



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

November 23, 2024

Macon

Dear Reader:

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

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

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

Sincerely,

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Macon



Macon County Courthouse

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Chapter I - Administration

Abandoned/Inoperative Motor Vehicle Regulations

Private Acts of 2003 Chapter 62

SECTION 1. Purpose and scope.

The purpose of this act is to provide regulations for abandoned, wrecked, dismantled, junked or inoperative motor vehicles upon private property within Macon County.

SECTION 2. Definitions.

- (1) "Abandoned, wrecked, dismantled, junked or inoperative motor vehicle" means any motor vehicle:
- (A) In an obvious state of disrepair; and
 - (B)
 - (i) Without registration plates; or
 - (ii) With expired registration plates.

"Abandoned, wrecked, dismantled, junked or inoperative motor vehicle" does not include farm equipment, construction equipment, any motor vehicle enclosed within a building, any motor vehicle held in connection with a business enterprise lawfully licensed by the county and properly operated in the appropriate business zone pursuant to zoning laws of the county, any operable motor vehicle specifically adapted or designed for operation on a drag strip or raceway, or any motor vehicle retained by the owner for antique collection purposes.

- (2) "County" means Macon County, Tennessee.
- (3) "Motor vehicle" means any vehicle which is self-propelled and designed to be used on roads, streets or highways.
- (4) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Private property" means any real property within the county which is privately owned and which is not public property.

SECTION 3. Storing, parking, or leaving abandoned, wrecked, dismantled, junked or inoperative motor vehicle prohibited and declared nuisance.

No person shall park, store, leave or permit the parking storing or leaving of any abandoned, wrecked, dismantled, junked or inoperative motor vehicle, or any parts thereof, whether attended or not attended on private property within the county for a period of time in excess of seventy-two (72) hours. The presence of any such motor vehicle, or any parts thereof, on private property in excess of such period of time is hereby declared a public nuisance that may be abated in accordance with the provisions of this act.

SECTION 4. Notice to remove.

Whenever it comes to the attention of the county that any nuisance as defined in Section 3 of this act exists in Macon County, a notice in writing shall be served upon the owner of the property or his agent notifying such owner of the existence of the nuisance and requesting such abandoned, wrecked, dismantled, junked or inoperative motor vehicle's removal in the time specified in this act.

SECTION 5. Responsibility for removal.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, junked or inoperative motor vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for such vehicle's removal within seven (7) days of citing such nuisance by notice. In the event of the removal and disposition by the county, the owner or occupant of the private property where such motor vehicle is located shall be liable for the expenses incurred.

SECTION 6. Notice procedure.

The codes enforcement officer of the county shall give notice of removal to the owner or occupant of the

private property where such abandoned, wrecked, dismantled, junked or inoperative motor vehicle is located at least seven (7) days prior to removal and disposition by the county. It shall constitute sufficient notice when a copy of such notice is posted in a conspicuous place upon the private property on which such motor vehicle is located and a duplicate copy is sent by registered mail to the owner or occupant of the private property at such person's last known address.

SECTION 7. Content of notice.

The notice shall contain the request for removal, within the time specified in this act, and shall advise that upon failure to comply with the request for removal that the county, or its designee, shall undertake such removal with the cost of removal to be levied against the owner of the property upon which the abandoned, wrecked, dismantled, junked or inoperative motor vehicle is located.

SECTION 8. Request for hearing.

The person to whom the notice is directed, or their duly authorized agents, may file a written request for a hearing with the county within the seven (7) day compliance period pursuant to the provisions of this act.

SECTION 9. Procedure for hearing.

The hearing shall be held as soon as practicable after the filing of the request and the person to whom the notice is directed shall be advised of the time and place of such hearing at least five (5) days prior to the hearing date. At the hearing, the county and the person to whom the notice has been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION 10. Removal of motor vehicle from property.

If the violation described in the notice has not been remedied within the seven (7) day period of compliance or has been affirmed at a hearing held in accordance with the provisions of this act, the sheriff's department, or the sheriff's designee, shall have the right to take possession of the abandoned, wrecked, dismantled, junked or inoperative motor vehicle, or parts thereof, and remove such motor vehicle from the premises. No person shall interfere with, hinder, or refuse to allow any person entrance upon private property for the purposes of removing a motor vehicle, or any parts thereof, pursuant to the provisions of this act.

SECTION 11. Notice of removal.

Within forty-eight (48) hours of the removal of such motor vehicle, the sheriff's department shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the motor vehicle was removed. Such notice shall state that the motor vehicle has been removed, impounded and stored in accordance with the provisions of this act for a violation of this act. Such notice shall give the location of the motor vehicle and the cost incurred by the county for such motor vehicle's removal.

SECTION 12. Disposition of vehicles.

Upon removal a motor vehicle pursuant to the provisions of this act, the county shall, after ten (10) days, cause such motor vehicle to be appraised. If the motor vehicle is appraised at seventy-five dollars (\$75.00) or less, the sheriff's department shall execute an affidavit so attesting and describing the motor vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The sheriff's department, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over seventy-five dollars (\$75.00), the sheriff's department shall give notice of public sale not less than twenty (20) days before the date of the proposed sale.

SECTION 13. Contents of public sale notice.

The notice of sale shall state:

- (a) The sale is of abandoned property in the possession of the county;
- (b) A description of the motor vehicle including the make, model, license number, if any, and any other information which will accurately identify the motor vehicle;
- (c) The terms of the sale; and
- (d) The date, time and place of the sale.

SECTION 14. Public sale.

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the sheriff's department shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the county executive's office. In the event that such sale shall be for any reason invalid, the county's liability shall be limited to the return of the purchase price.

SECTION 15. Liability of owner or occupant.

Upon the failure of the owner or occupant of the property upon which abandoned, wrecked, dismantled, junked or inoperative motor vehicles have been removed by the county to pay the unrecovered expenses incurred by the county in such removal, a lien shall be placed upon the property of the owner or occupant for the amount of such expenses.

SECTION 16. Civil penalty.

Each violation of this act is punishable by a civil penalty not to exceed fifty dollars (\$50.00). Each day of continued violation constitutes a separate violation. Such penalty shall be assessed by the general sessions court of Macon County and as otherwise provided by law.

SECTION 17. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Macon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Macon County and certified to the secretary of state.

SECTION 18. 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 17.

Passed: May 29, 2003.

Budget System

Private Acts of 1937 Chapter 99

SECTION 1. That in all counties of this State having a population of not less than 13,872 nor more than 13,873, according to the Federal Census of 1930, or any subsequent Federal Census, it shall be the duty of the Chairman or Judge of the County Courts of said counties to prepare and submit to the January Term of said County Courts in Quarterly Session, in each year, beginning with said July Court 1937 and at said Term of said County Court in each year thereafter, a budget of the necessary and probable expenditures of said County, in itemized form, for the ensuing year, together with recommendations to said Court as to the necessary provisions to be made by said Court to meet the same.

SECTION 2. That it shall be the duty of the County Courts in said counties, at the July term 1937, Quarterly Session, and in each year thereafter at said Term, to carefully consider the report and budget submitted by said County Judge or Chairman, as provided in the First Section of this Act, and with such changes or modifications as may be deemed proper to make in the same, to adopt said budget, which, when so adopted, shall be and constitute the maximum amount of expenditures for said county for the year, except as hereinafter provided.

SECTION 3. That when said budget is so adopted, as provided in Section 2, it shall be the duty of the said County Court to make all levies, orders, and provisions which may be necessary to fully meet and discharge all the items and obligations contained in said budget out of the legitimate income of the county for the current year.

Said Budget when adopted by said Court shall not be changed or altered during any current year, except by an affirmative vote of two-thirds of said Court.

SECTION 4. That any member of said Court, Chairman, or County Judge, who shall vote to create any debt or obligation against said county, except as otherwise expressly authorized so to do, shall be guilty of a misdemeanor, punishable by fine of not less than Fifty Dollars, nor more than Two Hundred Dollars, and forfeit his said office, provided said debt or obligation so voted for is in excess of the budget so adopted or the income of said county for the current year, or for otherwise violating the provisions of this Act.

Provided, that nothing in this Act shall be construed as in any way applying to the duties of the said County Court in connection with the budget submitted to the said Court by the County Superintendent of Public Instruction and the County Board of Education for said county, except that when said School Budget shall be adopted by said County Court as now provided by law the penalties set out about in this Section shall apply to those voting for the said School Budget without making suitable provisions to meet the same as adopted.

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

Passed: January 21, 1937.

Health and Sanitation Regulations

Private Acts of 2003 Chapter 64

SECTION 1. Purpose and Scope: The purpose of this act is to provide regulations for health and sanitation upon properties within Macon County.

SECTION 2. Definitions:

- (a) "County" is Macon County, Tennessee.
- (b) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- (c) "Private property" shall mean any real property within the county which is privately owned.

SECTION 3. Premises to be kept clean: All persons within Macon County are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, except where stored as provided in this chapter.

SECTION 4. Storage: Each owner, occupant, or other responsible person using or occupying any building or other premises within Macon County where refuse accumulated or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent-and insect-proof.

SECTION 5. Health and sanitation nuisances: It shall be unlawful for any person in Macon County to permit any premises owned, occupied, or controlled by that person to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

SECTION 6. Storage of unused, discarded, or abandoned materials: Each owner, occupant, or other responsible persons using or occupying any parcel, lot, or tract of land with or without structures in Macon County are required to keep premises free from unused, discarded, or abandoned materials to include, but not limited to, old appliances, tires, construction materials, or any substance or material deemed to be unhealthy, unsightly, unwholesome, or offensive to adjoining property owners.

SECTION 7. Notice to remove: Whenever it comes to the attention of the county that any nuisance as defined in Sections 1 through 4 of this private act exists in Macon County, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this act.

SECTION 8. Responsibility for removal: Upon proper notice and opportunity to be heard, the owner of the property where unsanitary conditions exist, or the occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the county, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.

SECTION 9. Notice procedure: The codes enforcement officer of the county shall give notice of removal to the owner or occupant of the private property where it is located at least seven (7) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the condition is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at this last known address.

SECTION 10. Content of notice: The notice shall contain the request for removal, within the time specified in this private act, and the notice shall advise that upon failure to comply with the notice to remove, the county or its designee shall undertake such removal with the costs of the removal to be levied against the owner of the property.

SECTION 11. Request for hearing: The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing in Macon County within the seven-day period of compliance prescribed in Sections 1 through 4 for the purpose of defending the charges by the county.

SECTION 12. Procedure for hearing: The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At such hearing, the county and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION 13. Liability of owner or occupant: Upon the failure of the owner or occupant of the property on which the condition exists, to pay the unrecovered expenses incurred by the county in such removal, a

lien shall be placed upon the property for the amount of such expenses.

SECTION 14. Penalty: Any person violating any of the provisions of this private act shall be guilty of a misdemeanor, and shall be fined in accordance with the General Sessions Court of Macon County.

SECTION 15. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Macon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Macon County and certified to the secretary of state.

SECTION 16. 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 15.

Passed: May 29, 2003.

Mobile Home Park Regulations

Private Acts of 1998 Chapter 138

SECTION 1. Purpose and Scope. The purpose of this act is to provide areas within the confines of Macon County outside the corporate limits of Lafayette and Red Boiling Springs for the location and development of planned mobile home parks. These areas shall be developed and located so as to provide safe and sanitary living conditions for mobile home occupants and to be convenient to employment, shopping centers, schools and other community facilities. These regulations shall be entitled the "Macon County Mobile Home Park Regulations".

SECTION 2. Definitions.

(1) "Buffer strip" means a planted material or other material as may be approved by the Macon County Regional Planning Commission which will provide a screen not less than six feet (6') in height;

(2) "Mobile home" means a detached single-family dwelling unit with all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

(b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;

(c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking, and assembly operations, location of foundation supports, connection to utilities and the like; and

(d) Double-wide mobile homes and modular homes set upon permanent foundations are excluded from this definition and these regulations.

(3) "Mobile home park" means any plot of ground containing a minimum of two (2) acres upon which three (3) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. A mobile home park cannot be developed on a site that is less than two (2) acres in size.

SECTION 3. It is unlawful for any person to place or maintain three (3) or more mobile homes for living or sleeping purposes on any premises or tract of land in Macon County outside the corporate limits of Lafayette and Red Boiling springs unless they are contained within a planned mobile home park duly permitted pursuant to the provisions of this act.

SECTION 4. The Macon County Regional Planning Commission shall grant approval or a mobile home park when all the provisions of this act have been met. An application and all accompanying plans and supporting data shall be filed in duplicate with the Planning Commission at least seven (7) days prior to a regular meeting of the Commission.

SECTION 5. The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Macon County Planning Commission for approval. The plan shall show:

(a) The park plan drawn to scale;

(b) The area and dimensions of the proposed park;

- (c) The location and width of all driveways and walkways;
- (d) The location and dimensions of any proposed service building and structures;
- (e) The location of all water and sewer lines;
- (f) The location of all equipment and facilities for refuse disposal and other park improvements;
- (g) A plan for drainage of the park;
- (h) A certificate of accuracy signed by the surveyor or engineer that the boundary survey is correct;
- (i) A certificate and signature of the County Environmentalist stating suitability for subsurface sewage disposal;
- (j) A certificate for Planning Commission approval; and
- (k) Any other information deemed pertinent by the Planning Commission.

SECTION 6. Minimum Standards.

- (a) A mobile home park shall contain a minimum of two (2) acres.
- (b) Mobile home parks shall be designed so that the distance between mobile homes and between mobile homes and any attached or unattached structure of another mobile home is a minimum of thirty (30) feet in all directions.
- (c) The site shall be located on a well-drained and flood-free site with proper drainage. The Macon County Flood Insurance Rate Map date 9/4/85 or subsequent updates to said maps shall be used to determine floodable areas.
- (d) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
- (e) The site shall be located with direct access to an existing county or state road.
- (f) The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property from such elements as noise, light and dust. Where required to serve these ends, walls, planting, surfacing or other material or artificial means for protection may be required as a part of such special conditions.
- (g) The mobile home park shall not contain more than four (4) individual mobile home spaces per gross acre.
- (h) Service buildings shall be a permanent construction, adequately ventilated and lighted.
- (i) An approved water supply and sewer shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the County Environmentalist.
- (j) All service buildings shall be convenient to the spaces which they serve and shall be maintained in a clean and sanitary condition.
- (k) The drives, walks, and parking areas shall be paved with hard surface material which shall be not less than double bituminous surface.
- (l) Roadways shall be a minimum of eighteen feet (18') in width.
- (m) Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park and shall be located and designed as prescribed by the Macon County Planning Commission.
- (n) Any part of the park areas not used for building or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.
- (o) The park shall be adequately lighted at night with security lights.
- (p) Each mobile home shall be set back a minimum of thirty feet (30') from any public street and a minimum of fifteen feet (15') from all property lines.
- (q) Each mobile home park shall provide at least two (2) off-street parking spaces for each mobile home unit. The parking spaces shall be located for convenient access to the mobile home units.
- (r) All mobile homes, service buildings, and the grounds of the park shall be maintained in a clean, sightly condition and kept free from any conditions that will menace the health of any

occupant or the public or constitute a nuisance.

(s) Fire hydrants will be required if sufficient size water lines are available to serve the hydrants.

(t) In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly, safe and sanitary condition.

(u) It is unlawful for any person to maintain or operate a mobile home park within the Macon County Planning Region, unless such person first obtains approval from the Macon County Regional Planning Commission.

(v) There shall be no more than one (1) mobile home per septic tank and drainage field.

(w) A buffer strip shall be provided along all property lines of the park except across ingress and egress points to county roads.

SECTION 7. Enforcement and Penalties for Violation. The county may enforce this Mobile Home Park Regulation by action or injunction. Any person or persons who willfully neglects or refuses to comply with any of the provisions of this act shall be subject to a civil penalty of not more than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense. **SECTION 8.** Review Power of the Commission.

(a) Any of the foregoing provisions may, at the discretion of the Macon County Planning Commission, be waived for good and sufficient reasons. However, all mobile home park requests shall be submitted to the Planning Commission for review and shall be accompanied by a mobile home park development plan. The Planning Commission shall review all mobile home park plans for preliminary and final approval.

(b) Expansion of existing mobile home parks shall be submitted to the Macon County Planning Commission for approval and must conform to the standards set forth in this act.

(c) The Macon County Regional Planning Commission shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees for the administration thereof.

SECTION 9. 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 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Macon County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the County Legislative Body of Macon County and certified to the Secretary of State.

SECTION 11. 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 10.

Passed: April 2, 1998.

Purchasing Commission

Private Acts of 1937 Chapter 161

SECTION 1. That a Purchasing Commission be and the same is hereby created for all counties in this State having a population of not less than 13,872 nor more than 13,874, by the Federal Census of 1930, or any subsequent Federal Census. Said Purchasing Commission shall be composed of three members, (1) the County Judge or the Chairman of the County Court of said counties who shall be a member of said Commission by virtue of his office; (2) the county Court Clerk of said counties; and (3) the Clerk and Master of said counties. The members of this commission are to receive no compensation for their services as such members.

SECTION 2. That the duties of said Purchasing Committee shall be to buy all supplies, materials, and equipment, required for the proper support and maintenance of any and all departments, institutions and agencies, supported by, or under control of said county; provided, however, that the Commission created hereunder shall have no authority or control over the County Highway Commission or County Board of Education in matter of purchasing, contracting for, advertising for, receiving or accepting bids for the purchase of supplies, materials, or equipment for said County Highway Commission, or County Board of

Education is not being the purpose or intent of this Act that said County Highway Commission's or County Board of Education's power and authorities as given it under the law be interfered with in any manner.

