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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

County Mayor

County Administrator

Private Acts of 1977 Chapter 84

COMPILER'S NOTE: Parts of this act may have been superseded by Tennessee Code Annotated title, 5, chapter 6.

SECTION 1. There is created the office of County Administrator for Cannon County, Tennessee. The County Administrator shall be elected by the qualified voters of the county at the August general election in 1978. He shall take office on September 1 following his election and shall serve a term of four (4) years, and until his successor is elected and qualified. In August, 1982, and thereafter every four (4) years at the August general election, a person shall be elected to fill the office of County Administrator. Terms shall commence on September 1 following the election. Any qualified person who is a citizen and legal resident of Cannon County, Tennessee, shall be eligible to serve as County Administrator for as many terms as he shall be elected.

SECTION 2. The County Administrator shall have the same duties, authority, powers and jurisdiction, except for those of a judicial nature, as set out in the general law of this state for county judges and county chairman, and in addition, he shall have and exercise such other duties of a nonjudicial nature as may be assigned by private act to the County Chairman of Cannon County. The County Administrator shall be the presiding officer of the Cannon County Quarterly Court.

SECTION 3. The County Administrator shall be paid a minimal annual salary equal to that provided by law for a county judge or chairman and payable in equal monthly installments out of the treasury of the county, at the same time and in the same manner as the salaries of other county officers are paid. He shall be furnished and shall maintain an office in the county courthouse. He shall have the authority to hire a secretary and such other assistants as necessary to enable him to carry out the duties of his office and to fix their compensation, subject to the approval of the Cannon County Quarterly Court.

SECTION 4. The office of County Chairman of Cannon County is abolished, effective September 1, 1978. All judicial powers and duties exercised prior to the effective date of this act by the County Chairman of Cannon County, whether pursuant to general law or private act, are transferred, effective September 1, 1978, to the Judge of the Court of General Sessions of Cannon County. The Clerk of the County Court shall continue to be the clerk for all matters of probate but all other judicial matters shall be the duty of the Clerk of the General Sessions Court.

SECTION 5. Chapter 421 of the Private Acts of 1972, and all other private acts dealing with the duties, functions and operations of the County Chairman, are amended to the extent, but only to the extent that they are in conflict with the provisions of this Act, and any references in such acts concerning such duties, functions and operations of the County Chairman shall apply to the County Administrator unless otherwise provided by this Act.

SECTION 6. In case of a vacancy in the office of County Administrator, the Quarterly County Court shall appoint a successor to serve until the next general election for county officials. The person elected at such election shall serve the balance of the unexpired term, if any.

SECTION 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

SECTION 8. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Cannon County within one hundred and twenty days subsequent to its approval by the Chief Executive of this State. 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 9. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: May 9, 1977.

Redesignated Title to County Executive

Private Acts of 2004 Chapter 124

SECTION 1. Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in Cannon County shall be redesignated as "county executive".

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

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

Passed: May 13, 2004.

County Treasury

Private Acts of 1923 Chapter 616

SECTION 1. That it shall be unlawful for any county official to issue warrants on the County Treasury in excess of the amount of money appropriated, or to be received from some other source, for any specific purpose for, or during the year for which said money was appropriated or received.

SECTION 2. That each official authorized to issue warrants on the County Treasury for any purpose shall keep a stub of all warrants issued showing the number and date of the detached warrant, the amount, to whom and for what purpose issued; and shall post annually, at the courthouse in counties coming within the provisions of this Act, a sworn statement showing the total amount of all warrants issued by him, or her, for the last twelve months next preceding the date of said notice. Said notice to be posted on the first Monday in January.

SECTION 3. That any person violating the provisions of this Act shall be guilty of a misdemeanor, and punishable by a fine of not less than \$25.00 nor more than \$100.00, or confinement in the county jail or workhouse for not less than thirty days nor more than ninety days, or both, at the discretion of the court.

SECTION 4. That this Act shall only apply to counties having a population of not less than 10,240 nor more than 10,250, according to the Federal Census of 1920, or any subsequent Federal Census. That all laws and parts of laws in conflict with this Act be and they are hereby repealed, and that this Act have effect from and after its passage, the public welfare requiring it.

Passed: March 30, 1923.

County Trustee

Private Acts of 1927 Chapter 604

SECTION 1. That the Trustee or Trustees of the several counties in Tennessee, having by the Federal census of 1920, and any subsequent Federal census, a population of not more than 10,241 nor less than 10,246 inhabitants may, if he or they so desire, make and execute to the State of Tennessee, for the use of the said State and the county in which they are elected, one single bond in the penal sum as now provided by law for the State and for the county, an amount equal to one-third of all the taxes, and revenues, general and special, and of every kind and nature, due the said state and county for the year next preceding the date of the execution of said bond.

