



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

December 20, 2024

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# Carter

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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,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

<b>Carter</b> .....	<b>4</b>
<b>Chapter I - Administration</b> .....	<b>5</b>
<b>County Tax Attorney</b> .....	<b>5</b>
<b>Private Acts of 1937 Chapter 726</b> .....	<b>5</b>
<b>Financial Reports</b> .....	<b>5</b>
<b>Private Acts of 1953 Chapter 98</b> .....	<b>5</b>
<b>Junkyard Control</b> .....	<b>7</b>
<b>Private Acts of 1991 Chapter 32</b> .....	<b>7</b>
<b>Private Acts of 1992 Chapter 193</b> .....	<b>8</b>
<b>Landfill</b> .....	<b>9</b>
<b>Private Acts of 2013 Chapter 17</b> .....	<b>9</b>
<b>Leases</b> .....	<b>9</b>
<b>Private Acts of 1951 Chapter 300</b> .....	<b>9</b>
<b>Purchasing</b> .....	<b>10</b>
<b>Competitive Bids</b> .....	<b>10</b>
<b>Private Acts of 1951 Chapter 238</b> .....	<b>10</b>
<b>Administration - Historical Notes</b> .....	<b>10</b>
<b>Chapter II - Animals and Fish</b> .....	<b>16</b>
<b>Watauga Lake Bass</b> .....	<b>16</b>
<b>Public Acts of 1972 Chapter 862</b> .....	<b>16</b>
<b>Animals and Fish - Historical Notes</b> .....	<b>16</b>
<b>Chapter III - Bond Issues</b> .....	<b>20</b>
<b>Bond Issues - Historical Notes</b> .....	<b>20</b>
<b>Chapter IV - Boundaries</b> .....	<b>28</b>
<b>Creation</b> .....	<b>28</b>
<b>Acts of 1796 (Mar. Sess.) Chapter 31</b> .....	<b>28</b>
<b>Change of Boundary Lines</b> .....	<b>29</b>
<b>Private Acts of 1835-36 Chapter 31</b> .....	<b>29</b>
<b>Boundaries - Historical Notes</b> .....	<b>29</b>
<b>Chapter V - Court System</b> .....	<b>30</b>
<b>Chancery Court</b> .....	<b>30</b>
<b>Probate Jurisdiction</b> .....	<b>30</b>
<b>Private Acts of 1982 Chapter 385</b> .....	<b>30</b>
<b>Circuit Court</b> .....	<b>31</b>
<b>Public Acts of 1968 Chapter 449</b> .....	<b>31</b>
<b>General Sessions Court</b> .....	<b>31</b>
<b>Private Acts of 1943 Chapter 333</b> .....	<b>31</b>
<b>Court System - Historical Notes</b> .....	<b>34</b>
<b>Chapter VI - Education/Schools</b> .....	<b>37</b>
<b>Board of Education</b> .....	<b>37</b>
<b>Private Acts of 2002 Chapter 76</b> .....	<b>37</b>
<b>Superintendent or Director of Schools</b> .....	<b>38</b>
<b>Private Acts of 1935 Chapter 189</b> .....	<b>38</b>
<b>Education/Schools - Historical Notes</b> .....	<b>38</b>
<b>Chapter VII - Elections</b> .....	<b>42</b>
<b>Elections - Historical Notes</b> .....	<b>42</b>
<b>Chapter VIII - Health</b> .....	<b>44</b>
<b>Massage Regulation Board</b> .....	<b>45</b>
<b>Private Acts of 1978 Chapter 276</b> .....	<b>45</b>
<b>County Health Department</b> .....	<b>47</b>
<b>Private Acts of 1929 Chapter 821</b> .....	<b>47</b>
<b>Chapter IX - Highways and Roads</b> .....	<b>47</b>
<b>Road Law</b> .....	<b>47</b>

<b>Private Acts of 1939 Chapter 295</b> .....	<b>.47</b>
<b>Private Acts of 1951 Chapter 591</b> .....	<b>.48</b>
<b>Private Acts of 1989 Chapter 66</b> .....	<b>.48</b>
<b>Highways and Roads - Historical Notes</b> .....	<b>.48</b>
<b>Chapter X - Law Enforcement</b> .....	<b>.53</b>
<b>Law Enforcement - Historical Notes</b> .....	<b>.53</b>
<b>Chapter XI - Planning Commission</b> .....	<b>.56</b>
<b>Creation of Planning Commission</b> .....	<b>.56</b>
<b>Private Acts of 1972 Chapter 360</b> .....	<b>.56</b>
<b>Planning Commission</b> .....	<b>.60</b>
<b>Mobile Homes</b> .....	<b>.60</b>
<b>Private Acts of 1990 Chapter 182</b> .....	<b>.60</b>
<b>Private Acts of 1990 Chapter 187</b> .....	<b>.62</b>
<b>Private Acts of 1992 Chapter 198</b> .....	<b>.63</b>
<b>Chapter XII - Public Utilities</b> .....	<b>.65</b>
<b>Watauga River Regional Water Authority</b> .....	<b>.65</b>
<b>Private Acts of 2001 Chapter 29</b> .....	<b>.65</b>
<b>Public Utilities - Historical Notes</b> .....	<b>.74</b>
<b>Chapter XIII - Taxation</b> .....	<b>.75</b>
<b>Board of Equalization</b> .....	<b>.75</b>
<b>Private Acts of 1935 Chapter 241</b> .....	<b>.75</b>
<b>Hotel/Motel Privilege Tax</b> .....	<b>.76</b>
<b>Private Acts of 1984 Chapter 186</b> .....	<b>.76</b>
<b>Litigation Tax</b> .....	<b>.78</b>
<b>Private Acts of 1975 Chapter 110</b> .....	<b>.78</b>
<b>Poor Farm</b> .....	<b>.79</b>
<b>Private Acts of 1939 Chapter 607</b> .....	<b>.79</b>
<b>Severance Tax</b> .....	<b>.79</b>
<b>Private Acts of 1981 Chapter 79</b> .....	<b>.79</b>
<b>Taxation - Historical Notes</b> .....	<b>.81</b>
<b>Chapter XIV - Zoning</b> .....	<b>.83</b>
<b>Zoning Regulations</b> .....	<b>.83</b>
<b>Private Acts of 1937 Chapter 903</b> .....	<b>.83</b>