And said Purchasing Commission shall also arrange for the purchase or rental of any and all real estate, machinery, and all other supplies where said purchases or rents are to be paid out of any funds belonging to, or under the control of, said county, or said department, institution or agency thereof, excepting the County Highway Commission and County board of Education as hereinabove provided for. Said Commission shall make such purchases by competitive bids under such rules as they may adopt; and they are given authority to advertise in such manner as they may deem best for any bids that they deem proper for the best interest of the county. The authority given under this Act to purchase supplies, materials and equipment shall extend to the buying and purchasing of all books, ballots and other supplies necessary in the holding of all elections held in said counties.

SECTION 3. That said Purchasing Commission may require such security as it may deem proper to accompany the bid or bids, and shall fix security to be given by the bidder, when bids are required. The commission may reject any and all bids and secure new bids, if for any reason it is deemed for the best interest of the county to do so; and it shall have the power and authority to purchase goods or any other supplies, or to arrange for any rentals deemed necessary, without first advertising for bids on same, when such action is deemed necessary for the Commission.

SECTION 4. That said Purchasing Commission shall meet immediately after the passage and effective date of this Act, and shall organize by the election of one of their number as Chairman, and make a survey of the needs of the various departments, institutions and agencies of the county. Said Commissioners shall have the power to meet as often as its members deem necessary and advisable, and the duties of their office require. They shall also have power to prescribe rules and regulations for their own government.

SECTION 5. That the Secretary of said Commission shall keep a complete record of all the transactions of the said Commission including a record of all bids received, all purchases made, the amounts and items purchased for each department, institution or agency of the county, and all expenses incurred by the Commission, and the Secretary shall perform such other duties as required by the Purchasing Commission. All of said records so kept will be kept in a wellbound book which shall remain in the office of the Secretary of the Commission.

SECTION 6. That all meetings of the Commission, and all records kept by them or their Secretary, shall be open to the public; and a report of activities and transactions of the Commission shall be submitted to each meeting of the Quarterly County Court of said county recovering the previous quarter.

SECTION 7. That said Purchasing Commission shall make rules and regulations that shall govern the method and procedure for the purchase, delivery and storage of supplies, materials and equipment, for the various departments, institutions and agencies of the county. Said rules and regulations shall, as far as practicable, be uniform, and they shall be either general or limited in their application. They shall include provisions relating to the following:

1. Standardization of forms for estimates, requisitions, orders, contracts, and stores control.
2. Standardization of specifications for the purchase of supplies, materials and equipment.
3. Standardization of quality, grades, and brands, to eliminate all unnecessary classes of commodities, or unnecessary grades or brands of the same commodity.
4. Establishment of definite periods for submitting estimates, and requisitions for various supplies, materials and equipment.
5. Submission of proposal for bids, and the receipt of bids for supplies, materials and equipment, and the stimulation of competition relative thereto.
6. Purchase of supplies, materials, and equipment by long or short term contracts, or by contracts or orders made at certain seasons of the year, or by blanket contracts or orders covering the requirements for such supplies, materials and equipment, of one or more using agencies.
7. Contracts for services other than personal services, such as telegraph and telephone services, and fuel, lights, water, and other office services for the several using agencies.
8. Regulations to secure prompt delivery of all supplies to using agencies.
9. Purchase of supplies, materials and equipment, without competition, in cases of emergency requiring immediate action.
10. Use and disposal of the products of county institutions or other agencies.
11. Disposal of obsolete, excess and unsuitable supplies, materials, and salvage, or the transfer of same to other using agencies.

12. Storage of surplus supplies, materials and equipment not needed for immediate use.
13. Testing of supplies and materials.
14. Hearings on complaints with regard to the quality, grade or brand of goods.
15. Waiver of rules in special cases.

SECTION 8. That hereinafter no official or employee of said county shall make any purchase, or contract to purchase, any materials, equipment, or supplies of any kind, except through, or in accordance with the rules and regulations of said Purchasing Commission. And it shall be unlawful for the County Judge, or Chairman of the County Court, or any other official of said county, to issue his warrant upon any fund or funds belonging to said county, or any department, institution or agency thereof, for any purchase or purchases or, for any rents or storage, until a proper requisition for same shall have been filed with said Purchasing Commission, and their written approval thereof obtained.

SECTION 9. That said Commission shall procure the necessary books, requisitions and all other supplies necessary to the carrying out of the purpose of this Act; and such books and supplies shall be paid for upon the warrant of the county judge, or chairman of the county court, of such county, in the same manner as all other purchases are paid.

SECTION 10. That if any section, paragraph, clause, or phrase, of this Act shall be held invalid or unconstitutional, for any reason by any Court or other authority of competent jurisdiction and power, such action shall not affect the remaining portion of this Act, as the same would have been enacted into law had such invalid or unconstitutional part or parts been stricken out or elided therefrom.

SECTION 11. That all laws and parts of laws in conflict with this Act, be, and the same are, hereby repealed.

SECTION 12. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 5, 1937.

Administration - Historical Notes

Budget System

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

1. Private Acts of 1977, Chapter 54, would have amended Private Acts of 1937, Chapter 99, Section 4, by providing that the Sheriff of Macon County would hereafter have the duty of purchasing all supplies, materials, and equipment, required for the operation of the Sheriff's Department and the Jail but would be required to stay strictly within budget limitations. Any change in the budget must take place under Section 3 of the 1937 Act. The Sheriff would not receive any additional compensation for these added duties and penalties were provided for violations of this act. This Act was rejected by the Macon Quarterly Court and therefore never took effect.

County Attorney

The following act once affected the appointment, election, or office of the county attorney in Macon County. The act is included for historical reference only.

1. Private Acts of 1987, Chapter 31, was not ratified at the local level of Macon County. The act was to create the position of county attorney for Macon County.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Macon County. They are included herein for historical purposes only.

1. Private Acts of 1937, Chapter 100, as amended by Private Acts of 1949, Chapter 96, abolished the office of county chairman of the court court of Macon County and created the office of county judge.
2. Private Acts of 1951, Chapter 61, recited in the preamble that the duties of the County Judge of Macon County had become heavy and burdensome, and the County Judge is called upon to perform many ex-officio duties without any compensation, and these additional functions surely require some sort of clerical assistance, this act adds the compensation of \$600 per year to be paid to the county Judge of Macon County in his capacity as administrative and fiscal officer, beginning with the month this act become effective, any payable out of the general funds.

3. Private Acts of 1961, Chapter 139, declared that the County Judge of Macon County was hereby designated as fiscal officer and financial agent for the county and for his services as such he shall receive \$1,200 per year, payable in equal monthly installments out of the general fund of the county. This act was properly ratified by the Quarterly County Court.
4. Private Acts of 1975, Chapter 152, amended Chapter 100, Private Acts of 1937, and Chapter 555, Private Acts of 1951, by divesting the jurisdiction over juveniles out of the bonds of the County Judge and placing it in the General Sessions Judge. The Quarterly County Court of Macon County took no action on this bill and it is therefore not operative and not in effect in accordance with its provisions.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Macon County and are included herein for historical purposes.

1. Private Acts of 1915, Chapter 497, provided that the Justices of the Peace of Macon County, identified by using the 1910 Federal Census figures, shall be paid \$2.00 per day for their services while attending the meetings of the Quarterly County Court, plus five cents per mile for going to and from their homes to the courthouse, not to exceed two round trips per term of court, payable out the county treasury on the warrant of the County Judge.
2. Private Acts of 1949, Chapter 371, stated that the Justices of the Peace in Macon County would be paid the sum of \$4.00 per day for each day spent in attending the regular meetings of the Quarterly County Court, and for all other services rendered as members of committees appointed by and under the direction of the court.
3. Private Acts of 1959, Chapter 341, set the per diem of Justices of the Peace at \$20 plus an additional 10¢ per mile for attendance at meetings.
4. Private Acts of 1963, Chapter 15, authorized the Chairman Pro Tem of the county Court of Macon county to perform all the duties and functions of the regular county judge as they are now prescribed by law during any illness, sickness, or disability, the arrangement shall cease and all authority and functions be returned to the Judge. This Act was rejected and disapproved by the Quarterly County Court of Macon County and therefore never became a law because of the Home Rule Amendment to the State Constitution.
5. Private Acts of 1970, Chapter 237, amended Chapter 341, Private Acts of 1959, by increasing the per diem of the Justices of the Peace from \$8.00 to \$20.00 for each day at meetings of the Quarterly County Court. This Act was properly ratified and activated by the Quarterly Court.

County Register

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

1. Private Acts of 1931, Chapter 431, provided that the Register of Macon County shall be paid a monthly salary of \$50 in addition to the fees collected in his office, payable on the first day of each calendar month out of the regular funds of the county on the warrant of the County Judge, or Chairman.

County Trustee

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

1. Private Acts of 1911, Chapter 79, stated that the Trustee of Macon County should contract with the Bank making the highest and best bid to pay interest on the daily balances of county funds deposited in the Bank. The Trustee was vested with full power and authority to contract with the approval of the County Judge or Chairman, whereupon, when completed, the Trustee deposited the funds. Failure on the part of the Trustee to comply made him responsible personally for the money the funds would have earned on deposit, if he had complied herewith. The Bank was to give a complete statement of earnings by the 15th of every month which the Trustee would include in his report to the County Court.

General References

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

1. Acts of 1847-48, Chapter 141, stated that Macon County is attached to the Nashville Bank District and shall be entitled to one Director in said Bank who will be chosen and who will have the same rights and privileges as other Directors of the Bank.

2. Acts of 1857-58, Chapter 126, abolished the office of Entry Taker in the counties of Lawrence, DeKalb, White, Macon, Decatur, Grundy, Humphreys, and Wilson, and, provided that hereafter the Surveyor in those counties would perform all the duties of the Entry Taker and receive all the compensation and fees to which the Entry Taker would have been normally entitled.
3. Acts of 1859-60, Chapter 203, stated in the preamble that the court house for Macon County recently burned by accident and that there was a portion of internal improvement funds set aside for Smith County which were later allocated to Macon County by Resolution. These funds may be appropriated to the restoration of the Court House provided that two thirds of the Justices of the Peace agree.
4. Acts of 1897, Chapter 124, was among the first statewide salary laws setting the compensation of various counties officials according to the population of their counties as is now done. This Act was the forerunner and the model for many other salary acts to follow. The officials would be paid a monthly salary out of the fees collected by their office in the amounts specified in the Act. The payments would be made on the warrants of the County Judge. The fees were declared to be the property of the county, an accurate report of which would be given by the officials, and, if fees were less than the salary, various remedies were given to supply the deficiency from earlier and later excessive fees. This Act was part of the case in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900).
5. Private Acts of 1937, Chapter 192, abolished the present Board of Revenue Commissioners in Macon County and created a new five member Board composed of one person from each of five Revenue Zones. The Revenue Zones were designated and they were composed of whole civil districts. Fred McDonald, W.D. Coley, Carlie Duncan, Silas Euetts, and Turner Day, were named as Commissioners to serve until their successors were elected, who would serve four year terms, and be paid according to the general laws of the State, and who would discharge all duties and obligations required by the general laws of the State. This Act was repealed by the one following.
6. Private Acts of 1939, Chapter 545, expressly repeals Chapter 192, Private Acts of 1937, above, in its entirety.
7. Private Acts of 1943, Chapter 473, authorized the Quarterly Court to elect a supervisor to manage the county poor farm.

Chapter II - Animals and Fish

Deer

Public Acts of 1975 Chapter 121

SECTION 1. The deer hunting season in Macon County shall be established in accordance with deer hunting seasons established throughout the state by the Wildlife Resources Agency.

SECTION 2. Chapter 96 of the Public Acts of 1969 is repealed in its entirety.

Passed: May 5, 1975.

Foxes

Private Acts of 1953 Chapter 312

SECTION 1. That it shall be lawful for any person to take or kill, by any means whatsoever foxes of any species in Macon County.

SECTION 2. That the Quarterly County Court of such County is hereby authorized to pay a bounty not exceeding \$3.00 in each case, for the taking of foxes in said County. Before such bounty shall be paid, the person claiming the same shall be a resident of Macon County and shall produce the hide of such fox and make affidavit before the County Court Clerk that said fox was taken in said County and that no bounty has been paid thereon before. The false making of such affidavit shall be punishable as perjury. Upon the above conditions being complied with, the Clerk shall distinctly mark such hide in such manner as to prevent its reuse for this purpose and then shall pay to the claimant such bounty as may have been fixed out of county general funds.

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

Passed: March 19, 1953.

Private Acts of 1955 Chapter 261

SECTION 1. That there shall be a closed season upon red foxes at all times, but that red foxes may be chased with dogs at any time of the year, except as 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 13,595 and not more than 13,601, inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open the same for such a period of time as they seem (sic) necessary and advisable.

SECTION 2. That it shall be unlawful to kill or trap red foxes in such counties and at any time during the year, except in any such period of time that an open season may be declared by the Game and Fish Commission. Any person violating this Act shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars.

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of Quarterly County Court of any county to which it applies on or before the next regular meeting of such quarterly county court 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 all laws or parts of laws in conflict with this Act, be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 8, 1955.

Public Acts of 1976 Chapter 587

SECTION 1. Electronic lures shall not be used in fox hunting in Macon County. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00).

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

Passed: March 17, 1976.

Minnows

Private Acts of 1951 Chapter 673

SECTION 1. That it shall be unlawful in Trousdale or Macon Counties for any person to catch from the streams of Trousdale and Macon Counties minnows for the purpose of sale.

As amended by: Private Acts of 1957, Chapter 275

SECTION 2. That it shall be unlawful in Trousdale or Macon Counties for any person to possess more than one-hundred and fifty (150) minnows, provided, however, that this Act shall not apply to any boat dock operator, fish hatchery operator or other person who possesses or sells minnows not caught in the streams of Trousdale or Macon Counties.

As amended by: Private Acts of 1957, Chapter 275

SECTION 3. That violation of this Act shall be a misdemeanor, punishable by a fine not to exceed Twenty-five Dollars (\$25.00).

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

Passed: March 16, 1951.

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 Macon County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1897, Chapter 283, made it lawful to catch fish in Lincoln, Macon, Meigs, and Carroll Counties in every way and at all times except by the use of explosives and poisons, or by devices which prevent the easy passage of fish up and down the streams of said counties.
2. Private Acts of 1907, Chapter 438, declared it to be unlawful in Union and Macon Counties for live stock such as cattle, horses, mules, hogs, sheep, and goats to be allowed to run at large by their owners same being termed as a misdemeanor and subjecting the violator hereof to a fine of \$2.00 to \$5.00. Any person damaged thereby was given a lien on the trespassing stock and the right to take them up, feed and care for them and add the cost of that to the lien. This Act did not relieve railroads from any of their liability in any way.
3. Private Acts of 1911, Chapter 417, made it lawful for resident citizens of Macon, Wilson, and Trousdale counties to fish by trot line, gigging, bait, or net, the mesh of which shall not be less than one inch, and provided that no fees shall be charged by the Department of Game and Fish to any person in these counties for fishing in such a manner. This act repealed all those portions of Public Chapter 489, Acts of 1907, as they may have conflicts with this act.
4. Private Acts of 1917, Chapter 314, amended Chapter 438, Private Acts of 1907, Item Two, above, by giving the Grand Juries in the involved counties inquisitorial powers overall violations of the provisions of that act, a stock law, and made it the duty of the Judges of the Circuit Courts to charge it specifically to them.
5. Private Acts of 1917, Chapter 401, declared it to be lawful for the resident citizens of Pickett, Fentress, Overton, Clay, Jackson, and Macon Counties to hunt and kill squirrels at any time of the year on all unenclosed land in the said counties and on tillable or enclosed land with the written, or verbal, permission of the owners, without anyone having to procure a license from the State to do so.
6. Private Acts of 1923, Chapter 708, declared it unlawful to catch fish, except with hook and line, in any of the creek waters of Macon County, identified with the 1920 Federal Census figures. The guilty would be punished with fines ranging from \$5.00 to \$25.00 and Grand Jury's would have inquisitorial powers over this act in that county. This act was repealed by the one below.
7. Private Acts of 1925, Chapter 144, expressly repealed in its entirety Chapter 708, Private Acts of 1923, above, which attempted to regulate fishing in the waters of Macon County.
8. Private Acts of 1931, Chapter 396, made it legal after the passage of this act to catch and kill fish in any of the streams of Macon County in any way except by dynamite, explosives, and poisons. All conflicts were repealed.
9. Private Acts of 1935, Chapter 543, declared it to be unlawful to hunt rabbits at any time in Macon County without having a license, including open season which may be declared by the State. The act further declared it to be unlawful to fish from July 15 to August 20, of each year, with a seine, if the meshes of the seine were an inch, or larger.
10. Private Acts of 1935, Chapter 711, authorized M.M. Kirby, who has over ten years experience in the practice of veterinary medicine in Trousdale County, is over 21 years of age, and is of good moral character, to continue the practice in Trousdale and Macon Counties in the same manner and to the same extent as others upon his complying with the conditions of this act. He shall file proof of all the above with the State Board of Medical Examiners who shall thereupon issue him a license and he shall then pay the customary fees for the same.
11. Private Acts of 1937, Chapter 249, also conferred the same right to practice veterinary medicine and surgery in Macon County upon I. L. Roark, who possessed equal qualifications and had similar experiences to Kirby in the act above. The Board would grant him a license and he would pay all the charges therefor as were required in the 1935 act concerning Kirby.
12. Private Acts of 1945, Chapter 292, stated that Oscar Carr, a veterinary surgeon, had accumulated over ten years experience in the practice of the art, was over 21 years of age, had a good moral character and was well qualified, therefore, this act allowed Carr to continue the practice of veterinary medicine and surgery in the same manner in Macon County. Upon receiving proof of the above, the Board of Veterinarian Examiners would issue him a license for which he would pay all lawful charges.
13. Private Acts of 1945, Chapter 294, stated that R.W. Stubblefield has practiced the art of veterinary medicine for a number of years and has over five years experience in surgery in the same field, that he is a person of good moral character, and of lawful age, therefore, he is authorized by this act to practice veterinary medicine and surgery in Macon County in the same manner as others. When he files proof of the above with the State Board of Veterinarian Examiners, they shall issue him a license and he will be obligated to pay the proper fee.

