said commissioners may build said prison upon some other lot in said town as to them shall seem right.

**SECTION 7.** That said commissioners shall appropriate the money arising from the sale of the town lots aforesaid to the payment of the lands, if they shall be compelled to purchase a site, and the public buildings. If there should be a surplus in their hands after said buildings are finished, after the manner prescribed by said commissioner, (It) shall be deposited in the treasury of said county, and to remain there for the use of said town, subject to the disposition of the county court of said county.

**SECTION 8.** That the seat of justice shall remain in the town of Calhoun until the public buildings for said county shall be finished and reported by said commissioners to the court of said county, that the same are finished in the manner contemplated by the original plan for the establishment of said buildings.

**SECTION 9.** That when said commissioners have finished said buildings, and reported the same as by this act required, the court may make any allowance to said commissioners not exceeding one dollar and fifty

cents per day.

**SECTION 10.** That it shall be the duty of the courts of pleas and quarter sessions for the counties of McMinn and Monroe at their first sessions after the first day of January next, to appoint a fit and suitable person on part of each county to run and mark the line dividing said counties, beginning where the same commences on Roane county line, running thence to the Indian boundary to a point in said line that shall be six miles north east of the residence of Caleb Starr, and that the said line shall be run and marked by said persons on or before the June term of McMinn county court, and a fair plat thereof returned to the courts of said county, and when that shall have been done the expense of the same shall be paid at the mutual expense of said counties, not exceeding five dollars a day for each day both said persons may be engaged in running the same.

Passed: November 16, 1821.

## Change of Boundary Lines

### Acts of 1822 Chapter 194

Whereas the commissioners appointed in pursuance of an act of the General Assembly of this State, passed at the last session, have agreed and pitched upon a site for a seat of Justice in McMinn county, as near the center thereof as an eligible site can be procured, and whereas the land upon which said seat of justice is placed is vacant and unappropriated, and quite poor and barren, being valuable only for the waters and timber; therefore; That the register of East Tennessee shall issue a grant for the one half of the following tract of land, viz: for the south-east quarter of section No. 28, and the north-west quarter section of section No. 34, in the fourth township in range first west of the meridian to the commissioners for the establishment of said seat of justice in said county and their successors in office, in trust for the use and benefit of said town forever, upon said commissioners producing to the said register and certificate of the said surveyor general that the said land is vacant and unappropriated, and that the same is poor, and valuable only for the water and timber upon the same; which said grant shall be perfected as other grants are perfected, and that the said town shall be called and known by the name of Athens; which said site is hereby established and made the permanent seat of justice for said county forever.

Passed: August 23, 1822.

### Acts of 1833 Chapter 214

That the line dividing the counties of Rhea and McMinn, shall continue from the south bank of Hiwassee river, crossing said river opposite to the foot of the first large ridge, above the mouth of Price's Creek, thence along the extreme height or top of said ridge, as it meanders until it strikes the south line on the top of said ridge, which runs from the eight mile tree or stake from the mouth of White's creek, as established by the act of 1819, fixing the lines between the counties of Rhea and Roane, leaving John Igon's plantation, William Moore's plantation, Matlock's Mills, and the whole of the back valley so called and its meanders on the north side in Rhea county: PROVIDED, HOWEVER, nothing contained shall prevent the county court of Rhea from levying a county tax on the persons and property of such citizens as reside within the territory hereby annexed to the county of McMinn, for the year 1834, or the collecting the State and county tax in said territory for the year 1834, in such manner as he might or could have done if this act had not passed: AND PROVIDED, FURTHER, the citizens residing in the territory aforesaid, shall not be subject to the payment of tax of any kind, in the county of McMinn for the said year of 1834, nor shall the county court of McMinn be authorized to levy any jail or court house tax, upon real property, actually settled at the passage of this act, lying within the territory aforesaid, for and during the term of ten years; AND PROVIDED ALSO, the dividing line as designated in this act, shall be run and marked by John Locke of Rhea county, at the proper expense of McMinn county, should the county court of McMinn require the same to be done by an order of court, and a copy thereof duly served upon the said John Locke.

Passed: November 28, 1833.

### Public Acts of 1833 Chapter 16

The county of McMinn, in addition to its present limits, shall commence at the point on the south bank of [the] Hiwassee river, where the Rhea county line terminates, thence along said line, until it strikes the Hamilton county line at Wilson Evan's.

Passed: November 8, 1833.

**COMPILER'S NOTE:** Additional provisions to the above Act are not applicable and have therefore been



omitted.

## Acts of 1837-38 Chapter 304

**SECTION 1.** That the line between said counties is hereby altered, to commence where the line between the Hiwassee and Ocoee districts strikes the Monroe county line, thence with the line of said district, to the corner of township one, and two of the Ocoee District, in the third range east, between sections five in township two, and section 32, in the township one; thence with the township line to the North Carolina line, and all south and east of the above described line, be and the same is hereby declared to be in the county of Monroe.

Passed: January 18, 1838.

## Acts of 1849-50 Chapter 98

**SECTION 1.** That the dividing line between the counties of Monroe and McMinn be altered or changed so as to commence on Star's mountain on the dividing line between the Hiwassee and Ocoee district, at or near the corner of fractional townships numbers one and two; thence east of north to the Monroe County line in such direction so as not to include more than seventeen qualified voters in the bound taken from McMinn County.

**SECTION 2.** That the county courts of McMinn and Monroe are hereby authorized to employ the county surveyors of said counties, or any other person that is competent, to run and mark said line; Provided, The same may be deemed necessary, and the county courts of said counties shall make such surveyor running said line, a fair compensation for his services, to be paid out of any money in the county treasury not otherwise appropriated.

**SECTION 3.** That nothing in this act shall be so construed as to prevent either of the counties of McMinn or Monroe from running and marking said line, and making a fair compensation for the same, as provided in the second section of this act.

**SECTION 4.** That an act to alter the dividing line between the counties of Sevier and Blount, passed the 18th day of December, 1839, be and the same is hereby repealed.

Passed: February 4, 1850.

## Acts of 1873 Chapter 69

**SECTION 1.** That the line between the Counties of Polk and McMinn, be so changed as to include in the County of McMinn the lands of M.L. Phillips, known as the "Phillips Ferry Farm," said changed line to begin at the Phillips Ferry, on the north bank of the Hiwassee river; thence up the river with the lines of said Phillips' lands, in Polk County, to the main stock road, which is the present line between said two Counties, so as to include all of said farm in the County of McMinn; Provided, that nothing in this Act shall be so construed as to reduce Polk County below its constitutional limits, nor bring the line, thus designated, nearer the Court House of Polk County than eleven miles.

**SECTION 2.** That all of that part of Dickson County east of Harpeth River, be attached to Cheatham County.

**SECTION 3.** That the line between the Counties of Hawkins and Hamblen be so changed as to include the lands of Daniel Reed in the County of Hamblen.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1873.

## Acts of 1881 Chapter 61

**SECTION 1.** That the line between the counties of Loudon and McMinn be so changed as to detach from McMinn and attach to Loudon the following boundaries, to-wit: One tract of land containing one hundred and sixty acres, and one containing three hundred and twenty acres, all adjoining the county of Loudon, and belonging to Wm. L. Richeson, lying and being in the first district of McMinn county.

**SECTION 2.** That the county line so run as to include the aforementioned tracts of land belonging to the said Richeson in Loudon county.

**SECTION 3.** That this act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1881.

## Acts of 1901 Chapter 347

**SECTION 1.** That the line between the Counties of McMinn and Loudon, in the State of Tennessee, be so changed as to detach the land of W.P. Frank, consisting of 160 acres, in section 24, Township 2, Range 1, west of the Basic line, Hiwassee District, from the County of McMinn and attach the same to the County of Loudon.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 19, 1901.

## Acts of 1903 Chapter 166

**SECTION 1.** That the line between the counties of Monroe and McMinn be and the same is so changed as to follow the boundary lines of the farms owned by William Thomas and G. M. Bilderback in the First Civil District of Monroe County and so as to include all of the said farms belonging to the said Thomas and Bilderback in Monroe County; the lines to run as follows:

Beginning at the southwest corner of what is known as the Ridge land, belonging to the heirs of H. B. Yearwood heirs, and running west 58 rods, more or less, with the lines of William Thomas' lands and Mrs. Mollie Flemmiken's land to a corner of the Heiskell lands; thence north with the line of Mrs. L. E. Heiskell 158 poles; thence in a northern direction with the line between William Thomas' land and the lands of Mrs. Heiskell to the Sweetwater and Pinhook road and G.M. Bilderback line; thence with G.M. Bilderback's line west to J. A. Bilderback's corner; thence in a northern course with the west line of G.M. Bilderback and William Thomas to a point in the road between J.P. Richeson and Elias Walker's place, where the Loudon County line intersects the McMinn and Monroe County lines.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1903.

## Private Acts of 1923 Chapter 229

**SECTION 1.** That the part of the line between southwest corner of the White Cliff property on Star's Mountain to where the old Mecca-White Cliff road now intersects the line, be changed to run as follows, to-wit: So as to place the lands known as the White Cliff property, containing about 160 acres; the lands of Wash Adams, containing about 10 acres; the lands of R. L. Everhart, containing about 60 acres; with the old Mecca-White Cliff road from present line to properties named above and the lands on the west side of said road, including said road, in McMinn County.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 8, 1923.

## Private Acts of 1929 Chapter 184

**SECTION 1.** That the line between the Counties of Loudon and McMinn be and the same is hereby changed so as to detach the lands now owned by S. H. Richeson, Tom Richeson, Bertha Mineral Co., Sam Riddle, J. A. Lively and what is known as the Wheatly Farm from Loudon County, and attach such lands to the First District of McMinn County, Tennessee.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 11, 1929.

## Private Acts of 1933 Chapter 262

**SECTION 1.** That the line between Monroe and McMinn Counties be changed and that the lands lying within the following described boundaries be transferred from the Old 6th, New 2nd Civil District of McMinn County and placed in the Old 7th, New 3rd Civil District of Monroe County, and the said tract of land so transferred being described as follows: Being a tract of one hundred acres of land adjoining the land of R.F. Hicks and being the same tract of land purchased by R. F. Hicks from Mattie Torbett and others, and said tract of 100 acres lying immediately West of the lands of the said R. F. Hicks, and said 100 acre tract all being in McMinn County, Tennessee.

The said 100 acre tract is bounded on the East by the lands of R. F. Hicks; on the North by the lands of O. S. Thomas; on the West by the lands of Brient; on the South by the lands of Lee.

**SECTION 2.** That the State and county taxes for the year 1933 and prior years thereto on said 100 acre

tract of land shall be paid as assessed to the Trustee of McMinn County, Tennessee, and thereafter, all taxes on said 100 acre tract of land shall be assessed and paid in Monroe County, Tennessee.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1933.