# Carter



Carter County Courthouse

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

**Revised and Edited by:** John Joseph King, Legal Specialist, 1984

**Revised and Edited by:** Rhoda D. Scruggs, Legal Specialist, 1989

**Updated by:** Stephen Austin, Legal Consultant, 2013

# Chapter I - Administration

## County Tax Attorney

### Private Acts of 1937 Chapter 726

**SECTION 1.** That at the next regular County Election there shall be elected by qualified voters in all counties of this State having a population of not less than 29,215 nor more than 29,223, according to the Federal Census of 1930 or any subsequent Federal Census, a County Tax Attorney who shall be 25 years of age and a resident and citizen of the county he represents, a person of good moral character and a duly licensed attorney, and shall hold his office for a term of four years from the date of his election and qualification.

**SECTION 2.** That the County Tax Attorney shall be elected by the Quarterly County Court for a term of two (2) years and until his successor is elected and qualified. Beginning at the April term of the Quarterly County Court in 1970, and at each April term every two (2) years thereafter, the Quarterly County Court shall elect the County Tax Attorney to serve a term of two (2) years beginning September 1. Provided, however, that the first election of the County Tax Attorney under the provisions of this Section may be at the term of Quarterly County Court at which this Act is ratified.

As amended by: Private Acts of 1970, Chapter 279

**SECTION 3.** That all power and jurisdiction now vested by existing law on the County Attorney in said counties be and the same are hereby conferred upon the County Tax Attorney, and in addition thereto it shall be the duty of the said County Tax Attorney to prepare and file suit on delinquent taxes as provided in Section 1588 of the 1932 Code, the said section 1588 of the Code being hereby amended so as to provide that between the date of February 1 and March 1, the Trustee shall deliver the delinquent tax list showing all unpaid land taxes to the County Tax Attorney in said respective counties; provided further that said County Tax Attorney shall receive the compensation as provided by law for the collection of delinquent taxes; provided further that any County Trustee who fails to turn over the delinquent taxes to the County Tax Attorney as herein provided shall be guilty of a misdemeanor, punishable by a fine of not less than Fifty Dollars nor more than Two Hundred Dollars, and shall forfeit his office.

**SECTION 4.** That the County Tax Attorney in said counties shall receive a salary of Fifty (\$50.00) Dollars per month to be paid by warrant issued upon the Treasury of said county, along with the fees for collection of delinquent taxes as herein provided. The County Court of said counties may also engage the County Tax Attorney as Counsel in other legal matters, and shall designate the reasonable value of his fee for said additional services.

As amended by: Private Acts of 1963, Chapter 135

**SECTION 5.** That if any word, phrase, clause or section or part of this Act shall be held invalid by the courts, it is hereby expressed as the legislative intent that the same may be elided and the remainder of this Act shall remain in full force and effect, and that all laws and parts of laws in conflict with this Act be and the same are hereby repealed and that this Act take effect from and after January 1st, 1938, the public welfare requiring it.

Passed: May 18, 1937.

## Financial Reports

### Private Acts of 1953 Chapter 98

**SECTION 1.** That the County Judge or Chairman, County Court Clerk, Circuit Court Clerk, Trustee, Clerk & Master, County School Superintendent, Superintendent of Roads and Register of Deeds in all counties of the State of Tennessee having a population of not less than 42,000 and not more than 42,500, according to the Federal Census of 1950, or any subsequent Federal Census, shall file with the County Court Clerk a financial report in duplicate of their respective offices, quarterly, setting forth the financial condition of their respective offices in manner and form as hereinafter provided.

A. The County Judges or Chairman shall set forth in their reports the total indebtedness of said county, viz:

1. Total bonds outstanding on the last day of the quarter which said report is made.
2. Total amount of notes or warrants outstanding on said date.

3. Total amount of open accounts outstanding on said date.
  4. Total amount of purchase orders or other contract obligations of said county which may become an obligation by acceptance of the other parties to said contract or purchase order.
  5. Any other information deemed appropriate by said County Judge or Chairman.
- B. The County Court Clerks of said counties shall set forth in their reports the following:
1. Total receipts of their offices for the quarter for which said report is made.
  2. Itemized statement of disbursements showing the total amount thereof for said quarter.
  3. Purchase orders or other contract obligations calling for the payment of money.
  4. Any other information deemed appropriate by said Clerks.
- C. The Circuit Court Clerks shall set forth in their reports the following:
1. Itemized statement of receipts of said offices from all fines, penalties or forfeitures of bonds or other obligations, or for costs in State cases.
  2. Total amount of all costs received in said offices from civil cases.
  3. Itemized statement of all disbursements.
  4. Balance of funds on hand, if any.
  5. Any other information deemed appropriate by said Clerks.
- D. The Trustees of said counties shall set forth in their reports the following:
1. Total funds received from all sources.
  2. Total amount of funds received for the account of each department of the county government or budgetary designation made by the County Court.
  3. Total disbursements.
  4. Amount of disbursements on account of each department of the county government or in the account of each budgetary designation made by the County Court.
  5. Any other information deemed appropriate by said Trustees.
- E. The Clerk and Masters shall set forth in their reports the following:
1. Total amount of delinquent taxes collected.
  2. Amount of delinquent taxes turned over to the Trustee.
  3. Total amount of all costs collected.
  4. Itemized statement of disbursements.
  5. Any other information deemed appropriate by said Clerk and Masters.
- F. The County Superintendents of Schools shall set forth in their reports the following:
1. Total amount of warrants issued for instructional service.
  2. Itemized list of warrants paid for supplies, repairs and to janitors and other employees with the exception of teachers or those engaged as supervisors or of those coming in the category of instructional employees.
  3. Itemized list of warrants drawn for other expenses of operating the schools not hereinbefore specifically described.
  4. Total amount of open accounts outstanding on said date.
  5. Itemized list of all purchase orders or other contract obligations of said School Boards which may become obligations of said counties by the acceptance of the other parties to said contract or purchase order.
  6. Any other information deemed appropriate by said Superintendent of Schools.
- G. The Superintendent of Roads will set forth in their reports the following:
1. Total receipts from all sources.
  2. Itemized statement of disbursements.
  3. Total amount of open accounts outstanding on said date.
  4. Total amount of purchase orders or other contract obligations of said county which may become an obligation by acceptance of the other parties to said contract or purchase order.
  5. Any other information deemed appropriate by said Registers of Deeds.