14. Private Acts of 1945, Chapter 573, recited substantially the same averments of character, qualifications, and experience in veterinary medicine about Haley Bransford, of Macon County, and granted him the same right to continue the practice without having to be tested by the Board of Veterinarian Examiners as were the others.
15. Private Acts of 1955, Chapter 159, made it lawful for anyone to take any fish of the sucker family by means of gigs or fish spears in Macon County between January 1 and April 1, of each year. This act was rejected and disapproved by the Quarterly County Court of Macon County and never became a law.
16. Private Acts of 1955, Chapter 160, declared it to be unlawful for any person to take and kill squirrels by firearms in Macon County between June 1 and December 1 of each year but the right shall be restricted to four squirrels per day only. This act was also rejected and disapproved by the Quarterly County Court and consequently never went into effect under the provisions of the Home Rule Amendment to the State Constitution.
17. Public Acts of 1969, Chapter 96, made it lawful to hunt deer with guns in Macon County only during the seven days beginning on the first day of the state season established by the Game and Fish Commission, or on the first day of the first part of any split season, as established by the commission, and ending on the seventh day thereafter. The act did not apply to the season for hunting deer with bow and arrow in Macon County. This act was specifically repealed by Public Acts of 1975, Chapter 121, published herein.

Chapter III - Bond Issues

Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Macon County is included below for reference purposes, although these acts are no longer current.

Bridges

1. Private Acts of 1935, Chapter 635, was an act that was made applicable to Macon County by the population figures quoted therein, of 13,871-13,882 and 6,127 - 6,137. However, Macon County had 13,872 people at the 1930 Census and Rhea County had 13,871 people at the 1930 Census, making the two counties within the same bounds. Because the act authorized the Quarterly County Court to issue up to \$125,000 in bonds to build a bridge across the Tennessee River, between the towns of Dayton and Decatur on Highway 30, it is very likely that the act was meant to only apply to Rhea and Meigs County.

Buildings

1. Private Acts of 1957, Chapter 242, authorized Macon County, through its Quarterly County Court, to purchase, or otherwise acquire, land located with the bounds of the county and to build, erect, or construct thereon a building, or buildings, to be used for such public purpose, or purposes, as the court may determine, all of which may be done in conjunction with the city of Lafayette, for which proper agreements may be made. The question shall be submitted to the people by referendum, and, if approved, the Quarterly Court may issue up to \$500,000 in bonds at an interest rate of 6%, or less, to mature in thirty years, the same being the general obligation of the county for which its full faith and credit are pledged. All details of the issue would be contained in the Resolution of the court which was further required to levy an annual tax for the sinking fund in order to amortize the same. This Act was properly approved by the Macon County Quarterly Court.

Debts

1. Private Acts of 1929, Chapter 819, recited in the preamble that Macon County was considerably in debt on account of its unpaid running expenses, said debt being incurred primarily in the school system, all of which is very likely to continue, therefore, this act authorizes the County Chairman and the Clerk to issue interest bearing warrants up to \$15,000 at the legal rate of interest to meet and pay indebtedness incurred by the county, either in meeting the general expenses of the county, or in paying off and discharging outstanding debts, at an interest rate not to exceed 6%. The Trustee will pay the debts, with any interest due thereon as he would any other warrant drawn on the county. The County Court was required to levy a special tax each year to pay the warrants.
2. Private Acts of 1933, Chapter 119, authorized the Quarterly Court of Macon County to issue and sell its interest-bearing coupon bonds in an amount up to \$75,000 to pay outstanding debts and

warrants issued by the county for road construction and improvements, relief of the poor, and for general county expenses. The interest rate could not exceed 6%, nor the maturity period go beyond twenty years. All the essential details were written into the act and a tax levy required.

3. Private Acts of 1937, Chapter 98, validated and confirmed the prior proceedings of the County Court of Macon County with reference to the issue and sale of \$40,000 in Funding Bonds, at 4% interest, payable semiannually in April and October, running through October of 1947. These were declared the legal and binding obligations of the county for which the county court was required to levy an annual tax with which they would be amortized.

Roads

1. Private Acts of 1883, Chapter 189, was the authority for the County Courts of Trousdale and Macon Counties to issue county bonds, signed by the chairman, at an interest rate of 6%, or less, with the details of the bond form and the manner of issuance prescribed in the act, the proceeds of which would be used on the roads of the counties. A special tax to amortize the bonds must be levied by the county court, if the bonds are issued, but the this act shall not be put into effect, nor any bonds issued hereunder until the same has been approved by the voters in a referendum.
2. Private Acts of 1909, Chapter 307, authorized the County Court to call an election and submit to the people the question of issuing bonds up to \$150,000 for the purpose of building, macadamizing and improving roads, turnpikes, and bridges. All the details of the election to be held and the bonds to be issued, if approved, are incorporated including a maximum interest rate of 5%, and a maturity schedule from five to thirty years. The court must levy an annual tax and the Trustee collect it and pay the bonds. The County court will elect three Commissioners to supervise the work, who may employ an engineer and exercise other powers set out in the act, including the sale of the bonds and the application of the proceeds, and the right to resort to eminent domain when necessary. The requirement was also expressed that, whenever possible, all roads be removed from stream beds.

Schools

1. Private Acts of 1947, Chapter 109, allowed the Quarterly Court of Macon County to issue and sell at a regular, or called meeting up to \$175,000 in bonds, at 4% interest and a 25 year maturity period, all the details concerning the form of the bond and the method of issuance to be included in the Resolution of the court adopted for this purpose. The proceeds would be used to purchase a site for and erect, equip, and furnish a high school building in or near Lafayette, and the surplus, if any, may be used to improve other schools.

Chapter IV - Boundaries

Creation of the County

Private Acts of 1841-42 Chapter 45

SECTION 1. That a new county shall be established, to be known and distinguished by the name of Macon, to be composed of parts of the counties of Smith and Summer, beginning at a White Oak, the North-east corner of Smith county, and North-west corner of Jackson county, on the Kentucky line, running thence South with said line, fourteen miles and two hundred and sixty perches to a stake in Neal Carver's field, on Wartrace creek, thence West crossing the head of Defeated creek near John Carter's and Peyton's creek, below Joseph Cocker's and the East fork of Goose Creek, North of Brevard's, and the Middle fork of Goose creek, North of Mungle's, the West fork below Sloan's, thence on to a Mulberry tree near Richard Hickerson's farm, making twenty-three miles and three-quarters. Thence North, running East of said Hickerson's farm, fourteen miles and two hundred and sixty perches to a large white oak, West of Big Trammell creek on the Kentucky line, thence East with said line to the beginning.

SECTION 2. That for the due administration of justice, the different Courts to be holden in said county of Macon, shall be holden at the house of Wm. Dunn, in the county of Macon, until the seat of justice for said county shall be located, and a suitable house erected for that purpose, and the County Court in the intermediate time shall have full power to adjourn to such other place, in the said county, as they may deem better suited for such holding of the same, and for public convenience, and to adjourn to the seat of justice whenever in their judgment the necessary arrangements are made, and all writs and other precepts returnable to either place, shall and may be returned to the place where said courts may have been removed by the County Court aforesaid, and the said courts to be holden in and for said county of Macon, shall be under the same rules, regulations and restrictions, and shall have, hold and exercise and possess the same powers and jurisdiction, as are possessed by said courts in other counties in this State.

SECTION 3. That all officers, civil and military, in said county, shall continue to hold their offices and execute all the powers and functions thereof until others be elected under the provisions of the Constitution and laws made in pursuance thereof, and it shall be the duty of the County Court of Macon, at their first term, to appoint some suitable person to open and hold elections in each civil direct in said county, on the first Saturday in March next, for the purpose of electing county officers, which election shall in all respects, be conducted agreeable to the existing laws regulating elections in other counties in this State. The County officers so elected shall have the same jurisdiction, powers and emoluments that other county officers are entitled to under the existing laws; and the said county of Macon shall be placed on an equal footing, possess equal powers and privileges, in all respects, as other counties in this State: Provided, nothing in this act contained shall be so construed as to prevent the counties of Smith and Sumner from having, holding and exercising jurisdiction over the territory composing the said county of Macon, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers: Provided, also, that nothing in this act contained, shall be so construed as to prevent the counties from selling, under such judgments, any lands within said county of Macon, for taxes, costs or charges, for the present or any preceding year; nor to prevent the Sheriffs of either of said counties from collecting from the citizens of said county of Macon, any taxes due for the present or any preceding year.

SECTION 4. That the citizens of the county of Macon, in all elections for Governor, for members of Congress, and for members of the General Assembly, shall vote with the counties from which they may have been stricken off, until the next apportionment of members of the General Assembly agreeably to the Constitution.

SECTION 5. That Button Holland, Wm. Dunn, Samuel Sullivan, Eason Howell and Jefferson Short, be and they are hereby appointed commissioners, a majority of whom shall have authority to act---who shall, on the last Saturday of March, 1842, first giving five days' notice at four of the most public places in said county of Macon, open and hold an election for the purpose of fixing upon a suitable site for the county seat of said county, and all those residing within the bounds of said county, who are entitled to vote for members of the General Assembly, shall be entitled to vote in selecting the site, and said election shall be held at seven several places, to be designated in said county for the convenience of voters, by said commissioners, in the notice of the election herein required to be given; and it shall be the duty of the commissioners to select and put in nomination, to be voted for, two of the most eligible sites within three miles of the centre of said county, in their estimation, for such county seat in said county; and the place receiving a majority of all the votes taken, shall be and the same is hereby established the county seat of said county of Macon; and said commissioners are hereby authorized to appoint suitable persons, and to administer to them the proper oaths, as officers and judges, to open and hold the elections at the several places that may be appointed to vote, and to make return of the polls to the house of Wm. Dunn, in said county, where they shall be compared on the Monday next succeeding the day of election.

SECTION 6. That said commissioners are hereby authorized to purchase or otherwise procure a sufficient quantity of land upon which to lay off a town, and to erect all necessary public buildings for said county, at the place elected by the qualified voters as aforesaid; and the commissioners shall take themselves, as commissioners of the county of Macon and their successors in office, a deed or deeds of conveyance, with general warranty for the lands by them so purchased, or otherwise obtained.

SECTION 7. That it shall be the duty of the commissioners herein appointed, to cause a Town to be laid off at said county seat into lots, streets and alleys, of such size and width as they may deem necessary and proper, reserving a sufficient quantity of land for a public square and for the public buildings, and when so laid off the Town shall be named by the Commissioners.

SECTION 8. That it shall be the duty of the commissioners of said county of Macon to sell all the lots in said Town, in the county of Macon, upon a credit of twelve months, after first giving thirty day's notice of the time and terms of said sale, in one or more of the nearest newspapers, and the commissioners shall take bonds with sufficient security from the purchasers of said lots, payable to themselves as commissioners and their successors in office, and they are hereby authorized and empowered to make to the purchasers of said lots titles in fee simple for the same.

SECTION 9. The proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners, to defray the expenses incurred in the purchase of the lands upon which said Town may be located, and also the expenses of erecting the public building of said county.

SECTION 10. That said commissioners shall superintend the erection of the court house and jail and other necessary public buildings as shall be ordered by the county court of said county of Macon, a majority of said Justices being present, and upon such terms and conditions, as said court shall direct, and the commissioners aforesaid shall take bond with sufficient security from the contractor or contractors, in such penalties as said court shall prescribed payable to themselves as commissioners of the county of Macon as aforesaid and their successors in office, conditioned for the faithful performance of such contract

or contracts as the case may be.

SECTION 11. That it shall be the duty of said commissioners to report all proceedings by them had under this act, to the first county court of said county of Macon to be holden therein, after the first day of March next, and it shall be the duty of said court to enter the same upon their records.

SECTION 12. That said commissioners, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, to honestly and faithfully perform the duties assigned by this act, to the best of their judgment, and they shall moreover enter into bond with approved security, in the penalty of five thousand dollars, payable to the chairman of the county court of Macon County and his successors in office, conditioned for the due and faithful performance of the duties enjoined upon them by this act, and for the just application or forthcoming of such funds as may come to their hands as commissioners as aforesaid.

SECTION 13. That said commissioners shall keep a regular and fair record and account of all monies by them received and expended, which statement shall, from time to time, when required by the county court of Macon county, be laid before said court, and when the public buildings of said county shall be completed, said commissioners shall, by order of said court, pay over any surplus money that may be in their hands to the county Trustee of said county for county purposes, and they shall, for their services, receive such reasonable compensation as shall be adjudged them by said county court.

SECTION 14. That Bennett Wright, Alexander Furguson, Edward Glover, and Jefferson Bratton, or a majority of them, shall have power and authority, and they are hereby appointed commissioners to lay off said county into seven civil districts, in which there shall be elected Justices of the Peace and constables, at the time prescribed by law for electing such officers in other counties in this State.

SECTION 15. That the county of Macon shall form one Regiment, and said Regiment in all its relation to the Militia of the State shall assume the place of the Regiment, and shall be attached to the ninth Brigade, and that the field officers, included in said county of Macon, shall meet at the house of Wm. Dunn in said county on the first Saturday in March next, and divide said Regiment into Battalions and Companies and provide for electing all officers in said Regiment into Battalions and Companies and provide for electing all officers in said Regiment in the manner pointed out by law.

SECTION 16. That the county of Macon be, and the same is hereby attached to the fourth Judicial Circuit and the Circuit courts therefor shall be held by the Judge of said circuit of the first Mondays in January, May and September, in each and every year, at the house of Wm. Dunn or such other place as the county court may direct.

SECTION 17. That the county of Macon shall be attached to the chancery court district to be holden at Carthage, Smith County.

SECTION 18. That all appeals, writs of error and appeals in the nature of writs or error from the circuit courts of said county of Macon, shall be taken to the Supreme Courts to be held for the Middle division at Nashville.

SECTION 19. That should the boundary lines of Macon County, as described in the first section of this act, approach nearer to the county seat of either the old counties from which the territory constituting the county of Macon is taken, than is prescribed by the constitution: it shall be the duty of the county court of Macon county to appoint some surveyor who shall re-run and re-mark such line or lines so as not to violate the constitutional rights of such old county, and said surveyor shall make report to the county court of Macon county, which report so made, shall be recorded by the clerk of said court, and such line or lines so run, shall be the established line or lines of said county.

Passed: January 18, 1842.

Change of Boundary Lines

Private Acts of 1849-50 Chapter 90

COMPILER'S NOTE: Section 2 did not apply to Macon County, and therefore, is not included herein.

SECTION 1. That the line between the counties of Jackson and Macon be changed as follows: beginning at a white oak at the north-west corner of Jackson county, in Walker's line; thence with said line east one mile to two white oaks; thence south five and a half miles to a black oak; thence west one mile to a stake in the west boundary line of said county of Jackson; thence north to the beginning; Provided, That nothing herein contained shall reduce the said county of Jackson below her constitutional area; and provided that those living within the bounds proposed to be stricken off, shall pay the expenses of surveying the county of Jackson, in order to ascertain whether or not there is sufficient territory.

Passed: February 9, 1850.

Private Acts of 1961 Chapter 215

SECTION 1. That a certain forty-foot roadway easement located in the Twelfth Civil District of Macon County is hereby detached from Macon County and attached to and the same shall be a part of Trousdale County. Said road is six-tenths of a mile in length and begins at the Anna Rankin property line, or the present Trousdale County line, and said road and roadway easement extends in a northwesterly direction to the intersection of the Halltown road or old Lafayette Pike. Said road and roadway easement is also known as the Middle Fork road. That the above-described road and forty-foot roadway easement shall become a part of Trousdale County road system, and the same shall be under the jurisdiction and supervision of the Trousdale County Highway Department and the same shall likewise be maintained and repaired by the Trousdale County Highway Department.

SECTION 2. That this Act shall have no effect unless the same shall be approved by a two-thirds vote of both the Quarterly County Courts of Macon County and Trousdale County and its approval or non-approval shall be proclaimed by the presiding officer of each of said bodies having jurisdiction to approve or the reverse, and the same shall be certified by them to the Secretary of State.

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

Passed: March 8, 1961.

Boundaries - Historical Notes

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

1. Acts of 1843-44, Chapter 61, stated that the boundary line between Smith and Macon Counties, as described in the first section of the act which created Macon County (Acts of 1841-42, Chapter 45) is hereby established and declared to be the permanent line between the two counties.
2. Acts of 1853-54, Chapter 181, Section 6, changed the boundary lines between Macon and Sumner Counties so as to include the dwelling and the lands of George H. Carter wholly within Sumner County.
3. Acts of 1865-66, Chapter 104, removed the house and lands belonging to Andrew Conn out of Jackson County and into Macon County.
4. Acts of 1866-67, Chapter 23, amended Chapter 104, Acts of 1865-66, above, so as to correct the name of the person whose property was moved from Andrew Conn to Andrew Comer.
5. Acts of 1889, Chapter 118, arranged for the lands belonging to Green Williams, which lie partly in Sumner, Trousdale, and Macon counties, to be transferred wholly into Trousdale County. The Surveyor of Trousdale County would run and mark the said boundary lines so as to establish the boundary lines of all three counties at this point and in accordance with this act.
6. Private Acts of 1901, Chapter 282, so changed the boundary lines between Macon and Clay counties that the lands of Sam H. Hance which were situated in Clay County were moved over to be wholly in Macon County.
7. Private Acts of 1901, Chapter 305, moved all the lands belonging to G.W. Goad out of Macon County and into Smith County.
8. Private Acts of 1903, Chapter 226, detached all the lands belonging to Jerry Agee and Malangthon Kirby, from Clay County and attached the same to Macon County.
9. Private Acts of 1905, Chapter 196, contained a general description of the land area containing the residences, and properties, of J. Y. Williams, J. M. Henson, W. M. Henson, J. B. Garrett, W. R. Duffy, George Vance, Jim Woodard, and John Hawkins, and the Widow Taylor, which was transferred out of Macon County and into Sumner County.
10. Private Acts of 1919, Chapter 787, rearranged the boundary lines between Macon and Trousdale Counties so as to include wholly within Trousdale County the lands and improvements of Albert Creasy, Jeff Carr, Henry Hall, William Cook, J. W. Thompson, E. T. Story, and John Seath.
11. Private Acts of 1927, Chapter 718, moved the jointly owned lands of I. B. Thomas and W. E. Taylor out of the Seventh Civil District of Macon County and into the Sixth Civil District of Smith County.
12. Private Acts of 1955, Chapter 55, states that no action had been taken on this act by the Quarterly County Court of Macon County at the time the printed volume of Private Acts was published. The act states by way of a preamble that Henry Sloan and Carnie Gammons own farms

on the Macon - Smith County line. Henry Sloan desires to transfer five acres from Macon County into Smith County and twenty-nine acres from Smith County into Macon County; that Carnie Gammons desires to move eleven acres from Smith County into Macon County, and this act accomplishes the desired transfers, describing the involved properties in a general fashion.

