



February 05, 2025

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# Hamblen

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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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# Hamblen



Hamblen County Courthouse

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# Chapter I - Administration

## Annexation by Municipalities

### Public Acts of 1973 Chapter 180

**COMPILER'S NOTE:** Though a Public rather than a Private Act, this is not found in Tennessee Code Annotated. This Act has special effect, applying to Hamblen County, and is therefore included in this volume.

**SECTION 1.** Notwithstanding any provision of the law to the contrary in any county having a population of not less than 38,000 nor more than 38,800 according to the 1970 federal census or any subsequent federal census, no municipality shall annex territory under the provisions of Chapter 3 Title 6 of Tennessee Code Annotated without the consent or request to such annexation by a majority of the residents of the area to be annexed. The consent or request to such annexation by residents shall be by referendum as provided in Tennessee Code Annotated, Sections 6-311 and 6-312. No municipality lying within such county shall be authorized to annex by ordinance as provided by Tennessee Code Annotated, Section 6-309 until July 1, 1975.

**SECTION 2.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: April 24, 1973

### Public Acts of 1975 Chapter 175

**COMPILER'S NOTE:** Though a Public rather than Private Act, this is not found in Tennessee Code Annotated. This Act has special effect, applying to Hamblen County, and is therefore included in this volume.

**SECTION 1.** Notwithstanding any provision of the law to the contrary, in any county having a population of not less than 38,000 nor more than 38,800, according to the 1970 federal census or any subsequent federal census, no municipality shall annex territory under the provisions of Chapter 3 of Title 6 of Tennessee Code Annotated without the consent to or request for such annexation by a majority of the residents of the area to be annexed. The consent to or request for such annexation by residents shall be by referendum, as provided in Tennessee Code Annotated, Sections 6-311 and 6-312. No municipality lying within such county shall be authorized to annex by ordinance as provided by Tennessee Code Annotated, Section 6-309, until July 1, 1980.

**SECTION 2.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 5, 1975.

## Budget System

### Public Acts of 1979 Chapter 101

**SECTION 1.** Tennessee Code Annotated, Section 5-1303, is amended by adding the following paragraph to the end of the section:

In any county having a population of not less than 38,600 nor more than 38,700, according to the 1970 federal census of population or any subsequent federal census, the director of accounts and budgets shall not be terminated or discharged without the approval of the county legislative body. The provisions of this act shall not apply in any county which has a metropolitan form of government.

**SECTION 2.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 26, 1979.

## County Attorney

### Private Acts of 1949 Chapter 677

**SECTION 1.** That there is hereby created the office of County Attorney for Hamblen County. The County Attorney shall be elected by the Hamblen County Quarterly Court annually at the July term of court and shall assume office on September 1 following his election.

As amended by: Private Acts of 1967-68, Chapter 434

**SECTION 2.** That Sam Jack Anderson, a member of the Hamblen County Bar is hereby appointed to the office of County Attorney, to take office September 1, 1949, and to hold office until September 1, 1950, or until his successor is duly elected and qualified to take office.

**SECTION 3.** That for his attendance upon meetings of the Quarterly County Court and the court's finance committee, the County Attorney shall be paid an annual retainer fee of Twelve Hundred Dollars (\$1200), payable in equal monthly installments out of the general funds of the county, by warrant of the County Judge or Chairman upon the trustee. For legal services performed on behalf of the County, the County Attorney shall be entitled to receive additional reasonable compensation and reimbursement for actual expenses incurred, upon approval by the Finance Committee of the Quarterly County Court. Claims for expenses shall be itemized and certified to by the County Attorney and upon approval, shall be paid in the same manner as his retainer and other fees.

As amended by: Private Acts of 1967-68, Chapter 434

**SECTION 4.** It shall be the duty of said County Attorney to transact all the legal business of said County, either in Court or otherwise; to advise the County Officials except the Sheriff upon all legal matters affecting their office and in their official capacities. The County Attorney shall have no duty to represent the Sheriff or any of his deputies unless expressly authorized so to do by the Hamblen County Legislative Body. Nothing contained in this Act shall be construed to prevent the Hamblen County Legislative Body from employing additional legal counsel as considered necessary by said Legislative Body.

As amended by: Private Acts of 1967-68, Chapter 434

Private Acts of 1987, Chapter 99

**SECTION 5.** That this Act take effect September 1, 1949, the public welfare requiring it.

Passed: April 8, 1949.

## County Planning Commission

### Private Acts of 1967-68 Chapter 350

**SECTION 1.** (a) The Quarterly County Court of Hamblen County is authorized to create a County Planning Commission, to consist of not less than seven (7) members. One (1) of the members shall be the chairman of the County Court and one (1) of the members shall be a member of the Quarterly County Court selected by the Quarterly County Court. All other members shall be appointed by the Quarterly County Court in such manner as to give each civil district equal representation on the Commission among the appointed members. All members of the Commission shall receive for such service the sum of ten dollars (\$10) per meeting which they attend, except when they are also members of the Board of Zoning Appeals. They shall, in addition, receive the compensation as provided in Section 20. The terms of appointive members shall be of such length as may be specified by the Quarterly County Court not to exceed five (5) years and may be arranged by the Quarterly County Court so that the terms of one (1) or more members expire each year. Any vacancy in an appointive membership shall be filled for the unexpired term by the Quarterly County Court.

(b) The chairman of the County Court shall be a member of the Commission by virtue of his office and may serve any number of years. The member of the Planning Commission selected from the membership of the Quarterly County Court shall not be eligible for reappointment to the Commission after serving five (5) consecutive years. However, any member of the court shall be eligible for reappointment after being off the Commission for a period of one (1) year. Members appointed to the Commission by the Quarterly County Court from each of the five (5) civil districts of the county shall not be eligible for reappointment to succeed themselves after serving a full term of five (5) years. However, any such member shall be eligible for reappointment after being off the Commission for a period of one (1) year.

(c) The Quarterly County Court of Hamblen County is authorized to create an Advisory Board to advise and assist the Hamblen County Planning Commission, to consist of such number of members as the Quarterly County Court may determine. The Advisory Board shall include, but shall not be limited to, a representative of each of the following agencies and organizations:

- (1) The Hamblen County Health Department
- (2) The Hamblen County Road Department
- (3) The U. S. Soil Conservation Service
- (4) The Hamblen County Farm Bureau
- (5) The Hamblen County Homebuilders Association

(6) The Hamblen County Board of Realtors

(7) The representative of each of the utility districts located in Hamblen County.

The terms of members of the Advisory Board shall be of such length as may be determined by the Quarterly County Court. The court may arrange the terms so that the terms of one or more members will expire each year. Any vacancy on the board shall be filled by appointment by the Quarterly County Court of some person to serve the remainder of the unexpired term. Members of the Advisory Board shall serve without compensation. Members of the Advisory Board shall have the duty of attending the meetings of the Hamblen County Planning Commission and advising and assisting the Commission on all matters as may come before the Commission or as the Commission may from time to time request.

As amended by:

Private Acts of 1969, Chapter 98

Private Acts of 1974, Chapter 236

Private Acts of 1975, Chapter 112

**SECTION 2.** The Commission shall elect its chairman from among the appointive members. The term of the chairman shall be one (1) year with eligibility for re-election. The Commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The Commission may appoint such employees and staff as it may deem necessary for its work, and may contract with county planners and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Quarterly County Court.

**SECTION 3.** It shall be the function and duty of the Commission to make and adopt any official general plan for the physical development of the county, outside any municipal limits. The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, waterfronts, playgrounds, airports and other public ways, grounds, places and spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, powers, sanitation, transportation, communication and other purposes; also the removal, relocation, widening, extension, narrowing, vacating, abandonment, change of use or extension of any of the foregoing public ways, grounds, places, spaces, buildings, properties or utilities; also a zoning plan for regulation of the height, area, bulk, location and use of private and public structures and premises and of population density; also the general location, character, layout and extent of community centers and neighborhood units; also the general location, character, extent and layout of the replanning or blighted districts and slum areas; also regulation of subdivisions. The Commission may from time to time amend, extend or add to the plan or carry any part of subject matter into greater detail.

**SECTION 4.** The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the Secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Quarterly County Court.

**SECTION 5.** In the preparation of the plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and future growth of the county and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

**SECTION 6.** The Commission may make reports and recommendations relating to the plan and development of the county to public officials and agencies, public utility companies, to civic, educational, professional and other organizations and to citizens. It may recommend to the executive or legislative officials of the county programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its work, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have powers as may be necessary to enable it to perform its purposes and promote county planning.

**SECTION 7.** Whenever the Commission shall have adopted the plan of the county or any part thereof,

then and thenceforth no street, part or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the county outside of municipal boundaries until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the Quarterly County Court of the county and the Court by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, the Court shall have the power to proceed. However, if the public way, ground, place, space, building, structure or utility is one the authorization or financing of which does not, under the law governing the same, fall within the province of the Quarterly County Court, then the submission to the Planning Commission shall be by the State, County, District, Municipal or other board or official having such jurisdiction, and the Planning Commission's disapproval may be overruled by such board by a majority vote of its membership, or by such official. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within thirty (30) days after the date of official submission to it shall be considered approval, unless a longer period is granted by the Quarterly County Court or other submitting board or official.

**SECTION 8.** For the purpose of this Act, "street" or "streets" includes streets, avenues, boulevards, roads, lanes, alleys and other ways; "subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriated to the context, relates to the process of subdividing or to the land or area subdivided; and "plat" includes plat, plan, plot or replot.

**SECTION 9.** After the Planning Commission adopts a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and files a certified copy of such major street plan in the office of the county register of the county, no plat of a subdivision of land lying wholly or partly within the county and wholly or partly outside of municipal boundaries shall be filed or recorded until it is submitted to and approved by the Planning Commission and such approval is entered in writing on the plat by the Secretary of the Commission, provided that if the plat of subdivision divides the tract into no more than two (2) lots, the approval may be endorsed in writing on the plat by the secretary of the commission without the approval of the Planning Commission that the subdivision complies with such regulations governing a subdivision of land as having been adopted by the Planning Commission pursuant to this section, provided further, that no request for variance from such regulations has been requested. Where a conveyance between owners of adjoining parcels of land would result in the creation of substandard lots and require a survey for purposes of standardizing such lots, the planning commission may by order combine any such lots under one owner into a standard lot without the need for a survey, upon the written request of either party to the conveyance.

The county registrar (sic) shall not receive, file or record a plat of a subdivision without the approval of the Planning Commission as required by this section. Violation of this provision is a misdemeanor. Each such plat so filed shall include the most recent recorded deed book number and page number for each deed constituting part of the property being platted.

As amended by: Private Acts of 1982, Chapter 249

**SECTION 10.** In exercising the powers granted to it by this Act, the Planning Commission shall adopt regulations governing the subdivision of land within the county. Such regulations may provide for the harmonious development of the county, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the county for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Such regulations may include requirements of the extent to which and the manner in which streets shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the Commission may provide for the tentative approval of the plat previous to such improvements and installation, but any such tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the Commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for the securing to the county the actual construction and installation of such improvements and utilities within a period specified by the Commission and expressed in the bonds. The county is authorized to enforce such bonds by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of such work previous to the final approval of a plat, for an assessment or other method whereby the county is put in assured position to do said work and make said installations at the cost of the owners of the



property within the subdivision.

Before adoption of its subdivision regulations, or any amendments thereof, a public hearing thereon shall be held by the Commission.

**SECTION 11.** The Commission shall approve or disapprove a plat within thirty (30) days after the submission thereof, otherwise the plat shall be considered to have been approved and a certificate to that effect shall be issued by the Commission on demand. However, the applicant for the Commission's approval may waive his requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the Commission. Any plat submitted to the Commission shall contain the name and address of a person to whom notice of hearing shall be sent. No plat, shall be acted upon by the Commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five (5) days before the date fixed for the hearing.

**SECTION 12.** The approval of a plat shall not be considered to constitute or effect an acceptance by the county or public of the dedication of any street or other ground shown upon the plat.

**SECTION 13.** Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required by this chapter and before such plat be recorded in the office of the County Register, is guilty of a misdemeanor. In addition, such owner or agent of the owner shall be subject to a civil penalty of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500). Such civil penalty can be sued upon by the county in chancery court or circuit court. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from being in violation of this section. The county may enjoin such transfer or sale or agreement by action for injunction.

As amended by: Private Acts of 1982, Chapter 298

**SECTION 14.** After the time when the platting jurisdiction of the Planning Commission attaches, as provided in Section 9, the county shall not, nor shall any public authority, accept, lay out, open, improve, grade, pave, or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the county, outside of municipal boundaries unless such street has been accepted or opened as, or shall have otherwise received the legal status of, a public street prior to the attachment of the Commission's subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Commission or with a street plat made and adopted by the Commission. However, the Quarterly County Court may locate and construct or may accept any other street, provided the resolution, ordinance or other measure for such location and construction or for such acceptance is first submitted to the Planning Commission for its approval, and, if disapproved by the Commission, is passed by a majority of the entire membership of the Quarterly County Court. A street approved by the planning commission upon such submission or construction or accepted by a majority vote of the Quarterly County Court after disapproved by the Commission, shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the Commission or on a plat made and adopted by the Commission.

**SECTION 15.** After the time when the platting jurisdiction of the Planning Commission attaches, as provided in Section 9, no building permit shall be issued and no building shall be erected on any lot within the county, outside of municipal boundaries unless the street giving access to the lot upon which the building is proposed to be placed shall have been accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Commission, or with a street located or accepted by the Quarterly County Court of the county after submission to said Planning Commission and, in case of the Commission's disapproval, by the favorable vote required in Section 14. Any building erected or to be erected in violation of this section shall be an unlawful structure and the county may bring action to enjoin such erection or cause it to be vacated or removed.

**SECTION 16A.** For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the Quarterly County Court is empowered, in accordance with the conditions and the procedure specified in this act, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes. Special districts or zones may be established in those areas considered subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Hamblen County the eligibility for flood insurance under Public Law 1016, 84th Congress or

subsequent related laws or regulations promulgated thereunder.

**SECTION 16B.** For the purpose of promoting the public, health, safety, morals, convenience, order, prosperity and general welfare, the quarterly county court is empowered to regulate the location and the development of mobile home parks and trailer courts in that area of the county outside the city limits of the City of Morristown. A mobile home park or trailer court for the purposes of this act shall mean a plot or tract of ground upon which there is located two (2) or more mobile homes, trailers or similar structures used or to be used for residential purposes. The quarterly county court is empowered to regulate the location of such parks or courts, the lot area per mobile home, yard requirements, access streets, drives, parkways, parking, water, sewerage, sewage, electricity, lighting, fire protection, and sanitary facilities.  
As amended by: Private Acts of 1973, Chapter 38

**SECTION 16C.** From and after the adoption of an ordinance by the quarterly county court regulating the location and development of mobile home parks or trailer courts as provided in paragraph (b) of this section, then and thenceforth no mobile home parks, as defined in paragraph (b) of this section, shall be constructed, maintained, or authorized in the county outside of municipal boundaries until or unless the location, extent, and plans therefor have been submitted to and approved by the planning commission. Appeals to the quarterly county court may be taken, under such rules and regulations as adopted by the quarterly county court, by any person aggrieved or by any officer, department, board or bureau of the county affected by any grant or refusal of a permit to construct and maintain a mobile home park.  
As amended by: Private Acts of 1973, Chapter 38

**SECTION 16D.** Any person who fails to comply with any resolution promulgated by the county legislative body in its regulation of the location and development of mobile home parks and trailer courts shall be subject to a civil penalty of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500). Such civil penalty can be sued upon by the county in Chancery Court or Circuit Court.  
As amended by: Private Acts of 1982, Chapter 298

**SECTION 17.** Whenever the Planning Commission makes and certifies to the Quarterly County Court a zoning plan, including both the full text of a zoning ordinance and the maps, representing the recommendations of the Planning Commission for the regulation by districts or zones of the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, then the Quarterly County Court may exercise the powers granted and for the purposes mentioned in Section 15 and may divide the county into district of zones of such number, shape and areas it may determine, and, for said purposes, may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land. This Section shall not apply to the powers granted the quarterly county court to regulate the location and development of mobile home parks set out in Sections 16B and 16C of said Act.  
As amended by: Private Acts of 1973, Chapter 38

**SECTION 18.** Before enacting the zoning ordinance or any amendment thereof, the Quarterly County Court shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the county. No change in or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the Quarterly County Court. This Section shall not apply to the powers granted the quarterly county court to regulate the location and development of mobile home parks set out in Sections 16B and 16C of this act.  
As amended by: Private Acts of 1973, Chapter 38

**SECTION 19.** The zoning ordinance, including the maps, may from time to time be amended, but no amendment shall become effective unless it is first submitted to and approved by the Planning Commission or, if disapproved, shall receive the favorable vote of a majority of the entire membership of the Quarterly County Court. This Section shall not apply to the powers granted the quarterly county court to regulate the location and development of mobile home parks set out in Sections 16B and 16C of said act.  
As amended by: Private Acts of 1973, Chapter 38

**SECTION 20.** The Quarterly County Court may create a board of zoning appeals of three (3) or five (5) members, may specify the mode of appointment of members of such board and their terms, which terms shall be of such length and so arranged that the term of one (1) member shall expire each year, or the Quarterly County Court may designate the Planning Commission as the board of zoning appeals. The compensation of members of said board shall be as fixed by the Quarterly County Court.