## Private Acts of 1935 Chapter 239

**SECTION 1.** That beginning on the north bank of Hiwassee River and on the westerly line of right of way of the new main line of the Louisville & Nashville Railroad; thence northerly with the line of right of way on the westerly side of the right of way of said L. & N. Railroad to a point on the west line of Section 8 in Fr. Town 1 South of Range 1 West of the Hiwassee District, being the west boundary line of the G. L. Williams farm; thence north with said section line and west boundary of the said Williams farm about a mile to the northwest corner of said Section 8 and corner of Williams land; thence east with section line and boundary line of Williams and Calhoun place to the intersection of the north and south middle section line of Section 5; thence north with said middle section line to the county road leading from J. C. Carter's store to Linsdale and Patty Station; thence east with the county road to the cross roads at J. C. Carter's store; thence northwardly with the county road from J. C. Carter's store to the old Polk and McMinn County line near the residence of the G.P. Nichols.

**SECTION 2.** That said territory shall be a part of the 6th civil district of McMinn County and known as the 17th voting precinct of said county.

**SECTION 3.** That the voting place of said precinct shall be at Linsdale school house.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 29, 1935.

## Private Acts of 1935 Chapter 295

**SECTION 1.** That the boundary line between the counties of Polk and McMinn be so changed and re-established as to be in part, as follows: Beginning on the North bank of the Hiwassee River and on the Westerly line of the right-of-way of the new main line of the Louisville & Nashville Railroad Company, and extending thence in a Northerly direction with the West line of said right-of-way to a point on the West line of Section 8, in Fractional Township 1, South of Range 1, West of Hiwassee District, the same being the West boundary line of the G. L. Williams farm; thence North with said section line and West boundary of said Williams farm about one (1) mile to the Northwest corner of said Section 8 and a corner with said Williams land; thence East with the section line and boundary line of the Williams and Calhoun farms to the intersection of the North and South middle section line of Section 5; thence North with the said middle section line to the county road leading from J. C. Carter's store to Linsdale and Patty Station; thence East with the county road to the cross-roads at J. C. Carter's store; thence in a Northerly direction with the County road from J. C. Carter's store to the old Polk and McMinn County line near the residence of G. P. Nichols.

**SECTION 2.** That the lands and territory lying between the boundary line of said counties as fixed and re-established by Section 1 of this Act and the former line between said counties be detached from Polk County and attached to and made a part of the Sixth (6th) Civil District of McMinn County, to constitute and be known as the Seventeenth (17th) voting precinct of said county, with its voting place at Linsdale School House.

**SECTION 3.** That, in order to avoid interference with the school now being conducted at said Linsdale School House, by and at the expense of Polk County, this Act take effect forty (40) days from the date of its passage, the public welfare requiring it.

**SECTION 4.** That, pending the effective date of this Act as fixed by Section 3 hereof, the County Board of Education of Polk County be, and it is hereby, authorized to continue the operation of said Linsdale School to the expiration of the present school term.

**SECTION 5.** That all laws or parts of laws in conflict herewith be, and the same are, hereby repealed.

Passed: April 5, 1935.

## Private Acts of 1937 Chapter 849

**SECTION 1.** That the present line between the Counties of Monroe and McMinn be changed so that the following described lands now owned by J. N. Wilson, situated in the old Eighth Civil District of Monroe County, shall be included in the present Third Civil District of McMinn County, Tennessee: That part of the

lands of said J. N. Wilson as are described as beginning at a conditional corner, between said Wilson land and J. R. Gaines, on the County Line, at a white oak, near the bank of a branch; running thence south, crossing the Tellico- Etowah Road, fifty (50) rods to a stake on the east and west section line; thence due east fortyfive (45) rods to a stake on a conditional corner between this land mentioned, fifty (50) rods, crossing said road and said branch, to a stake on a conditional corner between this tract and J. R. Gaines; thence west, along said Gaines line, forty-five (45) rods to beginning corner; containing fifteen (15) acres, more or less. Being part of what has been known as the Cass Tract, and formerly the property of James Wilson, now deceased.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 20, 1937.

## Private Acts of 1951 Chapter 346

**SECTION 1.** That the boundary line between the counties of McMinn and Loudon, near the Erie, Tennessee Post Office, be changed as follows: That all of the land that lies East of the Erie Post Office along the Blue Springs Road up to the Kingston and Sweetwater Public Road, that are now in McMinn County and belonging to Raymond Wicker, Lester Thomas, Ray Lones, Dave Ledford, Hugh Rodgers, and Deedie Harrell, shall hereafter be in Loudon County, Tennessee.

**SECTION 2.** That all of what is known as the Blue Springs Public Road beginning at the Erie, Tennessee Post Office and extending Eastwardly to its intersection with the Kingston and Sweetwater Public Road shall henceforth be a part of Loudon County and the boundary lines between McMinn and Loudon Counties are changed accordingly.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 2, 1951.

## Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for McMinn County.

1. Acts of 1823, Chapter 236, provided that the commissioners of Athens would receive such compensation as the court of pleas and quarter sessions might award them, for their services in laying out the county's seat of justice.
2. Acts of 1853, Chapter 106, changed the boundary line between Monroe and McMinn to include all of Jesse Cunnigham's farm in Monroe.
3. Acts of 1879, Chapter 137, changed the line between Loudon and McMinn to include the farm of F. Smith in Loudon County.
4. Acts of 1885, Chapter 54, changed the line between Loudon and McMinn to include all the lands of Sarah Etheridge in Loudon County.
5. Acts of 1887, Chapter 196, changed the line between Monroe and McMinn to include the lands of Samuel Richee, Hannah James, James Land, Samuel Land, and Andrew Morgan in Monroe County.
6. Acts of 1887, Chapter 202, changed the line between Meigs and McMinn to include the farm of Carrol and Nelsey Stanton in McMinn County.
7. Acts of 1889, Chapter 58, changed the line between McMinn, Monroe, and Loudon to transfer the land of S. R. Murray into Monroe County.
8. Acts of 1889, Chapter 65, changed the line between McMinn and Polk to place the lands of N. S. Price in Polk County.
9. Acts of 1897, Chapter 168, changed the line between Loudon and McMinn to place J. L. Green's land in Loudon County.
10. Acts of 1905, Chapter 178, changed the line between McMinn and Polk to include the lands of John M. Dunn within Polk County.
11. Private Acts of 1915, Chapter 435, changed the line between Monroe and McMinn to include the lands of O. A. Tooney in Monroe County.
12. Private Acts of 1921, Chapter 305, changed the line between Monroe and McMinn to include the lands of H. D. Joines in Monroe County.
13. Private Acts of 1925, Chapter 503, changed the line between Monroe and McMinn to include the lands of E. Ragan and L. O. Hicks in McMinn County.

14. Private Acts of 1937, Chapter 305, changed the line between McMinn and Polk to include the lands belonging to Charles Melton within McMinn County.
15. Private Acts of 1951, Chapter 340, changed the line between McMinn and Monroe to include the lands of Henry Wyatt and G. H. Hyde in McMinn County

## Chapter V - Court System

### General Sessions Court

#### Private Acts of 1947 Chapter 210

**SECTION 1.** That there is hereby established a Court in and for McMinn County, Tennessee, which shall be designated "Court of General Sessions of McMinn County, Tennessee." Said county shall provide a courtroom and office space in the courthouse in Athens, together with dockets, furnishings and necessary supplies required for the holding of such court the same to be paid for out of the general funds of said county.

As amended by: Private Acts of 1949, Chapter 204  
Private Acts of 1974, Chapter 270

**SECTION 2.** That said Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred upon Justices of the Peace in civil and criminal causes and actions, Justices of the Peace in counties to which this Act applies may issue all civil and criminal process falling within the jurisdiction of Justices of the Peace under General Statutes but no such process when issued by a Justice shall be returnable to any Court other than the Court of General Sessions herein created; and such Justices shall be allowed their costs for the issuance of such criminal and civil process but no further costs in connection therewith provided that the authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in no wise affected by this Act.

As amended by: Private Acts of 1949, Chapter 204

**SECTION 3.** That before the commencement of any civil action in said Court, the plaintiff shall be required to secure the costs by executing a cost bond with good and sufficient security in the penalty of not less than Twenty-five Dollars (\$25.00), or making a cash deposit of not less than Three Dollars (\$3.00), as may be deemed proper by the Judge or Clerk of said Court, or in lien thereof, take and file the oath prescribed for poor persons, in accordance with the laws of this State; provided, that the Court, on motion of the defendant, or its own motion, may have the amount of any such bond or cash deposit increased; and in case of the issuance of extraordinary process, such bond shall conform to the general statutes of this State.

**SECTION 4.** That the rules of pleading and practice, forms of writs and process and stays of an appeal from judgments in civil cases in said Court shall be the same as now or hereafter provided by the general statutes for Courts of Justice of the Peace.

**SECTION 5.** That said Court is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the persons charged with such misdemeanor offenses enters a plea of guilty or requests trial upon the merits, and expressly waives an indictment, presentment and Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge without a jury. The final judgment of such Court may be appealed to the Criminal Court of McMinn County, where such appeal shall be tried by the Judge of such Court without a jury, and without indictment or presentment.

That the said Court in addition shall have exclusive jurisdiction and powers with respect to the probate of wills and administration of estates as now exercised by the County Court of McMinn County, Tennessee, which is hereby divested of such jurisdiction, but this provision shall not affect or impair the powers and functions of the County Chairman of McMinn County in other respects. The procedure, rules or practice, and laws governing the Probate jurisdiction of said Court shall be in accordance with the General Laws of the State of Tennessee relating thereto, and in accordance with all reasonable rules of Court which the said Judge is hereby empowered to make.

As amended by: Private Acts of 1957, Chapter 1946  
Private Acts of 1974, Chapter 270

**SECTION 6.** That it shall be the mandatory duty of the Judge of said Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a

Grand Jury, the right to make a statement with reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be tried by a jury, such Court may proceed to hear and determine the case as provided in Section 5 hereof.

Said waiver shall be written or attached to the warrant substantially in the following words:

"The defendant, \_\_\_\_\_ pleads \_\_\_\_\_ guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury."

**SECTION 7.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and compensation of the Sheriff, his Deputies, Game Wardens, State Highway Patrolmen, and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed, as required by law.

**SECTION 8.** That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the number and style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, list of fees of the Clerk, Sheriff, Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance and mileage, and credits for payments upon judgments and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in a like manner.

**SECTION 9.** That there shall be one judge of said court and that said judge shall be an attorney who is licensed to practice law in the courts of this state. The oath of said judge shall be the same as that prescribed for Circuit Judges and Chancellors.

As amended by: Private Acts of 1974, Chapter 270

**SECTION 10.** That the compensation of said judge shall be seventeen thousand five hundred dollars (\$17,500.00) per annum, payable in equal monthly installments and shall be paid out of the general funds of said county. Such Judge may practice his profession in other Courts of the State, except in the Courts of McMinn County, so long as it does not interfere with his duties as Judge of the Court of General Sessions. Such Judge shall devote such time as is necessary for the performance of his duties and shall not give advice nor render any legal service in connection with any matter coming within the jurisdiction of his Court.