**SECTION 2.** That each of the officials of said counties as hereinbefore designated, shall file their respective reports in the office of the County Court Clerk of said counties on or before the 15th day of the month following the last day of the quarter for which said reports are due.

**SECTION 3.** That said reports shall all be certified by the oath of the respective officials.

**SECTION 4.** That the County Court Clerks of said counties shall make publication of each of said reports so filed in his office as herein provided, by either posting a copy of said reports on the bulletin board of the Court House of said respective counties for a period of 15 days after the filing thereof (or in the alternative, publishing said reports in a newspaper published in said county.)

**SECTION 5.** That any of the officials violating any of the provisions of this Act shall be subject to a penalty of \$300.00 to be recovered in any court having jurisdiction of the same. One-third of said penalty shall be given to the person recovering the same, two-thirds will go into the general fund of said county. In addition to said penalty, such offending official shall be subject to removal from office under the provisions of the general ouster law and the Trustee will withhold any salary due such official until said reports have been filed in manner and form as herein provided.

**SECTION 6.** That it is the specific legislative intent and not in the passage of this Act to provide for the filing of financial reports with the respective County Court Clerks in order that the Quarterly County Courts of said counties will know the financial condition of the respective offices and can more efficiently adopt budgets and make appropriations for the needs of each office and in order that the citizens and taxpayers can more easily acquaint themselves of the conditions of said offices.

**SECTION 7.** That if any part, section, provision or clause of this Act shall be unconstitutional, it shall not affect the validity of any other part, section, provision or clause hereof.

**SECTION 8.** That all laws or parts of laws in conflict with this Act be, and the same are, hereby repealed.

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

Passed: March 4, 1953.

## Junkyard Control

### Private Acts of 1991 Chapter 32

**SECTION 1.** This act shall be known and may be cited as the "Carter County Junkyard Control Act of 1991".

**SECTION 2.** For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county. The county commission hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

**SECTION 3.** For the purpose of this act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**SECTION 4.** No automobile graveyard shall hereafter be established within five hundred feet (500') of any county road in Carter County, nor shall any automobile graveyard hereafter be established within five hundred feet (500') of any dwelling.

**SECTION 5.** Any person who maintains an automobile graveyard, any part of which is within five hundred feet (500') of any county road or dwelling, shall erect and maintain a fence or an approved planted buffer strip, as determined appropriate by the planning commission. Such fence shall be at least eight feet (8') high and sufficient to conceal such automobile graveyard from the view of a person standing at the same level as such graveyard.

**SECTION 6.** If any automobile graveyard: (i) is located within the limitations fixed above to any county road or dwelling; (ii) is not operated as a business by anyone; (iii) is not used for any purpose whatsoever; and (iv) no one claims ownership, then the owner or owners of the land on which such automobile graveyard is located shall be responsible for removing such automobile graveyard.

**SECTION 7.** It shall be the duty of anyone wishing to open an automobile graveyard which fits within the definition of this act to appear before and seek approval from the Carter County Planning Commission before beginning operation.

**SECTION 8.** It is the intent of this act that the automobile graveyard shall be operated as a business and maintained daily by the owner or operators of such, keeping normal business hours so as not to become a nuisance to the general public. A permit from the county shall be required for the operation of an automobile graveyard. Such permit fee, if any, will be set by the Carter County Planning Commission.

**SECTION 9.** Where the planning commission decides that there are topographical or other conditions peculiar to the site and a departure may be made without destroying the intent of this act, then a variance may be granted, provided the reasoning for departure of such variance is stated in writing and made a part of the minutes of the planning commission.

**SECTION 10.** Any person found violating any provision of this act shall be assessed a civil penalty not to exceed fifty dollars (\$50.00). Each day's subsequent violation shall constitute a separate offense. However, in the case of automobile graveyards established prior to the passage of this act, the owners or operators shall have six (6) months to comply with the provisions of this act.

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Carter County and certified to the Secretary of State.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.

Passed: March 11, 1991.

## Private Acts of 1992 Chapter 193

**SECTION 1.** This act shall be known and may be cited as the "Carter County Junkyard Control Act of 1992".

**SECTION 2.** For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county. The county commission hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

**SECTION 3.** For the purpose of this act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. The terms "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**SECTION 4.** No automobile graveyard shall hereafter be established within five hundred (500) feet of any county road in Carter County, nor shall any automobile graveyard hereafter be established within five hundred (500) feet of any dwelling. This requirement may be revised or supplemented as needed.

**SECTION 5.** Any person who maintains an automobile graveyard, any part of which is within five hundred (500) feet of any county road or dwelling, shall erect and maintain a fence or an approved planted buffer strip, as determined appropriate by the planning commission. Such fence shall be at least eight (8) feet high and sufficient to conceal such automobile graveyard from the view of a person standing at the same level as such graveyard.

**SECTION 6.** If any automobile graveyard: (i) is located within the limitations fixed above to any county road or dwelling; (ii) is not operated as a business by anyone; (iii) is not used for any purpose whatsoever; and (iv) no one claims ownership, then the owner or owners of the land on which such automobile graveyard is located shall be responsible for removing such automobile graveyard.

**SECTION 7.** It shall be the duty of anyone wishing to open an automobile graveyard which fits within the definition of this act to appear before and seek approval from the Carter County-Planning Commission before beginning operation.

**SECTION 8.** It is the intent of this act that the automobile graveyard shall be operated as a business and



maintained daily by the owners or operators of such, keeping normal business hours so as not to become a nuisance to the general public. A permit from the county shall be required for the operation of an automobile graveyard. Such permit fee, if any, will be set by the Carter County Planning Commission.

