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Chapter I - Administration

Dear Reader:

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

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

Sincerely,

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Chapter I - Administration

Building Permit

Private Acts of 1984 Chapter 157

SECTION 1. (a) Any person desiring to erect, construct, or reconstruct or to have erected, constructed, or reconstructed any structure in Campbell County, and any person desiring to alter or have altered any existing structure in Campbell County where the value of such alteration is greater than five thousand dollars (\$5,000.00) shall apply to the Campbell County Clerk for a building permit for such erection, construction, reconstruction, or alteration.

(b) The application shall be in a form to be prescribed by the county clerk and shall contain the following information:

- (1) whether the proposed work is to be new construction or the alteration of an existing structure;
- (2) the location or address of the proposed construction or alteration;
- (3) the identity of the owner or owners of the premises;
- (4) the cost of the completed structure, in the case of new construction, or in the case of the alteration of an existing structure, the value of the structure before and after the alteration; and
- (5) such other information as the county clerk may prescribe.

(c) Upon proper application, duly made and filed, the county clerk shall issue a building permit, file a copy in his office and cause a copy to be filed in the office of the county assessor of property, so that the fact of such erection, construction or alteration shall be noted for tax records. The county clerk shall charge a fee of ten dollars (\$10.00) for the issuance of such permit; the fee shall be paid into the general fund of the county.

(d) No new or additional property tax shall be assessed against such premises unless and until they are complete or at least completed to the extent of being habitable or capable of being used for the purpose for which they were intended. Provided, however, in the case of the alteration of an existing structure not on the tax books of the county, or against which no property tax has been assessed, the assessor is not precluded from assessing the structure at its value before the alteration is completed and subsequently increasing the assessment upon completion of the alteration to include the value thereof.

SECTION 2. The permit requirement shall not apply to the erection, construction, reconstruction, or alteration of any structure in a municipality requiring a similar permit if a copy of the municipal permit is filed with the county clerk and if a fee of five dollars (\$5.00) is paid to cover the cost of registering the permit in the office of both the county clerk and the assessor of property.

SECTION 3. It is unlawful for any municipality, county, cooperative or utility district to furnish utility services to any property on which a building or other structure is being erected, constructed, reconstructed or altered, or to such building or other structure unless the building permit required by this act is obtained and displayed thereon.

SECTION 4. Violation of this act shall be punished as a civil penalty in an amount of not more than fifty dollars (\$50.00).

SECTION 5. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Campbell County before July 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on July 1, 1983, upon being approved as provided in Section 5.

PASSED: March 15, 1984.

County Attorney

Private Acts of 1986 Chapter 119

SECTION 1. Chapter 170 of the Private Acts of 1911, as amended by Chapter 679 of the Private Acts of 1917, Chapter 753 of the Private Acts of 1919, Chapter 291 of the Private Acts of 1921, Chapter 717 of

the Private Acts of 1951, and Chapter 372 of the Private Acts of 1953 are repealed.

SECTION 2. There is hereby created the office of County Attorney in Campbell County. Said officer and his successor shall be elected by the popular vote of the people as Circuit Judge and attorneys General are now elected in this state. The term of office of county attorney shall be six (6) years, beginning on the first day of September of each sixth year computed from September 1, 1912, such county attorney to be elected by popular vote of the people at the regular August election of each such sixth year computed from August, 1912; and each such county attorney so elected shall hold office until his successor is duly elected and qualified.

In the event of any vacancy in said office, during the term, the County Commission of such County shall elect a County Attorney to hold office until the next regular county or statewide election, whichever occurs first, at which election a County Attorney shall be elected by popular vote of the people to hold the office for the remainder of the term; or until his successor is elected and qualified. Each such County Attorney shall be paid for his services out of general county funds on warrants drawn by the County Executive or Chairman, a base salary of sixteen thousand dollars (\$16,000) per annum, due and payable at the rate of one thousand three hundred thirty-three dollars and thirty-three cents (\$1,333.33) per month. Said base salary shall constitute payment for performance of the ordinary and usual duties of such County Attorneys in the normal course of business. In the event extraordinary services are required of such County Attorneys, additional compensation shall be paid to such County Attorneys therefor, said additional compensation to be approved by the County Executive or County Commission, and said additional compensation may be in the form of such flat fee, hourly rate, or contingent fee as may be appropriate to the circumstances.

Nothing herein shall be construed as prohibiting such County Attorney from receiving certain official expenses in addition to regular salary.