Chapter V - Court System

Chancery Court

Probate Jurisdiction

Private Acts of 2004 Chapter 79

SECTION 1. Chapter 234 of the Private Acts of 1982, and any other acts amendatory thereto, is hereby repealed.

SECTION 2. In accordance with Tennessee Code Annotated, Sections 16-16-201 and 18-6-106, the chancery court of Macon County is vested with jurisdiction over the probate of wills and the administration of estates of decedents, minors, infants, and incompetents. The clerk and master shall function as the clerk of such court and shall retain all records and other documents relating to probate matters and the administration of estates of decedents, minors, infants, and incompetents.

SECTION 3. All probate matters and the administration of any estate pending in any other court in Macon County on the effective date of this act shall be transferred to the chancery court of Macon County and such court may hear and make final disposition in such matters as if it had originated in such court. On such effective date, all records and other documents pertaining to a probate matter or the administration of an estate that are currently being maintained by the court clerk shall be transferred to the clerk and master.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Macon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Macon County and certified to the secretary of state.

SECTION 5. 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 4.

Passed: February 18, 2004.

General Sessions Court

Private Acts of 1951 Chapter 555

SECTION 1. That there is hereby created and established a Court in and for Macon County, Tennessee, which shall be designated "Court for General Sessions for Macon County, Tennessee." said (sic) County shall provide a court room at Lafayette, Tennessee, dockets, furnishing and necessary supplies for the equipment and maintenance of said court, and pay for same out of the General Fund of the County. The regular place for holding said court shall be at the court room provided for said court in Lafayette, Tennessee, but said court may be held, in the discretion of the Judge thereof, at any other place or places in Macon County, Tennessee, at such times and places as the Judge may designate.

SECTION 2. That said court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of said county are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said county elected for any district may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil process on any cause of action heretofore triable by a Justice of the Peace, such warrants, and process to be returnable to and triable by said Court of General Sessions. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court, or in the performance of the rites of matrimony, or to administer oaths is in no wise affected by this Act.

The Court of General Sessions is also vested with jurisdiction over the probate of wills and the

administration of estates decedents, minors, infants, and incompetents. Notwithstanding the provisions of Section 13 of this chapter the County Clerk of Macon County shall function as the clerk of the Court of General Sessions when probate matters and administration of estates are properly before such court. The County Clerk shall retain all powers, duties, and jurisdiction, and shall retain all records and other documents relating to probate matters and the administration of estates of decedents, minors, infants, and incompetents.

As amended by: Private Acts of 1982, Chapter 234

COMPILER'S NOTE: In addition to amending Section 2, Private Acts of 1982, Chapter 234, also contained the following undesignated provisions:

SECTION ____. The procedure, rules of practice and laws governing the administration of estates in probate shall be the same as are now in effect, except where expressly changed by the Act.

SECTION ____. All probate matters and the administration of any estate pending in any other court in Macon County on the effective date of this Act shall be transferred to the General Sessions Court of Macon County and such court may hear and make final disposition in such matters as if it had originated in such court.

SECTION 3. That the Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery and Circuit Courts to grant fiats for writs of injunction, attachments and other such actions in which fiats are necessary.

SECTION 4. That before any civil case shall be tried or judgement rendered in said Court, the plaintiff shall secure the costs by executing a cost bond, with good security, in the sum of Twenty-five (\$25.00) Dollars, or by making a cash deposit of not less than One Dollar and fifty cents (\$1.50) nor more than Twenty-five (\$25.00) Dollars, or shall take an oath prescribed for poor persons, and on motion of the Court may in his discretion increase the amount of such bond or deposit.

SECTION 5. That the rules of pleadings and practice, forms of writs and process and stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace; provided, however, that the Court of General Sessions for Macon County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor 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 without a jury. The final judgement of such Court may be appealed to the Circuit Court of Macon County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial 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 as is provided in Section 1 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

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

SECTION 6. That in all matters the costs and fees of said court of General Sessions shall be the same as provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his deputies, constables, game wardens, and State highway patrolmen for the execution of writs and process of said Court, and the attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees, and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his deputies, constables, State Highway Patrolmen, game wardens, and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

SECTION 7. That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process and return of the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, execution, garnishment, lists of the fees of the Court, the sheriff, his deputies, constables,

game wardens, and State highway patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgement and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those Justices of the Peace.

The criminal docket shall be kept in like manner.

SECTION 8. That there shall be one judge for said Court, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for judges of inferior courts of Tennessee, and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

SECTION 9. That the compensation of said Judge shall be Twenty Four Hundred (\$2,400.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the general fund of the County, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge shall give all his working time to the duties of his office, except that he may act as Judge of the City Court of Lafayette, Tennessee, under any contract made by the said City with the County of Macon.

SECTION 10. That Bell F. Cothron, of Lafayette, Tennessee, is hereby appointed the first Judge of said Court, who shall serve until the first day of September, 1952, and until his successor has been elected and qualified.

His successor shall be elected by qualified voters of the county at the election for judicial and other civil officers on the first Thursday of August, 1952, and shall hold his office from the first day of September, 1952, until the first day of September, 1960, or until his successor is qualified.

His successor shall be elected every eight years at such election for the term provided by law for Judges of inferior courts.

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

SECTION 12. That in the case of a vacancy in the office of such judge for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 13. That the Clerk of the Circuit Court and Criminal Courts of said County shall as Clerk of said Court of General Sessions, and when acting as Clerk of said Court, shall be designated "Clerk of Court of General Sessions of Macon County." The fees, commissions and emoluments of said Court of General Sessions shall be the same as such fees would have been if the process, subpoenas, executions and all other papers had been issued by Justices of the Peace, and the same shall accrue to and be paid to the Clerk of said Court when such papers are actually issued by said Clerk. Provided, however, then when such papers shall have been issued by a Justice of the Peace of Macon County, Tennessee, the fees, as provided by law, shall accrue to and be paid to such Justices of the Peace of Macon County, Tennessee, who actually issued such papers, process, etc.

The Clerk of said Court and his deputies shall have concurrent authority with the Judge thereof to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer.

SECTION 14. That the sheriff of said County, or any Deputy or Constable thereof, shall serve legal process, writs or papers issued by said Court with the same authority as provided by law in other inferior courts. Provided, however, that no sheriff, deputy sheriff, or constable shall be entitled to any fees merely for opening and closing said Court or for waiting upon said Court as Court officer. But the Judge of said Court may select or appoint any of such officers that may be in attendance to wait upon said court without further compensation for such services.

SECTION 15. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said county to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgments or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 16. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of the Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have completed shall be turned over to said County, as provided by law.

SECTION 17. That said Court shall have authority to hear and determine all undisposed of cases arising in the Court of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgements on the dockets of

said Justices of the Peace, and certify as to any such judgements or records, as such Justices of the Peace could do but for this Act.

SECTION 18. That the General Assembly expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not effect the remainder of the Act, and such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portion elided therefrom.

SECTION 19. That this Act shall take effect on April 1, 1951, and not until then, except that after the passage of this Act prior to April 1, 1951, said county shall make provision for a court room and otherwise as provided in Section 1 hereof, but such Judge and Clerk of said Court shall take the oath of office or be entitled to any salary until April 1, 1951, the public welfare requiring it.

Passed: March 12, 1951.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1931, Chapter 626, created a Board of Jury Commissioners in Macon County, identified by using the 1930 Federal Census figures. The Board would consist of three discreet members, freeholders, residents of the county for two years, who were not state or county officials, nor attorneys, nor had a suit pending in court, who would be appointed by the Judge of the Criminal Court for two year terms. Justices of the Peace were expressly declared to be eligible for appointment. It was the duty of the Clerk to notify those selected to serve on the Board within ten days of their appointment and to name a day for their first meeting. The board would meet on that day, be sworn and bonded, taking the special oath prescribed in this act, and would then choose a chairman and secretary from their own number. On the first Monday of the month preceding the opening of the court, the Board would convene at the courtroom, or at any other convenient place in the county seat and select 42 names from the tax rolls, or other public sources for the criminal court, and 18 names for the Circuit Court, choosing as equally as possible from each Civil District of the Jury for that term of court. The Clerk would submit the list at the proper time to the Sheriff who would summon them for duty, only the Judge being given the authority to excuse anyone. This act was repealed by the one below.
2. Private Acts of 1935, Chapter 428, specifically repealed Chapter 626, Private Acts of 1931, above, which created a Board of Jury Commissioners for Macon County.
3. Private Acts of 1937, Chapter 162, created another Board of Jury Commissioners for Macon County along the same fundamental lines as those written in Item One, above, except that W. J. Jarred, T. T. Tucker, and E. L. Meadows were named as the members of the first Board who would serve until July, 1938, when their successors would be chosen by the Criminal Court Judge. The Board would meet within five days after being notified. The number of jurors to be chosen was reduced to 27 for the criminal court, whose names would be recorded and certified in a special book acquired for that purpose, the first twelve again being designated as the Grand Jury, the others to serve as petit jurors, wherever needed. Arrangements were made for special cases and panels if the jury list were exhausted and penalties prescribed for those who violated, or ignored the provisions of this act. Board Members would receive \$3.00 per day for each day service actually spent in the discharge of these responsibilities. This act was repealed by the one following.
4. Private Acts of 1939, Chapter 546, expressly, and entirely, repealed Chapter 162, Private Acts of 1937, above, causing the selection of Jury Commissioners, if any, to follow the state law.
5. Private Acts of 1939, Chapter 547, provided that, in Macon County, using the 1930 Federal Census figures, it shall be the duty of the presiding Judge of the Criminal Court, the Circuit Court, or any court having criminal jurisdiction, to designate at each term of the court one of the 13 members, drawn according to law to form a Grand Jury, to act as Foreman of the same during that particular term of court. The one so selected, shall be paid \$3.00 per day for every day served in that capacity.

Chancery Court

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

1. Acts of 1841-42, Chapter 45, created Macon County and provided that the County would be attached to the Chancery District which met at Carthage, in Smith County.
2. Acts of 1841-42, Chapter 119, Section 3, stated that the citizens of Macon County, newly created, would have the right to file their Bills in chancery either at Gallatin in Sumner County or at Carthage in Smith County as their convenience and best interests might dictate.
3. Acts of 1843-44, Chapter 151, Section 5, stated that the Chancery Court of Macon County would be attached to the 4th Chancery Division, would meet at Lafayette and the terms would begin on the fourth Monday in March and September.
4. Acts of 1845-46, Chapter 82, Section 2, changed the chancery court terms for some of those counties in the Fourth Chancery District, assigning Macon County to the fourth Monday in January and July at Lafayette. The Fourth Chancery District consisted of those courts which met at Gainsboro, Winchester, Sparta, Livingston, Smithville, McMinnville, and Woodbury.
5. . Acts of 1849-50, Chapter 213, Section 4, provided that the Chancery Court at Lafayette in Macon County would meet hereafter on the second Monday in January and July.
6. Acts of 1851-52, Chapter 331, amended the act which required the Chancellor of the Fourth Chancery Division to hold the Chancery Court at Lafayette so as to require him to open and hold the said court at Lafayette on the first Monday in February and the second Monday in July.
7. Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Fourth Division had in it the counties of Jackson, Wilson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, Rutherford, and Macon whose court terms would begin on the first Monday in February and the second Monday in July.
8. Acts of 1859, Chapter 14, created a new Seventh Chancery Division assigning to it the counties of Overton, Jackson, Sumner, Robertson, Montgomery, Smith, Stewart, and Macon where the courts were to begin on the first Friday after the second Monday in February and August at Lafayette.
9. Acts of 1866-67, Chapter 25, Section 2, stated that the Chancery Court at Lafayette would commence its terms of court on the second Thursday after the first Monday in February and August.
10. Acts of 1868-69, Chapter 18, provided that the Chancery Court for Macon County would be held hereafter on the first Thursday after the second Monday in February and August of each year.
11. Acts of 1868-69, Chapter 44, Section 4, provided that the Chancery Court for Macon County would be held hereafter on the first Thursday after the second Monday in February and August of each year.
12. Acts of 1870 (Ex. Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Fifth Chancery District was composed of the counties of Van Buren, White, Putnam, Overton, Jackson, Smith, Dekalb, Macon, and Clay.
13. Acts of 1870 (Ex. Sess.), Chapter 47, set up the Chancery Court terms for every county in the State. In Macon, court would commence on the second Monday of February and August.
14. Acts of 1871, Chapter 71, repealed the prior act in conflict and set the starting dates for the terms of the Chancery Court in Macon County on the Tuesday after the second Monday in February and August.
15. Acts of 1882 (2nd Ex. Sess.), Chapter 7, changed the term of the Chancery Court for Macon County to the second Monday in November instead of the Thursday after the second Monday in October, all process being made to conform to that date.
16. Acts of 1883, Chapter 77, changed the days of the Macon County Chancery Court to begin on the Thursday after the second Monday in October, and on the Thursday after the first Monday in May, with proper adjustments being made to all process.
17. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of the State. Eleven Chancery Divisions were formed of which the 5th Division contained the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, Dekalb, Smith, and Macon where court terms would begin on the third Monday in April and October. This act was considered by the Supreme Court in Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).

18. Acts of 1891 (Ex. Sess.), Chapter 11, changed the schedule of court terms in all the counties of the Fifth Chancery Division switching Macon County to the fourth Monday in March and September.
19. Acts of 1895, Chapter 15, rescheduled the starting dates for the terms of the Chancery in all counties of the 5th Chancery Division shifting Macon County to the first Wednesday after the second Monday in March and September.
20. Acts of 1897, Chapter 43, Section 7, changed the terms of the Macon County Chancery Court to the first Monday in March and September, and also rearranged the court terms in Smith, Jackson, Clay, Overton, Pickett, Fentress, White, Putnam, DeKalb, and Cumberland Counties. Section 8 provided that the Chancellor of the 5th Division would also hold the Circuit Court in Macon County on the same days.
21. Acts of 1897, Chapter 294, rearranged the starting dates for the Chancery Court terms in the Fifth Chancery Division, scheduling Macon to begin on the first Wednesday after the second Monday in March and September. Some irregular assignments were also given the Judges some of whom would hold both Circuit and Chancery Courts.
22. Acts of 1899, Chapter 427, again organized the state's lower judicial system into different patterns, forming ten Chancery Divisions. The Fourth Division consisted of the counties of Cumberland, Pickett, Clay, Overton, Jackson, Putnam, White, DeKalb, Smith, Van Buren, Cannon, Trousdale, and Macon where the Chancery Courts would start at Lafayette on the first Wednesday after the second Monday in March and September.
23. Private Acts of 1903, Chapter 97, reset the terms of the Chancery Courts in the Fourth Chancery Division assigning Macon County to the first Tuesday after the second Monday in March and September.
24. Private Acts of 1911, Chapter 507, reorganized the Chancery Court terms in the Fourth Division which now contained the counties of Cannon, Trousdale, Overton, Cumberland, Smith, Fentress, Pickett, Jackson, Van Buren, DeKalb, Morgan, White, Putnam, and Macon where the terms would commence on the first Tuesday after the second Monday in March and September.
25. Private Acts of 1927, Chapter 40, changed the Chancery Court terms for Trousdale, Smith, Pickett, and Macon Counties, shifting Macon to the second Monday in March and September.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, rearranged the entire lower court system of the State into fourteen and one special Chancery Division. The Fourth Chancery Division contained of the Counties of Cannon, Trousdale, Overton, Clay, Smith, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White, Putnam, Macon where Court would start at Lafayette on the second Monday in March and September.

Chancery Court - Clerk and Master

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

1. Private Acts of 1911, Chapter 303, provided that the Clerk and Master of the Chancery Court in Macon County would be paid the sum of \$600 per year as a salary conditioned upon the requirement that the Clerk and Master file with the County Judge, or Chairman, of the County Court, before the convening of each quarterly term of the court, a sworn, itemized, detailed report of all the fees collected in the office during the preceding quarter. If the fees are less than the salary mentioned above, the county shall make up the difference but, if the fees should exceed the salary, the Clerk and Master may retain them for his own.
2. Private Acts of 1919, Chapter 550, amended Chapter 303, Private Acts of 1911, above, by adding a provision that the Clerk and Master in his report of the fees collected in the office during the quarter would not have to account for or include in the report such fees as they may be entitled to receive from sales of land, orders of reference, and for taking depositions.
3. Private Acts of 1921, Chapter 432, also granted the Clerk and Master of Macon County an annual salary of \$600 per year under the same conditions of filing a quarterly report, as before, but exempted the Clerk and Master from accounting for, or including in his report of fees, those fees received by him for taking depositions, commissions on the sale of lands, making out transcripts, and the compensation awarded to him as a special commissioner, or receiver. The Clerk and Master would retain all fees exceeding the above amount, and be paid the difference, if they were less.
4. Private Acts of 1927, Chapter 122, amended Section One, Chapter 303, Private Acts of 1911, Item One, above, by increasing the annual salary of the Clerk and Master from \$600 to \$900 to be paid under the same conditions as expressed in that Act and its amendments.