**SECTION 9.** Where the planning commission decides that there are topographical or other conditions peculiar to the site and a departure may be made without destroying the intent of this act, then a variance may be granted, provided the reasoning for departure of such variance is stated in writing and made a part of the minutes of the planning commission.

**SECTION 10.**

(a) any person found violating any provision of this act shall be assessed a civil penalty not to exceed fifty dollars (\$50.00). Each day's subsequent violation shall constitute a separate offense. However, in the case of automobile graveyards established prior to the passage of this act, the owners or operators shall have six (6) months to comply with the provisions of this act.

(b) Any automobile placed in violation of these regulations shall be deemed an unlawful automobile and the county attorney or other official designated by the Carter County Commission, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action to cause the automobile to be removed.

As amended by: Private Acts of 1992, Chapter 245

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Carter County and certified to the Secretary of State.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.

Passed: March 25, 1992.

## Landfill

### Private Acts of 2013 Chapter 17

**SECTION 1.** The Carter County landfill director shall be appointed by the landfill committee of the Carter County Commission after the committee has duly advertised the position, taken applications and conducted interviews. The power to oversee all aspects of the operation of the Carter County landfill is vested in the landfill committee of the Carter County Commission, including, but not limited to, the power to hire and fire the landfill director, the power to directly supervise the landfill director, oversight of the landfill budget, and oversight of all day-to-day operations of the landfill.

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

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

Passed: April 15, 2013.

## Leases

### Private Acts of 1951 Chapter 300

**SECTION 1.** That all counties of this State having a population of not less than 35,100, nor more than 35,200, according to the Federal Census of 1940, or any subsequent Federal Census, is hereby authorized and empowered to lease farms or real estate now owned by them or hereafter acquired, and now used or hereafter acquired, to be used for the benefit of caring for the poor or indigent of said counties, or to make other contracts in connection therewith.

**SECTION 2.** That this Act shall not be construed to repeal any existing laws prescribing the powers, duties, obligations of the various counties of this State, but is intended to be supplementary thereto and declaratory thereof.

**SECTION 3.** That the revenues derived from any lease of said farms or real estate or from any contracts

concerning the same, shall be used for the benefit of the poor or indigent of said counties as determined by the governing bodies of said counties, and any surplus thereof shall be used by said counties for the benefit of its public schools as determined by said governing body.

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

Passed: February 28, 1951.

## Purchasing

### Competitive Bids

#### Private Acts of 1951 Chapter 238

**SECTION 1.** That in counties of this State with a population of not less than 35,100, nor more than 35,200, by the Federal Census of 1940, or any subsequent Federal Census, all purchases of supplies in excess of \$2,000.00, except gasoline and oil purchased by and for the use of the County Highway Department, shall be made upon competitive bidding. Any department desiring to purchase any supplies, equipment or materials in excess of the amount above mentioned shall give notice as to the time and place where bids will be received and upon the date fixed shall open such bids and shall award the purchase to the lowest and best bidder.

As amended by: Private Acts of 1985, Chapter 64

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

Passed: February 20, 1951.

## Administration - Historical Notes

### County Clerk

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

1. Private Acts of 1931 (2nd Ex. Sess.), Chapter 3, allowed the County Clerks in Carter, McMinn, Obion and Weakley Counties to appoint a Deputy County Court Clerks who were to execute bonds in the amount of \$1,000 and be empowered with the same rights as County Court Clerks. The Deputy Clerk would be paid a salary of \$1,500 per year out of the excess fees of the office. If the fees were insufficient to pay the salary, the County would pay the difference out of the regular county funds.
2. Private Acts of 1935, Chapter 349, provided that in Carter County the County Court Clerk would countersign all warrants drawn by the County Chairman or any other lawful officer of the County. The act prohibited the Trustee from paying any warrants unless the County Clerk had countersigned. The Trustee and his official bondsmen would be liable to the County in full if the Trustee paid any warrant that was not countersigned by the County Court Clerk.
3. Private Acts of 1937, Chapter 504, permitted the County Court Clerk's office in Carter County to appoint Clerks for that office. The salary could range from \$70 to \$90 per month. It was fixed at \$80 per month in Carter County. The County Clerk was given the duty to modify the Clerk's salary, who was prohibited from accepting any pay except in the form of county warrants. This act repealed Sections 10731 and 10732 of the Tennessee Code. Excess fees were paid over to the Trustee to be credited to the proper county fund.
4. Private Acts of 1937, Chapter 724, amended the 1932 Code of Tennessee, Sections 10725, 10726 and 10727, by classifying Carter County as a Class 3-A County, entitling County Trustees and County Court Clerks to an annual salary of \$3,000, payable in county warrants issued by the County Judge or Chairman of the County Court. Persons who announced themselves a candidate for either office did so only on the condition that he accept the \$3,000 annual salary. Acceptance of the official duties prohibited officers from claiming any further compensation.
5. Public Acts of 1978, Chapter 262, repealed Private Acts of 1935, Chapter 349, above, by declaring the 1935 Act inapplicable to Carter County.
6. Private Acts of 1982, Chapter 325, assigned jurisdiction of probate matters and the administration of estates to the General Sessions Court and the County Clerk in Carter County. The act specified

the authority it gave the County Clerk in probate matters and administration of estates. Action taken by the County Clerk in probate matters was subject to review by the Chancellor. This act was not approved by the Carter County Legislative Body and did not become effective.