In addition to regular salary, said County Attorney shall be reimbursed out of the funds of the County for expenses necessary or incident to and incurred in the handling of the official business of his office, including traveling expenses, board and lodging, stenographic expenses, court cost, filing fees, stationery [sic], and other expenses incurred in handling the official business of said office. Such County Attorney seeking reimbursement for such official expenses shall file with the County Executive of such county a sworn itemized statement of the amounts necessarily expended by him in the discharge of such official duties as granted herein, and upon the receipt of such verified statement said County Executive shall issue his warrant in reimbursement of such expenses.

In those instances where additional legal assistance is necessary or desirable, the County Attorney may employ same upon approval of the conditions for compensation therefor by the County Executive or County Commission.

SECTION 3. It shall be the duty of the said County Attorney to transact all the legal business of the county, to advise the county officials upon legal matters affecting their offices, and no officer of said county shall employ any other attorney save at his own personal expense unless he shall be first authorized and empowered by the County Commission of the County. Said County Attorney shall under the supervision of the Attorney General assist in waiting upon the grand jury at either the regular or called sessions. The County Attorney shall further be authorized to file any actions necessary for collection of delinquent taxes.

SECTION 4. 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.

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

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

PASSED: February 24, 1986

County Legislative Body

Private Acts of 1957 Chapter 129

SECTION 1. That for attendance upon sessions of the Quarterly County Court, and/or any regularly designated Committee Meeting, Justices of the Peace of Campbell County shall receive the sum of Ten (\$10.00) Dollars for each days' attendance and twelve (12¢) cents per mile for each mile traveled, one

way, between their home and the County Seat. Such compensation and expenses shall be paid out of the general fund of the county.

COMPILER'S NOTE: While the per diem rate has been superseded by Tennessee Code Annotated § 5-5-107, the mileage rate remains the same since the above code section does not mention the mileage.

SECTION 2. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Campbell County on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

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

Passed: February 26, 1957.

Administration - Historical Notes

County Attorney

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

1. Private Acts of 1911, Chapter 170, created the office of county attorney in Campbell County using the 1910 Federal Census figures, who would be appointed by the county court to serve until a county attorney could be elected by the people for a six year term at the regular election in August, 1912. The salary would be fixed by the quarterly court between \$300 and \$600 a year which would not be increased or diminished during the term, and which would be paid quarterly out of the regular county funds. The county attorney, among other things, would transact all the legal business of the county, advise county officials on legal matters and assist in waiting upon the grand jury. County officers could not employ any other lawyer than him. Private Acts of 1917, Chapter 679, abolished the office of county attorney in Campbell County and repealed all conflicting acts.
2. Private Acts of 1917, Chapter 679, abolished the office of county attorney in Campbell County and repealed all acts in conflict.
3. Private Acts of 1919, Chapter 753, created the office of county attorney in Campbell County.
4. Private Acts of 1921, Chapter 291, amended Section 2, Private Acts of 1919, Chapter 753, above, by relieving the county attorney of the duty to assist the district attorney in the prosecution of crimes and criminal actions before the courts grand jury.
5. Private Acts of 1951, Chapter 717, recited that it was in amendment to Private Acts of 1911, Chapter 170, which was repealed for all apparent purposes in 1917.
6. Private Acts of 1953, Chapter 372, also was enacted as an amendment to Private Acts of 1911, Chapter 170.

County Clerk

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

1. Public Acts of 1833, Chapter 93, Section 3, authorized William Carey, clerk of the court of pleas and quarter sessions of Campbell County to build a clerk's office on any part of the public square in Jacksboro which may be designated for that purpose by a majority of the members and, provided further, that an order be made for that purpose.
2. Private Acts of 1919, Chapter 90, declared that women, over the age of 21, and residents of the county appointing them, were eligible to serve as deputy clerks of the county court in Campbell County and they would have all the rights, powers, duties, and obligations as other deputy clerks have.