Circuit Court

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

1. Acts of 1841-42, Chapter 45, provided for the Circuit Court of newly created Macon County to meet at the house of William Dunn until the County seat could be laid out although court could adjourn to any other convenient place in the county. Macon County was assigned to the Fourth Judicial Circuit with court terms scheduled to start on the first Monday in January, May, and September.
2. Acts of 1845-46, Chapter 82, changed terms for the Circuit Courts in the Fourth Judicial Circuit, naming Dekalb, White, Fentress, Overton, Jackson, Smith, and Macon where court would be held hereafter on the second Monday in March, July, and November.
3. Acts of 1847-48, Chapter 125, changed the time for beginning the terms of the Circuit Court in Macon County to the third Monday instead of the second Monday in March, July, and November.
4. Acts of 1857-58, Chapter 98, divided Tennessee into sixteen Judicial Circuits. The 6th Circuit was made up of the counties of Jackson, Smith, Putnam, Dekalb, and Macon where the terms of court would begin on the third Monday in March, July, and November.
5. Acts of 1866-67, Chapter 25, provided that after the next succeeding term of the Circuit Court in Macon County which would start as now provided by law, the Circuit Court terms would commence on the second Monday in January, May, and September.
6. Acts of 1870 (Ex. Sess.), Chapter 31, divided the State into 15 regular and one special Judicial Circuits. The Fifth Judicial Circuit contained the counties of Dekalb, Overton, Putnam, White, Smith, Jackson, Clay, and Macon.
7. Acts of 1870 (Ex. Sess.), Chapter 46, scheduled all the terms of the Circuit Courts in all the counties of the State. Macon County would begin at Lafayette on the first Monday in January, May, and September.
8. Acts of 1871, Chapter 15, reset the terms of the Circuit Court in Macon County to the fourth Monday in April, August, and December, repealing all conflicting Acts.
9. Acts of 1872, Chapter 15, changed the terms of the Circuit Courts in the 5th Judicial District but Macon remained on the fourth Monday in April, August, and December.
10. Acts of 1873, Chapter 22, Section 6, changed Circuit Court terms in Clay County and Macon County who went to the third Monday in April, August, and December.
11. Acts of 1877, Chapter 28, changed Circuit Court terms in Macon County to begin on the first Monday in January.
12. Acts of 1885 (Ex. Sess.), Chapter 20, was an Act which revamped the entire lower court structure in Tennessee, dividing it into fourteen regular and one special judicial circuits. The Fifth Judicial Circuit was composed of the counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, and Macon where the court terms would begin on the first Tuesday after the first Monday in March, July, and November.
13. Acts of 1887, Chapter 12, rescheduled the court terms of all the counties in the 5th Judicial Circuit. Macon County would thereafter start the Circuit Court terms on the third Monday in March, July, and November.
14. Acts of 1897, Chapter 43, Section 6, rearranged the starting dates for the terms of the Circuit Courts in the 5th Judicial Circuit, scheduling Macon County for the first Monday in March and September. Section 8 of this Act provided that the Chancellor of the 5th Chancery Division would also hold the Circuit Courts in Macon County, the terms of both being set at the same times.
15. Acts of 1897, Chapter 294, rearranged the circuit court terms in the 5th Judicial District again, setting those in Macon County to begin on the first Wednesday after the second Monday in March and on the third Monday in July and November. The Chancery Court terms coincided with two of these dates.
16. Acts of 1899, Chapter 357, amended the 1897 Act, above, so as to begin the Circuit Courts in Smith, Trousdale, and Macon counties on different dates. Macon County's would start on the second Monday in March and the third Monday in July and November.
17. Acts of 1899, Chapter 427, reorganized all the lower court system of the State. Tennessee was divided into fourteen regular and two special judicial circuits. The fifth Judicial Circuit was made up of the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon whose circuit courts would begin on the first Wednesday after the second

Monday in March, and on the third Monday in July and November.

18. Private Acts of 1901, Chapter 324, rescheduled the Circuit Court terms in the 5th Circuit changing Macon County's courts to the third Monday in March, July, and November.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, made sweeping changes throughout the lower judicial structure of the State forming the counties into twenty Judicial Circuits. The 5th Circuit contained the counties of White, Overton, Putnam, Jackson, Trousdale, Smith, Wilson, and Macon for both civil and criminal jurisdiction. Macon County's courts would continue to open on the third Monday in March, July, and November. All changes in the future in the circuit and chancery courts would generally be made by public acts.
20. Private Acts of 1941, Chapter 385, changed the time for hearing the civil cases of Macon County Circuit Court from the third Monday in March, July, and November to the first Monday of February, June, and October. The Judge of the 5th Judicial Circuit criminal division will hold the Circuit Courts of Macon County. All process was to conform to these changes.

Circuit Court - Clerk

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

1. Acts of 1903, Chapter 255, was a salary Act covering the whole State but concerning the Circuit Court Clerks only. The salaries specified were based on the population of the county in which the clerk served, as they now are. Our population figures on Macon County in 1900 would have given the Circuit Court Clerk a salary of \$750 per year, provided he filed with the County Judge, or Chairman, an itemized, sworn, annual report showing all the fees collected in the office for the year immediately passed. If the fees failed to equal the salary specified herein, the county would pay the Clerk the difference, but if the fees exceeded the salary, the Clerk was permitted to retain them as his own.
2. Private Acts of 1931, Chapter 603, provided that the Clerk of the Circuit Court in Macon County would be paid the sum of \$600 annually, payable in equal monthly installments, which would be over and above and in addition to all the fees collected. This added sum would be paid out of the county treasury on the warrant of the County Judge, or Chairman.

Criminal Court

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

1. Acts of 1907, Chapter 85, created the Criminal Court for the Fifth Judicial Circuit in the following counties: White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale and Smith.
2. Private Acts of 1911, Chapter 648, amended the 1907 Act so as to change the opening dates for Smith and Trousdale counties.
3. Public Acts of 1925, Chapter 39, again changed the court times for some counties in the criminal division of the Fifth Judicial Circuit.
4. Public Acts of 1937, Chapter 205, which appeared in the Tennessee Code as Section 16-214, actually supplied the details of the establishment of Criminal Courts in the Fifth Judicial Circuit which included the counties of White, Putnam, Overton, Jackson, Macon, Trousdale, Smith and Wilson. Wilson County would begin the terms of court on the third Monday in April, August and December.
5. Private Acts of 1937, Chapter 521, amended Chapter 45, Private Acts of 1919, (See Circuit Court) in Section One by requiring the Judge of the Fifth Judicial Circuit to hold the criminal court of Wilson County at Lebanon on the third Monday in April, August, and December, and the Judge would also hold the civil court on the third Monday in January, May and September.

District Attorney General - Assistants and Criminal Investigators

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

1. Private Acts of 1907, Chapter 381, created the position of Assistant Attorney General for the Fifth Judicial Circuit, to which Macon County was assigned at that time, who shall be appointed by the Attorney General of the Circuit, be over twenty-five years of age and qualified for the post, who would serve at the pleasure and direction of the Attorney General, and who would be paid \$1,800 per year out of the State Treasury.
2. Private Acts of 1919, Chapter 166, expressly repealed Private Acts of 1907, Chapter 381, above,

in its entirety. All subsequent laws relating to this position occurred under the authority of general state laws since no further private acts on the subject were discovered which affected Macon County.

- Public Acts of 1977, Chapter 444, divided the criminal court of the Fifth Judicial Circuit into two divisions, with Macon County in Division II. The District Attorney for the Fifth Judicial Circuit was to serve only in Division II and the Governor was to appoint a new district attorney for Division I.

General Sessions Court

The following act once affected the general sessions court of Macon County, but is no longer in effect and is included herein for reference purposes.

- Private Acts of 1975, Chapter 152, amended Chapter 100 of the Private Acts of 1937 and Chapter 555 of the Private Acts of 1951, to divest the County Judge of juvenile jurisdiction and to vest such jurisdiction in the Court of General Sessions, and to provide for the clearing function for juvenile matters. This act was not approved at the local level and is therefore not operative and not in effect in accordance with its provisions.

Secretarial Assistance

The following acts are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

- Public Acts of 1915, Chapter 117, created a position of Stenographer for the Chancellor of the Seventh Chancery Division to which Macon County was then assigned but later removed.
- Public Acts of 1939, Chapter 156, created a position of Stenographer for the Judges of the Circuit and Criminal Courts of the Fifth Judicial District and set an annual salary of \$720 per year for each of the two positions. This Act, as amended, was repealed by Chapter 134, Public Acts of 1967, below.
- Public Acts of 1959, Chapter 180, amended Public Acts of 1939, Chapter 156, above, by increasing the salaries of the Stenographers to the Judges of the Criminal and Circuit Courts from \$720 to \$2,400 per year.
- Public Acts of 1963, Chapter 242, also amended Public Acts of 1939, Chapter 156, above, by increasing the annual salary of the Stenographers, whose positions were created therein, from \$2,400 to \$3,600 per year. This Act, and the one in Item 3, above, were both expressly repealed by Public Acts of 1967, Chapter 134.
- Public Acts of 1967, Chapter 10, created a new 25th Judicial Circuit and in Section 5 thereof, gave the Judge of the newly formed Circuit the authority to employ a Secretary at an annual salary not to exceed \$3,600 who would serve at the pleasure and direction of the Judge.
- Public Acts of 1967, Chapter 134, authorized the Judges of the Civil and Criminal Divisions of the 5th Judicial Circuit to each appoint one Secretary to perform such duties as may be assigned to them and to serve at the pleasure of the Judge. Each would be paid a salary set by the Judge but not to exceed \$3,600 which would be paid out of the State Treasury by the Executive Director of the Supreme Court, or the Director of Accounts. This Act also repealed all the former acts on this subject, reciting each one by chapter number and year.

Chapter VI - Education/Schools

Board of Education

Private Acts of 1976 Chapter 276

SECTION 1. The County Board of Education of Macon County shall consist of five (5) members who shall be elected by the qualified voters of the respective school districts as created by this act.

SECTION 2. Macon County is hereby divided into five (5) school districts composed of the following county commissioner districts:

School District Number 1 shall consist of County Commissioner District Numbers 1, 2, 11 and 20.

School District Number 2 shall consist of County Commissioner District Numbers 3, 4, 8 and 16.

School District Number 3 shall consist of County Commissioner District Numbers 13, 14, 15, and 17.

School District Number 4 shall consist of County Commissioner District Numbers 5, 9, 10 and 18.

School District Number 5 shall consist of County Commissioner District Numbers 6, 7, 12, and 19.

As amended by: Private Acts of 1982, Chapter 246

SECTION 3. At the 1976 regular August election, members shall be elected to the County Board of Education, as follows, to take office on September 1, 1976 and to serve terms indicated and until their successors are elected and qualified:

School District 1 - one member to serve for a term of six (6) years.

School District 2 - one member to serve for a term of two (2) years.

School District 3 - one member to serve for a term of six (6) years.

School District 4 - one member to serve for a term of four (4) years.

School District 5 - one member to serve for a term of four (4) years.

As terms expire, successors shall be elected at the preceding regular August elections for terms of six (6) years.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/-el2.5 3) (sic) vote of the Quarterly County Court of Macon County before May 1, 1976. 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 5. 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 4.

Passed: March 19, 1976.

Superintendent or Director of Schools

Private Acts of 1951 Chapter 63

SECTION 1. That hereafter in all counties of this State having a population of not less than 14,900 nor more than 14,910, according to the Federal Census of 1940 or any subsequent Federal Census, the County Superintendent of Public Instruction shall be elected by the qualified voters at the regular August elections for the election of officers in such counties.

SECTION 2. That at the regular August election in 1952, and quadrennially thereafter, a Superintendent of Public Instruction shall be elected in such counties. The term of office of such official shall begin on the first day of September next succeeding his or her election and shall be for four (4) years and until a successor is elected and qualified.

SECTION 3. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

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

Passed: January 26, 1951.

Education/Schools - Historical Notes

Board of Education

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

1. Acts of 1907, Chapter 236, abolished the position of District Directors throughout the State and provided for a Board of Education and a District Board of Advisors for each county. The County Court would divide the County into five, or fewer, school districts, composed of whole Civil Districts and one member of the Board of Education would be elected by the people from each District, and the County Superintendent would be Secretary to the Board. The duties of the Chairman, the Secretary, and the members of the Board are spelled out in the Act. Reports to be submitted were defined and required from principal and teachers. Each member of the Board would be paid from \$1.50 to \$3.00 per day as decided by the County Court for not more than thirty days per year. The authority and responsibilities of the Advisory Boards are enumerated with the Secretary of the Board being required to compile the scholastic census for which he would be paid two cents per capita. This Act did not apply to city school systems, and several of the counties exempted themselves from its provisions but Macon was not among them. This Act

- was part of the lawsuit in the case of Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
2. Private Acts of 1923, Chapter 554, stated that the public school system of Macon County shall be under the management and control of a County Board of Education and a District Board of Advisors. The County was divided into seven school districts composed of civil districts the population of each would elect one member of the Board. The Board would select a Chairman and a Secretary from among its own members, whose duties were prescribed in the Act. The Superintendent of Schools would be the ex-officio Secretary to act in the absence of the regular Secretary, and would also be a member of the Board with the right to vote on all matters being considered.
 3. Private Acts of 1937, Chapter 160, created a five member school board and established the five school districts. This law was not expressly repealed by Private Acts of 1976, Chapter 276, but it is essentially inoperative due to the 1976 Act.
 4. Private Acts of 1937, Chapter 665, provided that the County Board of Education in Macon County shall furnish free transportation to all high school pupils residing in the county from convenient points along the public highways to their respective schools and back, when there were sufficient funds available to pay for it, the matter resting solely within the discretion of the Board of Education. Members of the Board of Education would be paid \$5.00 per day, or part of day, for attendance at Board meetings out of the general funds of the county.
 5. Private Acts of 1943, Chapter 288, amended Section 4, Private Acts of 1937, Chapter 160, by making the funds prescribed therein payable out of the school funds rather than the general county funds as had been the case, and by adding the last portion authorizing the additional \$3.00 per day payments to the Chairman for discharging additional duties imposed on him by law.
 6. Private Acts of 1955, Chapter 111, amended Private Acts of 1937, Chapter 160, by increasing the memberships of the Board of Education from five to nine; by striking the description of the five school districts and inserting one with nine school districts, and by naming Y. P. Johnson, Rudolph Stone, Odus Day, and Gene Jones as the new members of the Board who would serve until the next general election when their successors would be chosen. This Act was rejected and disapproved by the Quarterly County Court and therefore never became active.
 7. Private Acts of 1967-68, Chapter 93, amended Private Acts of 1937, Chapter 160, in Section 4, by increasing the per diem payments of the Board of Education members from \$5.00 to \$10. This Act was properly ratified by the Quarterly County Court.
 8. Private Acts of 1975, Chapter 66, amended Section 4, Chapter 160, Private Acts of 1937, published herein, by raising the per diem payments due to members of the Board of Education for attendance at meetings from \$10 to \$25. Our information is that this Act was properly ratified by the Quarterly Court of Macon county on August 1, 1975.

School Districts

These summaries are included for historical purposes. The school districts discussed herein no longer exist and are not consistent with the Educational Improvement Act of 1991, codified in Tennessee Code Annotated as §49-2-201.

1. Private Acts of 1883, Chapter 86, stated that the School Directors of the First School District were hereby invested with the power to sell and convey two acres of land which belongs to the said School District, which adjoins the lands of Alexander Hancock, T. J. Gregory, and others, and, further, to purchase and take the title to another building site, if the same be necessary, for the benefit of the common and graded schools in the area.
2. Private Acts of 1903, Chapter 379, created a special school district which included the town of Lafayette which was described with a metes and bounds description apparently covering a fairly extensive area. The District would be called School District One and possess all the rights, privileges, and immunities heretofore granted to other school districts of like nature. This Act was not to interfere with the act establishing Lafayette College. All school taxes collected therein will inure to the benefit of this special district and the district shall likewise receive its pro rated share of school funds from all sources.
3. Private Acts of 1905, Chapter 117, established an independent School District out of Districts Two and Five in Macon County containing the physical area as it was described by metes and bounds in the Act. The Act specified that an election for the School Directors would be held on the fourth Saturday in April, 1905. The Clerk of the School District would furnish the scholastic census, or pupil count, to the Superintendent of Schools. The Superintendent of Schools would in turn furnish the same to the Trustee who would thereupon pro rate the school funds. All conflicting laws were repealed.

4. Private Acts of 1905, Chapter 314, was practically identical with Private Acts of 1905, Chapter 117, above, in everything except that it called the new District the 15th School District.
5. Private Acts of 1921, Chapter 947, created the Red Boiling Springs High School District out of the Sixth and Seventh Civil Districts of Macon County, which would be managed and operated by a three member Board to which Charles McClellan, Braden Chitwood, and Walter Dycus were appointed by this Act. They would choose a Chairman and a Secretary from among them to serve a two year term and then all would be supplanted by those elected by the people. The powers and duties of the Board were described which included, among other things, keeping the school open for nine months each year, and supervising the expending of funds coming into their hands for school purposes. A special School tax of 12 cents per \$100 property valuation was levied under the Act which would be collected and disbursed as all other taxes for school purposes in that area only. All children residing in the area were entitled to the benefits available and others might attend by complying with the conditions and paying whatever tuition cost was established by the Board. Only qualified personnel could be employed by the Board to teach and administer the affairs of the District.