### **County Legislative Body**

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

1. Acts of 1796 (Mar. Sess.), Chapter 31, provided that the County Court of newly formed Carter County would meet at the home of Samuel Tipton on the first Monday in January, April, July and October until a courthouse could be built.
2. Acts of 1797, Chapter 6, stated that the Court of Pleas and Quarter Sessions for Carter and Sevier Counties would meet on the second Monday in February, May, August and November.
3. Acts of 1809, Chapter 93, rearranged the starting dates for the Courts of Pleas and Quarter Sessions in all the counties of the state. Carter County would meet on the second Monday in February, May, August and November.
4. Private Acts of 1822, Chapter 124, required the Justices of the County Court of Carter County to take bond in double the amount of Jesse Humphreys' personal estate so as to qualify his wife, Mary Humphreys, as his guardian since said Jesse Humphreys had been adjudged a lunatic.
5. Private Acts of 1823, Chapter 92, amended Private Acts of 1822, Chapter 124, above, by repealing the requirement of a bond in order for Mary Humphreys to qualify as the guardian of Jesse Humphreys. If it appeared to the Court that Mary Humphreys was wasting or squandering the estate, then bond would be demanded of her. Failure to execute bond would result in her removal and a successor appointed.
6. Public Acts of 1827, Chapter 81, provided that the Justices of the Court of Pleas and Quarter Sessions for the County Courts of Carter and Monroe Counties, at their first meeting in each year, to elect five of their number to hold Court during the year and the Clerk would enter their names upon the record.
7. Private Acts of 1832, Chapter 68, made it lawful for the County Court of Carter County, upon receipt of a petition from Mary Humphreys, to emancipate Glasgow, Marie, Delph and Lucy, all persons of color, provided that Mary Humphreys gave bond equal to the cost and value of said persons, which would be used to indemnify any County for their maintenance and upkeep and to guarantee their good behavior.
8. Private Acts of 1921, Chapter 921, declared that the Justices of the Peace in Washington, Greene, Carter, Johnson and Unicoi Counties are entitled to receive \$4 per day for each day of attendance at a regular or called meeting of the Quarterly County Court, plus five cents per mile for each mile traveled to and from their homes to the meeting place.
9. Private Acts of 1955, Chapter 23, permitted the qualified voters of Elizabethton in Carter County to elect five additional Justices of the Peace having the same powers as the other Justices of the Peace. The County Election Commissioners had the duty of calling for the election. Their successors were to hold office for a term of six years.
10. Private Acts of 1972, Chapter 389, amended Private Acts of 1921, Chapter 921, above, by substituting the census figures required to make it applicable to Carter County in 1972. Then the act deletes the name "Carter" from Section One of the 1921 Act. The act fixed the per diem payments of the Justices of the Peace in Carter County at \$25 per day for each day of attendance at meetings of the Quarterly Court plus ten cents per mile for travel to and from their homes to the Court house. This act was not approved locally and did not become effective.

### **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state, the official to be elected by the people for four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of those Courts were assigned to the County Judges who would preside over the sessions of the various county Quarterly Courts. The jurisdiction of the County Courts was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the County and would be responsible for discharging the duties as enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, above, in its entirety and restored the Quorum Courts to their former status.

3. Private Acts of 1925, Chapter 458, set the length of term and the salary for the office of Chairman of the County Court in Carter County. The term of office was fixed at four years and the salary was set at \$1,200 per year, payable monthly out of the County Treasury.
4. Private Acts of 1933, Chapter 255, amended Private Acts of 1925, Chapter 458, above, by reducing the term of the County Chairman from four years to two years, leaving all other provisions as they were.
5. Private Acts of 1939, Chapter 296, amended Private Acts of 1925, Chapter 458, above, by striking the section which dealt with the salary of the County Chairman.
6. Private Acts of 1941, Chapter 146, created the office of County Judge in Carter County and appointed James N. Julian to hold the office until the next regular election was held. The term of office was set at eight years. The act abolished the office of Chairman of the County Court, giving the County Judge authority to preside over all sessions of the Carter County Court and the duty to perform all duties imposed upon the County Chairman. The act provided that the County Judge would be paid \$2,400 annually as compensation for his services as a judicial officer and County Financial Agent. The County Judge had the authority to appoint a Clerk to assist him in his duties at a salary not to exceed \$90 per month. The County Judge had to execute bond in the amount of \$10,000 and take oath before taking office.
7. Private Acts of 1947, Chapter 736, allowed the County Judge in Carter County to be paid \$600 per year in addition to the compensation received under Private Acts of 1941, Chapter 146, herein, for his increased duties as Financial Agent of the County and for such other ex-officio duties not judicial, as may be imposed upon him from time to time by the County Court.
8. Private Acts of 1953, Chapter 127, amended Private Acts of 1941, Chapter 146, above, by increasing the salary of the Clerk from \$90 a month to \$250 per month.
9. Private Acts of 1978, Chapter 280, amended Private Acts of 1941, Chapter 146, above, by deleting the sections that set the annual compensation of the County Judge and Clerk in Carter County.

#### **Register of Deeds**

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

1. Private Acts of 1831, Chapter 162, provided that all deeds of conveyance and other instruments of writing that were registered in the Counties of Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane and Sullivan whose certificates may not have specified an acknowledgment by the grantor or bargainer, were to be as good and valid in law and equity as if the same had been endorsed and certified in the most formal and legal manner and would be considered as competent proof of the transactions they represented.
2. Private Acts of 1939, Chapter 455, provided that in Carter County a deed for conveyance of land could not be registered in the Register's office until it had been taken to the Tax Assessor's office first, where the Tax Assessor was to note the change of ownership in his books and note such on the deed by stamp or otherwise. The act prohibited the Register of Deeds from accepting any deed for registration without the notation of changed ownership on the deed. Violation of this act by the Register was a misdemeanor with a fine ranging from \$2 to \$50.

#### **County Trustee**

The following acts once affected the office of county trustee in Carter 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 1925, Chapter 382, set the salary of the County Trustee in Carter County. The salary was set at \$2,000 annually, to be paid quarterly in the amount of \$500. Payments were to be made on the first Monday of January, April, July and October. The County Judge or the Chairman of the County Court were authorized to draw warrants upon the county funds to pay the County Trustee. All fees, costs, commissions and emoluments then paid to the County Trustee for his services would be turned into the Public Treasury. The Supreme Court of Tennessee held this act to be unconstitutional since the Trustee was individually affected and not Carter County in its governmental capacity. *Peters v. O'Brien*, 152 Tenn. 466, 278 S.W. 660 (1925).
2. Private Acts of 1933, Chapter 54, required that the County Trustee in Carter and Weakley Counties collect all delinquent land taxes then provided by law at his own expense. Any attorney's fees incurred by virtue of the collection was to be borne by the County Trustee.
3. Private Acts of 1933, Chapter 639, provided that the Trustee in Carter County would execute one official bond which would cover all the different funds which were or may come into his hands and

which would replace the several bonds then in existence. If the actual cash on hand was \$100,000 or less, the bond would be in the amount of \$200,000. If the cash exceeded the above amount, the bond would be raised to twice that sum, whatever it was. The bond would be made by some company authorized to do business in Tennessee and the County would pay the premium.