The Quarterly County Court may provide and specify, in its zoning or other resolution or ordinance, general rules to govern the organization and procedure and jurisdiction of the board of zoning appeals,

which rules shall not be inconsistent with the provisions of this Act, and the board of zoning appeals may adopt supplemental rules of procedure, not inconsistent with this act or such general rules.

**SECTION 21.** The zoning resolution or ordinance may provide that the board of zoning appeals may, in appropriate cases and subject to the principles, standards, rules, conditions and safeguards set forth in the resolution or ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. The Quarterly County Court may also authorize the board of zoning appeals to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations.

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any grant or refusal of a building permit or other act or decision of the building commission of the county or other administrative official based in whole or part upon the provisions of the resolution or ordinance enacted under this Act.

**SECTION 22.** The board of zoning appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the county building commissioner or any other administrative official in the carrying out or enforcement of any provision of any resolution or ordinance enacted pursuant to this Act.
- (2) To hear and decide, in accordance with the provisions of any such resolution or ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which the board is authorized by any such resolution or ordinance to pass.
- (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Act would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolution or ordinance.

**SECTION 23.** The Quarterly County Court may provide for the enforcement of any resolution or ordinance enacted under this act. A violation of any such resolution or ordinance is declared to be a misdemeanor. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be sued in violation of any resolution or ordinance enacted under this Act, the county or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

**SECTION 24.** 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 this end the provisions of this Act are declared to be severable.

**SECTION 25.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County before December 1, 1968. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 26.** This Act shall take effect upon ratification by the Quarterly County Court of Hamblen County, as provided in Section 25.

Passed: March 11, 1968.

## Sinking Fund Commission

### Private Acts of 1937 Chapter 223

**SECTION 1.** That the office of Sinking Fund Commission is hereby created in all counties in this State having a population of not less than 16,600 nor more than 16,625, according to the Federal Census of 1930 or any subsequent Federal Census, such Commission to be known by the name of the county or counties to which this Act applies, such Commission to consist of three citizens and residents of said

county, not more than two of whom shall belong to the same political party, such Commissioners to be elected at the next regular term of the Quarterly County Court after the passage of this Act, one Commissioner to be elected for a period of three years, and thereafter upon the expiration of the term of office of any member so elected, the Quarterly County Court shall elect his successor to serve for a term of three years, and likewise upon the expiration of the term of any member following the first election provided for herein, a member shall be elected to serve for three years, or until his or their successors are duly elected and qualified.

**SECTION 2.** That the various Quarterly County Courts in counties to which this Act applies shall have the power and it is so delegated hereby, to fix by proper resolution or order (1) the salary or compensation of such Sinking Fund Commissioners and how same shall be paid; (2) to delegate under what terms and conditions moneys turned over to the Sinking Fund Commission, or coming into its hands, shall be loaned or invested; (3) to prescribe what bond or bonds such Commissioners shall give for the faithful performance of their duties; (4) to make such other rules and regulations under which said Commission may operate and make reports of its action.

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

Passed: February 17, 1937.

## Administration - Historical Notes

### General Reference

The following private or local acts constitute part of the administrative and political history of Hamblen County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 567, authorized the County Court to issue interest bearing warrants in the years of 1907 and 1908 of not more than \$10,000 at the legal interest rate. The funds from these warrants were to be used for paying off general county indebtedness. Acts of 1907, Chapter 383, was identical to Chapter 567.
2. Private Acts of 1911, Chapter 483, authorized Hamblen County to issue warrants in 1911 and 1912 in the amount of \$10,000 at the legal interest rate, to be used for paying general county indebtedness. Private Acts of 1911, Chapter 384, was identical to Chapter 483.
3. Private Acts of 1915, Chapter 58, set the compensation of Justices of the Peace at \$2.50 per day for all regular and special meetings of the Quarterly County Court, plus \$.05 per mile to and from the place of each meeting.
4. Private Acts of 1927, Chapter 16, created the office of Hamblen County Attorney, to be elected by the voters for a two year term. The County Attorney was to conduct all the legal business of the county and to receive \$500 per annum plus traveling expenses. This Act was repealed by Private Acts of 1947, Chapter 445.
5. Private Acts of 1927, Chapter 98, was the first Private Act dealing with the problem of acquiring a clear title to the land on which the first courthouse was constructed. The original 1871 deed to the land gave the property in trust to Lewis Leeper, Chairman of the County Court and his successors in office, with a reversionary clause returning the land to the grantor and certain representatives when it ceased to be used for the purposes for which courthouses were held and used by law. This Act gave Hamblen County the authority to acquire by purchase and by any necessary legal proceeding all outstanding interests in that property so that Hamblen County would hold a clear title in fee simple to the courthouse property.
6. Private Acts of 1929, Chapter 823, was the next act whose purpose was to help the County acquire title to the original courthouse property so that it could be disposed of and the courthouse moved to a site closer to the downtown area of Morristown. This act empowered Hamblen County to sell its courthouse located on the land deeded by G. W. Barnett in 1871 and to give to the purchaser of that land a clear title in fee simple regardless of the alleged trust created by the 1871 deed. A portion of the sale money was to be held in trust by Hamblen County, in an amount sufficient to discharge all of the alleged trust created by the 1871 deed. This amount was to be held until Barnett or his personal representatives established by court decree their right to those funds.
7. Private Acts of 1933, Chapter 756, amended the general law to provide that the Quarterly County Court could by resolution request a reduction in the number of deputies and/or their salaries by application to the proper court, and that the Quarterly County Court also by resolution had to

approve any increase in deputies or their salaries. This is now covered by the Code provisions found in T.C.A. 8-20-101.

8. Private Acts of 1933, Chapter 770, set the salaries of the County Court Clerk and the County Trustee and provided that in order to receive their salary, each must be diligent in the collection of the fees of their office and could not refuse to collect any fees due their office. Any loss of fees from their conduct would be charged as a loss to them. These salaries are now set in general law provisions found in T.C.A. 8-24-102 and 8-24-104. Private Acts of 1933, Chapter 765, which set the compensation of the county register, was amended by this act.
9. Private Acts of 1949, Chapter 311, set the salary of Justices of the Peace at \$10 per day. This Act was repealed by Private Acts of 1967-68, Chapter 435, which set their per diem salary at \$25. Both of these Acts have been superseded by the general law found in T.C.A. 5-5-107.
10. Private Acts of 1955, Chapter 346, gave Hamblen County authority to negotiate contracts with other counties, municipalities, federal and state government, and private industry, for the sale of crushed rock. This has been superseded by T.C.A. 54-7-202, a section of the Tennessee Uniform County Road Law.
11. Private Acts of 2006, Chapter 106, created the Hamblen County Special Endowment Fund which received excess rents from the Morristown-Hamblen Hospital Association. This Act was repealed by Private Acts of 2011, Chapter 106.

## Chapter II - Animals and Fish

### Estray Pens

#### Private Acts of 1974 Chapter 267

**SECTION 1.** The Quarterly County Court of Hamblen County is hereby authorized to appropriate county funds sufficient for the operation and maintenance of estray pens or animal shelters in Hamblen County. The Quarterly County Court of Hamblen County shall choose, at its discretion, the humane society which shall receive such funds for use in the operation and maintenance of estray pens or animal shelters in the county for the benefit of the people of Hamblen County.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County within one hundred twenty (120) days of its enactment. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him 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: March 28, 1974.

### Livestock Inspectors

#### Private Acts of 1951 Chapter 209

**SECTION 1.** That in counties of this State with a population of not less than 18,610, nor more than 18,615 by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of four years, not exceeding four animal inspectors.

It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said County and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased or ailing livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed \$10.00 per annum for each inspector so appointed.

Elections thereof may be made by the Quarterly County Court at any regular term, or any called session, and the person or persons so elected shall hold office for a period of four (4) years from the date of such election and until his and/or their successors shall be duly elected and qualified. The said County shall not be liable for the default or negligence of any such livestock inspectors where the County Court has used

care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

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

Passed: February 15, 1951.

## Red Foxes - Closed Season

### Private Acts of 1955 Chapter 366

**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 23,970 and not more than 23,985 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

It shall be lawful for any person to kill red fox at any time in the county to which this Act applies when such fox is committing depredations upon livestock, domestic fowls, or crops.

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, public welfare requiring it.

Passed: March 16, 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 Hamblen County. They are included herein for reference purposes.

1. Acts of 1895, Chapter 159, was an act for the protection of quail and partridge in Hamblen County which regulated hunting, capturing, or killing those birds would be unlawful from April 1st to October 1st of each year, and that netting or exporting the birds from the county for profit would be unlawful at any time of the year. Violation of these regulations could result in a fine of not less than \$25 and possible imprisonment.
2. Acts of 1899, Chapter 309, was another act for the protection of game in Hamblen County. It required a hunter to receive the landowner's permission before hunting on private land, and made it unlawful to ship quail or partridge from Hamblen County. This was amended by Acts of 1901, Chapter 193, to close the season on quail and partridge from March 1st to November 1st.
3. Private Acts of 1911, Chapter 175, was the first fence law for Hamblen County. It required the owners of geese, horses, mules, donkeys, cattle, sheep, goats and swine to keep them enclosed and not allow them to roam at large.
4. Private Acts of 1915, Chapter 315, was a law to regulate fishing in Hamblen County. All "bona fide" residents of the county could catch fish at any season by rod and line, trot line, basket or net, and by shooting or gigging from April 1st to June 30th of each year. No fees or license was required for fish caught for home consumption.
5. Private Acts of 1921, Chapter 405, exempted Hamblen County from the general state law regulating the ownership and harboring of dogs.
6. Private Acts of 1925, Chapter 572, amended the general law to give Hamblen County fishermen the same rights and privileges for fishing in the Nolachucky River which they had for other rivers in the county.
7. Private Acts of 1973, Chapter 84, made it a misdemeanor to use or carry firearms when hunting raccoons in Hamblen County. Any raccoon when treed, could be captured or killed by the hunter, if the hunter climbed the tree or knocked the raccoon from the tree or other place of hiding. This act was repealed by Private Acts of 2004, Chapter 74.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Hamblen 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.

### **Buildings**

1. Private Acts of 1929, Chapter 892, authorized the "Hamblen County Courthouse Bonds" of \$500,000. The Quarterly County Court was to set the interest rate of not more than 6% and a maturity date within fifty years, and to appoint a Board of Courthouse Commissioners, which would select a site and supervise the construction of the building.
2. Private Acts of 1931, Chapter 582, approved a \$60,000 bond issue, maximum interest rate of 6% and a maturity date within forty years. These bonds were to be known as the "Hamblen County Courthouse and Jail Improvement Bonds: and the Quarterly County Court was authorized to appoint a Commission to supervise such work.
3. Private Acts of 1935 (Ex. Sess.), Chapter 115, authorized a bond issue of \$30,000, not requiring voter approval, to be used for improving the jail and courthouse. These bonds had a maximum interest rate of 5% and were to mature within twenty-five years.

### **Debts**

1. Private Acts of 1913, Chapter 151, was a bond issue of \$15,000 maximum interest rate of 6%, maturity date within twenty years, to retire the floating indebtedness of Hamblen County.
2. Private Acts of 1927, Chapter 818, authorized the Hamblen County Quarterly Court to issue bonds in the amount of \$50,000 to pay the floating indebtedness of the county. These bonds were to have a maximum interest rate of 6% and were to mature within twenty years.
3. Private Acts of 1931, Chapter 239, was a bond issue of \$45,000, with a maximum interest rate of 6% and a maturity date within fifteen years. The proceeds from this bond issue were to be used to pay the indebtedness of Hamblen County for rights-of-way.
4. Private Acts of 1931, Chapter 299, authorized a bond issue of \$45,000 to pay county indebtedness, with a maximum interest rate of 6% and a maturity date within fifteen years.
5. Private Acts of 1939, Chapter 229, authorized the bonds in the amount of \$125,000 to be issued for county indebtedness. These bonds were to have a maximum interest rate of 5% and were to mature within twenty years, as determined by the Hamblen Quarterly County Court.
6. Private Acts of 1941, Chapter 87, authorized a bond issue to pay outstanding indebtedness, in the amount of \$30,000, with a maximum interest rate of 5% and a maturity date within twenty years.

### **Refunding**

1. Private Acts of 1921, Chapter 160, authorized the issuance of the "Hamblen County Funding Bonds of 1921." These bonds were in the amount of \$50,000, to mature within thirty years with a maximum interest rate of 6%.
2. Private Acts of 1935, Chapter 66, validated the issuance of \$50,000 of funding bonds by the Hamblen Quarterly County Court, dated January 1, 1935, with an interest rate of 5%, and maturing by January 1, 1955.
3. Private Acts of 1937, Chapter 171, was a bond issue of \$100,000 for refunding purposes, to have a maximum interest rate of 5% and to mature within twenty-five years.

### **Roads**

1. Acts of 1899, Chapter 215, was a bond issue for the purpose of improving public roads in Hamblen County. Requiring voter approval, these bonds were to amount to \$50,000, with a maximum interest rate of 5% and a maturity date within twenty-five years from the date of their issuance. The Quarterly County Court was to appoint a Public Roads Improvement Commission to carry out the purposes of this Act and to expend the funds from the sale of these bonds. This Act was amended by Acts of 1901, Chapter 295, to give that Commission the authority to place crushed stone at convenient distances along such roads as were to be macadamized in the improvement program. The amendatory Act provided that anyone removing such stone would be guilty of a misdemeanor and subject to fine.
2. Acts of 1901, Chapter 477, was a bond issue of \$50,000, for the improvement and construction of county roads. It required voter approval and the bonds were to have a maximum rate of 5%, maturity date within twenty years. A Commission was to be appointed to expend the funds from the bond sale to supervise the improvement of certain roads designated in this Act.
3. Acts of 1905, Chapter 485, authorized a bond issue of \$50,000 to be used for county roads and

the purchase of rights-of-way. The provisions of the 1901 Act, cited above, were incorporated by reference into this Act, which was subsequently repealed by Acts of 1907, Chapter 252.

4. Acts of 1909, Chapter 526, was a bond issue of \$200,000 in maximum interest rate of 5%, maturity date within thirty years, to be used to improve Hamblen County roads. The Quarterly County Court was to appoint a Commission to carry out the purposes of this Act. Acts of 1911, Chapter 39, amended this Act to provide that the Road Commission was not required to macadamize the Dandridge Road.
5. Private Acts of 1911, Chapter 99, authorized the "Pike Road Repair Bonds" in the amount of \$25,000, maximum interest rate of 5%, to mature within forty years. The Pike Road Commission then serving was to continue in office under the provisions of this Act.
6. Private Acts of 1915, Chapter 99, authorized bonds in the amount of \$150,000 to be used for the improvement of county roads. These bonds, requiring voter approval, had a maximum interest rate of 5% and were to mature within thirty years. This Act also designated the roads in Hamblen County which were to be improved with the funds from this bond sale and provided that the Quarterly County Court was to appoint a Road Commission to carry out the improvement of those roads.
7. Private Acts of 1919, Chapter 784, was a bond issue of \$50,000 to be used for road purposes. These bonds had a maximum interest rate of 6% and were to mature within thirty years. The Road Commission was to expend the funds from the sale for the purposes of the Act.
8. Private Acts of 1921, Chapter 597, authorized a \$50,950 bond issue to improve certain designated roads in Hamblen County. The interest rate and maturity date of these bonds was to be set by the Quarterly County Court.
9. Private Acts of 1939, Chapter 366, provided for a bond issue by Hamblen County of \$25,000 (maximum interest rate of 5%, to mature within twenty years), to be used to buy rights-of-way along U. S. Highway 11-E (called Andrew Johnson Highway) so it could be widened and improved.
10. Private Acts of 1941, Chapter 88, was a bond issue of \$25,000 to be used to purchase rights-of-way along Highway 11E. These bonds had a maximum interest rate of 5% and were to mature within twenty years.
11. Private Acts of 1949, Chapter 117, was a bond issue of \$25,000 to build the County Highway Garage. These bonds had a maximum interest rate of 3% and were to mature within thirty years.

### **Schools**

1. Private Acts of 1929, Chapter 25, authorized the issuance of interest bearing bonds in the amount not exceeding \$50,000 for county purposes, particularly the county common school and high school.
2. Private Acts of 1943, Chapter 314, authorized the issuance of interest bearing bonds in the amount of \$10,000 to improve the Whitesburg School Building. These warrants were payable in three years at an annual interest rate of 2%.
3. Private Acts of 1947, Chapter 320, authorized the "Hamblen County School Bonds, 1947 Series" in the amount of \$900,000 (Maximum interest rate of 4%, maturity date within thirty years.) This Act also created the Hamblen County Building Commission to build, construct and improve the schools in the county, to issue warrants drawn against the funds from the sale of these bonds and to contract with any federal agencies which might provide funds for the improvement of schools in Hamblen County.
4. Private Acts of 1949, Chapter 690, provided for the issuance of the "Hamblen County Rural School Bonds." in the amount of \$500,000 with a maximum interest rate of 4% and a maturity date within twenty-five years from the date of their issuance.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1870 (Extra Session) Chapter 6

**SECTION 1.** That in conformity to the fourth section of the tenth Article of the Constitution of the State of Tennessee, a new county be, and the same is hereby established, to be composed of fractions to be taken from the counties of Jefferson and Grainger, to be known and designated as Hamblen County.