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Macon County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 66, which amended several statewide acts concerning the local superintendent of schools, is shown as being applicable to Macon County which is believed to be in error since none of the Acts amended had any except indirect reference to Macon County.
2. Private Acts of 1937, Chapter 101, provided that the County Superintendent of Public Instruction for Macon County shall be elected by the qualified voters for two year terms at the regular August elections. The certificate of qualification should be filed no later than the first Monday in April preceding the regular election. This Act sets an annual compensation of \$1,500, payable monthly, to the Superintendent who qualifies and serves under this Act.
3. Private Acts of 1937, Chapter 431, stated that the twelve year certificates of qualification for the position of County School Superintendent, issued under the authority of any of the laws of this State, shall be renewed for a like period of twelve years from the expiration date provided that the holder shall have served as a County Superintendent of some county for not less than four years of aggregate service during the life of the certificate.
4. Private Acts of 1949, Chapter 31, repealed Private Acts of 1937, Chapter 431, above.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Macon 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. Private Acts of 1843-44, Chapter 24, incorporated an academy as the county academy, to be known as the Macon Academy and naming T. A. Williams, Silas Pinkly, H. B. Flippin, Briton Holland, A. J. Wade, Patrick Ferguson, Samuel Sullivan, William Dunn, and Lewis Meadors as Trustees for the Academy. Five of the Trustees would constitute a quorum, and the remaining members would fill any vacancy which might occur. This Act allots \$240 to the Macon Academy if that amount is in the treasury and unappropriated.
2. Private Acts of 1857-58, Chapter 134, Section 5, amended the corporate charter of the Male Academy of Macon County so as to confer upon the Trustees and the Treasurer of said Academy the same powers regarding the management of their funds as were conferred in earlier sections of this Act upon the Trustees of the Floral Mount Female Academy, also located in Macon County, which were mostly the powers incidental to corporate organizations, succession for 99 years, and the authority to handle all property under \$10,000, and to make all the rules and regulations for the internal discipline and management of the school.
3. Private Acts of 1865-66, Chapter 48, directed Trustees of the Floral Mount Female Academy in Macon County to turn over all the property and funds that may have accumulated to the credit of the Academy to the Trustees of the Macon County Male Academy.
4. Private Acts of 1867-68, Chapter 94, Section 14, removed H. S. Young, N. M. Claiborne, Anderson Bratten, and J. M. Chamberlain as Trustees of the Macon County Male Academy and named George L. Walton, E. G. Cartwright, James A. White, and R. R. W. Gillenwaters, as their

successors on the Board of Trustees.

5. Private Acts of 1883, Chapter 73, stated that all the property, both real and personal, which belongs to the Macon County Academy shall be turned over to the Directors of the Common School Fund of the First District in Macon County to be controlled and used near Lafayette, and the office of Trustee which was established by that Act was abolished.
6. Private Acts of 1899, Chapter 314, amended the 1883 Act above, Chapter 73, which established a grade school in conjunction with the common schools in the First District of Macon County, so as to establish a college in place of the grade school and directed that all property of all descriptions be turned over to the Trustees and Directors of the new school to be sold or used as the needs of the proposed college might dictate. The act appointed I. L. Roark, J. M. Marshall, J. S. Wooten, H. T. Meadow, W. H. Carter, W. H. Smith, P. B. West, W. H. Gregory, W. L. Chamberlain, W. B. Barrton, F. A. Selley, J. H. Key, M. B. Freeman, T. H. Jackson, T. E. Foust, and W. A. Smith as Directors of Lafayette College. All powers incidental to the operations of corporate entities were bestowed upon the Directors including the authority to promulgate all necessary rules and regulations concerning the internal working of the school.
7. Private Acts of 1909, Chapter 494, provided that any parent, or guardian, of a child between the ages of 8 and 14 must see to it that the child attends school for four months, or for eighty consecutive days, each year. This act does not apply, nor do the penalties, if the child has been privately instructed, or attends a private or parochial school, or unless the child is excused by the Board of Education. The principal, or a teacher, may excuse a child for short, temporary absences. The principal must report on attendance and absences to the Board of Education or the District Directors of the school, and also notify the parent or guardian, or absences. The Secretary, or the Clerk, of any Board of Education, or Board of District Directors, may bring suit against any guilty parent, or guardian. This Act applied to seventeen counties, all identified by the 1900 Federal Census figures, including Macon County. The Public Acts of 1978, Chapter 716 specifically repealed Private Acts of 1909, Chapter 494 and Private Acts of 1911, Chapters 221 and 306, which amended Private Acts of 1909, Chapter 494.
8. Private Acts of 1919, Chapter 532, allowed a school tax of fifteen cents per \$100 property valuation to be levied by the County Courts to provide and maintain a high school system in Macon County to be paid and collected as any other tax in the county. There shall be two High Schools, one at the county seat, and the other in the next most populous town after that both of which shall be controlled by the County High School Board. No less than two teachers shall be employed for each school, which shall be open nine months in every year at least, when they become operable. The Trustee shall collect the tax money, place the same in a separate account, and use the funds for no other purpose. The Trustee shall make a report at the July term of the Quarterly Court, and send a copy to the Secretary of the County High School Board. The Trustee shall not be paid any extra salary for the discharge of his duties hereunder. These schools shall be under the State Board of Equalization, the State Superintendent of Schools and the County Superintendent of Schools, and shall in no way be deprived of any funds rightfully allocated to their care and operation. This act was repealed by the one following.
9. Private Acts of 1921, Chapter 656, expressly, and entirely, repeals Private Acts of 1919, Chapter 532, above, which created a High School System for Macon County, Tennessee.
10. Private Acts of 1979, Chapter 168, would have prohibited any student in any county school in Macon County to engage in smoking any tobacco product in any school building, or any school property, or on any school bus. This Act was rejected by the Macon County Legislative Body on October 15, 1979, and thus never became an effective law.

Chapter VII - Elections

Districts - Reapportionment

Civil Districts

Private Acts of 1901 Chapter 383

SECTION 1. That the following bounded section shall compose the Thirteenth Civil District of Macon County, Tennessee: Beginning at West Fork school house in the Eleventh Civil District line, running thence down West Fork of Long Creek to the lands of John H. Morgan; thence eastward and including said John H.

Morgan's land; thence including all the lands of James Dotson, Benjamin Meador, Stanford Ballard, Charles Gilliam, Wilson Hickman, Joe Claiborne, S. S. Ragan, thence due north to the Kentucky line; thence with the same to the Sumner County line; thence with the same to the Eleventh Civil District line of Macon County; thence with said Eleventh Civil District line to the beginning.

SECTION 2. That the Election Commissioners of Macon County shall within thirty days after the passage of this Act, open and hold an election in said district for the purpose of electing two Justices of the Peace and one Constable for said district, who shall hold their offices until the next general election for such offices respectively.

SECTION 3. That Gum Wood shall be the voting precinct in said district.

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

Passed: February 4, 1901.

Voting Precincts

Private Acts of 1943 Chapter 151

SECTION 1. That the following voting precincts of Macon County, Tennessee, and in counties in this State having a population of not less than 14,900 and not more than 14,910 according to the Federal Census of 1940 or any subsequent Federal Census, be, and the same are, hereby abolished, namely: the Bennett's Store voting precinct of the Third Civil District of Macon County, Tennessee; the Meadorville voting precinct of the Fourth Civil District of Macon County, Tennessee; the Bethany voting precinct of the sixth Civil Precinct of Macon County, Tennessee; the Gibb's Cross Roads voting precinct in the Seventh Civil District of Macon County, Tennessee; the Brown's School House voting precinct in the Tenth Civil District of Macon County, Tennessee; and the Eulia voting precinct in the Eleventh Civil District of Macon County, Tennessee.

SECTION 2. That the following voting precincts in Macon County, Tennessee, be and the same are hereby created, namely: Carr's School House in the Third Civil District of Macon County, Tennessee; Hillsdale School House in the Fourth Civil District of Macon County, Tennessee; Winkler's Cross Roads in the Sixth Civil District of Macon County, Tennessee; Willette School House in the Seventh Civil District of Macon County, Tennessee; Sycamore School House on Long Fork Creek in the Tenth Civil District of Macon County, Tennessee; Leath's Chapel School House and Mt. Pisgah School House in the Eleventh Civil District of Macon county, Tennessee.

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

Passed: January 21, 1943.

Private Acts of 1945 Chapter 522

SECTION 1. That there is hereby established a voting precinct in the 6th Civil District of Macon County at Bethany Church or School House, which voting precinct shall not be subject to abolition or removal by the Quarterly County Court.

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

Passed: February 28, 1945.

Private Acts of 1953 Chapter 246

SECTION 1. That the present voting precincts at Long Fork and Union Camp in the 10th. (sic) Civil District of Macon County, be, and the same are, hereby abolished.

SECTION 2. That there are hereby established Two (2) voting precincts in the said 10th. (sic) Civil District of Macon County as follows: At Drapers X Roads and at Browns School.

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

Passed: March 26, 1953.

Elections - Historical Notes

Districts - Reapportionment

The act listed below once affected the civil districts in Macon County, but is no longer operative regarding elections.

1. Acts of 1841-42, Chapter 45, Section 14, the Act creating Macon County, appointed, in Section 14, Bennett Wright, Alexander Ferguson, Edward Glover, and Jefferson Bratton, as Commissioners to lay off Macon County in to seven Civil Districts in order to elect Justices of the Peace and Constables.

Elections

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

1. Acts of 1842, Chapter 1, provided that in this apportionment of the state for the General Assembly into 25 Senatorial districts, the people of newly formed Macon and Putnam Counties would vote with the people of the counties from which they were taken until the next enumeration of the citizens.
2. Acts of 1842, Chapter 7, also provided for the people of Macon and Putnam counties to vote for their Congressional Representatives with the people of the counties from which they were taken to form new counties.
3. Acts of 1851-52, Chapter 196, divided Tennessee into ten U. S. Congressional Districts. The Fourth District would contain the Counties of Jackson, Macon, Smith, Dekalb, White, Warren, Coffee, Grundy, and Van Buren.
4. Acts of 1851-52, Chapter 197, reapportioned the State for representation in the General Assembly, assigning the counties of White, Jackson, and Macon to one Senatorial District, and Smith, Sumner, and Macon Counties would elect one State Representative jointly with the polls to be compared at Hartsville.
5. Acts of 1865, Chapter 34, divided Tennessee into eight United States Congressional Districts. The Third District consisted of the counties of Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, Fentress, and Meigs.
6. Acts of 1871, Chapter 146, reapportioned the State into Senatorial and Representative Districts. Jackson, Macon, and Clay Counties would elect one Representative between them.
7. Acts of 1872, Chapter 7, separated Tennessee into nine U. S. Congressional Districts. The Second District had in it the counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon, and Clay.
8. Acts of 1873, Chapter 27, reorganized the State into ten U. S. Congressional Districts. The reorganized Fourth District was composed of the counties of Fentress, Overton, Putnam, Jackson, Clay, Macon, Smith, Trousdale, Wilson, Sumner, and Robertson.
9. Acts of 1881 (Ex. Sess.), Chapter 6, was the next apportionment of the Tennessee General Assembly based on the 1880 census taking. The 11th State Senatorial District comprised the counties of Jackson, Macon, Clay, Overton, Pickett, and Fentress. Macon and Clay counties would elect one State Representative jointly.
10. Acts of 1882 (2nd Ex. Sess.), Chapter 27, organized Tennessee into ten U. S. Congressional Districts. The Fourth contained the Counties of Sumner, Macon, Wilson, Trousdale, Smith, Dekalb, Clay, Jackson, Putnam, Overton, Fentress, and Pickett.
11. Acts of 1891 (Ex. Sess.), Chapter 10, was based upon the 1890 Federal Census, which resulted in Macon County being given one Representative alone, and joining Sumner and Trousdale counties in making up the 14th State Senatorial District.
12. Acts of 1901, Chapter 122, reapportioned the State for the last time until the federal courts ordered it. Macon County was in the 14th Senatorial District with Sumner and Trousdale.
13. Acts of 1901, Chapter 109, divided Tennessee into ten U. S. Congressional Districts. On this apportionment the Fourth U.S. Congressional District was made up of the counties of Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland, and Rhea.
14. Private Acts of 1937, Chapter 191, abolished outright the voting precincts in Macon County of Long Creek in the First and Second Civil Districts, Gibbs Cross Roads in the Seventh Civil District, Brown's School House precinct in the Tenth Civil District, and the Eulia precinct in the Eleventh Civil District, and created Keystone in the First Civil District, Shiloh in the Second Civil District, Willette in the Seventh Civil District, Long Creek at the nearest practicable point to the bridge on the highway leading from Lafayette to Red Boiling Springs in the Tenth Civil District, and Siloam

and Mt. Pisgah in the Eleventh Civil District. This Act was repealed by the one following.

15. Private Acts of 1941, Chapter 225, specifically repealed Chapter 191, Private Acts of 1937, above, in its entirety, presumably reversing the actions contained in that Act.

Chapter VIII - Health

Chapter IX - Highways and Roads

Road Law

Private Acts of 1965 Chapter 234

SECTION 1. That there is hereby created a Supervisor of Roads who shall have supervision and control over all the county roads and bridges of said county, and over all bridge and highway funds on hand at the effective date of this Act and which thereafter may be raised or become available from any source.

SECTION 2. That the Supervisor of Roads of said county must be at least twenty-five years old, must have been a resident of the county for at least five years, and must be experienced in the construction, and maintenance of roads and bridges, and in the use and maintenance of road machinery.

SECTION 3. That the term of the Supervisor of Roads of Macon County shall be four years, computed from September 1, 1972, and the said supervisor shall be elected by the qualified voters of Macon County at the general election to be held in said county in August, 1972, and at the general election to be held in said county each four years thereafter. Should a vacancy in said office occur it shall be filled by the Quarterly County Court in the manner provided by law for the filling of vacancies in other county offices by the Quarterly County Court.

As amended by:

Private Acts of 1972, Chapter 278

SECTION 4. That the Supervisor shall before entering upon the discharge of his duties under this Act take and subscribe to and file with the County Court Clerk an oath that he will perform the duties of his office faithfully, impartially, and without prejudice against or favor to any individual or section of the county and shall execute to the State of Tennessee a bond with a solvent security thereon in the penalty of Twenty Five Thousand Dollars (\$25,000.00), that he will faithfully perform all the duties required of him by this Act and will honestly and faithfully expend and account for all monies coming into his hands or under his disposition as Supervisor, and that he will reimburse the county for any and all expenditures in excess of those permitted by law and his bond shall be approved by the county judge or chairman filed and recorded as provided by law. Such bond may be executed by some solvent indemnity company and if so executed by such a company the premiums are to be paid out of the county road funds.

As amended by:

Private Acts of 1969, Chapter 139

Compiler's Note: The provision requiring a \$25,000 bond has been superseded by general law. For the current minimum bond amount see [Tennessee Code Annotated](#) Section 54-7-108.

SECTION 5. That the Supervisor of Roads of Macon County shall be entitled to and shall be paid from the road funds of said county a salary of eight thousand dollars (\$8,000.00) a year to be paid him in equal monthly installments. He shall employ clerical and secretarial help for a salary not to exceed three hundred Dollars (\$300.00) a month and shall employ and fix the compensation of all other employees necessary in his judgment for the carrying out of the duties imposed upon him by this act. The Supervisor of Roads of Macon County shall act as a purchasing agent for all supplies, materials, equipment and machinery required in his judgment for his office and needed to properly construct, repair and maintain the county highway system of roads in said county. Provided, however, that no individual purchase of materials, new equipment or new machinery shall exceed five hundred Dollars (\$500.00), shall be purchased except on competitive bidding after giving notice in a newspaper published in Macon County stating the time and place where bids will be received and the name and general description of the new materials, new machinery or equipment, and provided further that this provision shall not apply to the acquisition and purchase of parts or repairs for or to any machinery or equipment. All bids shall be opened by the supervisor in the presence of two (2) members of the Quarterly County Court who shall be elected annually by the court for that purpose and who shall have authority, with the supervisor, to accept or reject bids. The affirmative vote of a least one (1) of such members, along with the affirmative vote of the supervisor shall be necessary for the acceptance of a bid. For this service the members shall be entitled to receive as compensation eight dollars (\$8.00) a day for each day on which a bidletting meeting is attended. The supervisor is empowered to lease buildings and other real estate for the purpose of properly caring for all county road machinery, tools, materials, and supplies.

As amended by: Private Acts of 1967-68, Chapter 153
Private Acts of 1972, Chapter 278

Compiler's Note: The salary provision of the County Supervisor of Roads has been superseded by general law. For the current minimum compensation of the County Supervisor of Roads, see Tennessee Code Annotated Section 8-24-102.