As amended by: Private Acts of 1949, Chapter 204  
Private Acts of 1974, Chapter 270

**COMPILER'S NOTE:** See Tennessee Code Annotated, Section 16-15-5003, which establishes the minimum compensation amounts for General Session Judges.

**SECTION 11.** That for the purpose of carrying out the provisions of this Act, Frank K. Boyd, of Athens, Tennessee, is hereby appointed Judge of the Court of General Sessions of McMinn County, Tennessee, to serve until September 1, 1948, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of said County at the election for other County officers on the first Thursday of August, 1948, and shall hold said office for the unexpired term of two years, and his successors shall be elected every eight years thereafter.

**SECTION 12.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for other reason hold Court, a majority of the attorneys present in said Court may elect one of their number to hold said Court during the absence of the regular Judge, and when elected shall have the same power and authority as the regular Judge.

**SECTION 13.** That in case of a vacancy in the office of Judge of said Court, the Governor shall have the power to fill such vacancy by appointment of a person possessing the qualifications thereof, as prescribed in Section 9 of this Act, to serve until the next regular election for County officers.

**SECTION 14.** The Chancery Court for McMinn County is hereby designated probate court of McMinn County. The Clerk and Master for McMinn County is hereby granted all statutory powers when Chancery Court is exercising probate jurisdiction. Effective July 1, 2004, the books, records, accounts, papers and documents pertaining to probate matters shall be filed with the Clerk and Master who shall have and perform the statutory functions with respect to probate jurisdiction from that date forward.

The General Sessions Court shall retain probate jurisdiction over all probate matters pending in that court on June 30, 2004, until their conclusion.

As amended by: Private Acts of 1957, Chapter 46  
Private Acts of 2004, Chapter 107

**SECTION 15.** That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall be

authorized and empowered to serve all process issued by said Court with the same authority as provided by law in other inferior Courts.

**SECTION 16.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees, or funds or suit whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 17.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said County at the time this Act becomes effective shall be delivered to the Court of General Sessions. The official dockets, records, and papers in possession of Justices of the Peace in cases which have been completed shall be turned over to said County, as provided by law.

**SECTION 18.** That said Court shall hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

**SECTION 19.** That there is conferred upon this Court original, exclusive jurisdiction of all cases coming within the terms of Part III, Title 8, Code of Tennessee of 1932, Sections 10269 through 10309, as amended, the subject of the title being "Juvenile Courts". The Judge of the Court of General Sessions shall perform all the duties and shall be vested with the jurisdiction, power and authority prescribed in said title. The Clerk of the Court of General Sessions shall perform the duties of Clerk of the Juvenile Court, and shall keep and maintain such dockets and records as are prescribed in said title.

**SECTION 20.** That there is conferred upon the Judge of the Court of General Sessions the power and authority to grant fiats for the issuance of injunctions, attachments and other extraordinary process, as that conferred upon Judges and Chancellors in this State.

**SECTION 21.** That the Legislature declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 22.** That all Acts or parts of Acts in conflict with the provisions of this Act be, and the same are, hereby repealed.

**SECTION 23.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 7, 1947.

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

1. Acts of 1905, Chapter 235, created a Board of Jury Commissioners in McMinn County. Qualifications for the commissioners included the following: A resident of the county; a householder and freeholder of the county; practicing attorneys were prohibited from service as well as state or county officers; and eligible individuals must be free from suit. Furthermore, the circuit court judge appointed Jury Commissioners. Likewise, only a maximum of two commissioners could belong to the same political party. Terms of office for Commissioners were six (6) years, and vacancies were filled in the same manner as original appointments. The jury roll contained a minimum of 250 to a maximum of 1,500 names. The jury roll was compiled by the Jury Commissioners and was effective for two (2) years. Prospective jurors were selected by lottery not less than ten (10) nor more than fifteen (15) days before the term of the Circuit Court. The lottery was conducted by the Jury Commissioners and afterwards they delivered the list of prospective jurors to the sheriff five (5) days before the term of the Circuit Court for serving summons.
2. Private Acts of 1921, Chapter 11, amended the above Board of Jury Commissioners. The Sheriff's fee was increased to twenty-five cents for summons delivered to jurors. The fee was disbursed from the County Treasury.
3. Private Acts of 1925, Chapter 521, created a Board of Jury Commissioners identified by the 1920 Federal Census. Three members were jointly appointed to four year terms by the Circuit and Criminal Judges. Membership qualifications included no pending suits, no practicing attorneys, no state or county officers. Furthermore, qualifications required that eligible individuals be freeholders, householders, and residents of the county; and not more than two could belong to the same political party. Vacancies were filled in the same manner as original appointments.

Another requirement was an oath of office to perform assigned duties. Meetings were held in the Circuit Court Clerk's office on the first Monday in May, 1925 and on the first Monday every two years afterwards. A list of prospective jurors was selected from tax books and other sources. The list contained from 400-800 individuals and was effective for two years. Once the jury list was selected by the Commissioners, jurors were chosen by lottery.

4. Private Acts of 1931, Chapter 556, created a Board of Jury Commissioners in McMinn County, identified by the 1930 Federal Census. The provision was similar to the Private Acts of 1925, Chapter 521, referenced above. This act was amended by Private Acts of 1955, Chapter 233. See Baker v. State, 191 Tenn. 560, 235 S.W.2d 435 (1951).
5. Private Acts of 1955, Chapter 232, created a Board of Jury Commissioners in McMinn County. A jury roll of not less than 400 names was maintained. At least twenty (20) days before the term of the criminal or circuit court forty (40) names were selected by lottery from the jury roll. Next, the jury list selected by lottery was delivered to the sheriff ten (10) days prior to the beginning term of the court for delivery of summons to prospective jurors.
6. Private Acts of 1961, Chapter 179, increased the compensation of jurors to eight dollars (\$8.00) per day and ten cents (10¢) per mile for any juror living more than five (5) miles from Athens.
7. Private Acts of 1975, Chapter 134, was rejected and disapproved by the proper authorities of McMinn County and therefore never became a law under the Home Rule Amendment to the Constitution. The Act provided for the Foreman of the Grand Jury in McMinn County to be paid \$20 for each day served as such, and all members of the Grand Jury other than the foreman were to be paid \$15 for each day served. This Act was to have no effect on any mileage allowance now being paid to jurors under the law.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in McMinn County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Public Acts of 1827, Chapter 88, allowed the chancellor for the Eastern district to hold court biannually at Kingston for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, Monroe and McMinn.
2. Acts of 1837-38, Chapter 116, provided that Chancery Court terms would begin on the second Mondays of April, August and December.
3. Acts of 1843-44, Chapter 201, established a separate chancery district in the County of McMinn and provided that this court would be held on the first Mondays in March and September of each year.
4. Acts of 1853-54, Chapter 54, placed Blount, Roane, Monroe, McMinn, Polk, Bradley, Rhea, Hamilton, Bledsoe, Marion, Overton and White Counties in the Fifth Chancery Division of the state.
5. Acts of 1871, Chapter 56, provided that McMinn and Monroe Counties would constitute one chancery division and that court would be held in Athens.
6. Private Acts of 1911, Chapter 435, divided the Third Chancery Division, placing McMinn County in the Twelfth Chancery Division, where it remains today.
7. Private Acts of 1915, Chapter 181, set the time for holding Chancery Court in McMinn County on the second Mondays in January and July.
8. Private Acts of 1923, Chapter 394, set the times for holding Chancery Court in McMinn County on the fourth Mondays in March and September.
9. Public Acts of 1953, Chapter 140, set the times for holding Chancery Court in McMinn County on the third Mondays in August and February of each year.

### **Chancery Court - Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in McMinn County.

1. Private Acts of 1915, Chapter 696, made women over the age of twenty-one eligible to be deputy clerks and masters.
2. Private Acts of 1933, Chapter 863, set the salary of the clerk and master at \$3,000 per annum.
3. Private Acts of 1935, Chapter 47, provided for the appointment of one deputy clerk and master at a monthly salary of \$75 to be paid from the county general fund.

### **Circuit Court**



The following acts were once applicable to the circuit court of McMinn County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1821, Chapter 92, provided that the Circuit Court in McMinn would be held in "such house in the town of Calhoun as may best suit the county."
2. Acts of 1837-38, Chapter 116, provided that the Circuit Court in McMinn County would be held on the second Mondays in April, August and December.
3. Acts of 1903, Chapter 354, also provided that Circuit Court in McMinn County would be held on the second Mondays of April, August and December.
4. Private Acts of 1923, Chapter 537, changed the time for holding Circuit Court to the first Mondays in March, July and November.
5. Private Acts of 1925, Chapter 58, was the act which first established a separate criminal court for McMinn and other counties in the Fourth Judicial Circuit.
6. Public Acts of 1971, Chapter 347, changed the times for holding the Circuit Court for the Twenty-Fourth Judicial Circuit (McMinn County) to the first Mondays in February, July, September and November.
7. Public Acts of 1974, Chapter 686, created a new judicial circuit consisting of Bradley County to provide for transfer of cases from the Twenty-Fourth Judicial Circuit (McMinn County) to the new judicial circuit. Circuit Court for the twenty-fourth judicial circuit would meet on the first Mondays in February, July, September and November.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the McMinn County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1823, Chapter 68, directed the McMinn County Circuit Court Clerk to move his records from Calhoun to Athens by the third Monday of April, 1823.
2. Acts of 1829-30, Chapter 90, authorized the Circuit Court Clerk, Samuel M. Gnatt, to build at his own expense an office in front of his house on the public square in Athens.
3. Acts of 1857-58, Chapter 112, directed the Comptroller of the Treasury to issue a warrant for the amount of \$120 for the benefit of McMinn County, to supply the Court Reports which were burned in the fire at the Circuit Court Clerk's office in Athens in 1853.
4. Private Acts of 1923, Chapter 297, set the annual salary of the Circuit Court Clerk at \$1,500.

### **Criminal Court**

The following acts once pertained to the McMinn County Criminal Court, but are no longer current law.

1. Private Acts of 1925, Chapter 58, created the Criminal Court Division of the Fourth Judicial Circuit.
2. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, the complete turnover of the lower court system in Tennessee, assigned the counties of Roane, Loudon, Blount, McMinn, Polk, Monroe and Bradley to the Criminal Division of the Fourth Judicial Circuit and set the opening dates of the Court in Cleveland in Bradley County on the third Monday in February, June and October.
3. Public Acts of 1965, Chapter 188, assigned the counties of Bradley, McMinn, Monroe and Polk to the Criminal Court Division of the Twenty-fourth Judicial Circuit.