**SECTION 2.** That the boundaries of the county of Hamblen shall be as follows, viz: Beginning at four cedars on the northern bank of Nolachucky River, at the point where the boundary line between Jefferson and Greene counties to Rader's Spring, at or near Bull's Gap; thence with the line between Hawkins and Jefferson counties to Mount Sterling, at or near the house of Wm. Pangle; thence with the line between Hawkins and Jefferson counties to Cheek's cross roads; thence with the line between Hawkins and Grainger counties to the center of Holston River; thence down the Holston River with the meanders thereof to the mouth of Hull's branch; thence from the mouth of Hull's branch south 25 degrees east one mile and 120 poles to a stake; thence east 5 miles and 15 poles to a stake; thence south 77 degrees east 1 mile to a stake; thence south 71 degrees east 1 mile to a stake; thence 65 degrees east 1 mile to a stake; thence 59 degrees east 1 mile to a stake; thence south 53 degrees east 1 mile to a stake; thence south 47 degrees east 1 mile to a stake; thence south 41 degrees east 1 mile to a stake; thence south 35 degrees east 1 mile to a stake, thence south 29 degrees east 1 mile to a stake; thence south 23 degrees east one half of 1 mile to a stake on the northern bank of French Broad River; thence south 60 degrees east, up the French Broad River to the mouth of Nolachucky River; thence up the Nolachucky River with the meanders thereof, and with the line between Jefferson and Cocke Counties to the beginning.

**SECTION 3.** That for the purpose of organizing the county of Hamblen under this act, that William Courtney, W. S. Reese, Wilson C. Witt and James C. Davis, of Jefferson County, and John C. Tate, C. J. Burnett and Rufus E. Rice, of Grainger County, shall be, and they are hereby appointed Commissioners, who shall immediately after this act goes into effect, take an oath before some Justices of the Peace, faithfully and impartially to discharge the duties imposed upon them by this Act, and all vacancies occurring in said Board of Commissioners from any cause, shall be filled by the other Commissioners. A majority of said Commissioners shall constitute a Board competent to do all things herein enjoined on them. They shall, immediately after this act takes effect, meet at Morristown and organize said Board by the election of a Chairman and Clerk for said Board of Commissioners, whose duty it shall be to keep a true minute of the proceedings of said Board in a book to be kept for that purpose, and the minutes of each meeting shall be read and approved by the Board and signed by the Chairman from time to time; and the minutes of the proceedings of said Board shall be returned to the County Court of Hamblen County at its first session, and shall be recorded by the Clerk of said County on the minutes of said Court, and the record of the proceedings of said Board shall be recorded by the Clerk of said Court on the minutes of said Court, and the record of the proceedings of said Board so kept and entered on the minutes of the County Court of Hamblen County, shall be evidence in all the courts of this State when duly certified, in the same manner as the records of the proceedings of other courts in this State.

**SECTION 4.** That said Board of Commissioners, at its first meeting shall designate a place within the limits of said Hamblen County, where said Board shall meet from time to time. They shall meet upon their own adjournment, and may be convened at any time by their Chairman.

**SECTION 5.** That it shall be the duty of said Commissioners to designate five public places in the fraction taken from Jefferson County, and three public places in the fraction taken from Grainger County, and shall give public notice by printed or written advertisements, for at least thirty days, posted up at five or more public places in each of said fractions; that on a day to be designated by them, and at the places designated, an election will be opened and held at which all persons entitled to vote for members of the General Assembly, who have resided in the fraction proposed to be stricken off for six months immediately preceding said election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county shall have on his ticket the words "New County", and those desiring to vote against the new county shall have on their tickets the words "Old County," and if upon counting all the ballots cast in said election, it shall appear that two-thirds of all the qualified voters in each of said fractions have voted for the new county, then the county of Hamblen shall be, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State.

**SECTION 6.** That said Commissioners shall appoint Judges and Clerks to hold said election, and also some suitable person as an officer at each place designated in each of said fraction, who shall have all the powers and perform all the duties imposed by law upon other officers and inspectors holding elections under the laws of this State; and who shall, after the polls are closed and the vote counted, make out and certify the result and return the same, with a copy of the pollbooks, to the Chairman of said Board, who shall, when the returns are all received, proceed, in the presence of said Board, to compare the votes and certify the result; and the election herein provided shall be held on the same day in each of said fractions; and if, from any cause the election as herein provided, shall not be held in either of said fractions on the day appointed, said Board shall provide for another election, as herein provided in such fraction; and if said Commissioners shall believe upon investigation, which they are hereby fully authorized to institute into the manner of holding said election, that any improper or fraudulent practices have been permitted, they shall have the power to declare the election so held in either fraction to be void, and shall proceed to

hold another election in said fraction, first giving thirty days' notice, as herein provided.

**SECTION 7.** That immediately after the election for or against the new county, if two-thirds of the qualified voters in each of said fractions vote for the new county, then said Commissioners shall proceed to lay off said County of Hamblen into districts of convenient size, not to exceed twelve in all, and cause a plat to be made describing the boundaries of said districts, and shall have the same spread upon the minutes of said Board; and shall also designate a voting place in each of said districts; upon doing which said Commissioner shall proceed to give public notice for at least thirty days, at five public places in each of said fractions, that on the day to be designated by them, in each civil district, an election will be opened and held at which all persons who are entitled to vote for members of the General Assembly, and who have resided six months in said county, shall be entitled to vote, and who shall vote for a county site for said county, and who shall also vote for and elect one Sheriff for said county, a Clerk for the County Court, and also a Clerk for the Circuit Court, and all other officers for said county required by existing laws, except such Justices of the Peace and Constables as may be in office in either of said fractions, who shall hold their offices, and exercise all the powers, with all the privileges and emoluments vested in them by existing laws until the expiration of their term of office, and until their successors are elected and qualified; and all such officers so elected shall continue to hold their offices, and exercise the functions thereof, until the next regular election of such officers as is now provided by law; and the returns of said election shall be made to the Chairman of said Board of Commissioners, who shall proceed to compare the votes in the presence of said Board as provided in Section six of this Act, and shall certify the result thereof; and said election shall be held in the same manner, and Judges and Clerks, and officers, shall be appointed with the same powers, and whose duties shall be the same as provided in Section six of this act.

**SECTION 8.** That the place receiving a majority of the votes cast in said election, shall be the county site of said county, and on the first Monday in the month succeeding said election, all the Justices of the Peace in said county now in office, or who may be in office at that time, shall meet at the place selected by said vote as the county site for said county, and proceed to organize the County Court of said county, by the election of a Chairman and other officers that the County Courts of other counties have a right to elect, and shall proceed to qualify and induct into office all such officers for said county as may have been elected, as herein provided, and who shall produce and file a certificate of their election from the Chairman of said Board of Commissioners, and such officers shall execute the same bonds and have the same powers and privileges, and be subject to the same duties and liabilities as the officers of other counties in this State.

**SECTION 9.** That the County Court of said county of Hamblen, when organized as herein provided, and the county site shall be located as herein provided, shall proceed to acquire by purchase or otherwise such grounds as may be necessary for the use of said county, and to make all such orders and regulations for the erection of all necessary public buildings for said county; to levy and collect taxes to defray the expense of erecting public buildings and other county expenses in said county in the same manner and to the same extent that the County Courts of other counties have by existing laws; Provided, That no additional taxes shall be levied or collected from the people in said county for the year 1870, other than has already been assessed.

**SECTION 10.** That said Board of Commissioners, upon the organization of the County Court of said county as herein provided, shall be dissolved and their powers and duties cease, and that upon filing a copy of the original minutes of their proceedings, the same shall be entered on the minutes of said County Court, and shall constitute a part of the records thereof, and said Board shall render an account of the expenses incurred by them in the organization of said county, which shall be allowed by the County Court, and paid out of the County Treasury, together with such allowance for their services as the County Court may deem reasonable.

**SECTION 11.** That the Governor shall issue commissions to all persons elected Justices of the Peace in said county at the election provided for to serve until the next regular election of Justices of the Peace under the Constitution of this State, and the certificate of the Chairman of the County Court of said county of the election of such persons, shall be evidence to the Governor of that fact.

**SECTION 12.** That the county of Hamblen shall be attached to the Second Judicial Circuit, and the Circuit Court for said county shall be held by the Judge of said Circuit on the first Mondays in June, October and February, in each and every year; and said county shall constitute one Chancery District, and the Chancellor for the Eastern Division shall hold the Chancery Court for said county on the second Mondays of January and July of each year; Provided nothing in this Act shall be construed so as to prevent the Courts of Grainger and Jefferson Counties from having and exercising jurisdiction over the territory composing the County of Hamblen and the Citizens thereof, in as full and ample a manner as they now have, until the organization of said county, and the election of county Officers as provided in this Act. And the Tax Collectors of Jefferson and Grainger counties shall have two years from the passage of this Act to

collect all taxes assessed in either of said fractions prior to the year 1870, with all the powers and with the same remedies to enforce the collection of the same that they have by existing laws.

**SECTION 13.** That the Commissioners appointed by this Act be, and they are hereby, authorized to exercise all the powers conferred in this Act, and such other powers as may be necessary and proper to the complete organization of the county of Hamblen.

**SECTION 14.** That all causes now pending, or which may be pending at the time of the organization of said county, in any of the Courts of either Jefferson or Grainger Counties, between citizens pending within the limits of the new county, shall be transferred to the county having jurisdiction thereof in said county of Hamblen; and all suits pending, or which may be pending against any defendant residing within the limits of the new county, shall, if the plaintiff consent thereto, also be transferred to said county; and all prosecutions pending, or which may be pending in the Courts of either of the counties of Grainger or Jefferson, for violations of the criminal law, where the crime is charged to have been committed within the limits of the new county, as hereby established, shall also be transferred to the Court of Hamblen County having jurisdiction thereof.

**SECTION 15.** That the citizens of Hamblen County in all elections for Governor, Representatives in Congress, members of the General Assembly and Electors of President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment agreeably to the provisions of the fourth Section of the second Article of the Constitution.

**SECTION 16.** That the people of each of the fractions taken from Jefferson and Grainger Counties shall remain liable and be bound to pay their respective shares of the debts owing by either of the counties from which they are stricken off, and shall also be entitled to their respective shares of all public securities or stocks that may be the property of either of said counties, and all taxes assessed for the year 1870 on the property, polls and privileges in each of said fractions remaining uncollected upon the organization of said county of Hamblen, and the election and qualification of a Tax Collector for said county, shall be collected and accounted for by the Tax Collector of said county of Hamblen in the same manner as the public taxes of other counties, and the taxes assessed for county purposes in each of said fractions which may be collected at the time of organization of said county shall be apportioned between the new and the old counties, the fractions of each being required to pay their proper proportion of all public expenses for the year, up to the time of organization as aforesaid, and the County Courts of the old counties respectively, and also the County Court of the new county shall each appoint three suitable persons on the part of each, to apportion the public debt that each county may owe, and also to apportion the public securities or stocks, that may be owned by either of the old counties, and also to apportion the revenue assessed for county purposes, which may have been collected by the old counties for the year 1870, and in making such apportionment, the aggregate value of all taxable property and polls in each shall be taken as the basis of said apportionment, and each of the fractions included in the new county, and shall remain liable and pay their proportion of the debts of the old county from which they may be stricken off, and the County Courts of each of said counties are fully authorized to make such orders and regulations as may be necessary to carry out the provisions of this section, so as to effect a fair and equitable apportionment of the debts owing, stock owned and revenue collected by each.

**SECTION 17.** That the fraction of Hawkins County south of Holston River, adjoining the present line of Grainger County on the west and the line of Jefferson County on the south-east, by a line to commence at or near Mount Sterling, on the Jefferson County line, eleven miles distant from Rogersville, running thence a direct line to the Holston River, so as to keep eleven miles from Rogersville; thence down the Holston River with its meanders, to the point where the present line between Hawkins and Grainger counties strikes said river, may be included and constitute part of the county of Hamblen established by this act; and the Commissioners hereby appointed shall designate two public places in said fraction, and cause an election to be held thereon on the same day and in the same manner, and under the same regulations, provided in this act for the fractions of Jefferson and Grainger counties, at which all persons as herein provided, shall be entitled to vote for or against the new county as herein proposed; and if two-thirds of all the qualified voters in said fraction of Hawkins County, shall vote for the new county, then said fraction of Hawkins County, as above described, shall constitute part of said county of Hamblen, with all the rights, powers, privileges and liabilities conferred by this act upon the fractions of Grainger and Jefferson counties; and said Commissioners shall lay off said fraction into civil districts, not to exceed two in number, and cause an election to be held therein for a county site, and for county officers on the same day, as is provided by this act for the fractions of Grainger and Jefferson counties, and if two-thirds of all the qualified voters in said fraction vote for the county, then all the provisions of this act applicable to the fractions of Jefferson and Grainger counties, shall also apply to said fraction of Hawkins County; but if two-thirds of all the qualified voters in said fraction of Hawkins County shall fail to vote for the establishment of the new county, their refusal to do so shall in no manner affect the establishment of the county of Hamblen, as provided in this act, out of the fractions of the counties of Jefferson and Grainger.

**SECTION 18.** That the public welfare requires that this act shall take effect from and after its passage.

Passed: May 31, 1870.

## Change of Boundary Lines

### Acts of 1871 Chapter 92

**SECTION 1.** That the line between the counties of Hamblen and Hawkins shall be, and the same is hereby changed, so as to run as follows: Beginning on the Holston river where the line between said counties now strikes the river; thence up the river with the meanders thereof, to a point on said river where the line extended from Mount Sterling north forty-one degrees west, will strike said river; thence with said line south forty-one degrees east, to Mount Sterling, so as to include all that part of Hawkins County lying south and east of Holston river, and south and west of said line running from Mount Sterling north forty-one degrees west, to the river, in said county of Hamblen.

**SECTION 2.** That the Tax Collector of Hamblen County shall collect the taxes assessed for the year 1871, in the territory or district taken from Hawkins and attached to Hamblen; and the county revenue collected from the people of said territory or district for the year 1871, shall belong to and constitute a part of the county fund of said Hamblen county.

**SECTION 3.** That the public welfare requires that this Act shall take effect from and after its passage.

Passed: January 20, 1871.

### Acts of 1875 Chapter 140

**SECTION 1.** That the county line between the counties of Hamblen and Jefferson be changed as follows, to wit: Beginning at a point in the center of the Dandridge and Greeneville dirt road, eleven miles, by measurement, along the same from the Jefferson County Court House; then running south-eastwardly as nearly parallel with the present county line between said two (2) counties as practicable, so as not to approach nearer than eleven miles of the Jefferson County Court House, until it strikes the Ccke county line; then beginning again at said point first mentioned and running a direct line so as to never come within less than eleven miles of the said Jefferson County Court House, until said line strikes the C.C.G. & C.R.R.; then running a north-westwardly course along the southwest side of said railroad, thirty feet from the center of same, until the line strikes the present line between the counties of Jefferson and Hamblen; also, provided, that if there be any expense incurred in changing said county line between Jefferson and Hamblen, the citizens living in that part of the county so attached to Hamblen county, shall be required to pay the same, and in default thereof the county of Hamblen shall pay the expenses of same.

Passed: March 24, 1875.

### Acts of 1870 (Ex. Sess.) Chapter 6

**SECTION 1.** That in conformity to the fourth section of the tenth Article of the Constitution of the State of Tennessee, a new county be, and the same is hereby established, to be composed of fractions to be taken from the counties of Jefferson and Grainger, to be known and designated as Hamblen County.

**SECTION 2.** That the boundaries of the county of Hamblen shall be as follows, viz: Beginning at four cedars on the northern bank of Nolachucky River, at the point where the boundary line between Jefferson and Greene counties to Rader's Spring, at or near Bull's Gap; thence with the line between Hawkins and Jefferson counties to Mount Sterling, at or near the house of Wm. Pangle; thence with the line between Hawkins and Jefferson counties to Cheek's cross roads; thence with the line between Hawkins and Grainger counties to the center of Holston River; thence down the Holston River with the meanders thereof to the mouth of Hull's branch; thence from the mouth of Hull's branch south 25 degrees east one mile and 120 poles to a stake; thence east 5 miles and 15 poles to a stake; thence south 77 degrees east 1 mile to a stake; thence south 71 degrees east 1 mile to a stake; thence 65 degrees east 1 mile to a stake; thence 59 degrees east 1 mile to a stake; thence south 53 degrees east 1 mile to a stake; thence south 47 degrees east 1 mile to a stake; thence south 41 degrees east 1 mile to a stake; thence south 35 degrees east 1 mile to a stake, thence south 29 degrees east 1 mile to a stake; thence south 23 degrees east one half of 1 mile to a stake on the northern bank of French Broad River; thence south 60 degrees east, up the French Broad River to the mouth of Nolachucky River; thence up the Nolachucky River with the meanders thereof, and with the line between Jefferson and Ccke Counties to the beginning.

**SECTION 3.** That for the purpose of organizing the county of Hamblen under this act, that William Courtney, W. S. Reese, Wilson C. Witt and James C. Davis, of Jefferson County, and John C. Tate, C. J.