SECTION 6. That said supervisor shall have the following powers and authority among others set out in this Act and under the limitations and conditions hereof, to wit:

- (1) Supervision, control and management of all public roads and bridges of the County, and of all laying out, building and construction of roads, bridges and culverts or other work and construction necessary.
- (2) To open, change, widen, close or restore roads of the county to public use, subject to the approval of the Quarterly County Court of the acquisition of any necessary rights-of-way for such purpose either by purchase or the exercise of the power of eminent domain. If the Quarterly County Court approves the acquisition of rights-of-way and it becomes necessary to exercise the county's right of eminent domain, the court may institute condemnation proceedings under the general laws of eminent domain. Damages for the taking of property for county road purposes by eminent domain shall be a charge against the general fund of the county.
- (3) To make or cause to be made all plans and specifications for the work or construction of roads and bridges, and to make or cause to be made all necessary surveys.
- (4) To make any classification necessary of any and all roads of the County.
- (5) To take any action necessary to prevent the obstruction of roads, or injury thereto, or bridges and other highways property of the County, and to regulate the load limit on said bridges of the County.
- (6) To maintain an office and keep accurate, complete, and full records of his office including the following:
 - (1) An "Accounts Payable" record book in which shall be listed all purchases, dates of purchases, from whom purchases made (sic), prices, dates of payments, amounts paid, balances due, and warrant numbers for payments made;
 - (2) A "Payroll Record" book listing employees, their social security numbers, addresses, number of exemptions, dates of payments, amounts earned, amounts deducted for social security payments and income tax, net amounts paid, a warrant number and other pertinent information;
 - (3) expense accounts, and;
 - (4) contracts, which records shall be open to the public at all times.
- (7) To issue all warrants for labor, supplies, machinery, materials, salaries, rents, and all other purchases used by his office which warrants shall be drawn on the County Trustee and payable out of the County Road Fund.
- (8) To have charge of and to take care of all County road machinery, tools, materials and supplies.
- (9) (a) To make a written report to the Quarterly County Court at each regular meeting of the Quarterly County Court of all purchases made or contracted for by the Highway Department, payments made, outstanding obligations, and outstanding warrants at the end of the quarter, and a full annual report at the October Term.
 - (b) To submit the written report to the office of the County Judge and to two (2) members of the Quarterly County Court, elected to work with him, at least five (5) days before the submission of the written report to the Quarterly County Court, the two (2) members of the Quarterly County Court having the duty and responsibility of making a thorough and complete examination of the report and of taking any voluntary action on their part to substantiate or refute the report, and giving their independent report and appraisal of the County Highway Department to the Quarterly County Court at the same time the report is made by the Supervisor.
- (10) To devote his entire attention to the duties of his office.
- (11) To employ such capable men of good moral standing as workmen, agents, servants, foremen, overseers and assistants as may be necessary to carry out the provisions of this Act.
- (12) To have the management, control, and supervision of all laborers employed by him, said employees to be at all times subject to his orders and to be under his control, and he may

discharge any of them for reasonable cause.

(13) To operate within his budget for any particular fiscal year, except that he shall be allowed credit for any contracts which he has made with the state or federal governments for the construction of roads and for which the money has not been received during the fiscal year for which the report is made.

As amended by: Private Acts of 1967-68, Chapter 153

Private Acts of 1969, Chapter 139

SECTION 7. Two (2) members of the Quarterly County Court shall serve as a Quarterly County Court advisory committee to the County Road Supervisor, their duties and responsibilities being that of conferring with and advising the county road supervisor on the duties of the Supervisor, and advising the Quarterly County Court of the financial condition and any substantial changes in the financial conditions of the County Highway Department.

As amended by:

Private Acts of 1969, Chapter 139

SECTION 8. That this Act shall be effective on and after September 1, 1968, provided, however, that the election of the Supervisor of Roads of Macon County who is to take office on that date shall be held as above provided at the August, 1968, general election.

SECTION 9. That this Act shall be void and of no effect unless it shall be approved by a majority of the qualified voters of Macon County in a special election to be held on Saturday, May 22, 1965, and the Commissioners of Elections for Macon County are directed to call such election and cause the same to be conducted in accordance with the statutes governing special elections and to certify the results thereof.

Passed: March 15, 1965.

Highways and Roads - Historical Notes

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

1. Acts of 1855-56, Chapter 186, Section 28, appointed Peter Wilkinson, John C. Marshall, Samuel E. Hare, J. B. Short, H. S. Young, John R. Brooks, Anderson Bratten, Sam Sullivan, William Robinson, W. R. Carr, W. B. Moren, Joel Chitwood, and Ephriam Parsley, as Commissioner, to open books and take subscriptions up to \$7,000 to build a turnpike from Lafayette to the Jackson County line by way of Red Sulphur Springs.
2. Public Acts of 1901, Chapter 136, created Road Commissioners for every county in the State under 70,000 in population. The County Court would elect one Road Commissioner from each Road District, commensurate with the civil districts of the county. The Court was empowered to levy a special road tax of two cents per \$100 property valuation, two-thirds of which could be worked out on the roads. Suitable reports must be made by the Commissioners on all road matters in their district. Specifications for some types of roads were included, and procedures established for the disposition of petitions to open, close, or change roads. Roads must be classified according to state standards, and the County Court would contract, if desired, for the maintenance and repair of roads selected by them. The Board could employ an engineer at \$2.00 per day, or less, and would be paid themselves as the Justices of the Peace were paid up to 12 days per year. This Act was involved in Carroll v. Griffith, 117 Tenn 500, 97 S.W. 66 (1906).
3. Acts of 1905, Chapter 478, amended the 1901 Act, Item 2, above, in several minor particulars, but dealt primarily with changes in the procedures to be followed when hearing and disposing of petitions to open, close, and or change roads.
4. Private Acts of 1911, Chapter 439, applied to Macon County and Trousdale Counties. The Act created a Board of Public Highway Commissioners composed of five men, who were citizens of the county, who were to be elected by the Quarterly County Court for terms of two years. Once appointed, the members would meet, be sworn, and elect a Chairman and Secretary from among their own number. The members were prohibited, subject to fines, from having any interest in any contract, or in any business concern dealing with the county. The Board would manage and control all public roads and bridges, the county workhouse and jail, and the road hands who were compelled to labor on the public highways. The Board might employ an engineer and were encouraged and authorized to take advantage of any available assistance from other levels and branches of government. All males, outside of the cities, between the ages of 21 and 50 were required to work on the county roads from four to six days as the County Court might decide, or

- pay a stipulated commutation fee for every day of work missed. The Quarterly County Court was permitted to levy a special road tax between ten and thirty cents per \$100 property valuation.
5. Private Acts of 1913, Chapter 87, was substantially the same as the preceding 1911 Act except this act applied only to Macon County. It created the same five member Board under the same conditions and prohibitions. The Board could employ a surveyor and an engineer. A special road tax was authorized and could range between thirty cents and one dollar per \$100 valuation; road hands could commute for 75 cents a day, or \$2.50 for the whole assignment, plus they must furnish their own small tools. The eminent domain procedures were more detailed and the Board adjointed to follow them. This Act, and its amendment, Private Acts of 1929, Chapter 385, are the basis of the litigation in the lengthy reported case of Macon County v. Dixon, 20 Tenn. Appeals 425, 100 S.W.2d 5 (1936).
 6. Private Acts of 1915, Chapter 694, amended Private Acts of 1911, Chapter 439, as it stated in the body of the Act, but specified Chapter 439, in the caption. The 1911 Act was applicable to Trousdale and Macon Counties but this amendment affects Macon County only according to the population figures quoted. Section 9 was amended by adding a provision for working out the number of days on the road, or for paying the commutation fees. In 1915, four days would be worked, or commuted, in July, and the remainder of the time worked or commuted, in September. In 1916, two days shall be worked in April, two days in July, and the remainder in September and it was the duty of the overseer to see that this law is carried out and to notify the road hands accordingly.
 7. Private Acts of 1917, Chapter 57, amended Chapter 87, Private Acts of 1913, in Section 3 by requiring that the order show to what Civil District the amount drawn was charged; in Section 6, by permitting the Quarterly County Court to levy a special tax for road hands from 50 cents to \$1.00 per \$100 property valuation and to fix the days for road hands to work from four to six; the tax shall be collected as any other tax and the Trustee shall keep accounts showing from what Civil District the tax was collected so that it may be spent therein, and he shall report to the Chairman of the Board of Public Commissioners the amount of road money in each Civil District; in Section 10, by authorizing the Board to purchase any tools needed in each district and to pay for them out of the tax money belonging to that district. This Act was repealed by Private Acts of 1925, Chapter 35.
 8. Private Acts of 1917, Chapter 330, amended Private Acts of 1913, Chapter 87, Section 13, by requiring the Board of Public Commissioners to avoid all heavy grades on roads and to keep roads out of creeks and water courses, especially upon a petition of a majority of the people receiving mail on that road in the creek, or water course, that the road is dangerous. A schedule of fines was provided for those who did not observe and obey the requisites of the Act.
 9. Private Acts of 1919, Chapter 523, amended Private Acts of 1911, Chapter 439, Item 4, above, in Section 9, by inserting a new provision allowing road hands \$1.50 per day for their work and \$3.00 per day for a hand furnishing a double team, or wagon. Anyone who was obligated to work on the roads by law could commute by hiring an able bodied man to work in his place, or by paying \$1.50 per day for each day missed. A work day was defined as an eight hour day.
 10. Private Acts of 1923, Chapter 150, established a schedule of toll fees to be charged in Macon County on each turnpike ranging from ten cents for a one-seat, two passenger vehicle, to seventy-five cents for a three ton truck.
 11. Private Acts of 1925, Chapter 35, expressly repealed Private Acts of 1917, Chapter 57.
 12. Private Acts of 1925, Chapter 308, amended Section One, Private Acts of 1919, Chapter 523, by reducing the \$1.50 allowance per day to road hands to \$1.00.
 13. Private Acts of 1927, Chapter 75, amended Chapter 87, Private Acts of 1913, in Section 2, by adding a provision that the Board of Public Commissioners assign the labor to be done, the road hands to their duties, and direct the expenditure of the road and bridge funds in such ways, places, and times as they deemed best for the county. The County Trustee was to keep account of all road money collected in each Civil District and the Board was to expend that money only in the district in which it was paid.
 14. Private Acts of 1927, Chapter 94, is an exact duplicate of Chapter 75, Private Acts of 1927.
 15. Private Acts of 1929, Chapter 385, amended Chapter 87, Private Acts of 1913, in Section 3 by adding a provision which conferred upon the Board of Public Commissioners the power to contract with any person, firm, or corporation, for the purchase and delivery of road equipment, and to issue warrants, providing that the Trustee would call in these obligations and pay them when funds did become available, but the total amount of such debts should not exceed \$1,500 at any

- time. Section 1 was changed to provide that the members of the Board would serve for whatever compensation the County Court may set, and the Chairman of the Board could be paid extra if the County Court desired to do so.
16. Private Acts of 1931, Chapter 214, was the new road law for Macon County. This Act created a County Highway Commission to which it names H. C. Robertson, W. C. Grisson, E. M. McDonald, R. M. West, and J. J. Eden, who would hold office until their successors were elected in the general August election in 1932, who would be freeholders elected one from each district. They would be sworn, and bonded, and choose a Chairman and Secretary from their own members, who would preside over meetings to be held in some office in the courthouse. The Commission would manage, control, and supervise all roads and bridges, the county workhouse, and the county jail for all of which they had the power to make needed rules and regulations. The Commission could employ an engineer, a surveyor, and the road hands necessary. Members would all be paid \$3.00 per day, but the Chairman would be paid as the Court directs and the Secretary would get \$50 per year extra. All males between 21 and 50 were subject to road duty, and the Commissioners would appoint overseers to work at \$1.00 per day, road hands would be paid \$1.00 a day, or \$3.00 per day with team. There would be two road funds, a general road fund made up of 60% of all road purpose income, a and district road fund composed of 40% of all road purpose income.
 17. Private Acts of 1931, Chapter 432, amended Private Acts of 1931, Chapter 214, Section 2, by establishing the standards by which roads would be classified into four classes by width and surfacing. Section 5 was amended by giving the Commission the power to contract with any person, firm, or corporation to purchase and deliver all necessary road equipment, and to issue warrants for their costs although no funds exist at the time to pay for them, and also for all necessary materials, labor, and rights of way under the same conditions. When funds became available to pay, the Trustee called the warrants in and paid them; the Commission was given the authority to retain counsel at any time and to pay him for his services.
 18. Private Acts of 1933, Chapter 151, created a Department of County Roads in Macon County to be controlled and managed by a five member County Road Commission and a Road Supervisor, all of whom must meet the qualifications set up in the Act, which precluded county officials and members of the County Court from being members of the Board, or the Supervisor, and members of the county road commission from being elected to the County Court. The county was divided into five zones, composed of whole civil districts, which were to elect one member of the Commission. The Commission would meet on the first Tuesday of each month and be paid \$3.00 per day for each regular meeting but would receive nothing for special meetings. This Act specifies all the powers and all the duties of the Commission, which would make all the purchases for the roads, soliciting bids on all items over \$350. The Act named G. C. West, Charlie Tooley, C. E. Reid, O. D. Wilburn, and W. J. Jared as the first Commissioners. The powers and the duties of the Road Supervisors are enumerated, and the Trustee was obligated to keep adequate records and accounts. All males, outside incorporated cities, between 21 and 50 years of age, were required to work 6 eight hour days on the roads or pay \$6.00 commutation fee for missing. Arrangements were included for prisoners to work on roads under certain conditions. This act was repealed by Private Acts of 1943, Chapter 152.
 19. Private Acts of 1933, Chapter 540, amended Private Acts of 1911, Chapter 439, above, by deleting the population figures making that act applicable to Macon County, thus removing the county officially from the requirement of the Act.
 20. Private Acts of 1933, Chapter 703, amended Chapter 151, Private Acts of 1933, by adding a provision which required a performance bond of \$1,000 from the Road Supervisor, in Section Three by limiting the number of Board meetings for which per diem rates would be paid for attendance to three per month and by adding a sentence at the end of the Section which allowed the Chairman \$15 per month for performing the clerical duties of his office, which would be in addition to his regular per diem pay as Commissioner.
 21. Private Acts of 1935, Chapter 415, amended Private Acts of 1933, Chapter 151, by changing the compensation of the Commissioners from \$3.00 per meeting to \$100 per year each, and by adding a new Section 6 which stated that the County Road Supervisor will be employed for a two year term and will enter upon his duties on the first Tuesday in September following the regular general August election.
 22. Private Acts of 1937, Chapter 369, amended Private Acts 1933, Chapter 151, by increasing the annual pay of the Commissioners from \$100 to \$150 per year, payable quarterly, and by increasing their term of office from two to four years. Section 6 was amended by increasing the employment period of the Road Supervisor from two to four years. Section 5 was amended to

- allow the Road Supervisor a salary of \$150 per month and permit him to employ a General County Foreman to serve at his discretion at a salary of \$100 per month; further, to authorize the Road Supervisor to build, or buy, a suitable building for a garage and a warehouse, limited to \$1,500 in all, which must be located within one mile of the courthouse, and which would be held in trust for the use and benefit of the county. Section 11 was amended to give the Trustee authority to administer and to account for all county road funds.
23. Private Acts of 1937, Chapter 443, also amended Private Acts of 1933, Chapter 151, Section 11, by adding a paragraph which provided that the funds allocated to Macon County would be expended exclusively by the Commission, and the County Court had no authority or power to provide for the expenditure of the funds by the State Department of Highways.
 24. Private Acts of 1937 (Ex. Sess.), Chapter 15, amended Private Acts of 1933, Chapter 151, by striking Section 8 and 9 from the Act which sections dealt with compulsory labor on the county roads for males between the ages of 21 and 50, relieving them of this burden.
 25. Private Acts of 1943, Chapter 152, expressly repealed Private Acts of 1933, Chapter 151, and its amendments.
 26. Private Acts of 1943, Chapter 153, created a Road Commission in Macon County which would be composed of the County Judge, one other to be named by the Court, and the Road Supervisor who would be elected by the people. No county official, or member of the County Court, could serve as the second member, or as the Road Supervisor. The commission, to which the Act named W. A. Moss, as Chairman at \$300 a year, and Jesse Ford was named Supervisor, at \$150 per month, for the next two years, would meet on the first Tuesday of every month. The Supervisor would be in immediate charge of all the work, the tools, and all the employees. The Commission sets the salaries, and acts as the purchasing agent for the road department. The Commission would rent, or build, a garage, or warehouse, for \$1,500, or less, to be used by the Department. The County Court could levy a special road tax not to exceed five cents per \$100 property valuation which would go into the Road Fund and was to be placed in the hands of the County Trustee. All purchases over \$350 were to be bought on bid.
 27. Private Acts of 1947, Chapter 249, was the next Road Law for Macon County. This Act created a five member Road Commission, and a Road Supervisor, to control and manage all the public roads, bridges, and highways in the county, the qualifications of each being specified in the Act. The County would be divided into five road districts, composed of whole civil districts, from each one Road Commissioner would be elected. The Act named G. W. Deckard, Winford Bentle, Ralph Duncan, Arenett Cothron, and Louie Parkhurst, to serve until the next general election. The Commission would appoint a Road Supervisor. The Commissioner would select their Chairman and meet once a month on a regular basis. The members would be paid \$5.00 per meeting and the Chairman an additional \$100 per year, all paid on a quarterly basis out of the road funds. The Road Supervisor would draw from \$150 to \$200 per month and have the use of a pick-up truck. The Commission would handle the purchasing, and everything over \$500 was to be acquired by bids. The constitutionality of this Act was upheld in *William v. Cothron*, 199 Tenn. 618, 288 S.W.2d 698 (1956). This Act appears to be superseded by Private Acts of 1965, Chapter 234.
 28. Private Acts of 1949, Chapter 103, amended Private Acts of 1947, Chapter 249, in Section 7, by changing the Commission's regular meeting day to the first Tuesday in each month and by raising the pay of the Commissioners from \$5.00 to \$12.50 per month payable quarterly, the Chairman was given an extra \$180 per year. Section 2 was amended by requiring the Road Supervisor to be a five year resident of the county, at least 25 years of age, and to meet other qualifications as the Commissioners may from time to time establish.
 29. Private Acts of 1955, Chapter 76, would have amended Private Acts of 1947, Chapter 249, Section 2 by raising the Board membership from five to nine; by deleting Section 3 and inserting a new Section establishing nine road districts composed of whole civil districts, and by naming Raymond Burrow, Ray Witcher, Elzora Shrum, and Ottis Doss to fill the new positions. The Act then amends Chapter 103, Private Acts of 1949, by requiring the Road Superintendent to have five years experience and by changing the population figures in the Act's caption. All of these were rejected by the Quarterly Court of Macon County and did not become effective.
 30. Private Acts of 1955, Chapter 241, amended Private Acts of 1955, Chapter 76, above, which was not approved by the Quarterly Court, by striking the amendment which required the Road Supervisor to be a resident of the county for five years.
 31. Private Acts of 1986, Chapter 160, was not ratified at the local level of Macon County. The Act would have amended Private Acts of 1965, Chapter 234 relative to the road laws of Macon County.