### **District Attorney General - Assistants and Criminal Investigators**

The following acts once affecting McMinn County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1939, Chapter 228, created the position of Criminal Investigator for the Fourth Judicial Circuit who would be a resident of the circuit, an attorney, and over 21 years of age. The Governor would appoint the first Investigator and the Criminal Court Judge would appoint one every two years thereafter. The salary was fixed at \$1,200 per year. This Act was repealed by Public Acts of 1965, Chapter 189.
2. Public Acts of 1965, Chapter 188, empowered the District Attorney General of the Twenty-fourth Judicial Circuit to appoint two (2) suitable persons as Assistant Attorney's General, or one (1) Assistant District Attorney General and one (1) Criminal Investigator.
3. Public Acts of 1967, Chapter 385, created the office of an additional Assistant District Attorney General for the Twenty-fourth Judicial Circuit.
4. Public Acts of 1977, Chapter 356, created an additional office of Criminal Investigator for the

District Attorney General of the Twenty-fourth Judicial Circuit.

### **Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1963, Chapter 231, provided for a secretary for the judge of the Fourth Judicial Circuit.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1999 Chapter 61

**SECTION 1.** Effective September 1, 2000, the County Board of Education of McMinn County shall consist of ten (10) members with two (2) members to be elected from each of the five (5) school districts for four (4) year staggered terms. The school districts shall be coextensive with the five (5) county legislative districts.

At the regular August election in 2000, Districts I and V shall each elect one (1) new board member for a four (4) year term. Successors to incumbent members in Districts I and V shall be elected at the regular August election in 2002.

At the regular August election in 2000, Districts II, III, and IV shall each elect two (2) board members. The candidate in each such district who receives the highest number of votes shall be elected for a four (4) year term and the candidate in each district who receives the second highest number of votes shall be elected for a two (2) year term. Thereafter, all members of the County Board of Education shall be elected for a term of four (4) years. The term of office of such members shall begin on September 1, following their elections and continue until their successors are elected and qualified. Successors shall be elected at the regular August election.

**COMPILER'S NOTE:** SECTION 2 was omitted in original act.

**SECTION 3.** Members of the County Board of Education of McMinn County shall be residents of the district from which elected. Vacancies on the board shall be filled by the McMinn County Legislative Body and any person so appointed shall serve until a successor is elected and qualified according to law.

**SECTION 4.** The duties and compensation of members of the County Board of Education shall be as provided by general law.

**SECTION 5.** Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

**SECTION 6.** All laws or parts of laws in conflict with this act are hereby repealed.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of McMinn County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Legislative Body of McMinn County and certified to the Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.

Passed: May 27, 1999.

## Superintendent or Director of Schools

### Audit

#### Private Acts of 1949 Chapter 529

**SECTION 1.** That the Quarterly County Court of McMinn County, at any regular meeting by a majority of the members present, may order an audit of the books of the Superintendent of Schools of McMinn County for such periods of time or terms of office as they may deem expedient, proper and in the public interest, and may have subsequent audits at regular periods, as deemed necessary. Such audit shall be made by a

certified public accountant and the fee or charges therefor shall be paid out of the general county funds; provided, however, that the cost of such audit shall be determined and fixed in writing before any audit shall be authorized.

**SECTION 2.** That the regular Quarterly County Court shall adopt such orders, rules and regulations, not inconsistent with the provisions hereof, for the auditing of said books.

**SECTION 3.** That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1949.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in McMinn County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1971, Chapter 58, as amended by Private Acts of 1972, Chapter 205, created the county board of education for McMinn County consisting of seven (7) members, with one (1) member to be elected from each of the five (5) school districts and two (2) members to be elected from the county-at-large. The school districts were coextensive with the five (5) magisterial districts of the county, respectively. This act was superseded by Private Acts of 1999, Chapter 61.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of McMinn County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below is an act which repeal prior law without providing new substantive provisions.

1. Acts of 1823, Chapter 278, established Fentress Academy as the county academy of McMinn County.
2. Acts of 1825, Chapter 110, incorporated the Forest Hill Academy, the second academy for the county.
3. Acts of 1832, Chapter 36, directed the trustees of Forest Hill Academy not to expend the principal academy fund, but to put it out at interest "or vest it in a more productive way."
4. Acts of 1901, Chapter 367, created an independent school district, the "County Line School District", out of parts of McMinn and Monroe Counties. All independent school districts which were not taxing districts (and this one was not) were abolished by the General Education Act of 1925.
5. Acts of 1905, Chapter 405, created another independent school district between McMinn and Monroe Counties.
6. Private Acts of 1917, Chapter 296, provided that one member of the County High School Board of Education would be from Athens.
7. Private Acts of 1919, Chapter 715, abolished the Elementary and High School Boards of Education, providing for the election of a County Commission of Education.
8. Private Acts of 1925, Chapter 616, allowed McMinn County to contract with any incorporated municipality within its boundaries, to allow county students to attend city schools "under such terms and conditions as may appear just and proper."
9. Private Acts of 1929, Chapter 425, authorized the payment from county school funds of any deficit incurred by the McMinn County Board of Education in constructing and equipping consolidated schools.
10. Private Acts of 1931 (2nd Ex. Sess.), Chapter 5, provided for the renewal of certificates to qualify applicants for the position of County Superintendents. This act was repealed by Private Acts of 1935 (1st Ex. Sess.), Chapter 58.
11. Private Acts of 1933, Chapter 837, set the salary of the County Superintendent of Public Instruction at not less than \$2,00 per year and not more than \$2,00 annually.
12. Private Acts of 1935, Chapter 631, set the minimum salary of teachers in McMinn County with ten years experience at \$65. This act did not state if this was weekly, monthly or annually.
13. Private Acts of 1937, Chapter 793, provided that in McMinn County two year teaching certificates would be renewed for four years for high school teachers who had taught at least two years in

- Tennessee high schools and were graduates of an accredited college or university.
14. Private Acts of 1939, Chapter 564, provided that the Superintendent of Public Instruction would have a four year term.
  15. Private Acts of 1945, Chapter 528, authorized R. F. McKinney of McMinn County to teach band and orchestra in the McMinn County schools and the Commissioner of Education was directed to issue a state teaching certificate to Mr. McKinney.
  16. Public Acts of 1981, Chapter 106, is an amendment to T.C.A. 2-1-112 which said that the Section would not operate to disqualify any employee of a county, or a city, school system, who did not work directly under an elected school official, from serving as an election officer on the date of the election only.

## Chapter VII - Elections

### Campaign Literature

#### Private Acts of 1982 Chapter 337

**SECTION 1.** In McMinn County, the distribution and/or display of campaign posters, signs or other campaign materials and the solicitation of votes for or against any person or political party or position on a question, shall be prohibited within the building in which the polling place for voters is located and on any grounds or parking areas surrounding or adjacent to the polling place; or in the alternative, such distribution, display and solicitation shall not be permitted within three hundred (300) feet of the polling place.

**SECTION 2.** The officer of elections shall measure off three hundred (300) feet from the entrances to the building in which the election is to be held and shall place boundary signs at that distance or the officer shall place boundary signs at the edges of the grounds and parking areas of the polling place, whichever is applicable.

**SECTION 3.** This act shall have no effect unless it is approved by a majority of the number of qualified voters of McMinn County voting in an election on the question of whether or not the act should be approved. The ballots used in the regular August election to be held on August 5, 1982 shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by McMinn County.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this act, as provided in Section 3, it shall be effective upon becoming a law, but for all other purposes the provisions of the act shall be effective only upon being approved as provided in Section 3.

Passed: April 6, 1982.

### Commissioner of Elections

#### List of Registered Voters

#### Private Acts of 1957 Chapter 20

**SECTION 1.** That the Commissioners of Elections of McMinn County, Tennessee shall furnish each political party in McMinn County, Tennessee with a certified list of the registered voters of said County, which list shall contain the names of all persons who have registered not less than twenty (20) days next preceding the date of the Primary Election. This list shall certify to the Commissioners of Elections the date upon which said Primary is to be held and the authorization for same. This certification shall be made at least thirty (30) days before said Primary election is to be held.

**SECTION 2.** That the certified list of registered voters shall be supplied to the said Chairman of each political party of McMinn County, Tennessee, at least five (5) days prior to the date of the Primary Election in which said list is to be used.

**SECTION 3.** That the said Commissioners of Elections of McMinn County, Tennessee, may require the Registrar at large for said County to prepare this list under their direction, and a charge of one cent per name may be made for these services payable by the Chairman of the Primary Board requesting such list, and this amount may be paid to said Registrar in addition to the regular compensation paid to the Registrar for the normal duties of said office.

**SECTION 4.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the County Council of any county to which it may apply on or before the next regular meeting of such County Council occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 28, 1957.

## Districts - Reapportionment

### Civil Districts

### Private Acts of 1953 Chapter 121

**SECTION 1.** That the present Civil Districts of McMinn County, Tennessee, the same being numbers one, two and three, be and the same are hereby abolished.

**SECTION 2.** That in lieu of the present Civil Districts heretofore existing in McMinn County, Tennessee, there are hereby created three Civil Districts for said County as follows:

(1) First Civil District. The First Civil District shall be as follows:

Beginning at the point where the L & N Railroad (Etowah-Wetmore) crosses the Polk- McMinn County line; thence in a northerly direction along said L & N Railroad to the Depot at Etowah, Tennessee; thence from said Depot to 8th Street in the City of Etowah, Tennessee; thence along 8th Street to the Good Springs Road; thence along said road to its intersection with the Big Foot Road; thence along the Big Foot Road to its intersection with the Casey Gap Road; thence in a southwesterly direction along the Casey Gap Road to the Piney Grove Road; thence in a northeasterly direction along the Piney Grove Road to Long Mill Road at W. M. Paisley's Farm thence in a northerly direction along Long Mill Road to Cedar Springs Road thence in a northeasterly direction along Cedar Springs Road to the intersection of Jackson and Main or Madison Streets in the City of Athens, Tennessee; thence along Main or Madison Street to the old Madisonville Road; thence along said Road to the L & N Railroad Branch Line; thence along said Railroad and the present 1st District Line to the point where it intersects or crosses the public road east of Slacks Chapel Church; thence north to the intersection of the Englewood- Niota Road and the Old Madisonville Road; thence in a northerly direction along the Englewood-Niota Road to the Eastanallee Creek; thence in a northeasterly direction along the Eastanallee Creek to the Monroe County line; thence in a southerly direction along the Monroe County line to the Polk County line; thence along the Polk County line to the point of beginning.