The conditions of said bond shall be for the faithful, collecting, disbursing, accounting and paying and paying over any and all such taxes, revenues, and funds of every kind (sic) and character which may come into his hands by virtue of his office as Trustee, and for the faithful performance of this duties as Trustee and final settlement and laying over all the moneys remaining in his hands to his successor in office.

SECTION 2. That the said bond shall be accepted and approved by the Chairman of the County Court

and his official approval endorsed upon said bond, which will be spread upon the minutes of the county, together with the said approval of the Chairman; and then forwarded and deposited with the State Treasurer.

SECTION 3. That an Act does not repeal or modify the General law in force in this State regulating the making of bonds by Trustees, but this Act is only intended, as an alternative bond that the Trustee may execute the bond herein provided, at his option, or he may tender the usual bonds provided by the General laws of the State; provided however, should the Trustee in the county or counties herein named prefer to execute the bond herein provided, to shall be received by the Sate and county in lieu of all other bonds now provided by the General laws of the State for Tennessee.

SECTION 4. That should the Trustee tender the bond provided for in this Act, it shall be the duty of the county to pay the premiums and costs of the execution of said bond; provided the same is executed and signed by some bonding or guaranty company authorized to do business in the State

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

Passed: April 8, 1927.

Mobile Home Park Regulations

Private Acts of 1998 Chapter 167

SECTION 1. Purpose and Scope. The purpose of this act is to provide areas within the confines of Cannon County outside the corporate limits of Auburntown and Woodbury 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 "Cannon County Mobile Home Park Regulations".

SECTION 2. Definitions.

- (1) "Buffer strip" means a planted material or other material as may be approved by the Cannon 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 Cannon County outside the corporate limits of Auburntown and Woodbury unless they are contained within a planned mobile home park duly permitted pursuant to the provisions of this act.

SECTION 4. The Cannon County Regional Planning Commission shall grant approval of 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 Cannon 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 Cannon County Flood Insurance Rate Map date 7/1/91 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 Cannon 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 Cannon County Planning Region, unless such person first obtains approval from the Cannon 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 Cannon 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 Cannon County Planning Commission for approval and must conform to the standards set forth in this act.

(c) The Cannon 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 Cannon County. Its approval or non-approval shall be proclaimed by the Presiding officer of the County Legislative Body of Cannon 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 27, 1998.

Administration - Historical Notes

County Legislative Body

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

1. Acts of 1835-36, Chapter 33, Section 2, stated that all the courts to be held in newly formed Cannon County would meet at the home of Henry D. McBroom until the county seat was established although the County Court could adjourn to other places whenever necessary in its discretion.
2. Private Acts of 1959, Chapter 372, provided that Justices of the Peace in Cannon County, using the 1950 Federal Census figures, shall receive \$8 per day and ten cents per mile travel allowance between home and the county seat, for each day actually spent in attendance at the County Court. This Act was rejected by the Quarterly County Court and therefore never became a part of the laws of Cannon County under the Home Rule Amendment to the State Constitution.
3. Private Acts of 1972, Chapter 42, provided for the election of the Chairman of the County Court in

1972 for a term of four years. The act provided for both judicial and administrative duties as then provided by general law. This act was superseded in part by Private Acts of 1977, Chapter 84, and later by Public Acts of 1978, Chapter 934.

4. Private Acts of 1973, Chapter 93, established the compensation of Justices of the Peace for attending meetings of the Quarterly County Court (\$15 per day) and for committee meetings (\$7.50 per meeting) not to exceed four committee meetings per year. This act has not been repealed, but has been superseded by the general law providing for compensation of county commissioners (T.C.A. 5-5-107).

County Register

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

1. Private Acts of 1929, Chapter 232, provided that the Register in Cannon County, identified by the use of the 1920 Federal Census figures, shall be allowed and paid, in addition to the fees now allowed and paid by law, ex-officio fees in the amount of \$500 per year to be paid by the county in quarterly payments on the warrant of the Chairman of the County Court.
2. Private Acts of 1949, Chapter 262, amended Chapter 232, Private Acts of 1929, above, by increasing the payment of ex-officio fees to the County Register from \$500 to \$600 per year.