Burnett and Rufus E. Rice, of Grainger County, shall be, and they are hereby appointed Commissioners, who shall immediately after this act goes into effect, take an oath before some Justices of the Peace, faithfully and impartially to discharge the duties imposed upon them by this Act, and all vacancies occurring in said Board of Commissioners from any cause, shall be filled by the other Commissioners. A majority of said Commissioners shall constitute a Board competent to do all things herein enjoined on them. They shall, immediately after this act takes effect, meet at Morristown and organize said Board by the election of a Chairman and Clerk for said Board of Commissioners, whose duty it shall be to keep a true minute of the proceedings of said Board in a book to be kept for that purpose, and the minutes of each meeting shall be read and approved by the Board and signed by the Chairman from time to time; and the minutes of the proceedings of said Board shall be returned to the County Court of Hamblen County at its first session, and shall be recorded by the Clerk of said County on the minutes of said Court, and the record of the proceedings of said Board shall be recorded by the Clerk of said Court on the minutes of said Court, and the record of the proceedings of said Board so kept and entered on the minutes of the County Court of Hamblen County, shall be evidence in all the courts of this State when duly certified, in the same manner as the records of the proceedings of other courts in this State.

**SECTION 4.** That said Board of Commissioners, at its first meeting shall designate a place within the limits of said Hamblen County, where said Board shall meet from time to time. They shall meet upon their own adjournment, and may be convened at any time by their Chairman.

**SECTION 5.** That it shall be the duty of said Commissioners to designate five public places in the fraction taken from Jefferson County, and three public places in the fraction taken from Grainger County, and shall give public notice by printed or written advertisements, for at least thirty days, posted up at five or more public places in each of said fractions; that on a day to be designated by them, and at the places designated, an election will be opened and held at which all persons entitled to vote for members of the General Assembly, who have resided in the fraction proposed to be stricken off for six months immediately preceding said election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county shall have on his ticket the words "New County", and those desiring to vote against the new county shall have on their tickets the words "Old County," and if upon counting all the ballots cast in said election, it shall appear that two-thirds of all the qualified voters in each of said fractions have voted for the new county, then the county of Hamblen shall be, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State.

**SECTION 6.** That said Commissioners shall appoint Judges and Clerks to hold said election, and also some suitable person as an officer at each place designated in each of said fraction, who shall have all the powers and perform all the duties imposed by law upon other officers and inspectors holding elections under the laws of this State; and who shall, after the polls are closed and the vote counted, make out and certify the result and return the same, with a copy of the pollbooks, to the Chairman of said Board, who shall, when the returns are all received, proceed, in the presence of said Board, to compare the votes and certify the result; and the election herein provided shall be held on the same day in each of said fractions; and if, from any cause the election as herein provided, shall not be held in either of said fractions on the day appointed, said Board shall provide for another election, as herein provided in such fraction; and if said Commissioners shall believe upon investigation, which they are hereby fully authorized to institute into the manner of holding said election, that any improper or fraudulent practices have been permitted, they shall have the power to declare the election so held in either fraction to be void, and shall proceed to hold another election in said fraction, first giving thirty days' notice, as herein provided.

**SECTION 7.** That immediately after the election for or against the new county, if two-thirds of the qualified voters in each of said fractions vote for the new county, then said Commissioners shall proceed to lay off said County of Hamblen into districts of convenient size, not to exceed twelve in all, and cause a plat to be made describing the boundaries of said districts, and shall have the same spread upon the minutes of said Board; and shall also designate a voting place in each of said districts; upon doing which said Commissioner shall proceed to give public notice for at least thirty days, at five public places in each of said fractions, that on the day to be designated by them, in each civil district, an election will be opened and held at which all persons who are entitled to vote for members of the General Assembly, and who have resided six months in said county, shall be entitled to vote, and who shall vote for a county site for said county, and who shall also vote for and elect one Sheriff for said county, a Clerk for the County Court, and also a Clerk for the Circuit Court, and all other officers for said county required by existing laws, except such Justices of the Peace and Constables as may be in office in either of said fractions, who shall hold their offices, and exercise all the powers, with all the privileges and emoluments vested in them by existing laws until the expiration of their term of office, and until their successors are elected and qualified; and all such officers so elected shall continue to hold their offices, and exercise the functions thereof, until the next regular election of such officers as is now provided by law; and the returns of said

election shall be made to the Chairman of said Board of Commissioners, who shall proceed to compare the votes in the presence of said Board as provided in Section six of this Act, and shall certify the result thereof; and said election shall be held in the same manner, and Judges and Clerks, and officers, shall be appointed with the same powers, and whose duties shall be the same as provided in Section six of this act.

**SECTION 8.** That the place receiving a majority of the votes cast in said election, shall be the county site of said county, and on the first Monday in the month succeeding said election, all the Justices of the Peace in said county now in office, or who may be in office at that time, shall meet at the place selected by said vote as the county site for said county, and proceed to organize the County Court of said county, by the election of a Chairman and other officers that the County Courts of other counties have a right to elect, and shall proceed to qualify and induct into office all such officers for said county as may have been elected, as herein provided, and who shall produce and file a certificate of their election from the Chairman of said Board of Commissioners, and such officers shall execute the same bonds and have the same powers and privileges, and be subject to the same duties and liabilities as the officers of other counties in this State.

**SECTION 9.** That the County Court of said county of Hamblen, when organized as herein provided, and the county site shall be located as herein provided, shall proceed to acquire by purchase or otherwise such grounds as may be necessary for the use of said county, and to make all such orders and regulations for the erection of all necessary public buildings for said county; to levy and collect taxes to defray the expense of erecting public buildings and other county expenses in said county in the same manner and to the same extent that the County Courts of other counties have by existing laws; Provided, That no additional taxes shall be levied or collected from the people in said county for the year 1870, other than has already been assessed.

**SECTION 10.** That said Board of Commissioners, upon the organization of the County Court of said county as herein provided, shall be dissolved and their powers and duties cease, and that upon filing a copy of the original minutes of their proceedings, the same shall be entered on the minutes of said County Court, and shall constitute a part of the records thereof, and said Board shall render an account of the expenses incurred by them in the organization of said county, which shall be allowed by the County Court, and paid out of the County Treasury, together with such allowance for their services as the County Court may deem reasonable.

**SECTION 11.** That the Governor shall issue commissions to all persons elected Justices of the Peace in said county at the election provided for to serve until the next regular election of Justices of the Peace under the Constitution of this State, and the certificate of the Chairman of the County Court of said county of the election of such persons, shall be evidence to the Governor of that fact.

**SECTION 12.** That the county of Hamblen shall be attached to the Second Judicial Circuit, and the Circuit Court for said county shall be held by the Judge of said Circuit on the first Mondays in June, October and February, in each and every year; and said county shall constitute one Chancery District, and the Chancellor for the Eastern Division shall hold the Chancery Court for said county on the second Mondays of January and July of each year; Provided nothing in this Act shall be construed so as to prevent the Courts of Grainger and Jefferson Counties from having and exercising jurisdiction over the territory composing the County of Hamblen and the Citizens thereof, in as full and ample a manner as they now have, until the organization of said county, and the election of county Officers as provided in this Act. And the Tax Collectors of Jefferson and Grainger counties shall have two years from the passage of this Act to collect all taxes assessed in either of said fractions prior to the year 1870, with all the powers and with the same remedies to enforce the collection of the same that they have by existing laws.

**SECTION 13.** That the Commissioners appointed by this Act be, and they are hereby, authorized to exercise all the powers conferred in this Act, and such other powers as may be necessary and proper to the complete organization of the county of Hamblen.

**SECTION 14.** That all causes now pending, or which may be pending at the time of the organization of said county, in any of the Courts of either Jefferson or Grainger Counties, between citizens pending within the limits of the new county, shall be transferred to the county having jurisdiction thereof in said county of Hamblen; and all suits pending, or which may be pending against any defendant residing within the limits of the new county, shall, if the plaintiff consent thereto, also be transferred to said county; and all prosecutions pending, or which may be pending in the Courts of either of the counties of Grainger or Jefferson, for violations of the criminal law, where the crime is charged to have been committed within the limits of the new county, as hereby established, shall also be transferred to the Court of Hamblen County having jurisdiction thereof.

**SECTION 15.** That the citizens of Hamblen County in all elections for Governor, Representatives in Congress, members of the General Assembly and Electors of President and Vice President, shall vote with

the counties from which they have been respectively stricken off, until the next apportionment agreeably to the provisions of the fourth Section of the second Article of the Constitution.

**SECTION 16.** That the people of each of the fractions taken from Jefferson and Grainger Counties shall remain liable and be bound to pay their respective shares of the debts owing by either of the counties from which they are stricken off, and shall also be entitled to their respective shares of all public securities or stocks that may be the property of either of said counties, and all taxes assessed for the year 1870 on the property, polls and privileges in each of said fractions remaining uncollected upon the organization of said county of Hamblen, and the election and qualification of a Tax Collector for said county, shall be collected and accounted for by the Tax Collector of said county of Hamblen in the same manner as the public taxes of other counties, and the taxes assessed for county purposes in each of said fractions which may be collected at the time of organization of said county shall be apportioned between the new and the old counties, the fractions of each being required to pay their proper proportion of all public expenses for the year, up to the time of organization as aforesaid, and the County Courts of the old counties respectively, and also the County Court of the new county shall each appoint three suitable persons on the part of each, to apportion the public debt that each county may owe, and also to apportion the public securities or stocks, that may be owned by either of the old counties, and also to apportion the revenue assessed for county purposes, which may have been collected by the old counties for the year 1870, and in making such apportionment, the aggregate value of all taxable property and polls in each shall be taken as the basis of said apportionment, and each of the fractions included in the new county, and shall remain liable and pay their proportion of the debts of the old county from which they may be stricken off, and the County Courts of each of said counties are fully authorized to make such orders and regulations as may be necessary to carry out the provisions of this section, so as to effect a fair and equitable apportionment of the debts owing, stock owned and revenue collected by each.

**SECTION 17.** That the fraction of Hawkins County south of Holston River, adjoining the present line of Grainger County on the west and the line of Jefferson County on the south-east, by a line to commence at or near Mount Sterling, on the Jefferson County line, eleven miles distant from Rogersville, running thence a direct line to the Holston River, so as to keep eleven miles from Rogersville; thence down the Holston River with its meanders, to the point where the present line between Hawkins and Grainger counties strikes said river, may be included and constitute part of the county of Hamblen established by this act; and the Commissioners hereby appointed shall designate two public places in said fraction, and cause an election to be held thereon on the same day and in the same manner, and under the same regulations, provided in this act for the fractions of Jefferson and Grainger counties, at which all persons as herein provided, shall be entitled to vote for or against the new county as herein proposed; and if two-thirds of all the qualified voters in said fraction of Hawkins County, shall vote for the new county, then said fraction of Hawkins County, as above described, shall constitute part of said county of Hamblen, with all the rights, powers, privileges and liabilities conferred by this act upon the fractions of Grainger and Jefferson counties; and said Commissioners shall lay off said fraction into civil districts, not to exceed two in number, and cause an election to be held therein for a county site, and for county officers on the same day, as is provided by this act for the fractions of Grainger and Jefferson counties, and if two-thirds of all the qualified voters in said fraction vote for the county, then all the provisions of this act applicable to the fractions of Jefferson and Grainger counties, shall also apply to said fraction of Hawkins County; but if two-thirds of all the qualified voters in said fraction of Hawkins County shall fail to vote for the establishment of the new county, their refusal to do so shall in no manner affect the establishment of the county of Hamblen, as provided in this act, out of the fractions of the counties of Jefferson and Grainger.

**SECTION 18.** That the public welfare requires that this act shall take effect from and after its passage.

Passed: May 31, 1870.

## Boundaries - Historical Notes

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

1. Acts of 1877, Chapter 44, established the county line between Hamblen and Jefferson Counties, since there were differences of opinion as to whether it was in accordance with the constitutional provision that the line of the new county of Hamblen could approach the courthouse of Jefferson County by more than eleven miles. This Act was repealed by Acts of 1879, Chapter 18, and the line re-established as described in the 1870 act creating Hamblen County.
2. Acts of 1877, Chapter 137, changed the boundary between Hamblen and Hawkins County to place all the lands of A. M. Trullinge in Hamblen.
3. Acts of 1885, Chapter 104, changed the Hamblen-Jefferson county line to include all the lands of G. M. Bowen and his wife Mary in Jefferson County.

4. Acts of 1889, Chapter 154, altered the boundary between Hawkins and Hamblen County to include the lands of James H. Moore, approximately seventy acres, in Hamblen County.
5. Acts of 1889, Chapter 189, changed the line between Jefferson and Hamblen counties, placing the farms of A. C. Huff and E. B. Hale in Hamblen County.
6. Acts of 1895, Chapter 189, detached the lands of Jerry Thomas and the farms of E. C. Rader, George Collier, and F. M. Collier from the Fourteenth Civil District of Hawkins County and placed them in the Eleventh Civil District of Hamblen County.
7. Acts of 1899, Chapter 385, changed the Hamblen County - Jefferson County boundary, by placing forty-five acres of W. C. Watkins in Hamblen County and eighty acres of M. A. Roberts in Jefferson County.
8. Private Acts of 1937, Chapter 471, placed the farms of Mack H. Hunter and Herbert Roberts in the Second Civil District of Hamblen County, out of Jefferson County.

## Chapter V - Court System

### Criminal Court

#### Public Acts of 1951 Chapter 73

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

**SECTION 1.** That a Criminal Court is hereby created and established in the Twentieth Judicial Circuit of Tennessee, for the counties of Greene, Hamblen, Hawkins, and Sullivan, to be known as the "Criminal Court of the Twentieth Judicial Circuit of Tennessee."

**SECTION 2.** That the said Criminal Court shall have General, common law, and statutory jurisdiction, original appellate and exclusive over all criminal cases existing and arising in said counties to the same extent as is now, or may hereafter be, conferred upon the circuit and Criminal Courts of this State under the common law or the statutes and to hear, try, and determine all criminal cases.

**SECTION 3.** That concurrent with the passage of this Act, the Honorable Thomas H. Rogan, of Hawkins County, is hereby appointed Judge of the Criminal Court created hereunder, and shall serve until the next general election, as provided for in Section 4 of this Act. Said Judge shall be clothed with the same powers and jurisdiction as to extraordinary process as are now provided by law for such Criminal Judges, Circuit Judges and Chancellors in this State, and his salary shall be the same and paid in like manner by the State as that of other Criminal and Circuit Judges of the State.

**SECTION 4.** That at the general election to be held on the first Thursday in August, 1952, and at all regular elections for Judges held thereafter, there shall be elected by the qualified voters of said counties a Judge for said Criminal Court of the Twentieth Judicial Circuit of Tennessee in the same manner and with the same tenure of office as other Criminal and Circuit Judges of the State.

**SECTION 5.** That the District Attorney General of the Twentieth Judicial Circuit of Tennessee shall perform all the duties of Attorney General in the Criminal Court in all counties herein named.

**SECTION 6.** That the Circuit Clerks and Sheriffs of the several counties herein named shall be the clerks and sheriffs of said Criminal Court in said counties, and they shall perform the same duties and receive only the same compensation now provided by law for them.

**SECTION 7.** That all bonds and recognizances heretofore or hereinafter taken and of process heretofore or hereinafter issued, shall be made returnable to the Court at the times and places fixed by this Act for the holding the said Court in said counties herein named.

**SECTION 8.** That it shall be lawful for the Judge of the Criminal Court and the Judge of the Twentieth Judicial Circuit to hold each of their courts in any of the different counties, including the same county, or said circuit at the same time.

**SECTION 9.** That the County Courts, Jury Commissioners or other duly existing and authorized authorities of the various counties above set out shall appoint and select juries for said Criminal Court, according to the law now controlling in the above counties respectively, who shall be summoned to attend and bound to appear at said Criminal Court and shall have the same pay, qualifications, powers and privileges and shall be organized, as now, under existing law as the law provides with reference to grand juries and all other juries of courts, but all bills of indictment, presentments and informations shall be returned to said Criminal Court.



**SECTION 10.** That all criminal cases now existing or pending in the Circuit Courts of said named counties on the passage of this Act shall by virtue of the provisions of this Act automatically be transferred to this said Criminal Court herein established in said counties respectively, and said cases shall be tried and determined therein by this said Criminal Court. The Clerks of the respective Circuit Courts in the aforesaid counties shall immediately upon the passage of this Act transfer all criminal proceedings and papers from the Circuit Court for said county to the Criminal Court and shall procure and keep the proper books, records and minutes for said Criminal Court. The Clerk shall keep the records, papers, minutes and proceedings of the Circuit Court and the Criminal Court separate. All Courts of General Sessions and Justices of the Peace, or other inferior courts, in the various herein named counties shall bind over offenders against the State laws to said Criminal Court as heretofore they have been bound over to the Circuit Court.

**SECTION 11.** That all appeals, writs or error and appeals in the nature of writs of error shall be prosecuted from the judgments of said Criminal Court to the Supreme Court and as from other Criminal Courts of this State:

**SECTION 12.** That the time and place for holding the said Criminal Court in the said counties shall be as follows:

For Greene County, at Greeneville, the first Mondays in January, May, and September.

For Hamblen County, at Morristown, the first Mondays in February, June, and October.