(2) Second Civil District. The Second Civil District shall be as follows:

Beginning at the point where the L & N Railroad crosses the Polk-McMinn County line; thence in a northerly direction along said L & N Railroad to the Depot at Etowah, Tennessee; thence from said Depot to 8th Street in the City of Etowah, thence along 8th Street to the Good Springs Road; thence along said Road to its intersection with the Big Foot Road; thence in a northeasterly direction along the Big Foot Road to its intersection with the Casey Gap Road; thence in a southwesterly direction along the Casey Gap Road to the Piney Grove Road; thence in a northeasterly direction along the Piney Grove Road to the Long Mill Road at W. M. Paisley's Farm thence in a northerly direction along Long Mill Road to Cedar Springs Road thence in a northeasterly direction along Cedar Springs Road to the intersection of Jackson and Main or Madison Streets in the City of Athens, Tennessee; thence along Main or Madison Street in a westerly direction to its intersection with White Street; thence in a northerly direction along White Street to the Southern Railway Viaduct; thence along Highway No. 30 to the Mouse Creek Bridge; thence due south to Highway 11 thence southwesterly along Highway 11 to the Coil Road, thence westwardly along Coil Road to the right of way of Interstate I-75 thence southwestwardly along the right of way to Interstate I-75 to the present 2nd District Line; thence due west along the present 7th precinct line to the Meigs County line; thence south along the Meigs County line to the Hiwassee River and

Bradley County line; thence along said River and Bradley County line in a southeasterly direction to the Polk County line; thence along the Polk County line to the point of beginning.

(3) Third Civil District. The Third Civil District shall be as follows:

Beginning at the intersection of White and Main or Madison Streets in the City of Athens, Tennessee; thence in a northerly direction along White Street to the Southern Railway Viaduct; thence along Highway No. 30 to the Mouse Creek Bridge; thence due south to Highway No. 11; thence southwesterly along Highway No. 11 to the Coil Road; thence westwardly along Coil Road to the right of way of interstate I-75; thence southwestwardly along right of way of Interstate I-75 to the present 2nd District Line, thence due west along the present 7th precinct line to the Meigs County line; thence north with the Meigs County line to the Roane County line; thence in a westerly direction with the Roane County line to the Loudon County line; thence with the Loudon County line to its intersection with Eastanallee Creek; thence in a southwesterly direction along Eastanallee Creek to the Englewood-Niota Road; thence in a southerly direction along said Road to the Madisonville Road; thence due south to the present 1st District line; thence in a westerly direction along said present 1st District line to the Madisonville Road; thence in a westerly direction along said Madisonville Road to Madison Street in the City of Athens, Tennessee; thence along Madison Street and Main Street to the intersection with White Street and the beginning point.

As amended by: Private Acts of 1969, Chapter 36

**SECTION 2.** That the voting precinct in the newly created Civil Districts shall be composed as follows:

The first Civil District shall be composed of the following precincts: The 2nd, 4th, 5th, 10th, and 13th as they are presently established.

The Second Civil District shall be composed of the following precincts: The 1st, 3rd, 7th, 8th, 12th, 15th, and 18th as they are presently established.

The Third Civil District shall be composed of the following precincts: the 6th, 9th, 11th, 14th, 16th, and 17th as they are presently established.

**COMPILER'S NOTE:** This Act does not contain a Section 3.

**SECTION 4.** That the County Court of McMinn County shall fix the places of voting in the 18 precincts set out in Section 2, and that until such action is taken by the said Court the places of voting shall remain as they are presently established, with the exception of the 1st precinct, which shall hereafter have its voting place at the City Park School in Athens, Tennessee.

**COMPILER'S NOTE:** Sections 2 and 4 of this Act may have been superseded by the Tennessee "Election Code," specifically T.C.A. 2-3-102 which provides that precincts will be established by the County Election Commission.

**SECTION 5.** That from and after the passage of this Act the offices of Justice of Peace and Constable in the District be abolished, and the same are hereby abolished.

**SECTION 6.** That the Board of Election Commissioners shall hold the next General Election in August, 1954 under the provisions of this Act, for the election of Justices of the Peace and Constables in the Civil Districts as herein established; and that said Board of Election Commissioners shall cause the Registrar-at-large for McMinn County to make the necessary changes on the registration records in cases where precincts are placed in new districts bearing a designation different from that previously held, said changes to be made at least ninety (90) day before the August, 1954 General Election for McMinn County.

**SECTION 7.** That should any section, clause or provision of this Act be held unconstitutional for any reason, the same shall not affect the validity of the Act as a whole or any part hereof other than the part so held to be unconstitutional, it being the legislative intent of this Act that every section, paragraph and provision of this Act is severable and may be elided if held unconstitutional without affecting the remainder of the Act.

**SECTION 8.** That this Act take effect on September 1, 1954, the public welfare requiring it.

Passed: March 9, 1953.

## Elections - Historical Notes

The following is a listing of acts for McMinn County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1831, Chapter 57, provided that there would be a precinct polling place at the house of James Grigg in McMinn County.

2. Acts of 1841-42 (Ex. Sess.), Chapter 1, provided that McMinn County jointly with Polk and Monroe Counties would elect one representative to the state house of representatives. This act also provided for the election of one State Senator from McMinn County.
3. Acts of 1841-42 (Ex. Sess.), Chapter 7, placed McMinn in the Third U.S. Congressional District.
4. Private Acts of 1907, Chapter 18, abolished the Second, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Eleventh, Twelfth, Thirteenth and Seventeenth Civil Districts of McMinn County, Tenn., and constituted new voting precincts for other districts.
5. Acts of 1907, Chapter 102, abolished the then-existing civil district and redistricted the county into six civil districts. This act was amended several times; by Private Acts of 1911, Chapter 562, to change the boundary between the Second and Fourth Civil Districts; by Private Acts of 1915, Chapter 38, to change the boundary between the First and Third Civil Districts; by Private Acts of 1917, Chapter 125; to change the line between the First and Fourth Civil Districts and by Private Acts of 1917, Chapter 126, to change the boundaries between the Second and Third Civil District.
6. Private Acts of 1911, Chapter 212, provided that registration was not a prerequisite to voting in McMinn County in any national, state, county or civil district election; though cities might require voters to register before voting in a city election. This act was amended by Private Acts of 1937 (Ex. Sess.), Chapter 38, which provided for the registration of voters as a prerequisite to the elective franchise but only in incorporated towns.
7. Private Acts of 1919, Chapter 663, changed the line between the First and Second Civil District of McMinn County.
8. Private Acts of 1921, Chapter 151, specified that registration was not to be a prerequisite to voting in any election held in McMinn County, including municipal elections.
9. Private Acts of 1921, Chapter 152, provided additional voting precincts in McMinn County and designated the polling places within each precinct.
10. Private Acts of 1923, Chapter 539, changed the line between the First and Second Civil District and also altered the boundary lines between the Ninth and Sixteenth Voting Precincts.
11. Private Acts of 1929, Chapter 606, allowed an election officer to mark the ballot of any voter who was unable to mark his own, provided that such was done in the presence of not less than two of the judges of the election, who were not to be members of the same political party.
12. Private Acts of 1929, Chapter 607, established the Sixth and Twenty-third Voting precincts in the Second Civil District of McMinn County and established the polling places in those precincts.
13. Private Acts of 1931 (Ex. Sess.), Chapter 2, provided for the appointment of a "Deputy Registrar" in McMinn County, though it is likely that this act was meant to provide for the appointment of a deputy "register."
14. Private Acts of 1933, Chapter 836, eliminated the seventeenth voting precinct of McMinn County and added its area to the Fifteenth and Sixteenth voting precincts of the county.
15. Private Acts of 1935, Chapter 585, took a portion of the area in the 11th, 12th and 15th voting precincts of McMinn County and placed it all in the 12th voting precinct of the Third Civil District.
16. Private Acts of 1941, Chapter 261, abolished the six civil districts then-existing in McMinn County and redistricted the county into three civil districts. The boundaries of the second and third civil districts were changed by an amendment found in the Private Acts of 1949, Chapter 205, but before this amendment could take effect, the original act was repealed by Private Acts of 1949, Chapter 541.
17. Private Acts of 1949, Chapter 582, was a lengthy act setting up a comprehensive plan for permanent registration of McMinn County voters.

## Chapter VIII - Health

### County Health Officer - Physician

#### Private Acts of 1933 Chapter 864

**SECTION 1.** That in Counties of the State having a population of not less than 29,015 nor more than 29,025, according to the Federal Census of 1930, or any subsequent Federal Census, the County Health Officer or County Physician or Jail Physician are hereby declared to be each and all the same official whose

duties, authorities, and powers shall be vested in one individual who shall have been previously elected to any, each or all of the above offices by the County Court as prescribed by law; and provided, that the same shall apply to each and all said officials hereafter elected by the County Court or elected or appointed by the County Commissioners. The compensation of each and all of the said officials shall be as prescribed by law or as prescribed by any previous action of the County Court.

**SECTION 2.** That all Acts or parts of Acts 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 21, 1933.

## Landfills

### Private Acts of 1987 Chapter 43

**SECTION 1.** As used in this Act, the following terms are defined as follows:

- (a) "Solid waste" means garbage, refuse, and other discarded solid-waste material resulting from industrial, commercial and agricultural operations and all garbage, refuse or other discarded solid materials from individual homes, apartments, multiple dwellings, trailers or other living quarters, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.
- (b) "Person" means any and all persons, natural or artificial, including any individuals, firm or association, and municipal or private corporation organized or existing under the laws of this state or any other state, and any governmental agency or county of this state.
- (c) "Solid waste disposal system" means the relationship of the coordinated activities of and resources for processing and disposal of solid wastes within a common geographical area and under the supervision of any person or persons engaging in such activities.
- (d) "Solid waste disposal" means the process of placing, confining, compacting, or covering solid waste except when such solid waste is for reuse, removal, reclamation, or salvage.
- (e) "Land fill area" means any land area selected for the purpose of solid waste disposal of solid waste material.

**SECTION 2.** No land fill area for the disposal of solid waste materials in this state shall be constructed in McMinn County, and no contract between any person or persons for the purpose of constructing or utilizing the same shall be completed or executed unless the location of said landfill area shall have been approved by the County Commission of McMinn County.

Should the County Commission disapprove of said site no further action shall be taken in regard to the construction of a landfill area at that site.

**SECTION 3.** Any person violating any of the provisions of this Act, or failing, neglecting or refusing to comply with any order or resolution of the County Commission lawfully issued shall be guilty of a misdemeanor and upon conviction shall be liable to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) for each violation, within the discretion of the court of competent jurisdiction and each day of continued violation shall constitute a separate offense.

**SECTION 4.** In addition to the penalties herein provided the County Commission may cause the enforcement of any orders or rules issued by them to carry out the provisions of this Act by instituting legal proceedings to enjoin the violation of the provisions of this Act, and the orders or rules of the County Commission in any court of competent jurisdiction, and such court may grant a temporary or permanent injunction restraining the violation thereof. The district attorney general in whose jurisdiction a violation of this Act occurs or the attorney general of the state shall institute and prosecute such suits when necessity therefore has been shown by those herein clothed with the power of investigation.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Commission of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Commission and certified by him to the Secretary of State.

**SECTION 6.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes it shall become effective upon being approved as provided in Section 5.

Passed: April 8, 1987.



## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1933, Chapter 677, authorized Sam H. Arrants to practice pharmacy in McMinn County even though he was not a licensed pharmacist. Acts such as these were fairly common in this state in the years following the establishment of licensing standards for the health professions. But this private act contained the following preamble which explains why legislation such as this was necessary for many Tennessee Counties.
2. Private Acts of 1937, Chapter 302, authorized Fred Cannon to practice veterinary surgery in McMinn and adjoining counties by directing the State Board of Veterinary Surgery to issue him a license.
3. Private Acts of 1945, Chapter 520, was another act directing the issuance of a license by the State Board of Veterinary Surgeons to G. L. Harris of McMinn County.
4. Private Acts of 1965, Chapter 13, which created a non-profit Hospital District, known as the Woods Memorial Hospital District, was repealed by Private Acts of 2012, Chapter 42.

## Chapter IX - Highways and Roads

### Commissioner of Highways

#### Private Acts of 1982 Chapter 189

**SECTION 1.** The office of Commissioner of Highways for McMinn County is hereby created. The Commissioner of Highways shall be considered the chief administrative officer for the purposes of the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7. The powers and duties of the Commissioner of Highways shall be as specified in the County Uniform Highway Law as codified in Tennessee Code Annotated, Section 54-7-101 et seq.

**SECTION 2.** The Commissioner of Highways shall be elected by the qualified voters of McMinn County in accordance with the General Election Laws of the State of Tennessee in the General Election to be held in August, 1982, and every four (4) years thereafter. Upon certification of the results of the August, 1982, Election, the Commissioner of Highways shall take office September 1, 1982, for a term of four years.

A vacancy in the office of Commissioner of Highways shall be filled by an appointee of the county legislative body as provided by law, and shall serve until a successor is elected at the next county-wide election occurring after the vacancy.

**SECTION 3.** The county legislative body shall have the authority to set the salary of the Commissioner of Highways at a rate higher than the minimum salary established in Tennessee Code Annotated, Section 54-7-106.

**SECTION 4.** Notwithstanding any provisions of the law to the contrary and for 1982 only, the County Election Commission of McMinn County is authorized to modify the filing deadlines for nominating petitions required by Tennessee Code Annotated, Title 2, Chapter 5, to the extent determined to be necessary and practical in order to accomplish the purposes of this Act, but only if the effective date of this Act falls after the qualifying deadline applicable in such county as set out in Tennessee Code Annotated, Section 2-5-101.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 6.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: February 1, 1982.

### Roads

#### Private Acts of 1991 Chapter 83

**SECTION 1.** As used in this act, unless the context otherwise requires:

- (1) "Chief Administrative Officer" means the chief administrative officer of the county highway department as defined in Tennessee Code Annotated, Section 54-7-103, the same being the Commissioner of Highways for McMinn County according to Chapter 189 of the Private Acts of 1982.
- (2) "County road" or "county highway" means a public road not maintained by any other governmental entity and designated by the county legislative body as being located in the county and having sufficient use and importance so that the county, through its county highway department is authorized to maintain the road.
- (3) "County road list" means a listing of the roads designated as county roads by providing a name, description of beginning and ending points, and classification of each road on the list.
- (4) "Interested property owner" means a person or legal entity that holds a legal or equitable interest in real property (other than a leasehold interest) adjacent to a public road, or person or legal entity that has access to the public road by way of easement or right of way.
- (5) "Public road or public highway" means any road recognized by law as a way open to all the people, without distinction, for passage and repassage at their pleasure.

**SECTION 2.**

- (a) The chief administrative officer shall review the status of public roads and county roads in the county prior to January 1 of each year and shall make recommendations to the county legislative body as to the public roads that should be designated as county roads, the classification of the county roads, the roads that should be removed from the county road list, the private roads or rights of ways that should be accepted as gifts by deed or other instrument to become county roads, any real property or rights of way that should be purchased or condemned to become county roads, and any public road (including any county road) that should be closed.
- (b) After receiving the recommendation of the chief administrative officer, the county legislative body shall, at least annually and prior to February 1 of each year, designate and update previous designations of county roads. The county legislative body may accept or reject the recommendations of the chief administrative officer required under subsection (a), but the county legislative body shall not make any designation, nor accept any road as a county road, nor alter any classification, nor remove a road from the county road list, nor act to purchase or condemn land for a county road, nor close a public road, without first receiving the recommendation of the chief administrative officer. The county legislative body may request the recommendation of the chief administrative officer concerning any action it make take regarding the county road system and the public roads in the county at any time during the year. The chief administrative officer shall respond to such requests with a recommendation within sixty (60) days of receiving such a request. The roads designated as county roads by the county legislative body shall be entered on the county road list. The county road list shall be maintained by the chief administrative officer and a copy of it shall be kept by the county clerk.
- (c) The removal of a public road from the county roads list or the fact that a public road is not designated as a county road shall not impair its public character allowing all persons, without distinction, to pass over said road, but the removal of a public road from the county road list shall remove any obligation of the county to maintain said public road.
- (d) The chief administrative officer shall develop a classification system for the county roads based upon width of right of way, width of roadbed, and type of roadbed and surface. All county roads shall be classified in accordance thereto. The classification of all county roads shall be made a part of the county road list. The classification of the county roads shall be updated at least annually by the chief administrative officer in conjunction with the update of the county road list.

**SECTION 3.** The county legislative body may appropriate either county highway funds or county general funds for the purpose of acquiring real property, including rights of way (by purchase or exercise of the power of eminent domain), building, repairing, and maintaining county roads and bridges and to operate ferries connecting county roads or connecting a county road with any other public road.

**SECTION 4.** The county legislative body may close a county road or a public road not maintained by any governmental entity located in the county upon first receiving the recommendation of the chief administrative officer and following procedures which shall be adopted by the county legislative body that shall provide for a public hearing, notice to interested property owners, public notice, award of compensation for any damages, and transfer of the county's interest in the road where appropriate. Appeal of any action by the county legislative body regarding closing of a road and awarding damages may be made to the Chancery Court.

**SECTION 5.** The chief administrative officer shall establish standards for the acceptance of subdivision roads and private roads as county roads; however, the standards for acceptance of subdivision roads shall not be inconsistent with any subdivision regulations established by a county or regional planning commission. A copy of any approved standards shall be maintained by the chief administrative officer and by the county clerk. Once these standards have been established, a road shall not become a county road that does not conform to these standards. However, a party offering a subdivision or private road to the county may receive conditional acceptance of such road as a county road upon recommendation by the chief administrative officer and approval of the county legislative body, and by posting security in the form of a bond payable to the county in such amount as would be required to bring the road into compliance with the established standards for acceptance. The bond shall be with a corporate surety approved by the county executive and in such amount as set by the chief administrative officer.

The bond shall be delivered to the county clerk. The bond shall be canceled by the chief administrative officer with the approval of the county executive when the terms of the bond have been met. The private party offering a road under this section may cause work to be performed on the road after such road has received conditional approval as a county road and until the bond is canceled. If the road is not in compliance with the standards for acceptance within one year of the date of delivery of the bond to the county clerk, then the bond shall become due and payable, and the proceeds shall be paid into the county highway fund to pay for the work required to bring the designated road into compliance with the acceptance standards. The county highway department shall bring a conditionally approved road into compliance with the approved standards after receiving bond proceeds for this purpose. After the bond is canceled or after bringing the conditionally approved road into compliance with the approved acceptance standards, the road shall be a county road.

**SECTION 6.** If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: April 29, 1991.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in McMinn County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1833, Chapter 192, authorized Asbury M. Coffey to open a turnpike road in McMinn County.
2. Acts of 1849-50, Chapter 256, authorized the survey of a route for a public road from the town of Athens in McMinn County to Telico Plains in Monroe County. Road commissioners were appointed to lay out, mark and determine the damages resulting from the location of the roads.
3. Acts of 1851-52, Chapter 9, repealed sections four and five of the Acts of 1849-50, Chapter 256.
4. Acts of 1851-52, Chapter 288, authorized construction and collection of tolls for a turnpike road from McElwee's Factory in Meigs County to Athens in McMinn County.
5. Acts of 1859-60, Chapter 114, authorized three classifications of roads for maintenance purposes. A road tax was levied upon voter approval in the March election of county officers. The residents of the county could approve or reject the road tax upon thirty days notice prior to the given election.
6. Acts of 1911, Chapter 324, authorized McMinn County to defray one-half the expense of building a bridge across the Hiwassee River at Charlestown, Tennessee by issuing bonds in the amount of \$16,000. The cost of constructing other bridges in the county was defrayed by issuing bonds in the amount of nine thousand dollars (\$9,000). The bond interest was five (5) percent annually and due in a period of from five to thirty-five years. The total bond issue was twentyfive thousand dollars (\$25,000) denominations.
7. Private Acts of 1915, Chapter 196, regulated the laying out, working, changing, operating, and

- closing of public roads. It also created a Board of Public Road Commissioners with three year terms. The Board of Road Commissioners was authorized to employ a county Road Supervisor and district supervisors, as well as having control of the prisoners in the county work house sentenced by law to work on public roads. Chapter 196 also provided for raising funds and road duty for males between 21-40 years of age. The term of duty was not less than five (5) nor more than eight (8) days, but could be commuted through paying a sum of \$3.75.
8. Private Act of 1915, Chapter 652, gave authority to the County Highway Commission to condemn right of ways and to determine the value of the condemned right of ways. In addition, the County Highway Commission could establish the manner and form in conducting condemnation proceedings.
  9. Private Acts of 1917, Chapter 240, implemented amendments to the Private Acts of 1915, Chapter 196. First, the Board of Road Commissioners received the same per diem allowed the Justices of the Peace. Next, the Road Supervisor was employed, for a three (3) year term rather than a one (1) year term. This act repealed the one above.
  10. Private Acts of 1919, Chapter 762, reinstated Private Acts of 1915, Chapter 196, but was repealed by Private Acts of 1923, Chapter 535.
  11. Private Acts of 1921, Chapter 577, stated that in McMinn County the County Court may provide that the funds derived from a special road tax for constructing new roads in the County may be expended on any particular road designated by the County Court.
  12. Private Acts of 1923, Chapter 536, gave the County Court authority to appoint a Board of Road Supervisors for a four year term. The Board of Supervisors had the general supervision, control and management of the construction, maintenance and repair of all roads and bridges in the county. The Board of Road Supervisors also provided for the management and control of county jails and workhouses with respect to public roads. Lastly, the Board of Road Supervisors appointed District Commissioners who in turn appointed Road overseers. District Commissions had the authority to enter into contracts; assess damages; and to open, change, or close roads with the approval of a majority of the Board of Road Supervisors.
  13. Private Acts of 1927, Chapter 151, repealed the Private Acts of 1923, Chapter 536, "the McMinn County Road Law".
  14. Private Acts of 1927, Chapter 400, provided for a Public Road Supervisor; defined his duties, term of office; salary; and provided for the appointment of overseers and other necessary officials, other powers of the supervisor included opening, closing, maintaining, building, and working on the public highways.
  15. Private Acts of 1929, Chapter 114, amended Private Acts of 1927, Chapter 400, Section 4, by increasing the salary of the Road supervisor from \$2,000 to \$2,500 annually; by increasing the daily pay rate of the overseer in Section 7 for the days he worked, over and above the mandatory number, from \$1.50 to \$2.50; by making the approval of the County Judge necessary in securing the services of an engineer and by increasing the salary of the Secretary to the Road Supervisor from \$300 to \$1,000 annually in Section 18.
  16. Private Acts of 1933, Chapter 254, repealed the Private Acts of 1927, Chapter 400, and provided for a County Road Superintendent instead of a Public Road Supervisor as set out in the Private Acts of 1927, Chapter 400.
  17. Private Acts of 1933, Chapter 726, amended the Private Acts of 1933, Chapter 254. Chapter 726 provided for a Public Road Supervisor rather than a County Road Superintendent.
  18. Private Acts of 1935, Chapter 163, created a three member Board of Road Commissioners in McMinn County giving it the general supervision of all the roads in the county and to appoint a County Road Supervisor. The Act named Harry Dixon, J. F. Howard, and K. C. Robinson as the first Commissioners who would serve until September 1, 1936, when their successors, elected to two, four, and six year terms in the August election, would take over the offices. Afterwards the terms of office would be for six years. The Commissioners would select their Chairman, employ the counsel necessary to execute the provisions of this Act, and employ a County Road Supervisor for four year terms unless summarily removed by the Commissioners before that time. The Road Supervisor would assume and discharge the specific responsibilities set out in Section 3, and all those which may be incidental to these. The Commissioners would meet at least once each month at the Courthouse in Athens, being paid \$5.00 for each day thusly spent, and the Road Supervisor's salary would not exceed \$2,500 per year, payable monthly. The Road Supervisor would be in immediate charge of the roads and the road department and may appoint such foremen and overseers as considered essential. The Supervisor could also work for the State on