General Reference

The following private or local acts constitute part of the administrative and political history of Cannon 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 1837-38, Chapter 157, Section 3, fixed the dates for the County drills and musters of every county unit of the State Militia. The Tenth Brigade was made up of the units in Warren, Franklin, and Cannon Counties. The units in Cannon would hold their annual muster on the Monday and Tuesday following the first Friday and Saturday in September of each year.
2. Acts of 1841-42, Chapter 87, Section 2, declared that any person residing in Cannon County who shall join any Volunteer Company in Rutherford County and muster with the unit, shall be exempt from military duty in Cannon County so long as that person continues to meet with the Volunteer Company.
3. Acts of 1847-48, Chapter 35, stated that a new Director is added in addition to all the others, to the Bank of Tennessee at Nashville who shall reside in Cannon County and who shall be selected and appointed in the same way as are other Directors of the Bank, and who shall have the same powers, authority, and duties as other Directors of the Bank.
4. Acts of 1856, Chapter 253, created the office of County Judge in every county of the State to hold for a term of four years, who shall be learned in the law, and who shall be commissioned as are other Judges. All Quorum Courts were abolished and all their duties vested in the County Judge whose jurisdiction in administrative and judicial functions were spelled out in the Act, including the right to preside over the County and Quarterly Court in place of the Chairman. County Court Clerk shall keep records and act as Clerk to Court. This Act was repealed by Chapter 5, Acts of 1857-58, and all Quorum Courts were restored as well as the Chairman of the Court.
5. Acts of 1875, Chapter 15, amended Section 1792, Code of Tennessee, so as to allow the Counties of Knox, DeKalb, Shelby, Cannon, White, Davidson, and Weakley each to have one additional Notary Public, over and above the number permitted under the general law, who would be appointed by the Justices of the Quarterly County Court.
6. Acts of 1875, Chapter 134, provided for the election by the people of Jackson and Cannon Counties each of a person learned in the law and thirty years of age, or older, to be the County Judge for a term of eight years. The first election thereunder would be on the first Thursday in August, 1876, under the general election laws of the State. The Judges were granted the same powers as had been conferred upon the other County Judges in other Counties. The Judge in Cannon County would be paid \$300.00 per year and the section paying \$5 per day for each day of court was repealed. This Act, as it applied to Cannon County was repealed by Chapter 9, Acts of 1877, below.
7. Acts of 1877, Chapter 9, expressly repealed all the provisions of Chapter 134, Private Acts of 1875, Item 6, above, as the same applied to Cannon County in their entirety.
8. Acts of 1897, Chapter 124, fixed the salaries for several different county officials across the State according to the population of the county in which they served. Conditions were established

which had to be met before the salary would be paid one of which was that all fees collected in the office became the property of the County. A sworn, itemized statement of all fees collected must be filed with the County Judge, or Chairman, every month. This Act further specified the maximum number of deputies to be hired in each office and the salary they could be paid. Although this particular Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900), it nevertheless served as a model for many general salary acts which followed whose legality was upheld.

9. Private Acts of 1935, Chapter 137, removed the disabilities of infancy from Creed Warf whom the index lists as being a resident of Cannon County, but the Act states that Warf is a resident of Hamilton County. In any event he was free to conduct himself in all business matters as an adult.
10. Private Acts of 1935, Chapter 139, was an Act emancipating Mrs. Leola Hoover Davenport from all the disabilities of her minority and granting to her the authority to act and bind herself as an adult.
11. Private Acts of 1935, Chapter 424, removed the bonds of infancy from Louise Turney, granting her the right to conduct her affairs as an adult including all the matters which may exist between herself and her guardian.
12. Private Acts of 1937, Chapter 346, made Magnus Phillips, of Cannon County, an adult in the eyes of the law and his fellow man by removing all the disabilities and protection of minority from him, granting him the right to conduct all affairs as an adult would.
13. Private Acts of 1959, Chapter 320, created the position of County Judge of Cannon County which would be effective on January 1, 1960, and abolished the post of County Chairman. The County Judge must be of good moral character, at least thirty years of age, a good business man and learned in the law, but does not have to be an attorney. The Governor would appoint someone to serve until September 1, 1960, when a Judge would be elected for six years, and in 1966, the term would be for eight years. The Judge's salary would be set by state law, and he would have all the powers of a County Judge, and the Fiscal Agent of the County, plus the powers and jurisdiction of the General Sessions Judge. This Act was rejected by the County Court of Cannon County and consequently never became an effective law.
14. Private Acts of 1972, Chapter 42, provided for the election of the Chairman of the County Court in 1972 for a term of four years. The act provided for both judicial and administrative duties as then provided by general law. This act was superseded in part by Private Acts of 1977, Chapter 84, and later by Public Acts of 1978, Chapter 934.

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