4. Private Acts of 1935, Chapter 712, provided that in Carter County warrants issued and outstanding for any purpose had to be registered with the Trustee before payment could be made. Holders of county warrants who failed to register their warrants within six months of having been ordered to do so, would be barred from receiving payment from the Trustee.
5. Private Acts of 1937, Chapter 502, made it the duty of the County Trustee in Carter County to follow the school budgets in cashing school warrants and make monthly school reports to the Chairman of the School Board of Education and the County Judge or Chairman of the County Court. The reports were to show the proportional amount of all tax collections due teachers on salaries. The County School Superintendents were paid on the same pro rata basis as teachers, which was to be paid directly to them at the end of each month. The Chairman and Secretary of the School Board had the responsibility of dividing the pro rata collections due to teachers and superintendents after receiving the Trustee's school reports. The monthly report had to include a list of all the school warrants cashed, the number of each paid school warrant, date issued, date paid by Trustee and to whom paid as evidenced by the last endorser. County Trustees in violation of this act were guilty of a misdemeanor, punishable by a fine ranging from \$50 to \$200 and would forfeit his office. The Supreme Court of Tennessee held this act to be unconstitutional because it imposed special burdens upon the County Trustee in Carter County, whereas no other Trustee was subject to such burdens. The act was ruled unconstitutional for lack of uniformity in application. Anderson v. Carter County, 172 Tenn. 115, 110 S.W.2d 322 (1937).
6. Private Acts of 1937, Chapter 724, amended the 1932 Code of Tennessee, Sections 10725, 10726 and 10727, by classifying Carter County as a Class 3-A county, entitling County Trustees and County Court Clerks to an annual salary of \$3,000, payable in county warrants issued by the County Judge or Chairman of the County Court. Persons who announced themselves a candidate for either office did so only on the condition that he accept the \$3,000 annual salary. Acceptance of the official duties prohibited officers from claiming any further compensation.
7. Private Acts of 1941, Chapter 259, provided that in Carter County, all excess fees turned back to the County Treasurer by the Trustee, would revert to the General Fund of the County. The County Judge or Chairman were authorized to draw warrants against the fund to use as much as necessary to install a modern, efficient and complete system of records in the Trustee's office, with the approval of the County Trustee and County Auditor.
8. Private Acts of 1984, Chapter 215, repealed Private Acts of 1935, Chapter 712, above, and any amendatory acts.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Carter 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 1799, Chapter 5, established the town of Elizabethton by validating a deed conveyance of fifty acres from Samuel Tipton to the Commissioners of the town, who would lay out a town which would be called Elizabethton. Landon Carter, Andrew Greer, David McNabb, Zachariah Campbell, Reuben Thornton, Rowland Jenkin, William Cunningham and Samuel Tipton were named as Commissioners of Elizabethton and had full power to establish the necessary regulations for its government.
2. Acts of 1803, Chapter 33, stated that John Wilson, Jr. of Carter County, a convicted horse thief, was to be restored to all of his privileges and capacities of citizenship.
3. Acts of 1803, Chapter 42, appointed Julius Dugard as an additional Commissioner for the town of Elizabethton, who would have the same power and authority to act as the other commissioners. Dugard was authorized to lay out and regulate said town.
4. Acts of 1804, Chapter 15, declared it lawful for the inhabitants in the eastern section of Carter County, who lived within the bounds of Captain Waites, Captain Tompkins and Captain Keys areas, to hold their election for militia officers at the home of William Moreland. The Sheriff, Coroner or a Deputy would open the polls at that place for that purpose.
5. Acts of 1805, Chapter 70, established the place for holding general musters and elections in the

eastern section of Carter County. The act authorized the Lt. Colonel Commandant of Carter County to issue a written notice to the commanding officer of each company within the second battalion, indicating the day in which there would be an election held at the house of William Moreland. The purpose of the election was to fix the place for holding general musters and elections at either Moreland's house or the plantation of Thomas Johnson. The site receiving the majority vote was to be the lawful place where the separate general musters and elections would be held.