the roads in this County. He would be sworn, bonded, and in charge of all material, equipment, and supplies. The workhouse prisoners would be in his custody while working on the roads to pay fines and he may employ guards for them at \$3.00 per day, or less. Regulations for expending funds are incorporated in the Act to which all would adhere and the amount is limited to the tax total available. The Supervisor was to have a Secretary at \$1,000 per year. The Quarterly Court was permitted to levy a special road tax of ten cents per \$100 property valuation and a Bridge tax of five cents per \$100 property valuation. This Act was repealed, with its amendments by Private Acts of 1947, Chapter 346.

19. Private Acts of 1935, Chapter 219, repealed Private Acts of 1927, Chapter 400, which provided for a Public Road Supervisor and defined his duties.
20. Private Acts of 1935, Chapter 582, amended Private Acts of 1935, Chapter 163, Section 5, by fixing the annual salary of the County Road Supervisor at \$2,500 maximum.
21. Private Acts of 1937, Chapter 633, amended Private Acts of 1935, Chapter 163, above, by adding a new Section 2 which provided that the present road Commission would hold their respective offices until the expiration of their respective terms or until their successors were elected. Their successors would be elected by the Quarterly Court, but this Act would not affect the tenure of any current members.
22. Private Acts of 1943, Chapter 270, amended Private Acts of 1935, Chapter 163, by striking Section 15 and inserting a new Section 15 which granted authority to the Quarterly Court to levy a special road tax of not less than two cents per \$100 and a bridge tax of not less than five cents per \$100.
23. Private Acts of 1945, Chapter 163, amended Chapter 163, Private Acts of 1935, by increasing the annual salary of the Secretary to the Road Supervisor from \$1,000 to \$1,200.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Militia**

Those acts once affecting McMinn County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1821, Chapter 184, provided that the militia of McMinn County would form the Sixty-sixth Tennessee Regiment and would hold their annual muster on the Thursday after the first Tuesday in October.
2. Acts of 1822, Chapter 205, formed a brigade of the militia of Rhea, Bledsoe, Hamilton, Marion, and McMinn Counties and attached this brigade to the First Division.
3. Acts of 1833, Chapter 293, provided that the commissioned and staff officers of the Ninety-fourth Regiment of Tennessee Militia in McMinn County were to attend a regimental court martial on the day before battalion muster each year.

#### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the McMinn County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1829-30, Chapter 135, relieved Spencer Beavers, the sheriff of McMinn County, from payment of a judgment against him for taxes not collected in 1828.
2. Acts of 1859-60, Chapter 88, provided that the Sixteenth civil district of McMinn County would be entitled to elect an additional constable, beginning with the next regular election after passage of this act.
3. Private Acts of 1919, Chapter 431, set the annual salary of the sheriff at \$1,500, to be paid from the fees of the office, with any excess fees above this amount going into the county treasury. Private Acts of 1921, Chapter 10, amended the original act by raising the sheriff's salary to \$1,800 per year and releasing him from including in his fee statement the fees his office received from all civil suits in the chancery, circuit, or justice of the peace courts.
4. Private Acts of 1923, Chapter 10, set the salary of the sheriff at \$2,400 annually, in addition to all fees except those received for services in criminal cases.

5. Private Acts of 1925, Chapter 182, authorized the sheriff to hire a janitor to look after the courthouses.
6. Private Acts of 1925, Chapter 183, provided that the sheriff of McMinn County could employ one deputy at an annual salary of \$1,200, with all fees received by the deputy to be paid into the county general fund. This was amended by Private Acts of 1927, Chapter 393, to require the deputy to pay over to the county general fund only those fees received by him for his services in criminal cases.
7. Private Acts of 1927, Chapter 730, regulated the execution and collection of workhouse bonds in McMinn and several surrounding counties, requiring that all workhouse bonds be received, approved and collected by the Criminal Court Clerk. This was amended by Private Acts of 1929, Chapter 720, to provide that all workhouse bonds would contain a clause obligating the sureties to pay a 15% attorney's fee if said bond had to be placed in the hands of an attorney for collection.
8. Private Acts of 1929, Chapter 321, provided that one deputy sheriff in McMinn County would be paid from the county treasury an annual salary of \$1,800 in addition to all fees, both civil and criminal. This act was repealed by Private Acts of 1935, Chapter 197.
9. Private Acts of 1931, Chapter 225, provided that the McMinn County Sheriff could pay one deputy sheriff an annual salary of \$1,800, out of the county treasury. Two years later, this act was amended by Private Acts of 1933, Chapter 308, to lower that salary to \$1,200 per year.
10. Private Acts of 1931, Chapter 227, provided that the sheriff of McMinn County be paid an annual salary of \$3,000 out of the county treasury, in addition to the fees of his office. This act was repealed by Private Acts of 1933, Chapter 642. Private Acts of 1931 (2nd Ex. Sess.), Chapter 4, was almost identical to this act.
11. Private Acts of 1931 (2nd Ex. Sess.), Chapter 17, provided for the appointment of one chief Deputy Sheriff in McMinn County, who would be paid \$150 monthly out of the county treasury. This officer was required to pay his own expenses from his salary.
12. Private Acts of 1933, Chapter 537, authorized the payment of an annual salary of \$2,000 to the sheriff from the county general funds. The sheriff was to turn over all fees and commissions which he collected to the trustee for deposit in the county's general funds.
13. Private Acts of 1933, Chapter 678, authorized the appointment and election of an additional constable in the Second Civil District of McMinn County, Tennessee.
14. Private Acts of 1935, Chapter 197, expressly repealed Private Acts of 1929, Chapter 321, Item 7, above.
15. Private Acts of 1951, Chapter 393, empowered the County Council in McMinn County to fix the salary of the sheriff at not more than \$5,000 annually and to authorize him to employ not more than five deputies, a chief deputy, a jail cook and a jailor. Under the provisions of this act, the County Council could also make allowances for payment of the office expenses of the county sheriff's department.

## Chapter XI - Taxation

### Assessor of Property

#### Additional Duties

#### Private Acts of 1961 Chapter 292

**SECTION 1.** That it shall be the duty of the Tax Assessor of McMinn County to be present in person, or to have a deputy present, at his office in the Courthouse during office hours. It shall be the further duty of the Tax Assessor to stamp or cause to be stamped all deeds presented at his office, with a stamp showing that he has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the tax rolls of McMinn County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof.

**SECTION 2.** That the County Register of the County of McMinn, State of Tennessee, shall not record any deed conveying real estate in said County unless same bears the stamp of the Tax Assessor of said

County, certifying that said Tax Assessor has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments.

**SECTION 3.** That the provisions of this Act shall have no effect unless the same shall be approved by a two-thirds vote of the County Council of McMinn County and its approval or nonapproval shall be proclaimed by the presiding officer of said body having jurisdiction to approve or the reverse, and the same shall be certified by him to the Secretary of State.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1961.

## Hazardous Waste Facilities Privilege Tax

### Private Acts of 1991 Chapter 131

**SECTION 1.** The county legislative body of McMinn County, by resolution, may levy a tax on the privilege of operating a commercial hazardous waste transfer or commercial hazardous waste storage facility at a rate not to exceed ten cents (\$.10) per gallon of liquid or five dollars (\$5.00) per cubic yard of solid matter received by any such facility. The tax shall be levied for the use and benefit of the county and allocated to the general fund, and all revenues collected from the tax except deductions for administration and collection provided for herein, shall be allocated for any or all of the following purposes: fire protection, civil defense, ambulance, rescue, emergency pollution control, or other emergency services. The tax rate authorized by this act shall be applied to all liquid and solid matter transferred through or stored at a commercial hazardous waste transfer or storage facility regardless of whether or not the matter is hazardous. A facility shall be deemed a hazardous waste transfer or storage facility if a primary purpose of the facility is the processing, transfer, or storage of hazardous substances as defined in Tennessee Code Annotated, Section 68-27-102, of which more than twenty-five percent (25%) is annually generated off-site. The tax authorized by this act shall be in addition to any other taxes or fees that may be applicable.

**SECTION 2.** Every commercial hazardous waste transfer or storage facility operator receiving hazardous substances or related matter at such a facility shall become liable for the tax authorized by this act at the time any waste matter is received for processing, transfer, or storage.

**SECTION 3.** The administration and collection of the tax authorized by this act shall be by the county clerk. The county clerk may promulgate all rules and regulations necessary and reasonable for the administration of the provisions of this part, subject to the approval of the county legislative body. The county clerk shall have the same powers in administering and enforcing the collection of any tax levied pursuant to this act as the county clerk has under the general law with respect to collecting other privilege taxes imposed by the general law.

**SECTION 4.** For the purpose of ascertaining the amount of tax payable, it shall be the duty of all operators of hazardous waste transfer or storage facilities in the county to transmit to the county clerk on or before the fifteenth (15th) day of the month next succeeding the month in which the tax accrues (operator becomes liable) a return upon the forms provided by the county clerk. The return shall show the month or period covered, the total volume of liquid and the total volume of solid matter upon which the tax rate will apply, the amount of the tax due and such other information as the county may require. The return shall be accompanied by a remittance covering the amount of tax due as computed by the taxpayer.