For Hawkins County, at Rogersville, the first Mondays in February, June, and October.

For Sullivan County, at Blountville, the first Mondays in March, July, and November.

As amended by: Public Acts of 1969, Chapter 276  
Private Acts of 1977, Chapter 51

**COMPILER'S NOTE:** T.C.A. 16-2-510 abolishes terms of court.

**SECTION 13.** That all laws and parts of laws now existing in conflict with this Act and its full intentions, be and the same are hereby repealed.

**SECTION 14.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1951.

## General Sessions Court

### Private Acts of 1947 Chapter 235

**SECTION 1.** That there is hereby created and established in and for Hamblen County, Tennessee, a Court, which shall be designated "Court of General Sessions of Hamblen County, Tennessee."

Court rooms and adequate facilities for said Court shall be provided in the Courthouse at Morristown, and it shall be the duty of the Chairman of the County Court of said County to make provision therefor, and to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of said Court, and the expenses of same shall be paid out of the General Fund of the County.

**SECTION 2.** That the Court of General Sessions of Hamblen County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be co-extensive with Hamblen County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace in their jurisdiction until the election and qualification of a Judge for said Court as hereinafter provided. The authority of the Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony, to hear and determine cases for damages where the amount involved does not exceed Fifty (\$50.00) Dollars, and to issue criminal and civil warrants returnable before the General Sessions Judge and to issue commitments to jail before trial in any criminal case, or grant bail to a person charged with a criminal offense for his or her appearance before the General Sessions Court, is in no wise affected by this Act, provided, that the Judge of the Court of General Sessions shall have additional authority to hear and determine Civil suits wherein the matter in controversy does not exceed One Thousand (\$1,000.00) Dollars, exclusive of costs.

As amended by: Private Acts of 1949, Chapter 621  
Private Acts of 1951, Chapter 374

**SECTION 3.** That the Judge of the Court of General Sessions of Hamblen County, Tennessee, is hereby vested with all the jurisdiction, power, and authority of the Chairman of the County Court of Hamblen County, Tennessee; to hear and determine any matter or controversy now within the jurisdiction of the Quorum Court, or expressly conferred upon the County Chairman by statute, and the said Chairman of

said Court is hereby divested of all such jurisdiction, power and authority; provided nothing in this Act shall be construed to divest said Chairman of his jurisdiction and authority as financial agent of said County, and as presiding member of the Quarterly County Court of said County.

There is hereby conferred upon said court jurisdiction to remove the disability of minority to the same extent that such jurisdiction is now vested in the Chancery Court. The pleading and practice in such proceedings shall be the same as in the Chancery Court and the Clerk and Master shall serve as the Clerk of the Court in such matters and shall receive the same costs, fees, and emoluments as are now by law to the Clerk and Master for such services.

As amended by: Private Acts of 1949, Chapter 621  
Private Acts of 1963, Chapter 18

**SECTION 4.** That there is hereby conferred upon the Judge of the Court of General Sessions 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.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 5.** That before the issuance of any warrant in a civil case the plaintiff shall execute a cost bond with good security in the sum of Twenty-Five (\$25.00) Dollars, or in lieu thereof make a cash deposit with the Clerk of not less than Two Dollars and Fifty (\$2.50) Cents, or more than Twenty-Five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

**SECTION 6.** That said Court shall be in session at the courthouse in Morristown daily, except legal holidays, from 9 o'clock A.M. to 4 o'clock P.M., provided, however, the Judge shall have power and authority to hear and determine cases at any other place in Hamblen County as he may determine to be more feasible and convenient for the parties.

All cases shall be set for an hour certain, and the practice heretofore prevailing of allowing an hour for the parties to appear in Courts of the Justice of the Peace shall not apply to the Court of General Sessions.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 7.** That the costs and fees and the rules of pleading and practice, forms of writs and process, stay of appeals from judgments in civil cases of said Court shall be the same as Justices of the Peace, except where specifically changed by this Act, in cases in which the jurisdiction of said Justices have been divested by this Act; and the costs and fees, rules of pleading and practice forms of writs and process, and dockets and records in all matters in which the Chairman of the County Court of said County has been divested of authority and jurisdiction, shall be the same as now required by law, except where specifically changed by this Act.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 8.** That the criminal and civil dockets shall be kept in substantially the same form as those now required of Justices of the Peace.

**SECTION 9.** That there shall be a Judge for said Court with the same qualifications, term of office, and oath as prescribed by law for Circuit Judges and Chancellors. That the compensation of said Judge shall be Fifteen Thousand Dollars (\$15,000.00) per annum, payable in equal monthly installments, the same being paid out of the General Funds of the County.

Beginning September 1, 1975, the compensation of the Judge of said Court shall be the base salary fixed in this Act adjusted to reflect the percentage of change in the per capita personal income of the state of Tennessee, as defined and published by the United States Department of Commerce, between that of the calendar year 1974 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1975 and on September 1 every year thereafter for the ensuing year commencing September 1.

As amended by: Private Acts of 1949, Chapter 621  
Private Acts of 1951, Chapter 374  
Private Acts of 1974, Chapter 273

**SECTION 10.** That the first Judge shall be elected by the qualified voters of the County at the election for other County officers in August, 1948, and shall take office September 1, 1948, and who shall serve until his successor is elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for judicial and other civil officers in August, 1950, and hold said office for a term of eight years as provided by law for Circuit Judges and Chancellors.

**SECTION 11.** That if the Judge of said Court fails to attend, cannot attend, or preside in a pending cause, the majority of the attorneys present in such Court may elect one of their number who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold Court for the occasion.

The regular Judge of said Court shall be allowed a vacation of not to exceed two (2) weeks in any calendar year.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 12.** That the Clerk of the Circuit Court of Hamblen County, Tennessee, is hereby authorized and directed to act as Clerk of said Court and to perform the duties thereof in all civil and criminal cases, and who shall have the concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer. All bail bonds, recognizance bonds and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said Court shall be taken by the Clerk. Said Clerk's compensation shall be Twelve Hundred (\$1200.00) Dollars per annum, payable in equal monthly installments, the same to be paid out of the General Funds of the County.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 13.** That the Clerk of the County Court of Hamblen County shall serve as Clerk of said General Sessions Court in all matters in which the jurisdiction of the Chairman of the County Court has been vested in the Judge of the Court of General Sessions, who shall receive the same costs, fees, and emoluments as are now allowed by law for such services.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 14.** That all fees, commissions and emoluments accruing under the provisions of this Act to the Judge and Clerk respectively of said Court, when proceeding with civil and criminal cases, shall be paid monthly to the County Trustee of Hamblen County, and shall be deposited by said Trustee in the General Fund of the County. All fines and forfeitures adjudged by said Court shall be payable to and collected by the Clerk, and be reported on, and accounted for and paid over as required by law.

**SECTION 15.** That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

**SECTION 16.** That the Court of General Sessions of Hamblen County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgments in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court of Hamblen County, where such appeal shall be tried by a Judge in such Court without a jury, and without indictment or presentment.

**SECTION 17.** That it shall be the mandatory duty of the Judge of said Court 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 of indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by a jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case.

Said waiver shall be in writing, signed by the defendant, written on or attached to the warrant, and in the form and of contents substantially as follows:

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

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Clerk

**SECTION 18.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Hamblen County, as if said cases had originated in said Court of General Sessions, and said Court shall have power and authority to issue executions and other final process on judgments rendered by Justices of the Peace.

**SECTION 19.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Hamblen County to any unpaid fees, or fund in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

That the official dockets, records and papers in possession of Justices of the Peace of said County shall be turned over to Hamblen County on the date this Act becomes effective.

**SECTION 20.** [Repealed by Private Acts of 2013, Chapter 14]  
As amended by: Private Acts of 2001, Chapter 21  
Private Acts of 2013, Chapter 14

**SECTION 21.** That the Legislature expressly declares that each section, subsection, paragraph and provisions 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 laws or parts of laws in conflict with the provisions of this Act be, and there they are hereby, repealed as of the date this Act becomes effective.

**SECTION 23.** That the enactment of this Act shall not effect the present terms of offices of the Justices of the Peace and the Chairman of the County Court of Hamblen County as now existing and as to them and their powers and duties this Act shall take effect September 1st, 1948, but for all other purposes from and after its passage, the public welfare requiring it.

Passed: February 12, 1947.

## Division II

### Private Acts of 2013 Chapter 14

**COMPLIER'S NOTE:** This Act becomes effective September 1, 2014.

**SECTION 1.** Effective September 1, 2014, Chapter 337 of the Private Acts of 1972, and all other acts amendatory thereto, is hereby repealed. Effective September 1, 2014, Chapter 21 of the Private Acts of 2001, and all other acts amendatory thereto, is hereby repealed. It is the intent of the General Assembly to abolish the part-time general sessions court of Hamblen County, to abolish the juvenile court of Hamblen County, and to create a second full-time general sessions court of Hamblen County with juvenile jurisdiction.

**SECTION 2.** As used in this act:

(1) "Division I court" means the full-time general sessions court of Hamblen County created by Chapter 235 of the Private Acts of 1947, as amended by Chapter 621 of the Private Acts of 1949, Chapter 374 of the Private Acts of 1951, Chapter 18 of the Private Acts of 1963, Chapter 337 of the Private Acts of 1972, Chapter 273 of the Private Acts of 1974, Chapter 161 of the Private Acts of 1990, Chapter 21 of the Private Acts of 2001, and Chapter 73 of the Private Acts of 2004; and any other acts amendatory thereto; and

(2) "Division II court" means the full-time general sessions court of Hamblen County created by this act.

**SECTION 3.** In addition to the Division I court and the judge authorized by Chapter 235 of the Private Acts of 1947, and any other acts amendatory thereto, to serve the Division I court, there is created, in Hamblen County, a second full-time general sessions court to be known and designated as the Division II court.

**SECTION 4.** There is conferred upon the Division II court created by this act the jurisdiction, power, and authority concurrent with the Division I court over all cases. Nothing in this act shall restrict the ability of the general sessions judges of both courts to participate in interchange with each other should cause exist making an interchange necessary or for mutual convenience under the provisions of Tennessee Code Annotated§ 17-2-208.

**SECTION 5.** There is created the office of judge of the Division II court of Hamblen County. The Division II court created by this act shall be a court of record and shall be presided over by a full time judge who shall have the qualifications and salary provided by this act.

**SECTION 6.** At the regular August general election in 2014, the qualified voters of Hamblen County shall elect both general sessions judges of the Division I and Division II courts to serve full eight (8) year terms that begin September 1, 2014, and until the first day of September, 2022, and until the judges' successors are elected and qualified. At the regular August general election of 2022, and thereafter, every eight (8) years, the judges shall be elected by the qualified voters of Hamblen County. Persons elected to serve as the Division I and Division II court judges shall be attorneys, duly licensed to practice law in the courts of this state, and shall possess all qualifications of judges of inferior courts, as required by law.

**SECTION 7.** Effective September 1, 2014, the offices of the juvenile court of Hamblen County and the part-time general sessions court of Hamblen County are abolished. It is the intent of the general assembly to transfer all authority, power, and jurisdiction previously held by the juvenile court in Hamblen County to the Division II court created by this act. Nothing in this act shall be construed as reducing the term of office of the current juvenile court judge or the current part-time general sessions judge of Hamblen County. Such persons shall continue to serve in that capacity and retain all powers and responsibilities of the offices until the expiration of the current term on August 31, 2014, or until such judges vacate office, whichever occurs first. In the case of a vacancy in the offices of juvenile court judge or part-time general sessions court judge of Hamblen County prior to August 31, 2014, the Division I court judge of Hamblen County shall be appointed to serve as the judge of the court or courts until the expiration of the term.

**SECTION 8.** Effective September 1, 2014, there is hereby conferred upon the Division II court created by this act and clerk of such court the jurisdiction, power, duties, and authority over all juvenile matters vested in the juvenile courts and clerks of the state by Tennessee Code Annotated, Title 37 or any other general law. Chapter 235 of the Private Acts of 1947, and all acts amendatory thereto, are amended to provide that the Division I court is vested with juvenile court jurisdiction concurrent with the Division II court to hear and determine juvenile matters; provided, that the Division II court shall have primary jurisdiction, powers, and authority over all civil and juvenile matters. The Division I court shall have primary jurisdiction, powers, and authority over all criminal matters and orders of protection. The two general sessions judges shall decide which division is assigned Drug Recovery Court.

**SECTION 9.** All unfinished and pending matters in the juvenile court of Hamblen County prior to the date this act takes effect, shall be transferred to the Division II court created by this act at the close of business on the day preceding the day this act becomes effective. On such date, all official books, records, and other documents pertaining to any matter within the jurisdiction of the juvenile court of Hamblen County shall be delivered to the Division II court. Nothing in this act shall be construed as invalidating or altering any judgment, order, decree, or other determination of the juvenile court that was adjudicated by the juvenile court pursuant to the authority of Chapter 337 of the Private Acts of 1972, or any other acts amendatory thereto, and all such judgments, orders, decrees, and other determinations shall remain valid and binding.

**SECTION 10.** Effective September 1, 2014, the clerk of the Division I court shall also serve as clerk of the Division II court created by this act and any of such clerk's deputies shall also be deputies for the Division II court created by this act, but the clerk shall keep separate books, give separate bonds, and in all respects keep the business of the Division II court separate from the business of the Division I court.

**SECTION 11.** This act shall have no effect, unless it is approved by a two-thirds (2/3) vote of the legislative body of Hamblen County prior to July 1, 2014. Its approval or nonapproval shall be proclaimed by the presiding officer of the Hamblen County legislative body and certified by the presiding officer to the secretary of state.

**SECTION 12.** 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 11.

Passed: April 11, 2013.

## Divorce Jurisdiction

### Private Acts of 1951 Chapter 374

**SECTION 1. COMPILER'S NOTE:** This section was amendatory to Section 2 of the General Sessions Court act, which is included in this compilation.

**SECTION 2. COMPILER'S NOTE:** [Deleted by Private Acts of 2004, Chapter 73]

**SECTION 3. COMPILER'S NOTE:** This section amended Section 9 of the original General Sessions Court Act, which is included in this compilation.

**SECTION 4.** That the Clerk and Master of the Chancery Court of Hamblen County shall serve as the Clerk

of the Sessions court in all matters to be heard and determined under Section 2 hereof, said Clerk to have all the power by law conferred upon Clerks of the Circuit Courts and Clerk and Master of the Chancery Court insofar as the same pertains to said matters, and shall receive the same costs, fees and emoluments as are now allowed by law to Clerks of the Circuit Court and Clerk and Master of the Chancery Court for such service. Upon the transfer of jurisdiction from the General Sessions Court to the Chancery Court, all records pertaining to domestic relations cases held or maintained in the General Sessions Court under the authority of Chapter 374 of the Private Acts of 1951 shall remain in the custody of the Clerk and Master of the Chancery Court of Hamblen County.

As amended by: Private Acts of 2004, Chapter 73

**SECTION 5.** That the Legislature expressly declares that each section, sub-section, 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 6.** That all laws or parts of laws in conflict with the provisions of this Act be, and they are hereby repealed as of the date this Act becomes effective.

**SECTION 7.** That this Act go into effect from and after the date of its passage, the public welfare requiring it.

Passed: March 6, 1951.

## Juvenile Court

### Private Acts of 1972 Chapter 337

**COMPLIERS' NOTE:** Effective September 1, 2014, Chapter 337 of Private Acts of 1972, and all other acts amendatory thereto, are repealed by Private Acts of 2013, Chapter 14.

**SECTION 1.** There is hereby created for the county of Hamblen a court to be known and designated as the Juvenile Court of Hamblen County.

**SECTION 2.** There is hereby created the office of judge of the Juvenile Court of Hamblen County.

**SECTION 3.** The Juvenile Court of Hamblen County shall have the same jurisdiction as provided by general law.

**SECTION 4.** The qualifications of the judge of the Juvenile Court shall be as follows: He shall be an attorney, duly licensed to practice law in the courts of the state, not less than twenty-one (21) years of age. The Quarterly County Court of Hamblen county shall establish the compensation of the judge of the Juvenile Court of Hamblen County on or before September 1, 1974 in an amount which the Quarterly County Court in its discretion establishes as commensurate with the duties and responsibilities of the judge of the Juvenile Court of Hamblen County which is not less than four thousand eight hundred dollars (\$4800) nor more than seven thousand five hundred dollars (\$7500) per annum to be paid by the County from the general fund in twelve (12) equal monthly installments. In addition, beginning September 1, 1975, the compensation of the Judge of said Court shall be the base salary fixed in this Act adjusted to reflect the percentage of change in the per capita personal income of the state of Tennessee, as defined and published by the United States Department of Commerce, between that of the calendar year 1974 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1975 and on September 1 every year thereafter for the ensuing year commencing September 1.

As amended by: Private Acts of 1974, Chapter 272

**SECTION 5.** The judge of the Juvenile Court of Hamblen County shall be elected by the qualified voters of the county at the regular August general election in 1972, and shall hold such office from the 1st day of September, 1972, until the first day of September, 1974, and until his successor is elected and qualified. At the August general election of that year, and thereafter, every eight (8) years, the judge shall be elected by the qualified voters of the county.

**SECTION 6.** There shall be provided in the court house of Hamblen County court room and office space for the proper conduct and administration of the Juvenile Court of Hamblen County.