Chapter X - Law Enforcement

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 Macon County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1921, Chapter 236, provided that the Sheriff of Macon County and the Sheriff of Jackson County shall receive as compensation for their services \$720 per year, payable monthly, out of the county treasury on the warrant of the County Judge, or Chairman, which sum shall be in addition to all the fees of his office which he is hereby permitted to retain and for which he shall not be required to account.
2. Private Acts of 1921, Chapter 693, amends Private Acts of 1921, Chapter 236, above, by removing Jackson County from its provisions by deleting the census figures which made the Act apply to Jackson County.
3. Private Acts of 1931, Chapter 661, was an Act which was intended to apply to Rhea county but the population figures make it applicable to Macon County, also. The Act authorized the Quarterly County Court by Resolution adopted at any regular session by majority vote to appropriate and provide for payment to Sheriff's, Deputies, and Constables of such counties, making arrest for violations of the liquor laws, a portion, not to exceed 50%, of the fines collected upon their conviction by the Justice of the Peace, or in the Circuit Courts. This Act was repealed by Private Acts of 1949, Chapter 34.
4. Private Acts of 1937, Chapter 102, declared that in Macon County, identified by the use of the 1930 Federal Census figures, the Sheriff would receive as compensation for his services the fees allowed to him by law and, in addition thereto, the sum of \$720 per year, payable monthly, out of the regular county funds on the warrant of the county Judge, or Chairman, but no compensation would be allowed him for any ex-officio services he may perform. This Act was repealed by the one following.
5. Private Acts of 1941, Chapter 194, expressly and entirely repealed Private Acts of 1937, Chapter 102, above, which regulated the salary of the Sheriff of Macon County to some degree.
6. Private Acts of 1943, Chapter 114, was identical to the Private Acts of 1937, Chapter 102. The Sheriff of Macon County would be paid, in addition to all the fees legally allowed to him, the sum of \$720 per year, payable at \$60 per month out of the regular funds of the county on the warrant of the County Judge, or Chairman, but no additional compensation would be permitted him for any ex-officio services performed.
7. Private Acts of 1949, Chapter 34, specifically repealed Private Acts of 1931, Chapter 661, as it applied to Macon County.

Chapter XI - Taxation

Development/Impact Fee

Private Acts of 2004 Chapter 138

SECTION 1. This act shall be known and may be cited as the "Macon County Development/Impact Fee."

SECTION 2. As used in this act, unless a different meaning clearly appears from the context:

- (a) "Board of Zoning Appeals" means the Board established in Macon County pursuant to Tennessee Code Annotated, Section 13-7-106.
- (b) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home.
- (c) "Building Inspector" means the person designated by resolution of the governing body of Macon County, who shall be responsible for ensuring a building or structure does not exceed the square footage paid for at the time of obtaining a certificate of occupancy/certificate of compliance.

(d) "Building Permit" means a permit for development issued in Macon County, whether by the county or any city therein.

(e) "Capital Improvement Program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

(f) "Certificate of Occupancy/Certificate of Compliance" means a license issued for occupancy of a building or structure issued in Macon County, whether issued by the county or any city therein.

(g) "Commercial" means the development of any property for commercial use, except as may be exempted by this act.

(h) "Development" means the construction, building, erection, or improvement to land providing a new building or structure, which provides floor area for residential or commercial use.

(i) "Dwelling Unit" means a room or rooms, connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease, on a daily, weekly, monthly, or long-term basis; physically separated from any other room or rooms or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(j) "Floor Area" means the total of the gross horizontal area of all floors, including basements, cellars, or attics, which is heated and/or air conditioned living space, or designed to be finished into heated and/or air conditioned living space at a future date.

(k) "General Plan" means the land use and transportation plan in effect in Macon County adopted December 2001.

(l) "Governing Body" means the County Commission of Macon County, Tennessee.

(m) "Nonresidential" means the development of any property for any use other than residential use, except as may be exempted by this act.

(n) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, in the plural as well as the singular number.

(o) "Place of Worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, that a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are or are intended to be leased, rented, or used by persons who do not have tax-exempt status.

(p) "Public Building" means a building owned by the state of Tennessee or any agency thereof, a political subdivision of the state of Tennessee, including, but not necessarily limited to, counties, cities, school districts, and special districts, or the federal government or any agency thereof.

(q) "Public Facility or Facilities" means a physical improvement undertaken by the county or city, including, but not limited to, the following: roads and bridges, parks and recreational facilities, jails and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities, and any other governmental capital improvement benefiting the citizens of the county and/or city as defined in Tennessee Code Annotated, Section 9-21-105(21)(A) and/or (B).

(r) "Residential" means the development of any property for a dwelling unit or units.

(s) "Subdivision Regulations" means the regulations adopted by the Macon County Regional Planning Commission pursuant to state statutory authorization which went into effect in July, 1998, by which the county regulates the subdivision of land.

(t) "Zoning Resolution" means the resolution adopted by the governing body pursuant to the state statutory authorization which went into effect in August, 2002, as amended, by which the county regulates the zoning, use, and development of property.

SECTION 3. It is the intent and purpose of this act to authorize Macon County to impose a development/impact fee on new development in the county, payable at the time of issuance of a building permit, or certificate of occupancy, so as to ensure and require that the persons responsible for new development share in the burdens of growth by paying their fair share for the cost of new and expanded public facilities made necessary by such development.

SECTION 4. Engaging in the act of new development in Macon County, except as provided in Section 6

herein, is declared to be a privilege upon which Macon County may, by resolution of the governing body of Macon County, levy a development/impact fee at the rate set forth in Section 7.

SECTION 5. The governing body shall, by resolution, adopt administrative guidelines, procedures, regulations, and forms necessary to properly implement, administer, and enforce the provisions of this act.

SECTION 6. This act shall not apply to development of:

- (a) Public buildings;
- (b) Places of worship;
- (c) Barns, outbuildings, or accessory structures used for agricultural or residential purposes;
- (d) Replacement structures for previously existing structures destroyed by fire or other disasters; but only if replaced within one (1) year of the loss;
- (e) A structure owned by a nonprofit organization that is a qualified 501(c)(3) corporation under the Internal Revenue Code;
- (f) A permanent residential structure replacing a single-wide or double-wide mobile home on the same parcel when the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, providing that the permanent structure is a residence for the owner and occupant of the mobile home; or
- (g) A double-wide mobile home replacing a single-wide mobile home on the same parcel where the single-wide mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the double-wide mobile home, providing that the double-wide mobile home is a residence for the owner and occupant of the singlewide mobile home.

SECTION 7.

(a) There is hereby imposed a development/impact fee on new development in the amount of one dollar (\$1.00) per square foot of floor area of new residential development. The amount of this fee may be increased or decreased by resolution of the governing body of Macon County, Tennessee, to be approved by no less than a two-thirds (2/3) vote of the governing body of Macon County, Tennessee.

(b) The authority to levy a development/impact fee on new commercial development is hereby authorized in the amount of twenty-five cents (25¢) per square foot of floor area of new commercial development. However, this fee may not be collected unless a resolution establishing the fee is approved by no less than a two-thirds (2/3) vote of the governing body of Macon County, Tennessee. The amount of this fee may be increased or decreased by resolution of the governing body of Macon County, Tennessee, to be approved by no less than a two-thirds (2/3) vote of the governing body of Macon County, Tennessee.

SECTION 8. The development/impact fee established in this act shall be collected at the time of application for a building permit for development as herein defined or, if a building permit is not required, at the time of application for a certificate of occupancy by the county or city official duly authorized in such jurisdiction to issue building permits or certificates of occupancy. The revenue collected from this fee shall be collected by the county building official, or other responsible official, and the proceeds deposited with the County Trustee and used exclusively for capital projects, including but not limited to, debt service related to such service or projects, general fund, school fund, special revenue funds, debt service funds, or other capital project funds as designated by resolution of the Board of County Commissioners of Macon County. If the building permit or certificate of occupancy is issued by a city, the city shall, before issuance of the building permit, require evidence by a valid certificate executed by the county building inspector that the full amount of the fee due the county is paid. No building permit for development as herein defined, or certificate of occupancy if no building permit is required, shall be issued in Macon County, unless the fee has been paid in full to the county. The issuance of a building permit by any city official, without a certificate from the county that the fee has been paid, shall render the city liable to the county for the sum or sums, that would have been collected by the county had the city obtained such a certificate from the county indicating that the fee had been paid.

SECTION 9. The authority to impose the development/impact fee on new development in Macon County is in addition to all other authority to impose taxes, fees, assessments, or other revenue-raising or land-development regulatory measures granted either by the private or public acts of the state of Tennessee and the imposition of such a fee, in addition to any other authorized taxes, fees assessments, or charges, shall not be deemed to constitute double taxation.

SECTION 10.

(a) Any person aggrieved by the decision of the county building official or other responsible official concerning any aspect of this act may obtain review of the official's decision in the following manner:

(1) By payment of the disputed amount to Macon County and by notifying the official that the payment is made under protest; and

(2) By requesting an appeal of the decision of the official in written form within ten (10) days of the protest and payment.

(b) The Macon County Board of Zoning Appeals shall hear all appeals. Hearings shall be scheduled within thirty (30) days of the request for appeal, or at the next regular meeting of the Board of Zoning Appeals, whichever is later.

(c) The Board of Zoning Appeals shall render a decision on all appeals within thirty (30) days of the hearing date, unless the hearing is continued from time to time with a majority vote of the Board for further information.

(d) The Board of Zoning Appeals shall act as a quasi-judicial body, whose purpose is to determine the intent of this act, its applicability to the appellant, and to rule upon the interpretation of the official. The Board shall not be bound by formal rules of evidence applicable to the various courts of the state.

(e) Hearings before the Board shall proceed as follows:

(1) The county building official shall explain his or her ruling and the reasons for the ruling.

(2) The appellant shall explain his or her reasons for appealing the ruling.

(3) The Board may request further information from any county official, including, but not limited to the County Executive, County Commissioners, Committee members, the County Attorney, or the County planning staff. The Board shall not have the power of subpoena.

(f) The Board shall deliberate and render a decision by a majority vote. Decisions shall be reduced to writing, and copies shall be sent to all parties and shall become a part of the minutes of the Board. Decisions of the Board of Zoning Appeals shall be final, except that either the building official or the person aggrieved may seek review of the Board's action by certiorari and supersedeas to the Chancery Court of Macon County, Tennessee, provided, that an application to the court is made within sixty (60) days of the written decision of the Board.

SECTION 11. All fees collected under the provisions of this act shall be used for the purpose of providing public facilities, the need for which is reasonably related to new development.

SECTION 12. The provisions of this act shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to Macon County. This act shall be deemed to create an additional and alternative instrument for Macon County to impose and collect fees for the purpose of providing public facilities made necessary by new development in the county and/or any of its cities.

SECTION 13. If any provision of this act or the application thereof to any person or circumstances 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 two-thirds (2/3) vote of the county legislative body of Macon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by such officer 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 become effective upon being approved as provided in Section 14.

Passed: July 19, 2004.

Hotel/Motel Tax

Private Acts of 2013 Chapter 11

SECTION 1. For the purposes of this act:

(a) "Clerk" means the county clerk of Macon 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 there from 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 Macon 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, campground, 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, syndicates, governmental unit other than the United States or any of its agencies; or any other group or combination acting as a unit; and

(h) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

SECTION 2. The legislative body of Macon County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of five percent (5%) of the rate charged by the operator. The tax imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as provided in this act. The rate of the tax may be modified by the county legislative body; provided, the rate shall not exceed five percent (5%). Such tax shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

SECTION 3. The proceeds received by the county from the tax shall be allocated to and placed in the county general fund, and shall be designated and used for such purposes as specified by resolution of the county legislative body.

SECTION 4.

(a) Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the County Clerk.

(b) When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him or her, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 5.

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county, to the county clerk or such other officer as may by resolution be charged with the duty of collection of the tax to be remitted to such officer 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 the occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

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

SECTION 6. The clerk, 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 in this act. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include

such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once 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 7. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 8.

(a) Taxes collected by an operator which are not remitted to the county clerk on or before the due dates shall be delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for 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.

(b) Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be an offense and shall constitute a misdemeanor punishable upon conviction of a fine not in excess of fifty dollars (\$50.00).

(c) Nothing in this section shall be construed to prevent the county clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

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

SECTION 10. The county 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 his or her services in administering and enforcing the provisions of this 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 shall have 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 shall also apply to the tax levied under the authority of this act; provided further, the county clerk shall possess those powers and duties as provided in Tennessee Code Annotated § 67-1-707 for the county clerks. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the county clerk under the authority of this act shall be refunded by the county clerk. Notice of any tax paid under protest shall be given to the county clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 11. If any provision of this act or the application thereof to any person or circumstances 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 12. This act shall have no effect unless it is approved by two-thirds (2/3) vote of the county legislative body of Macon County. Its approval or no approval shall be proclaimed by the presiding officer of the county legislative body and certified by the presiding officer of the county legislative body to the secretary of state.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the second month following approval as provided in Section 12, the public welfare requiring it.

Passed: October 21, 2013.

Litigation Tax

Private Acts of 1967 Chapter 23

SECTION 1. A litigation tax of Two dollars (\$2.00) shall be taxed as part of the costs in all civil and

criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of Macon County, Tennessee.

SECTION 2. Clerks of the said Courts will collect the litigation tax and pay the same into a separate fund, which is to be designated as the "Court House and Jail Maintenance Repair Fund," to be used exclusively for the purpose of maintenance and repair of the Court House and Jail.

SECTION 3. All expenditures made from the said Fund are to be made by the County Judge, upon the authorization of the Quarterly County Court.

SECTION 4. This Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the County Court of Macon County, on or before the next regular meeting of such County Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and shall be 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: March 13, 1967.

Taxation - Historical Notes

Assessor of Property

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

1. Private Acts of 1911, Chapter 411, amended the public law relating to County Tax Assessors by fixing the salary of that official in several counties in the State. In Macon County the Tax Assessor would be paid \$800 per year.
2. Private Acts of 1927, Chapter 538, also amended Public Acts of 1907, Chapter 602, which concerned the salaries of the Tax Assessors in several Tennessee counties, by increasing the annual pay of the Macon County Tax Assessor from \$800 to \$1,200 per year.

Board of Equalization

The private acts below are no longer effective in Macon County, having been specifically repealed.

1. Private Acts of 1937, Chapter 193, abolished the then existing Board of Equalization in Macon County and created a new five member Board of Equalization, one from each of the five Equalization Zones which were composed of whole civil districts. The Act appointed Fred Pipkin, J. W. Stone, Frank Lovelady, Willie H. Cothron, and M. W. Hargis to the initial Board who would serve until their successors were elected by the people in the general August Election in 1938. Subsequent terms would be for four years. The duties and the compensation of the members of this Board would be the same as those prescribed by the general law of Tennessee on this subject.
2. Private Acts of 1941, Chapter 195, expressly repealed Private Acts of 1937, Chapter 193, above, in its entirety, thus restoring Macon County to operation of this Board by the general law of the State.

Taxation

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

1. Acts of 1870-71, Chapter 50, allowed any county or city to levy taxes for county or municipal purposes on the following conditions, (1) that all taxable property shall be taxed according to its value upon principles established for State taxation, and (2) that the credit of no county, or city, shall be given or loaned to any person, firm, or corporation, unless a majority of the Quarterly County Court shall first authorize the submission of the question to a referendum vote of the people where it must be approved by a three-fourths vote. Several counties, Macon among them, exempted themselves from the three-fourths vote requirement for the next ten years, being satisfied with only a majority.
2. Private Acts of 1917, Chapter 751, amended Section 4, of Public Acts of 1915, House Bill 1195, a revenue act, by setting a privilege tax in Macon County on a horse and a vehicle at \$5.00, on a vehicle with more than one horse at \$5.00, on a patent medicine and nostrum's vehicles and on foot at \$10, the Act being applicable only to Macon County.
3. Private Acts of 1917, Chapter 773, recited in the preamble that a privilege tax on peddlers which was enacted in Public Acts of 1915, Chapter 101, is of doubtful language and the County Court Clerk of Macon County did, pursuant thereto, collect certain amounts of money from the individuals named in the preamble, and the Supreme Court of Tennessee has declared the tax to

be uncollectible from these people, and the County Court Clerk has turned the money over to the Comptroller of the State. This act directs the Comptroller to return the money to those who paid it.

4. Private Acts of 1931, Chapter 468, applied to Macon and Rhea Counties. The Quarterly County Court of these counties was empowered, authorized, and vested with the right, power, and authority to levy an annual special tax to defray the current expenses of the county for boarding inmates in Eastern State Hospital, Home for the Feeble Minded, and Tennessee Industrial School, lunacy inquests, transportation of the mentally handicapped, and juveniles, upkeep of paupers, and cost of pauper's coffins, Circuit Court expenses and the cost of jury service.
5. Private Acts of 1975, Chapter 2, was a privilege tax for using public roads and highways in all counties of the state having a population of not less than 12,050 nor more than 13,000 according to the U.S. Federal Census of 1970. Macon County would have fallen under these provisions except that the Public Acts of 1975, Chapter 23, amended the Private Acts of 1975, Chapter 2, by narrowing the population requirements so that it didn't apply to Macon County.
6. Private Acts of 2002, Chapter 172, levied a privilege tax on new land development in Macon County known and cited as Macon County Adequate Facilities Tax. This act did not receive local approval by the county legislative body.

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