6. Acts of 1811, Chapter 109, appointed Alexander Doran, Benjamin C. Herron, Godfrey Carriger, John Nave and Jeremiah Campbell as Commissioners with full power and authority to settle all accounts with persons appointed to contract for public buildings. They would give a twenty day notice to all to appear before them and settle their contracts and if they failed to do so, the Commissioners could bring suit against them. The Commissioners were to take oath and their compensation for expenses was to be paid out of the Carter County Treasury.
7. Acts of 1813, Chapter 10, authorized Abraham Hendry and John Miller of Carter County to conduct a lottery to raise not more than \$1,200, which would be used to locate or procure salt. They had to execute a bond, publish the notice and scheme of the lottery, make prompt payment to the winner and use the proceeds for no other purpose than the one mentioned. The managers of the lottery were named as George Duffield, William Carter, Charles Reno, Henry McCray, Nathan Shipley, Elkanah H. Dulany and John Punch.
8. Acts of 1813, Chapter 15, named George Duffield, Abraham Hendry, Samuel Tipton, Leonard Bowers and Charles Reno as Commissioners to settle with the person previously named to contract for the public buildings and the regulation of Elizabethton. They were each vested with all the power and authority granted to prior Commissioners.
9. Acts of 1813, Chapter 61, named Charles Reno, Robert Blackmore and William B. Carter as additional Commissioners for Elizabethton giving them the same powers the existing Commissioners possessed. Five of them would constitute a quorum to do business and vacancies in the Commission could be filled by at least three Commissioners appointing other persons.
10. Private Acts of 1820, Chapter 4, allowed Alfred M. Carter and James P. Taylor of Carter County to keep up and repair their mill dams on the Watauga River, provided they did not obstruct the usual and normal boating channel thereby.
11. Private Acts of 1820, Chapter 5, allowed the Carter County Court to appoint Jeremiah Campbell, William Carter, James Keys, Johnson Hampton and Alfred M. Carter as Commissioners with the authority to superintend the building of a courthouse in Elizabethton, to sell the old courthouse at a public or private sale and to use the proceeds on the new courthouse. It was lawful to hold county or circuit courts in any house in the county until the new courthouse was completed.
12. Private Acts of 1820, Chapter 74, authorized Joseph Renfro of Carter County to build a mill dam on the Watauga River adjoining his own land, provided he did not interfere with or obstruct the principal channel for boating, all other laws to the contrary notwithstanding.
13. Private Acts of 1821, Chapter 79, Section 2, allowed Lenoard Heart and James Range of Carter County to each build a fish dam on the Watauga River provided their dams did not obstruct the free passage of boats up and down the river or interfere with other river traffic.
14. Private Acts of 1823, Chapter 120, repealed the portion of Private Acts of 1820, Chapter 4, above, which required Adam Boyd of Sullivan County to remove obstructions from the other side of the Watauga River.
15. Private Acts of 1823, Chapter 234, declared that John L. Williams, William McNabb, Jr. and David McNabb, sons of William McNabb, Sr., would have the prior right of entering upon 50 acres of any vacant land on which they may have discovered lead ore in Carter County, prior to September 3, 1823, provided they recorded their entry within three months after the entry office opened. The County Court would also set aside by condemnation 200 acres of unfit, uncultivated land to be used as a lead works in the same manner as the law prescribed in the case of iron works. The standard fees for the Clerk, Sheriff and Surveyor applied. Williams and McNabb had to mark the tracts and file such with the surveyor of Carter County.
16. Private Acts of 1827, Chapter 67, stated that the taxes due on 3,000 acres of land entered by William H. Carter for the benefit of Carter's Iron Works in Carter County, were thereby remitted in the same manner and to the same extent as was agreeable to the law authorizing lands to be condemned for the encouragement of the establishment of iron works.
17. Private Acts of 1831, Chapter 28, declared that the Clerk of the Carter County Court refund \$40.23 to Carrick W. Nelson, the same being the residue of the full sum paid to the Clerk for a

- license to sell merchandise in Carter County for one year of which time the said Nelson used only about six weeks. This was to be done in the event the Clerk had not paid over the money to the Treasurer, who in that event, would return the money.
18. Acts of 1849-50, Chapter 241, made it lawful for Thomas C. Johnson to turn one-half of the water out of the Doe River for the purpose of propelling a saw mill, a grist mill and other machinery, provided he turn it out and turn it into the original stream upon his own land.
  19. Acts of 1851-52, Chapter 191, allowed for the incorporation of the Nashville, Franklin and Columbia Rail Road Company. The provisions of this act allowed Lawrence, Maury, Davidson and Williamson Counties to invest money in railroads running through those counties. The County Court of the county would take stock and issue bonds for the purchase of the stock. The act authorized Carter, Jefferson, Greene, Hawkins, Washington, Sullivan, Grainger and Warren Counties to take stock in railroads and to issue the bonds for the purchase of such stock.
  20. Acts of 1853-54, Chapter 143, stated that it would be the duty of the Directors of the Bank of Tennessee to appoint a Director for the Branch Bank at Rogersville, who would come from Carter County.
  21. Public Acts of 1867-68, Chapter 27, gave Carter County the authority to issue county coupon bonds up to \$50,000 to take stock in the East Tennessee & Western North Carolina Railroad. The bonds would carry a six percent interest rate and would run between 15 and 30 years. The bonds issued were to be used solely for the purpose of paying the county stock taken in the railroad.
  22. Private Acts of 1867-68, Chapter 46, created a corporation in Carter County to be styled as the "Carter County Agricultural Society." This act established a Board of Directors and the members were John R. Miller, C. C. Wilcox, David Patton, Dr. David Bell, Jesse S. White, B. B. Ferguson, H. H. Hendrin, H. C. Ivce and I. W. Williams. The Society had the power to own and hold real estate not exceeding ten acres, to purchase and hold fairs on its fairgrounds, to sponsor exhibits and to do other things calculated to promote agricultural interests in Carter County. The Society's capital could not exceed \$20,000. To raise the capital, Carter County was authorized to issue stock up to \$20,000.
  23. Private Acts of 1867-68, Chapter 54, amended Public Acts of 1867-68, Chapter 27, above, to require the County Court of Carter County to be governed by the same rules in taking stock in East Tennessee & Western North Carolina Railroad as was Johnson County. The County Court of Carter County was authorized to subscribe to a sum not exceeding \$25,000 worth of the capital stock in the railroad company. Qualified voter approval was necessary before a subscription could be made. After approval, the County Court was authorized to issue coupon bonds to the county, to run between 15 and 30 years, bearing interest up to the rate of six percent annually. The act did not prevent the County from redeeming the bonds prior to the expiration of the 15 years, if the County deemed it proper.
  24. Private Acts of 1867-68, Chapter 106, created a corporation named the "Carter County Bridge Company." Those persons who comprised the Company were A. J. Tipton, A. P. Hart, J. G. Fellers, J. D. Smith, Solomon Hart, S. A. Cunningham and B. A. Miller. The Company was empowered to erect and keep in repair a toll bridge across the Watauga River in Carter County at some suitable point between the Renfro Ford and the Taylor Ford.
  25. Private Acts of 1869-70, Chapter 52, created a corporation named the "Carter County Agricultural and Mechanical Association of Elizabethton", which was composed of John H. Smith, Jesse L. White, A. J. Campbell, John W. Hyder, C. C. Bowman, M. D. L. Boren, J. K. Miller, Samuel Cunningham, C. P. Toncray, J. F. M. Lewis and H. H. Housley, as incorporators, with their associates, successors and assigns being a body corporate and politic for 99 years.
  26. Acts of 1909, Chapter 315, authorized those cities and towns in Carter County, which were engaging in furnishing light, power and electrical current to their inhabitants, to construct dams and intakes in non-navigable streams or in non-navigable portions of other streams, provided the town, city or company is the owner of the land on both sides of the stream where such dam or intake is located, or where the owner's consent has been obtained.
  27. Private Acts of 1929, Chapter 712, removed the disability of minority and infancy from James N. Barnes, Jr., conferring upon him all the rights, privileges and liabilities of an adult 21 years of age.
  28. Private Acts of 1933, Chapter 130, removed the disability of minority and infancy from Mrs. Wanda Wood Roseberry, conferring upon her all the rights, privileges and liabilities of adult 21 years of age.
  29. Private Acts of 1937, Chapter 504, provided that in all the offices of County Trustees, County Court Clerk, County Superintendent of Schools and the Chairman or County Judge of the County