**SECTION 7.** The Clerk of the Circuit and General Sessions Court shall also be the Clerk of the Juvenile Court, but the Clerk shall keep separate books, give separate bonds, and in all respects keep the business of the Juvenile Court separate from the business of the Circuit Court and General Sessions Court of Hamblen County.

As amended by: Private Acts of 2012, Chapter 48

**SECTION 8.** Chapter 235 of the Private Acts of 1947, and all acts amendatory thereto, are hereby amended to provide that the Court of General Sessions of Hamblen County is hereby divested of all juvenile court jurisdiction.

**SECTION 9.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County on or before July 1, 1972. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the secretary of state.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 9, 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 9.

Passed: March 28, 1972.

## Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Hamblen County, but are no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 165, made applicable to Hamblen County the general statutes governing Boards of Jury Commissioners.
2. Private Acts of 1927, Chapter 36, established a Board of Jury Commissioners for Hamblen County.
3. Private Acts of 1927, Chapter 160, exempted Hamblen County from the general law which authorized Criminal Court Judges and Circuit Judges with criminal jurisdiction to appoint the foreman of the grand jury. This act was repealed by Private Acts of 1937, Chapter 538.
4. Private Acts of 1947, Chapter 199, amended Private Acts of 1927, Chapter 36, by increasing the number of names of prospective jurors placed in the jury box.
5. Private Acts of 1947, Chapter 201, set the salary of Hamblen County jurors at \$3 per day.
6. Private Acts of 1949, Chapter 312, set the per diem salary of jurors at \$5 except the foreman of the Grand Jury who was to receive \$10.
7. Private Acts of 1951, Chapter 207, raised the per diem salary of the Jury Commissioners to \$5

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Hamblen 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. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1869-70, Chapter 32, placed Hamblen in the First Chancery Division.
2. Acts of 1869-70, Chapter 47, provided that Chancery Court in Hamblen County would meet on the second Mondays in May and November of each year. This Act was repealed by Acts of 1871, Chapter 101, which also provided that the terms of Chancery Court in Hamblen County would begin on the third Mondays in January and July.
3. Acts of 1871, Chapter 67, set the terms of Chancery Court on the second Mondays in January and July.
4. Acts of 1885 (Ex. Sess.), Chapter 20, placed Hamblen County in the First Chancery Division and provided that the terms of Chancery Court would begin on the third Mondays in January and July.
5. Acts of 1891, Chapter 165, provided that Chancery Court would meet on the third Mondays in February and August.
6. Acts of 1893, Chapter 100, established the Twelfth Chancery Division, consisting of Sullivan, Hawkins, Hamblen, Grainger, Claiborne, and Hancock Counties. The terms of Chancery Circuit in Hamblen County were set on the second Mondays in February and August.
7. Acts of 1899, Chapter 427, placed Hamblen County in the First Chancery Division and provided that the terms would begin on the fourth Mondays in May and November. This was amended by Acts of 1901, Chapter 438, to change the meeting days to the fourth Mondays in February and August.
8. Public Acts of 1919, Chapter 100, established the Thirteenth Chancery Division. This act was amended by Public Acts of 1920 (Ex. Sess.), Chapter 5, and Public Acts of 1931 (2nd Ex. Sess.),

Chapter 38.

9. Public Acts of 1963, Chapter 371, established the Fifteenth Chancery Division. This act was amended by Public Acts of 1967, Chapter 27.

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

Referenced below is an act which once applied to the clerk and master in Hamblen County.

1. Private Acts of 1937, Chapter 457, set the salary of the Clerk and Master of the Chancery Court in Hamblen County at \$900 per year. This Act also required the Clerk and Master to file an annual fee report of all the fees collected by that office.

#### **Circuit Court**

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

1. Acts of 1869-70, Chapter 31, placed Hamblen County, if established, in the Second Judicial Circuit.
2. Acts of 1869-70, Chapter 46, provided that the terms of Circuit Court in Hamblen County would begin on the third Mondays in April, August, and December.
3. Acts of 1879, Chapter 140, set the time for holding Circuit Court on the first Mondays in April, August and December.
4. Acts of 1885 (Ex.Sess.), Chapter 20, placed Hamblen County in the Second Judicial Circuit and provided that the terms of Circuit Court were to begin on the first Mondays in April, August and December. This was amended by Acts of 1889, Chapter 117, to change the time for holding Circuit Court terms to the fourth Mondays in April, August, and December.
5. Acts of 1899, Chapter 427, placed Hamblen County in the Second Judicial Circuit and set the terms of Circuit Court on the Second Monday in February, June, and October. This was amended by Acts of 1903, Chapter 277, to change the terms of Circuit Court to the first Mondays in January, May and September.
6. Acts of 1905, Chapter 477, set the terms of Circuit Court on the first Mondays in January, May and September.
7. Acts of 1907, Chapter 205, set the terms of Circuit Court on the first Mondays in January, May and September, but it was amended by Private Acts of 1919, Chapter 513, to set the time for holding Circuit Court on the first Mondays in March, July and November.
8. Private Acts of 1915, Chapter 552, set the salary of the Circuit Court Clerk in Hamblen County at \$700 per year, to be paid from the fees of that office. The minimum and maximum salary of the Circuit Court Clerk is now set by T.C.A. 8-24-102 and 8-24-104.
9. Private Acts of 1923, Chapter 15, set the terms of the Circuit Court on the first Mondays in February, June and October. This act was amended by Public Acts of 1925, Chapters 35 and 96 and, later, by Public Acts of 1931 (2nd Ex. Sess.), Chapter 38.
10. Public Acts of 1972, Chapter 515, created a new judicial circuit for Greene, Hawkins and Hamblen Counties, and provided for a judge and specified terms. T.C.A. 16-2-506 now provides that Greene, Hawkins, Hancock and Hamblen Counties shall comprise the Third Judicial District. T.C.A. 16-2-510 abolishes terms.

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

The following acts once affecting Hamblen County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1925, Chapter 96, provided for the election of attorney general for the twentieth judicial circuit.
2. Public Acts of 1939, Chapter 65, created the office of criminal investigator for the 2nd judicial circuit.
3. Public Acts of 1967, Chapter 48, created the office of assistant district attorney general for the counties of Greene, Hamblen and Hawkins in the twentieth judicial circuit.
4. Public Acts of 1969, Chapter 277, created an additional assistant district attorney general for the twentieth judicial circuit.
5. Public Acts of 1974, Chapter 567, created the office of secretary-file clerk to the office of District Attorney General for the twentieth judicial circuit.
6. Public Acts of 1974, Chapter 685, created one additional position of criminal investigator for the



twentieth judicial circuit.

**General Sessions Court**

The following acts once affected the general sessions court of Hamblen County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1963, Chapter 256, was amendatory to Private Acts of 1947, Chapter 235, providing for secretarial assistance to the General Sessions Judge at a salary of \$300. This Act was rejected on the local level and never became an effective law.
2. Private Acts of 1965, Chapter 216, attempted to amend the General Sessions Court Act, by raising the judge's salary to \$10,000 per year, but it was rejected by the Quarterly County Court and never took effect.

## Chapter Vi - Education/Schools

### Board of Education

#### Private Acts of 1949 Chapter 676

**SECTION 1.** After August, 1982, the Hamblen County Board of Education, shall consist of seven (7) members.

As amended by: Private Acts of 1982, Chapter 303

**SECTION 2.** That one (1) member of the County Board of Education shall be elected by the qualified voters of each of the seven (7) school districts within the county, which are defined and constituted as follows:

School district one (1) shall be composed of county legislative districts one (1) and two (2).

School district two (2) shall be composed of county legislative districts three (3) and four (4).

School district three (3) shall be composed of county legislative districts five (5) and six (6).

School district four (4) shall be composed of county legislative districts seven (7) and eight (8).

School district five (5) shall be composed of county legislative districts nine (9) and ten (10).

School district six (6) shall be composed of county legislative districts eleven (11) and twelve (12).

School district seven (7) shall be composed of county legislative districts thirteen (13) and fourteen (14).

Said legislative districts, dividing Hamblen County into fourteen districts, were adopted by resolution of the Hamblen County legislative body on November 16, 1981 in accordance with the reapportionment which resulted from the 1980 Federal Census in order to comply with the provisions of Tennessee Code Annotated, Title 5, Chapter 1.

As amended by: Private Acts of 1969, Chapter 73  
Private Acts of 1982, Chapter 303

**SECTION 3.** That at the August general election in 1982 and every two (2) years thereafter, the qualified voters of each School District shall elect one member of the County Board of Education, who shall reside in the School District from which he or she is elected, and that the term of office of members so elected shall be for a period of two years from and after the first day in September next following their election or until their successors are elected and qualified, and that not more than one member shall be elected from any one School District.

As amended by: Private Acts of 1969, Chapter 73  
Private Acts of 1982, Chapter 303

**SECTION 4.** That until the election and qualification of members of the County Board of Education in accordance with the provisions of this Act, the members of said County Board of Education shall be as follows:

School District No. 1 - O. L. McMahan.

School District No. 2 - Glenn Smallman.

School District No. 3 - Hal B. Noe.

School District No. 4 - Sam Rouse.

School District No. 5 - Oliver Roberts.

**SECTION 5.** That after the effective date of this Act, any vacancy occurring upon the County Board of

Education in said County shall be filled by election of the Quarterly County Court, but members so elected shall serve only until their successors elected at the next regular County election are elected and qualified. Any vacancy shall be filled from the School District in which such vacancy occurs.

**SECTION 6.** That Hamblen County shall be exempted from the provisions of Section 2317 of the Code of Tennessee with respect to the election of a County Board of Education by the Court, but said section shall remain in full force and effect as to filling any vacancies on the Board as herein provided.

**SECTION 7.** The compensation of the chairman and members of the County Board of Education shall be paid in the same amount and in the same manner as the compensation is paid to the Hamblen County Commissioners.

As amended by: Private Acts of 1982, Chapter 303

**SECTION 8.** That said County Board of Education shall have and exercise all the powers, duties, functions and obligations presently imposed on County Boards of Education by the general law. And all the general school laws now existing not inconsistent with this Act shall be in full force and effect with respect to said County.

**SECTION 9.** That the members of said County Board of Education shall meet, qualify and organize within ten days after their election or appointment by electing one of the members as Chairman, who shall serve for a period of one year or until his successor is elected and qualified and thereupon said Board of Education shall assume all the duties and responsibilities required by County Boards of Education under the general school laws of the State.

**SECTION 10.** That Chapter No. 584, House Bill No. 1282, Private Acts of the General Assembly of the State of Tennessee of 1937, is hereby repealed and the present County Board of Education in Hamblen County, Tennessee, is hereby abolished.

**SECTION 11.** Be it further enacted, that 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 he was elected.

As amended by: Private Acts of 1982, Chapter 303

**SECTION 12.** 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: April 12, 1949.

## Education/Schools - Historical Notes

### **Superintendent or Director of Schools**

The act referenced below once affected the office of superintendent of education in Hamblen County, but is no longer operative.

1. Private acts of 1986, Chapter 158, provided for the election of the county superintendent of public instruction by the qualified voters of Hamblen County for a term of 4 years after the August 31, 1992 general election. The qualifications, compensation, powers, duties and liabilities of the superintendent of public instruction was prescribed by general law.

### **General Reference**

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

1. Acts of 1909, Chapter 494, was a compulsory attendance law for Hamblen County. It required the parents and/or legal guardians of children between the ages of eight and fourteen to see that their children attended school for four months or eighty consecutive days of each school year. The children could be excused from attendance if a physician certified that they were mentally or physically incompetent to attend. If they received private instruction, they could demonstrate through examination their competence in the subjects taught in public schools. Private Acts of 1911, Chapter 221 and Chapter 306 amended this act. Later, Public Acts of 1978, Chapter 716, repealed this act.
2. Private Acts of 1911, Chapter 378, was the next compulsory attendance law for Hamblen County. It applied to children between the ages of eight and sixteen, and required that they attend public or private schools. Children were exempted from this law only if a physician certified them incapable of attending school, if their parents were unable due to poverty to properly clothe the

child for school, or if there was no school for their race within 2½ miles from their home. Parents/ legal guardians who did not see that their child attended under the provisions of this law were guilty of a misdemeanor and subject to a fine.

3. Private Acts of 1925, Chapter 814, gave the Hamblen County Board of Education the right of eminent domain to secure land and property for school buildings and grounds and set the procedure to be followed in condemnation proceedings.
4. Private Acts of 1937, Chapter 584, created a Board of Education for Hamblen County, consisting of three members, but in the next section of this Act, the Quarterly County Court was authorized to appoint five members to the Board of Education, from the county-at-large, with no more than three members belonging to the same political party. This was repealed by Private Acts of 1949, Chapter 676, found in this volume, which created the current Board of Education for Hamblen County.
5. Private Acts of 1941, Chapter 425, created the "Hamblen County Special School District" of all the lands of the county lying outside the corporate limits of Morristown. This Act also authorized a bond issue for \$100,000 the proceeds of which were to be used to improve the school buildings at Russellville, Witt, Whitesburg, Fairview, Springvale and Lowland. This has been superseded by the provisions of the current Board of Education law, found in Private Acts of 1949, Chapter 676.

## Chapter VII - Elections

### Civil Districts

#### Private Acts of 1947 Chapter 202

**COMPILER'S NOTE:** This act abolished the civil districts, which are not the county legislative body member (county commissioner) districts. Tennessee Code Annotated, Section 5-1-111 now provides that districts for county legislative body members are to be established by a resolution of the county legislative body at least once every ten years.

**SECTION 1.** That the present Civil Districts of Hamblen County, Tennessee numbering from one (1) to nine (9), inclusive, be, and the same hereby are abolished.

**SECTION 2.** That in lieu of the present nine Civil Districts heretofore existing in Hamblen County, Tennessee, there are hereby created five (5) Civil Districts for said County, as follows:

FIRST CIVIL DISTRICT: The First Civil District shall be as follows:

That portion of the present First and Fourth Civil Districts lying and being within the corporate limits of the Town of Morristown, so that the First Civil District as herein and hereby created shall be that portion of Hamblen County lying and being within the corporate limits of the Town of Morristown or as the corporate limits may be hereafter extended.

SECOND CIVIL DISTRICT: The Second Civil District shall be as follows: All of the Seventh Civil District and that portion of the First, Second and Fourth Civil Districts lying outside of the corporate limits of the City of Morristown and west of Highway 25E and north of Highway 11E.

THIRD CIVIL DISTRICT: The Third Civil District shall be as follows:

All that part of the Third, Fourth and Sixth Civil Districts east of U. S. Highway 25E and north of U. S. Highway 11E lying outside of the corporate limits of the town of Morristown.

FOURTH CIVIL DISTRICT: The Fourth Civil District shall be as follows:

All of that part of the Third, Fifth, Sixth, Eighth and Ninth Civil Districts lying east of U. S. Highway 25E and south of U. S. Highway 11E and outside of the corporate limits of the Town of Morristown.

FIFTH CIVIL DISTRICT: The Fifth Civil District shall be as follows:

That part of the First, Second and Eighth Civil Districts outside of the corporate limits of the City of Morristown and west of Highway 25E and south of Highway 11E.

As amended by: Private Acts of 1949, Chapter 93  
Private Acts of 1949, Chapter 293

**SECTION 3.** That the voting precincts in the newly created Civil Districts shall be composed as follows:

The First Civil District shall be composed of the following precincts:

The First, Second, Third and Fourth Wards of the Town of Morristown. Provided, however, that the voting place in the Second Ward shall be at Sherwood School.

The Second Civil District shall be composed of the following precincts:

Precinct No. 1. Beginning at the corporate limits of the Town of Morristown and Highway 11E; thence northwest by County Road to Central Church, thence west to Kedwell's Ridge Road, thence north along Kedwell's Ridge Road to Cherokee Lake and bounded on the north by Cherokee Lake, on the west by Panther Creek Road and on the south by Highway 11E, with the place of voting at Sharkley's store.

Precinct No. 2. Precinct No. 2 shall be bounded on the south by Highway 11E, on the west by the county line, on the north by Cherokee Lake and on the east by Panther Creek Road, with the place of voting at Cedar Hill School.

Precinct No. 3. Precinct No. 3 shall be bounded on the west by the First Precinct as above bounded, on the north by Cherokee Lake, on the east by Macedonia Road and on the south by the corporate limits of the Town of Morristown, with the voting place at Holt's School.

Precinct No. 4. Precinct No. 4 shall be bounded on the west by Macedonia Road, on the north by Cherokee Lane, on the east by Highway 25E and on the south by the corporate limits of the Town of Morristown, with the voting place at Fairview School.

The Third Civil District shall be composed of the following precincts:

Precinct No. 1. Being all of the Third Civil District as now bounded on the west by road running north from Ed Talley's Store by Fairfield Church extending to Cherokee Lake, with the place of voting at Margarite Schoolhouse.

Precinct No. 2. Being all of the Third Civil District east of Precinct No. 1 and west of line running due north from Old Standifer Place to Cherokee Lake, with voting place at Russellville Schoolhouse.

Precinct No. 3. Being all of the remainder of the Third Civil District north of U. S. Highway 11E as now bounded, with the voting place at the Whitesburg Schoolhouse.