County Legislative Body

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

1. Acts of 1809, Second Session, Chapter 93, established the times for holding the court of pleas and quarter sessions for every county in the state. Campbell County's Court would convene on the

- first Monday in March, June, September, and December.
2. Private Acts of 1823, Chapter 74, changed the times for the meeting of the county court in Campbell and Claiborne counties. Campbell County's Courts were set to begin on the second Monday in March, June, September, and December.
 3. Private Acts of 1911, Chapter 344, provided that each justice of the peace in Scott and Campbell counties would receive \$2.00 per day as compensation for each day he attends any regular, or special, session of the quarterly county court, and in addition, would be paid five cents a mile for each mile traveled in going to and from home and the courthouse where the county court met.
 4. Private Acts of 1911, Chapter 406, seemed to be identical to Private Acts of 1911, Chapter 344, above, having the same provisions of \$2.00 a day for attendance and five cents a mile for travel, as stated in that act.
 5. Private Acts of 1949, Chapter 647, stated that hereafter the justices of the peace attending either called, or regular, sessions of the quarterly county court in Campbell County, using the 1945 Federal Census figures, would be paid \$5.00 a day for such out of the regular county funds and, in addition, he would be paid five cents per mile traveled from home to courthouse, but those justices living within ten miles of the courthouse would receive a minimum of \$1.00 for travel allowances.
 6. Private Acts of 1955, Chapter 347, provided that justices of the peace in Campbell County would receive as compensation \$10.00 per day for each day spent in attendance at regular, special, or called meetings of the quarterly county court, and, also, twelve cents per mile for each mile traveled, one way, between home and meeting place. This act was rejected and disapproved by the quarterly county court, failing to meet the requirements of the Home Rule Amendment to the State Constitution.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Campbell County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1889, Chapter 153, created the office of county judge for Campbell County.
2. Public Acts of 1895, Chapter 164, amended Section 5, Public Acts of 1889, Chapter 153, by setting the salary of the county judge of Campbell county at \$100 per quarter, payable out of the regular county treasury, which was to be considered as the compensation for being the Judge and the financial agent for the county, and for clerical and all other extra services for which compensation is now allowed, and which would be in the place of all other fees and emoluments, not otherwise expressly provided for. This act was repealed by Private Acts of 1901, Chapter 349.
3. Private Acts of 1901, Chapter 346, expressly repealed Public Acts of 1895, Chapter 164, which amended the act creating the office of county judge.
4. Private Acts of 1903, Chapter 349, expressly repealed Private Acts of 1901, Chapter 346.
5. Private Acts of 1951, Chapter 586, amended Section 4 of Public Acts of 1889, Chapter 153, by making the county judge the director of the budget in Campbell County, and by raising his salary to the combined sum of \$3,600 a year, payable monthly out of the county treasury.

County Register

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

1. Private Acts of 1831, Chapter 162, provided that all deeds of conveyance and other written instruments heretofore registered in Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane, and Sullivan counties, although the certification on the same may not specify that they were acknowledged by

the grantor, or bargainor, according to law, yet the same shall be as good and valid as if they had been properly acknowledged and may be offered as competent proof of the transactions they represent.

Purchasing

The following acts once affected the purchasing procedures of Campbell County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1937, Chapter 754, created the position of county purchasing agent into which W. Henderson Archer was appointed by this act to serve until September 1, 1938, when his successor, elected by the people in August, 1938, would assume office. The term was for two years and the salary was \$1,800 a year. The county was required to furnish him an office, and equip it, in the courthouse. He would purchase all supplies for all departments including roads and schools, all of whom would file requests to purchase with him. He would ascertain the need and, if satisfied, proceed to purchase the supplies all over \$100 being put on competitive bid. Necessary storage space would be furnished to carry out the purpose of this law.
2. Private Acts of 1943, Chapter 41, expressly repealed Private Acts of 1937, Chapter 754, which created the office of County Purchasing Agent, to become effective at the end of the current term of the agent in office.