**SECTION 5.** The tax levied pursuant to this act shall become delinquent on the sixteenth (16th) day of the month next succeeding the month in which the tax accrues. When any operator shall fail to make any return and pay the full amount of the tax due on or before such date, the operator shall be subject to the penalties provided in Tennessee Code Annotated, Section 67-1- 804, and interest as allowed by general law for delinquent state taxes. All such penalties and interest shall be payable to and collectible by the county clerk from the operator in the same manner as if they were a part of the tax imposed.

**SECTION 6.** (a) All revenues collected from a tax levied pursuant to this act, and all of the penalties and interest collected, shall be remitted by the county clerk monthly, as soon as practical following the end of each month, to the county trustee, less a commission of five percent (5%) of this amount (as authorized by Tennessee Code Annotated, Section 8-21-701(55)), which shall be retained by the county clerk as a fee of this office.

(b) Any adjustment of taxes, penalties, or interest that is necessary to correct any error in collection or disbursement may be made at a subsequent collection or disbursement.

**SECTION 7.** If any provision of this act or the application thereof to any person or circumstance is held

invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of McMinn County and certified by the presiding officer of the county legislative body to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: May 30, 1991.

## Hotel/Motel Tax

### Private Acts of 1989 Chapter 5

**SECTION 1.** As used in this act unless the context otherwise requires:

- (1) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, business trust, syndicate, or any other group or combination acting as a unit.
- (2) "Hotel" means any structure or space, or any portion thereof which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (4) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.
- (5) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (6) "County" means McMinn County, Tennessee.
- (7) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, including any governmental entity operating a hotel, whether as owner or otherwise.
- (8) "Clerk" means the County Clerk of McMinn County, Tennessee, or such other officer as may be charged by resolution of the County Legislative Body with collection of the tax.
- (9) Words importing the masculine gender include the feminine and neuter, except when the contrary intention is manifest.

**SECTION 2.** The Legislative Body of McMinn County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

**SECTION 3.** One third (1/3) of the proceeds received by the county from the tax shall be designated and used for tourist development and the remaining two thirds (2/3) shall be designated and used for the economic development of McMinn County. Such tax proceeds shall be used as additional funding for tourism development and economic development and shall not be used to reduce funding sources already provided for these purposes.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient and such tax shall be collected by such operator from the transient and remitted to McMinn County.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator



shall receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 5.** (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county to the Clerk, such tax to be remitted to such officer not later than the twentieth day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for remitting the tax levied by this act the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the Clerk in the form of a deduction in submitting his report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

**SECTION 6.** The Clerk shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the Clerk by the operator with such number of copies thereof as the Clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the Clerk and approved by the County Legislative Body prior to use. The Clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the County Legislative Body. The County Legislative Body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

**SECTION 7.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 8.** Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and shall be liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

**SECTION 9.** It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the county, which records the clerk shall have the right to inspect at all reasonable times.

**SECTION 10.** The Clerk in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the County Clerks. For his services in administering and enforcing the provisions of this act, the Clerk shall be entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Title 67 of Tennessee Code Annotated, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the Clerk under authority of this act shall be refunded by the Clerk.

**SECTION 11.** The proceeds of the tax authorized by this act shall be allocated to and placed in the general fund of McMinn County to be used for the purpose stated in Section 3 of this act.

**SECTION 12.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 13.** If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 14.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding

officer of the County Legislative Body and shall be certified by the presiding officer of the County Legislative Body to the Secretary of State.

**SECTION 15.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

Passed: February 22, 1989.

## Law Library Litigation Tax

### Private Acts of 1971 Chapter 150

**SECTION 1.** There shall be created a Committee to be known as the McMinn County Law Library Committee. The Committee shall be composed of the Circuit Court Clerk, the Clerk and Master, the County Manager, the County Attorney, two (2) members as elected by the McMinn County Bar Association, and one (1) member as appointed by the Chairman of the McMinn County Council. The Chairman of the Committee shall be elected annually by the Committee. The Circuit Court Clerk, the Clerk and Master, the County Manager, the County Attorney shall serve during their tenure of office or until a successor is elected or appointed and those members elected by the McMinn County Bar Association and the member appointed by the McMinn County Council shall serve for a period of two (2) years. In the event of a vacancy on the Committee such vacancy shall be filled for the balance of the term by the body making the original appointment. The Committee shall serve without compensation during the members tenure of office.

**SECTION 2.** The purpose of said Committee shall be to establish, acquire, maintain, and operate a County Law Library in McMinn County. The Committee shall have the full power and authority to acquire by purchase, gift, rent, lease, loan, or otherwise, law books, codes, treatises or other works of law, government, medicine, literature, or otherwise that they deem necessary or beneficial to the courts, state, county and municipal officials, members of the Bar, and the public, for research or use in preparation for trial or decisions of any matters that come or may come before the courts of the county or state, for the use of said public officials or the public, on questions of law or government, also to acquire in like manner furniture, fixtures, bookcases, supplies and all things necessary to establish, maintain, and operate said County Law Library, together with the right to employ and discharge librarians, clerks and other assistants, to fix salaries of said employees, and within their discretion to make all reasonable rules governing the use of said Law Library. The county shall at the earliest opportunity furnish quarters for said Law Library in the courthouse without cost to said Committee and all books, furniture and other equipment so purchased or acquired shall become the property of the said county.

**SECTION 3.** For the purpose of financing said Law Library, there shall be taxed as cost on each civil, criminal, quasi-civil, quasi-criminal, or any other action at law or suit in equity of any nature, hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit, criminal or chancery court and to any domestic relation suit brought in the court of general sessions of said county, the sum of one dollar twenty-five cents (\$1.25), and on each case of any nature hereinafter arising in the courts of general sessions, domestic relations excepted, or other inferior courts of said county except municipal and juvenile courts, there shall be taxed the sum of twenty-five cents (\$00.25). The costs taxed in pursuance of this section shall be designated McMinn County Law Library Tax and shall be collected by the clerks of such courts, excepting those costs paid by the county of the state of Tennessee upon the return of nulla bonas which are hereby expressly exempt for the purpose of this act, and after payment of State Litigation Tax accrued thereon the amount necessary for the payment of said McMinn County Law Library Tax shall be next applied thereto, before applying any of the amount collected as costs to any other fund or item of costs. On or before the last day of each month, the clerks of the respective courts shall pay the County Trustee, as provided by law, all amounts collected as McMinn County Law Library Tax in the preceding calendar month. The sums paid to the County Trustee shall be designated McMinn County Law Library Fund and used only for the purposes set out in this act. On approval of a majority of said Committee, the County Director of Finance and the County Manager shall draw warrants on the County Trustee for expenditures of the Committee, indicating on such warrant the fund against which they shall be drawn, and the County Trustee is hereby authorized and directed upon all warrants signed by said County Director of Finance and County Manager, to make payment out of said fund upon the warrants so issued and presented in compliance with the provisions of this act. In all cases said Committee is limited to the expenditures of anticipated revenues for the fiscal year.

**SECTION 4.** The Committee shall have the power and authority to make charges for the use, damage or destruction of books or other property and that any income from said charges shall be paid by the Committee into the office of the County Trustee in a like manner and at all times as monies collected

hereunder shall be paid by the clerks of the various courts to said County Trustee.

**SECTION 5.** The Committee shall keep written minutes of their meetings, at which meetings a majority of all members of said Committee then serving shall constitute a quorum for the transaction of business, and said Committee shall keep a record of monies received and disbursed, purchases, losses or destruction of books or other property, and a property inventory, with reasonable accuracy. That an annual report of all of the above shall be made to the McMinn County Council of said county at its April Session each year.

**SECTION 6.** All laws, or parts of law in conflict with the provisions of this Act are repealed.

**SECTION 7.** This Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the McMinn County Council within six months from and after its approval by the Chief Executive of this state. Its approval or non-approval shall be proclaimed by the presiding officer of the McMinn County Council and shall be certified by him to the Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 7, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: May 12, 1971.

## Taxation - Historical Notes

### **Assessor of Property**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the McMinn County Assessor.

1. Private Acts of 1911, Chapter 458, set the maximum compensation of the McMinn County Tax Assessor at \$1,000 per annum. This was amended by Private Acts of 1923, Chapter 193, to raise the salary to \$2,000. Private Acts of 1929, Chapter 329, increased the salary to \$3,000, and Private Acts of 1947, Chapter 623, increased the salary to \$3,600.
2. Private Acts of 1933, Chapter 251, raised the salary of the McMinn County Assessor to \$2,400 annually.
3. Private Acts of 1953, Chapter 69, provided that the Assessor should be paid \$5,000 per annum in equal monthly installments. Private Acts of 1963, Chapter 171, amended the original act to raise that salary to \$7,500, beginning September, 1964.

### **Taxation**

The following is a listing of acts pertaining to taxation in McMinn County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 121, authorized McMinn County to levy an additional tax of not more than \$.50 per \$100 assessed valuation for the purpose of improving the county roads.
2. Private Acts of 1911, Chapter 82, also authorized an additional tax levy of \$.50 for road purposes. The constitutionality of this act was upheld in Southern Railway v. Rowland, 152 Tenn. 243, 276 SW 638 (1925).
3. Private Acts of 1919, Chapter 9, created the office of Delinquent Poll Tax Collector for McMinn County. Private Acts of 1921, Chapter 94, amended Section 26 of this act to provide when the poll tax would be due. This office was abolished by Private Acts of 1923, Chapter 96.
4. Private Acts of 1919, Chapter 252, authorized an additional tax levy for building schools in the county. This act was amended by Private Acts of 1921, Chapter 45, which provided that the tax would be levied and collected annually.
5. Private Acts of 1921, Chapter 48, authorized the County Trustee to collect county road taxes.
6. Private Acts of 1925, Chapter 39, authorized McMinn County Quarterly Court to levy an additional tax of not more than \$.50 for the purpose of building a new high school. This act was amended by Private Acts of 1925, Chapter 436.
7. Private Acts of 1925, Chapter 717, also authorized an additional tax levy for constructing a high school, but this act was much less comprehensive than Chapter 39 and the tax levy provided for was lower.
8. Private Acts of 1931, Chapter 223, was the next act creating the office of delinquent poll tax collector for McMinn County, and this act was amended to place on this officer the additional duty of assessing any eligible male citizen who had not been assessed previously. Private Acts of 1931, Chapter 518, amended section two (2) of this act. This position was abolished when the original

1931 act was repealed by Private Acts of 1931, Chapter 757.

9. Private Acts of 1931, Chapter 612, authorized McMinn County to levy a tax for county purposes not to exceed thirty cents per hundred (\$100.00) dollars of taxable property.
10. Private Acts of 1943, Chapter 255, validated the road tax levies of McMinn County which had been less than the minimum set by state statute.
11. Private Acts of 1953, Chapter 15, validated the tax levies of 1950-51, 1951-52, and 1952- 53 of McMinn County.
12. Private Acts of 1955, Chapter 158, also validated the 1953-54 tax levy of McMinn County.

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