The Fourth Civil District shall be composed of the following precincts:

Precinct No. 1. That part of the old Eighth Civil District east of Highway 25E, with the voting place at Jacob's store.

Precinct No. 2. The present Lowlands precinct with the voting place at Lowlands School.

Precinct No. 3. The present Springvale precinct, with the voting place at Springvale School.

Precinct No. 4. That part of the old Whitesburg precinct south of Highway 11E, with the voting place at Benton White Building.

Precinct No. 5. That part of the old Russellville precinct south of Highway 11E, with the voting place at Benton White Garage.

Precinct No. 6. Precinct No. 6 shall include all of the Fourth District not allotted to the other five precincts thereof, with the voting place at Pineville School.

The Fifth Civil District shall be composed of the following precincts:

Precinct No. 1. Bounded on the north by Highway 11E, on the east by the corporate limits of the Town of Morristown, on the south by Dandridge Pike and on the west by the county line, with the voting place at Alpha School.

Precinct No. 2. Bounded on the north by Dandridge Pike, on the east by the corporate limits of the Town of Morristown, on the south by Old Witt's Road via Sulphur Springs and Fernwood to the Jefferson County line and on the west by the county line with the voting place at Roe Junction School.

Precinct No. 3. Bounded on the north by the Old Witt's Road via Sulphur Springs and Fernwood to the Jefferson County lines, on the south by county line and on the east by Highway 25E, with the voting place at Witt's School.

As amended by: Private Acts of 1949, Chapter 93  
Private Acts of 1949, Chapter 293

**SECTION 4.** That from and after the effective date of this Act, the offices of the Justices of the Peace and Constables in the districts abolished by this Act be, and the same are hereby abolished and for naught held.

**SECTION 5.** That should any section or provisions of this Act be held unconstitutional, the same shall not affect the validity of this Act as a whole, or any part thereof, other than the part so held to be unconstitutional.

**SECTION 6.** That the enactment of this statute shall not affect the present term of office of the Justices of the Peace and Constables of Hamblen County from the Civil Districts of said County as heretofore constituted and existing, and as to them and their term of office, this Act shall take effect September 1, 1948, but for all other purposes this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 6, 1947.

## Boundary Change

### Private Acts of 1953 Chapter 514

**SECTION 1.** That the line between the 5th and 2nd Civil Districts of Hamblen County be changed so as to transfer the lands known as the Manley School property from the 5th Civil District to the 2nd Civil District of said County.

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

Passed: April 8, 1953.

### Private Acts of 1957 Chapter 245

**SECTION 1.** That the line between the 4th and 5th Civil Districts of Hamblen County be changed so as to transfer the lands known as the Witt School Gymnasium from the 5th Civil District to the 4th Civil District of said County.

**SECTION 2.** That hereinafter elections held in and for said County shall be held for the 1st precinct of said County of said 4th Civil District at the Witt School Gymnasium.

**COMPILER'S NOTE:** This Section has been superseded by T.C.A. 2-3-102. The County Election Commission now establishes voting precincts.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Hamblen County on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) 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 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1957.

### Private Acts of 1957 Chapter 246

**SECTION 1.** That the line between the 3rd and 4th Civil Districts of Hamblen County be changed so as to transfer the lands known as the Whitesburg School Cafeteria from the 3rd Civil District to the 4th Civil District of said County.

**SECTION 2.** That hereinafter elections held in and for said County shall be held for the 4th Precinct of said County of said 4th Civil District at the Whitesburg School Cafeteria.

**COMPILER'S NOTE:** This section has been superseded by T.C.A. 2-3-102. The County Election Commission now establishes voting precincts.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Hamblen County on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) 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 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1957.

### Private Acts of 1959 Chapter 230

**SECTION 1.** That the line between the Fifth and Second Civil Districts of Hamblen County be changed so as to transfer the lands designated as the west one-half of the Alpha School property from the Fifth Civil District to the Second Civil District of said County.

**SECTION 2.** That all laws or parts of law in conflict with the provisions of this Act be hereby expressly repealed.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the legislative body of any County to which it may apply or before the next regular meeting of such legislative body of such County 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 4.** That this Act take effect from and after April 1, 1959, the public welfare requiring it.

Passed: March 20, 1959.

## Private Acts of 1959 Chapter 374

**SECTION 1.** That the line between the Third and Fourth Civil Districts of Hamblen County be changed so as to transfer the lands designated as the east one-half of the Russellville School property from the Third Civil District to the Fourth Civil District of said County.

**SECTION 2.** That all laws or parts of laws in conflict with the provisions of this Act be hereby expressly repealed.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the legislative body of any County to which it may apply or before the next regular meeting of such legislative body of such County occurring more than thirty days (30) 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 to him to the Secretary of State.

**SECTION 4.** That this Act take effect from and after April 1, 1959, the public welfare requiring it.

Passed: March 20, 1959.

## Elections - Historical Notes

### **Civil Districts**

The acts listed below have affected the civil districts in Hamblen County, but are no longer operative regarding elections.

1. Acts of 1903, Chapter 252, abolished the Second, Fourth, Sixth, Seventh, Ninth, Eleventh, and Twelfth Civil Districts then existing in Hamblen County, dividing it into five Civil Districts.
2. Private Acts of 1921, Chapter 157, created the Sixth and Seventh Civil Districts of Hamblen County.
3. Private Acts of 1921, Chapter 531, created the Eighth Civil District of Hamblen County.
4. Private Acts of 1927, Chapter 143, created the Ninth Civil District of Hamblen County, from a portion of the Third Civil District.
5. Private Acts of 1931, Chapter 787, created the second voting precinct in the First Civil District.

### **Elections**

The following is a listing of acts for Hamblen County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Private Acts of 1915, Chapter 247, required the payment of poll taxes thirty days before an election as a prerequisite to voting in any election in Hamblen County.
2. Public Acts of 1915, Chapter 21, provided for the registration of qualified voters in Hamblen County.
3. Private Acts of 1931, Chapter 363, created the third voting precinct in the Fourth Civil District of Hamblen County.
4. Private Acts of 1935, Chapter 338, amended the general law to make it applicable to Hamblen County, (Code of 1932, Section 1996).
5. Private Acts of 1947, Chapter 197, set the pay of election officers and the registrar of voters at \$3 per day, for each day served in the performance of their duties. This was amended by Private Acts of 1949, Chapter 118, to raise their salaries to \$5 per day. This is now set by T.C.A. 2-4-109 (election officers) and 2-12-111 (precinct registrars and their assistants).

6. Private Acts of 1949, Chapter 98, was a voter registration law for Hamblen County. It provided that no re-registration of voters would be necessary as long as a voter remained within the Civil District where he originally registered.

## Chapter VIII - Health

### Massage Regulation

#### Private Acts of 1975 Chapter 169

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

- (a) "Massage" means the art of body massage either by hand or with a mechanical or electrical apparatus for the purpose of massaging, reducing or contouring the body, and may include the use of oil rubs, heat lamps, saltgloves, hot and cold packs, tub showers or cabinet baths.
- (b) "Masseur" or "Masseuse" means a person who practices or administers massage.
- (c) "Massage establishment" means a place of business wherein the practice of massage, as defined in subsection (a) is practiced.
- (d) "Certificate of registration" means the certificate issued by the county court clerk pursuant to Sections 3 and 5.
- (e) "Clerk" means the county clerk of Hamblen County.

**SECTION 2.** (a) No person shall operate or conduct any massage establishment which does not conform to the provisions of this Act or employ any person as a masseur or masseuse in such establishment who does not hold a certificate of registration.

(b) No masseur or masseuse, either for payment or free demonstration, shall practice, or administer massage in a massage establishment without a certificate of registration.

**SECTION 3.** The Quarterly County Court of Hamblen County shall by rules and regulation adopt a schedule of license fees for the application, issuance, and renewal of certificates of registration. No fee on such schedule shall exceed one hundred (\$100). The monies derived from such fees shall be sufficient to provide for the total costs of the implementation, administration and enforcement of this Act.

**SECTION 4.** The county health department regularly examine and inspect, or cause to be examined or inspected, all massage establishments in Hamblen County. For this purpose, the county health department and its agents and employees may enter and inspect any massage establishment at any reasonable time during which such establishment or school is open for the transaction of business.

**SECTION 5.** (a) Upon receipt of an application for a masseur or masseuse, the clerk shall issue a certificate of registration to any person who:

- (1) Is eighteen (18) years of age or over.
- (2) Is a high school graduate or has passed the General Educational Development Test.
- (3) Has been a resident of this state for at least six (6) months preceding his or her application;
- (4) Is of good moral character;
- (5) Has a diploma or credentials issued by a massage school;
- (6) Furnishes a certificate of good health and freedom from communicable disease issued by a physician.

(b) The clerk shall issue a certificate of registration upon receipt of an application to operate or conduct any massage establishment to any person who completes requirements, (2), (3), (4), and (6) of subsection (a) of this section.

(c) All applications to the Clerk shall be accompanied by a non-refundable fee as established by the clerk pursuant to Section 3 of this Act.

**SECTION 6.** Any person who is a resident of this state and has actively engaged in the practice of massage, and

- (1) has practiced the profession three (3) years or more at any place within this state, or
- (2) has served as an apprentice three (3) years at any place within the state, or
- (3) has a diploma from an approved school of massage, may be granted a certificate of registration

without first having satisfied requirement 6 of Section 5(a). Such person may obtain a certificate of registration by making an application, satisfying all other requirements of Section 5(a), and paying the required fee. Such application shall be completed within one (1) year from the elective date of this Act.

**SECTION 7.** The following classes of persons are not required to register under this Act:

- (a) Persons authorized by the laws of this State to practice any branch of medicine, surgery, osteopathy, chiropractic or podiatry,
- (b) Commissioned medical or surgical officers of the United States Army, Navy, Air Force, or Marine Hospital Service,
- (c) Registered nurses, practical nurses, optometrists, barbers and cosmetologists,
- (d) Persons coming within the licensing provisions of the healing arts in Title 63, Tennessee Code Annotated,
- (e) Coaches of teams participating in athletic contests and endeavors,
- (f) Physical therapists, physical therapy assistants, and X-ray technicians employed in licensed hospitals or licensed nursing homes working under the supervision of a physician or licensed nurse.

Any exemption granted under this Act is effective only insofar as and to the extent that the bona fide practice of the profession or business of the person exempted overlaps into the field comprehended by this Act, and exemptions under this Act are only for those activities which are performed in the course of the bona fide practice of the business or profession of the person exempted.

**SECTION 8.** A certificate of registration shall be renewed annually before the first day of January, by payment of a renewal fee as provided in accordance with Section 3. If a certificate is not renewed within thirty (30) days of such date, a delinquent renewal fee shall be assessed by the clerk. Such delinquent fee shall be established in accordance with Section 3, but shall not be less than twenty dollars (\$20).

The holder of an expired certificate of registration may, within one (1) year from the date of expiration, have the certificate renewed upon payment of the required renewal fee. Any registrant who does not renew his or her registration for two (2) consecutive years because of sickness or other reason, or absence from the county shall comply with all provisions applicable to any original applicant for registration.

**SECTION 9.** Every holder of a certificate of registration shall display it in a conspicuous place near his or her work.

**SECTION 10.** (a) The district attorney general shall, upon the information or at the request of any resident of the county, investigate and prosecute violations of this Act.

(b) The district attorney general may file a petition in circuit or chancery court to suspend or revoke a certificate of registration, if any one of the following grounds is present:

- (1) The registrant is guilty of fraud in the practice and administration of massage, or fraud or deceit in his admission to practice and administration of massage.
- (2) The registrant has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state.
- (3) The registrant is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.
- (4) The registrant is guilty of fraudulent, false, misleading or deceptive advertising, or he or she prescribes medicines or drugs, or practices any licensed profession without legal authority.
- (5) The registrant is guilty of negligence in the practice and administration of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.
- (6) The registrant has violated any of the provisions of this Act.

**SECTION 11.** It is a misdemeanor for a masseuse or masseur to practice or administer massage or for any person to operate a massage establishment without complying with the registration and other provisions of this Act. If a masseur, masseuse or massage establishment is convicted for violation of this Act, the court shall revoke or suspend the certificate of registration if a certificate of registration is in effect for this person, or massage establishment.

**SECTION 12.** The clerk shall keep a record book in which shall be entered the names of all persons to whom certificates have been granted under this Act, the certificate number of each, and the date of granting such certificate, any renewal thereof, and other matters of record.



**SECTION 13.** (a) If the county health department ascertains that any masseur or masseuse may be in such physical conditions as to jeopardize the health of those who seek massage from him or her, the health department may require the certificate holder to have a physical examination by a competent medical examiner to be paid for by the county.

If such person is found to have a communicable disease while practicing massage, such person is disqualified from obtaining, holding, or renewing a certificate of registration. The granting or renewal of such certificate shall be denied until such person furnishes due proof of being physically competent to practice massage.

(b) The county health department may adopt reasonable rules and regulations regarding the personal cleanliness of masseurs and masseuses, and the sanitary conditions of towels, linen, creams, lotions, oils and other materials, facilities, and equipment used in the practice and administration of massage. Masseurs and masseuses shall not be required to have more than one physical examination a month unless the county health department ascertains the conditions specified in subsection (a) of this section. All physical examinations, except the physical examination required for applicants, that are required by the county health department, are to be paid for by the county.

**SECTION 14.** 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 15.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 16.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 15, 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 15.

Passed: May 21, 1975.

## Private Waste Treatment Facilities Permits

### Private Acts of 1990 Chapter 162

**SECTION 1.** No person shall begin the construction, installation, modification or operation of any treatment works or part thereof, or any extension or addition thereto of a private wastewater or sewage treatment system in Hamblen County until such person has secured a permit from Hamblen County Commission authorizing the construction and operation of such a system.

**SECTION 2.** The provisions of this act shall apply to any private wastewater or sewage treatment facility or system which will or is designed to discharge any effluent of less than drinking water quality: (1) Into any water course which is a source of or flows into a source of drinking water for any [sic] publically or privately owned water treatment facility within Hamblen County; (2) Upon the land in Hamblen County; or (3) The discharge of sewage or household wastes on a location from which it is likely that the discharged substance will move into waters or may affect the surface and/or underground waters of Hamblen County.

**SECTION 3.** The Hamblen County Commission shall designate the county agency or officer to receive applications for permits and shall set a permit fee in reasonable amount necessary to meet the expenses of the county in processing and investigating the application. The administering agency or officer may request such information as is necessary to evaluate and examine the proposed plant, including location, designs, blueprints, technical specifications, customers or households to be served, quantity of effluent to be discharged under emergency conditions, methods of treatment, methods of disposal of liquid or solid wastes, qualifications and training of plant operators, plant ownership, liability insurance or other coverage and any other reasonable information as is necessary.

**SECTION 4.** The administering agency or officer shall make a report to the county commission on any applications containing its recommendations, including any restrictions or conditions, necessary to protect drinking water supplies within the county. Based on those recommendations, the commission shall issue or deny a permit or issue a permit with conditions.

**SECTION 5.** Actions by the County Commission may be appealed in the chancery court of the county.

**SECTION 6.** In 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 Hamblen County before September 1, 1990. Its approval or nonapproval shall be proclaimed by the presiding officer of the Hamblen County Commission and certified by him 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: March 26, 1990.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1949 Chapter 313

**SECTION 1.** There is hereby created and established a Road Commission for Hamblen County, Tennessee to consist of seven (7) members who shall qualify from the road district in which they reside and shall be voted for only by the qualified voters of the respective road districts, beginning with the August general election of 1988, and every four (4) years thereafter. Road Commissioners elected from the respective districts shall assume office on September 1, following their election and shall serve for terms of four (4) years.

One (1) member of the County Road Commission shall be elected by the qualified voters of each of the seven (7) county road districts within the county as follows:

Road district one (1) shall consist of County Legislative Districts one (1) and two (2); road district two (2) shall consist of County Legislative Districts three (3) and four (4); road district three (3) shall consist of County Legislative Districts five (5) and six (6); road district four (4) shall consist of County Legislative Districts seven (7) and eight (8); road district five (5) shall consist of \Ccounty Legislative Districts nine (9) and ten (10); road district six (6) shall consist of County Legislative Districts eleven (11) and twelve (12); road district seven (7) shall consist of County Legislative Districts thirteen (13) and fourteen (14). Such Legislative Districts shall be as defined by resolution of the County Legislative Body of Hamblen County adopted on November 16, 1981, in accordance with the reapportionment, which resulted from the 1980 Federal Census, in order to comply with provisions of Tennessee Code Annotated, Title 5, Chapter 1.

If any Road Commissioner moves his residence from the road district from which he is elected, his office shall thereby be vacated. In such case, and in case of other vacancies occasioned by death, disability, resignation or any other case, the County Legislative Body shall elect some qualified person from the road district to fill the vacancy for the remainder of the unexpired term.

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 he was elected.

As amended by:  
Private Acts of 1951, Chapter 398  
Private Acts of 1953, Chapter 219  
Private Acts of 1969, Chapter 74  
Private Acts of 1982, Chapter 306  
Private Acts of 1988, Chapter 143  
Private Acts of 1996, Chapter 161

**SECTION 2.** Upon attending the regularly scheduled meetings of the Road Commission, the Road Commissioners shall receive as compensation for their services a sum of no less than two hundred dollars (\$200.00) a month, with the exception of the chairman, who shall receive a sum of no less than three hundred fifty dollars (\$350.00). The amount of the compensation shall be determined by the legislative body of Hamblen County and is payable out of the road funds of the county.