General Reference

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

1. Acts of 1807, Chapter 63, recites that the commission formerly appointed to plan and construct the courthouse and the seat of justice in Jacksboro did not discharge their duty. This act appoints Thomas Murry, Robert Glenn, Sampson David, John English, John Yount, Sr., James Rice, and John Newman in room and stead of the former commissioners who would have the same power and authority to lay out a town, set aside two acres for public buildings, and set up streets and alleys. In case of a vacancy in the above commission, the county court would fill it.
2. Acts of 1809, Second Session, Chapter 71, made it lawful for Sampson David to erect a warehouse for the public inspection and safe keeping of tobacco in Campbell County on the north side of Powell River. The warehouse would be on David's own land and be operated under the same rules published in the current public law.
3. Acts of 1815, Chapter 88, required the sheriff of Campbell County to hold an election in order for the people to vote on whether to leave the county seat at Jacksboro, or to move it to an area which was described by metes and bounds, in the vicinity of Thomas Campbell's plantation and Phillip Brook's land, which would be called Oxford. The vote to move must carry by a majority of at least 75 votes. If the county seat was voted to be moved, then Joseph Hart, Benjamin Wheeler, Daniel Martin, Andrew Hatfield, Absolom Morris, Robert Glenn, and Robert Deck were appointed as commissioners to carry out the will of the people and lay out the future town for the county seat of justice.
4. Acts of 1817, Chapter 5, Section 3, established and divided the state into solicitorial districts. The counties of Campbell, Hawkins, Grainger, and Claiborne composed the second solicitorial district.
5. Private Acts of 1826, Chapter 188, provided for the relief of A.N. Montgomery by the trustee of Campbell County in the amount of \$35.75. The amount was equal to the fine placed on Montgomery for not attending as a juror at the circuit court of Campbell County.
6. Private Acts of 1831, Chapter 146, declared that one James Carroll, of Campbell County, heretofore convicted of petit larceny, is hereby restored to all the legal rights, capacities, and privileges of citizenship of which he was deprived as a consequence of the said conviction which

rendered him infamous.

7. Private Acts of 1832, Chapter 76, provided that the bank agency of Campbell County will remain there under the existing rules and regulations as are prescribed by law until such time as the agent shall have received by 10% calls, an amount of money sufficient to pay the amount outstanding in the county. Further, that in case the bank agent has deposited in the branch bank at Knoxville, the amount in notes on the people of Campbell County which said county received over and above that to which it was entitled, then the president of the bank shall return said notes and the 10% calls shall be made and the money paid over to the president of the bank branch.
8. Acts of 1847-48, Chapter 86, stated that hereafter Campbell County would be allowed a director in the branch of the bank of Tennessee at Rogersville, who shall be appointed in the same manner and have the same power and authority as other directors.
9. Acts of 1847-48, Chapter 172, provided that commissioners would be appointed to select and designate some eligible site on which to locate the seat of justice of Campbell County, and, upon doing so, shall notify the sheriff who shall hold an election to decide between it and the present seat of justice. If the new site is chosen in the election, the commission shall then proceed to lay out the said town according to the conditions specified in this act, and may sell all the public property of the old site.
10. Acts of 1853-54, Chapter 180, gave the same authority to Claiborne, Campbell, Anderson, Knox, Montgomery, Stewart, Henry, Gibson, Tipton, and Madison counties to take stock in railroads and to issue bonds therefor but they also shall be subject to the same restrictions as are other counties indulging in the same practice.
11. Acts of 1853-54, Chapter 323, Section 13, made all the provisions of the law which permitted Haywood, Gibson, and Henry counties to invest in the stock of any railroad running through their county and to issue bonds therefor to pay as fully applicable to several other counties, including Campbell. All the above was subject to a favorable vote in a referendum in the affected county.
12. Private Acts of 1865-66, Chapter 60, Section 11, appointed David Hart, Jonothan S. Lindsay, Riley Queenor, William Lindsay, and George Delap, as commissioners for Jacksboro. They would appoint a surveyor and cause an accurate survey of the town to be made which would conform as near as possible to the original one. A plat shall be made, and, when verified by the commissioners, shall be registered. All streets and alleys would be named on this plat. The commissioners would be paid out of regular county funds and any vacancy in their ranks would be filled by the county court.
13. Public Acts of 1882, Second Session, Chapter 26, gave the comptroller of the state the authority to allow a credit to Ewings Banker, former revenue collector for Campbell County, for any errors which may be found in the computation of interest and damages in the judgment obtained in the favor of the state against Baker.
14. Private Acts of 1897, Chapter 124, was one of the earlier acts which established the salaries of several county officials according to the population of the county. Although this particular act was declared unconstitutional by the supreme court in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900), it still served as a pattern for many which followed.
15. Private Acts of 1931, Chapter 481, provided that fairs, public parks, or a zoo, which was operated to exhibit the progress of the county in its areas of endeavor, or for the education of the people, wherein prizes and premiums might be given away, not to exceed \$1,500 and admission prices while in operation would be not over fifty cents for the fairs and exhibitions, and five cents for the zoo, would be exempt from taxation by city, county, or state governments.

16. Private Acts of 1937, Chapter 510, removed all the disabilities of minority from Irene Leach, endowing her with all rights, powers, duties, and obligations of adulthood.

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