The members of the Road Commission shall elect one of their members to serve as chairman. A majority of the Road Commission shall constitute a quorum for the conduct of business.

As amended by:  
Private Acts of 1949, Chapter 313  
Private Acts of 1967-68, Chapter 366  
Private Acts of 1991, Chapter 1  
Private Acts of 1996, Chapter 161

Private Acts of 2023, Chapter 1.

**SECTION 3.** At the regular August election in 1996, and every four (4) years thereafter a Road Superintendent shall be elected by popular vote by the qualified voters of Hamblen County to serve a term of four (4) years. The Road Superintendent shall assume office on September 1 following the election and shall continue to hold office until a successor is elected and qualified. The candidate receiving the highest number of votes shall be declared elected. The election for such office shall be held in the manner prescribed by general law, except for the first election only to be held in August, 1996, the qualifying deadline shall be no later than twelve o'clock (12:00) noon, prevailing time, on May 23, 1996. The qualifications and salary for Road Superintendent shall be as prescribed by the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7.

Before entering upon the discharge of his duties, the Road Superintendent shall take and subscribe to an oath that he will perform the duties of his office faithfully and impartially and without prejudice against or in favor to any section of the county or individual, that he will faithfully and impartially execute and perform all the duties imposed upon him without fear, favor or partiality, that he will honestly and faithfully expend and account for all moneys coming into his hands and honestly and faithfully discharge all duties required of him by law. The Road Superintendent shall execute to the State of Tennessee a good and solvent bond in the amount required by general law.

As amended by: Private Acts of 1949, Chapter 679  
Private Acts of 1953, Chapter 170  
Private Acts of 1963, Chapter 111  
Private Acts of 1974, Chapter 274  
Private Acts of 1996, Chapter 161  
Private Acts of 1999, Chapter 14

**SECTION 4.** (a) The Road Superintendent shall be responsible for the building, repairing and maintenance of the roads in the county. It shall be the duty of the Road Superintendent to go over or travel the roads in the county at least once a month in order to properly ascertain the condition of the roads in each civil district.

Personnel for the Hamblen County Road Department shall be employed upon the recommendation of the Road Superintendent and approved by the Road Commission. All employees of the Hamblen County Road Commission shall be subject to the same personnel policies and procedures which apply to other county employees.

Nepotism within the Hamblen County Road Department is discouraged and shall be kept to a minimum by the Road Commission. The Hamblen County Road Department shall further be subject to any policy on nepotism adopted by the County Legislative Body of Hamblen County.

(b) In addition to the duties prescribed in subsection (a), the Road Superintendent may be required to oversee the Hamblen County Sanitation Department. Any supplemental salary arising out of and relating to such oversight of the Hamblen County Sanitation Department shall be subject to the approval of the Legislative Body of Hamblen County.

As amended by: Private Acts of 1996, Chapter 161

**SECTION 5.** The system of fiscal procedure, control and centralized accounting which conforms to generally accepted principles of governmental accounting established for Hamblen County and under the administrative control and direction of the County Mayor shall apply to the Road Commission. On a not less than monthly basis, the Hamblen County Road Commission shall review, approve and initial each invoice prior to a warrant being issued. All expenditures authorized by the Hamblen County Road Commission and Road Superintendent shall be made by warrant then signed by the County Mayor and countersigned by the Hamblen County Finance Director. Nothing in this section shall be construed as preventing or prohibiting an authorized expenditure from being paid by warrant signed by the Road Superintendent and countersigned by the Chairman of the Hamblen County Road Commission.

As amended by: Private Acts of 1996, Chapter 161  
Private Acts of 2003, Chapter 29  
Private Acts of 2004, Chapter 72

All purchases of supplies, materials, equipment, gas, oil and tires whose total price does not exceed the sum of Five Hundred Dollars (\$500.00) shall be made by the Road Superintendent. All other items whose total purchase prices is in the excess of Five Hundred Dollars (\$500.00) shall be made by the Road Commission upon advertising and by taking competitive bids, such bids to be sealed and opened at the time and date according to the advertisement.

The Bookkeeper shall maintain an office at the County Garage, and shall be custodian of all supplies, maps and records. Such office and records shall be open to the public during regular working hours. The Bookkeeper shall keep complete and adequate record of all purchases made, as well as expenditures, and

shall submit full and complete reports to the Road Commission whenever required to do so.

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

As amended by: Private Acts of 1972, Chapter 343  
 Private Acts of 1975, Chapter 138  
 Private Acts of 1996, Chapter 161

**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 without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

As amended by: Private Acts of 1996, Chapter 161

**SECTION 8.** [Deleted by Private Acts of 1996, Chapter 161]

As amended by: Private Acts of 1949, Chapter 679

**SECTION 9.** [Deleted by Private Acts of 1996, Chapter 161]

Passed: February 24, 1949.

## Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136, was a general road law for all counties in the state with a population of less than 70,000 according to the 1900 Federal Census, or any subsequent Federal Census.
2. Acts of 1905, Chapter 485, regulated the improvement of county roads in Hamblen County and provided for a bond issue to finance those improvements. This Act specified the roads to be improved, but also provided that any landowner could petition the County Court for the road alongside his property to be improved and any citizen of the county could petition the County Court to authorize any county road to be macadamized. This Act was repealed by Acts of 1907, Chapter 252.
3. Acts of 1907, Chapter 346, declared the tax which had been collected under the provisions of Acts of 1905, Chapter 485, was to be part of the general road fund, and Acts of 1907, Chapter 565, directed the County Trustee to pay those funds into the county road fund.
4. Acts of 1907, Chapter 522, authorized the County Court to purchase all road machinery that it considered in the interest of the county to own.
5. Private Acts of 1915, Chapter 100, was a general road law for Hamblen County, which created a Board of Road Commissioners and established the office of Road Superintendent. It also abolished Road districts and provided for a tax levy to maintain the county roads. This Act was amended a number of times before it was superseded by the current road law, found in this volume. The Acts which are amendatory to Private Acts of 1915, Chapter 100, were:

As amended by: Private Acts of 1917, Chapter 593,  
 Private Acts of 1919, Chapter 669,  
 Private Acts of 1919, Chapter 712,  
 Private Acts of 1921, Chapter 465,  
 Private Acts of 1927, Chapter 197,  
 Private Acts of 1931, Chapter 616,  
 Private Acts of 1933, Chapter 384.

6. Private Acts of 1927, Chapter 779, authorized Hamblen County to apply any surplus or a recent road bond issue to the finishing of State Highway 34 and for use in improving any of the county roads.
7. Private Acts of 1953, Chapter 170, was amendatory to Private Acts of 1949, Chapter 313, Section 3, (the current Hamblen County road law), and was amended itself by Private Acts of 1963, Chapter 19. Both of these Acts were repealed by Private Acts of 1967-68, Chapter 366.
8. Private Acts of 1963, Chapter 111, was also amendatory to Section 3 of the current road law of Hamblen County. It also was repealed by Private Acts of 1967-68, Chapter 366.
9. Private Acts of 1999, Chapter 14, amended Private Acts of 1996, Chapter 161, provided that the superintendent of roads be appointed by the county commission beginning with the term of office starting September 1, 2000. This act did not receive local approval.
10. Private Acts of 2003, Chapter 29, relative to the road commission was repealed by Private Acts of

2004, Chapter 72.

## Chapter X - Law Enforcement

### Constables

#### Public Acts of 1971 Chapter 231

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

**SECTION 1.** Notwithstanding the provisions of any other Act to the contrary, the jurisdiction and all powers, duties and functions heretofore previously granted and vested in the office of constable in his capacity as a peace officer are hereby restored and reinstated to the full extent of the law. The provisions of this Act shall only apply to Hamblen County, Tennessee.

**SECTION 2.** The jurisdiction, duties, powers, and functions of the office of constable made reference to herein as being restored and reinstated are those matters that were repealed or amended by Section 8-1009 [8-10-109], Tennessee Code Annotated, and Section 8-1008 [8-10-108], Tennessee Code Annotated, and Sections 39-2007 [39-6-616], 39-2009 [39-6-618], 40-711 [40-6-210], 40-713 [40-6-212], 52-1401 [Repealed], 52-1403 [Repealed], 57-214 [57-5-202], 57-601 [57-9-101], 57-604 [57-9-103], 57-622 [57-9-201], and 59-852 [55-8-152], Tennessee Code Annotated, and Chapter 319 of the Public Acts of 1969 as codified in the Tennessee Code Annotated.

**SECTION 3.** That all laws or parts of laws in conflict with provisions of this Act, including but not limited to any of those provisions as set forth in Section 2 hereof, be and the same are hereby repealed and amended in order to more fully carry out the intent and provisions of this Act. The provisions of this Act shall prevail insofar as it relates to the office of constable as a peace officer in Hamblen County, Tennessee.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County on or before the next regular meeting of the Quarterly County Court occurring more than thirty (30) 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 Quarterly County Court and certified by him to the Secretary of State.

**SECTION 5.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 10, 1971.

### Offenses

#### Regulation of Fireworks

#### Private Acts of 1947 Chapter 805

**COMPILER'S NOTE:** See Tennessee Code Annotated, Title 68, Chapter 22, for general statutes on the regulation and control of pyrotechnics.

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 18,611 and not more than 18,615 inhabitants, according to the Federal Census of 1940 or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

**SECTION 2.** That any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of any County within this State to which this Act is applicable, and it shall be the duty of the Sheriff of any such County, and all peace officers, to seize such article or articles and destroy the same.

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a

misdeemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars and not more than Four Hundred (\$400.00) Dollars, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment in the discretion of the Court.

**SECTION 4.** That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

**SECTION 5.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1947.

## Law Enforcement - Historical Notes

### Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Hamblen County Sheriff's Office.

1. Private Acts of 1917, Chapter 276, set the Sheriff's salary at \$800 per year, and required that he file an annual statement of all the fees collected by his office.
2. Private Acts of 1925, Chapter 540, set the Sheriff's salary at \$1,200 annually, in addition to the fees of his office.
3. Private Acts of 1929, Chapter 564, provided that the Sheriff be paid \$1,800 per annum; his first deputy was to receive \$85 per month and his second deputy was to receive \$50 per month.
4. Private Acts of 1933, Chapter 763, provided the Hamblen County Sheriff was to receive \$2,500 per year as his only compensation. All the fees from his office were to be paid into the County Treasury.

## Chapter XI - Taxaton

### Assessor of Property

### Duties - Deputies

## Private Acts of 1953 Chapter 97

**SECTION 1.** That hereafter the salary of the Tax Assessor of all counties of this State having a population of not less than 23,966, and not more than 23,986, according to the Federal Census of 1950, or any subsequent Federal Census, shall be Four thousand eight hundred (\$4,800.00) dollars per annum, and said sum is hereby appropriated out of the County Treasury of said counties coming under the provisions of this Act to pay such salaries, and the same shall be paid to such Assessors by warrants on the County's Treasury, and said warrants to issue monthly for the amount due.

As amended by: Private Acts of 1959, Chapter 35

**SECTION 2.** That the Tax Assessors of said counties mentioned in Section 1, of this Act, are hereby authorized to appoint one full time Deputy Tax Assessor whose duties are to work under, and by the direction of the Assessor, and the sum of Three Thousand Six Hundred \$3,600.00 Dollars is hereby appropriated out of the ordinary County funds, and shall be paid by the warrants drawn on the County Treasury to the County Judge, Fiscal Agent or Chairman of such county. The said \$3,600.00 shall be the per annum salary of such Deputy Tax Assessor and shall be paid in the manner hereinabove prescribed by warrants to issue monthly for the amount due.

As amended by: Private Acts of 1965, Chapter 7  
Private Acts of 1965, Chapter 65

**SECTION 3.** That all Tax Assessors of said Counties mentioned in Section 1 of the Act are hereby required to keep and maintain a full time office for the transaction of business pertaining thereto.

**SECTION 4.** That no deed or conveyance conveying real estate in the Counties mentioned in Section 1 of this Act, shall be recorded unless the 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 5.** That it shall be the duty of the Tax Assessors of the counties mentioned in Section 1 of this Act, 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 present 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 the respective counties 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 6.** That failure of the respective Tax Assessors to comply with the provisions of Sections 3, 4, & 5 of this Act shall constitute misconduct in office and subject him to removal from office under Section 1877 et seq. of the Code of Tennessee.

**SECTION 7.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 8.** That, if any section, paragraph, or sentence of this Act be held unconstitutional for any reason, it is the expressed intent of the Legislature that such holding shall not invalidate any other portion of this Act in that the same would have been enacted without such section, paragraph, or sentence.

**SECTION 9.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 5, 1953.

## Hotel/Motel Tax

### Private Acts of 2002 Chapter 155

**SECTION 1.** For the purposes of this Act:

- (a) "Clerk" means the county clerk of Hamblen County, Tennessee.
- (b) "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.
- (c) "County" means Hamblen County, Tennessee.
- (d) "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.
- (e) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, and shall include governmental entities.
- (g) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.
- (h) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, spaces or accommodations in a hotel for a period of less than thirty (30) continuous days.

**SECTION 2.** The legislative body of Hamblen County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in an amount of five percent (5%) of the rate

charged by the operator.

**SECTION 3.** The proceeds received by the county from the tax shall be designated and used for the operation, maintenance and conduct of Cherokee Park as a park for public recreation.

**SECTION 4.** Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy of the hotel. Such invoice shall be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to Hamblen 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 or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 5.** 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 6.**

(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 or such other officer as may by resolution be charged with the duty of collection thereof, not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy, whether prior to, during or after the occupancy, as may be the custom of the operator. 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 and 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 the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

**SECTION 7.** The county clerk, or other authorized collector of the tax, shall be responsible for the collection of the 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 Hamblen County legislative body prior to use. The clerk shall audit each operator in the county at least once per 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 8.** Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is 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. 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 a violation of this act and may result in the imposition of a civil penalty not to exceed 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 levied pursuant to this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, 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, Tennessee Code Annotated, or otherwise provided by law for the county clerks.

For the county clerk's services in administering and enforcing the provisions of the act, the county clerk shall be entitled to retain as a commission five percent (5%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Title 67, 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 under the authority of this act shall also apply to the tax levied pursuant to 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 the authority of this act shall be refunded by the clerk.

Notice of any tax paid under protest shall be given to the clerk and the Hamblen County Executive is the designated county officer against whom suit may be brought for recovery.

**SECTION 11.** The proceeds of the tax authorized by this act shall be used for the purposes stated in Section 3 of this act.

**SECTION 12.** The application of the Hamblen County tax on the privilege of occupancy of a hotel imposed herein shall be limited to the occupancy of hotels located within its boundaries but outside the boundaries of any municipality which has levied a tax on such occupancy prior to the adoption of this tax by Hamblen County, in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 13.** 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 14.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hamblen County. Its approval or nonapproval shall be proclaimed 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, it shall take effect on the first day of the month following approval as provided in Section 14, the public welfare requiring it.

PASSED: May 29, 2002.

## Taxation - Historical Notes

The following is a listing of acts pertaining to taxation in Hamblen County which are no longer effective.

1. Acts of 1907, Chapter 566, authorized a special tax levy of 40¢ per \$100 assessed valuation, exclusive of all other tax levies authorized in Hamblen County. Acts of 1907, Chapter 347, was identical to this Act, except for date of passage.
2. Private Acts of 1913, Chapter 114, authorized a special tax levy, exclusive of all other taxes authorized for the county, of not more than 15¢ per \$100 assessed valuation. This tax levy was to be used for the improvement of pike roads in Hamblen County.
3. Private Acts of 1913, Chapter 115, authorized a special tax levy, exclusive of all other taxes authorized for the county, of not more than 15¢ per \$100 assessed valuation. This tax was to be used to maintain the county workhouse(s).
4. Private Acts of 1915, Chapter 148, also authorized a special tax levy of not more than 45¢ per \$100, in the years 1915 and 1916.
5. Private Acts of 1921, Chapter 158, set the salary of the Tax Assessor at \$1,500 per year, payable quarterly. This was amended by Private Acts of 1927, Chapter 58, to provide that it would be payable \$700 on April 1st and \$800 on July 1st of each year. This was amended again by Private Acts of 1933, Chapter 385, to provide that the salary would be paid in equal monthly installments.
6. Private Acts of 1931, Chapter 173, authorized a special tax levy of 30¢ per \$100 assessed valuation to be used for general county purposes.
7. Private Acts of 1937, Chapter 321, also authorized another special tax levy for Hamblen County, of 40¢ per \$100, to be used for general county purposes.
8. Private Acts of 1947, Chapter 340, set the salary of the Tax Assessor at \$3,000 per year. This was amended by Private Acts of 1949, Chapter 554, to give the Assessor an additional \$600 per year to hire assistants until June 30, 1949. The 1947 Act was amended also by Private Acts of 1951, Chapter 520, to raise the salary of the Assessor to \$3,300 per year.
9. Private Acts of 1982, Chapter 242, would have levied a hotel/motel tax on the occupancy of certain space in Hamblen County of 3% of the total charge and which provided for the collection and distribution of the funds generated thereby but this Act was rejected by the Hamblen County Commission on March 15, 1982, and never took effect.

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