Court shall be named or appointed by the above respective offices and for a sum fixed at \$80 per month but could range between \$70 and \$90 per month in any of the offices upon modification by the County Courts. The fees were to be paid from the General County Fund on warrants issued by the County Judge or Chairman. The County Board of Education had the option to pay its clerical assistance fees from school funds. This act repealed Section 10731 and 10732 of the Code and provided that all excess fees be paid over monthly to the County Trustee to be credited to the proper county fund.

30. Private Acts of 1937, Chapter 724, amended the 1932 Code of Tennessee, Sections 10725, 10726 and 10727, by classifying Carter County as a Class 3-A County, entitling County Trustees and County Court Clerks to an annual salary of \$3,000, payable in county warrants issued by the County Judge or Chairman of the County Court. Persons who announced themselves a candidate for either office could do so only on the condition that he accept the \$3,000 annual salary. Acceptance of the official duties prohibited officers from claiming any further compensation.
31. Private Acts of 1949, Chapter 597, provided that in Carter and Johnson Counties all drivers and those in charge of transporting coal for delivery or sale must have a ticket in their possession issued by the scales operator in the County where the gross, net and tare weight or load and date of the coal was taken. One copy of the coal weight ticket had to be delivered to the person purchasing or receiving the coal. Owners of the scales were allowed to charge a fee not in excess of \$1 for weighing the coal. The scale owners were required to keep on file for six months copies of weight tickets they issued and such file was to be open for inspection by inspectors of the Department of Agriculture or County or City Sealers and the general public upon demand. Violation of the act constituted a misdemeanor with a fine that ranged from \$10 to \$50 for each offense.

## Chapter II - Animals and Fish

### Watauga Lake Bass

#### Public Acts of 1972 Chapter 862

**COMPILER'S NOTE:** Although this is a public, rather than a private act; it is one of special effect and is not found in [Tennessee Code Annotated](#).

**SECTION 1.** The State Director of Game and Fish shall accept an offer of bass from any federal agency for Watauga Lake.

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

Passed: April 14, 1972.

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

1. Private Acts of 1823, Chapter 142, allowed Andrew Taylor, Sr. of Carter County to build a fish trap in the Watauga River on his land. The fish trap could not obstruct the free navigation of the river. Taylor would be liable in all respects for damages sustained by boats lodging on the dam as well as John Huss and others.
2. Private Acts of 1824, Chapter 79, authorized Andrew Taylor, Sr. and Thomas Buck to build a fish trap in the Watauga River in Carter County upon their lands. Their fish traps could not obstruct the free navigation of the river. Both would be liable for damages sustained by boats lodging on either of the dams. John Huss and others were liable by an act of assembly.



3. Private Acts of 1831, Chapter 178, granted the right to build a fish trap in the Watauga River to Andrew Taylor, Sr. under the same terms and conditions as were set out in Private Acts of 1823, Chapter 142, above.
4. Public Acts of 1887, Chapter 71, made it unlawful for any person to hunt, capture, kill, shoot, wound or destroy partridge, quail, woodcock, pheasant or wild turkey in the Counties of Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Marion, Hamilton, Henry and Haywood from April 1 to October 1 of each year. This act also made it unlawful for any person to export any of the above mentioned game from any of the Counties named above except Marion, Hamilton, Henry and Haywood during any season of the year. The fines for violations ranged from \$5 to \$25 for each offense, with failure to pay resulting in imprisonment in the county jail for not less than 10 and no more than 20 days. The fines for exporting ranged from \$25 to \$50, with a failure to pay resulting in imprisonment in the county jail for not less than 10 days. The penalties of this act did not apply to persons killing game on their premises.
5. Public Acts of 1887, Chapter 232, declared it a misdemeanor to hunt, chase, wound or kill any wild deer in Johnson, Carter or Sullivan Counties. Violators could be punished by fines up to \$50 for every offense or be placed in jail up to 90 days.
6. Public Acts of 1889, Chapter 179, made it unlawful for any person who was a non-resident of the State to hunt, kill, catch or carry away game of any sort in Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Carter, Sullivan, Meigs and Claiborne Counties. The fine for violation could not be less than \$50, half of which would go to the County and half to the prosecutor.
7. Public Acts of 1893, Chapter 31, declared it unlawful for any person to hunt, kill, net, trap or capture any quail or partridge in Washington and Carter Counties at any season of the year for a period of five years following the passage of this act. First offenses carried a fine from \$5 to \$25, while second or more offenses carried fines from \$25 to \$50 and jail sentences up to 90 days.
8. Public Acts of 1893, Chapter 35, declared it unlawful for any person to catch fish with a seine in the waters of the Watauga River and its tributaries within the boundaries of Carter County for five years after the passage of this act. Persons violating this act were guilty of a misdemeanor and would be fined and imprisoned at the discretion of the court.
9. Public Acts of 1895, Chapter 127, declared it unlawful for any person to catch, kill or wound any fish in any streams, lakes, rivers or ponds in the State by seine, trap, gun, grabbling with hands, gig, poison, dynamite or by any device except by rod or line or trot line. This did not apply to private ponds and minnows not exceeding 4½ inches in length, caught exclusively for bait by a dip-net not to exceed six feet in length. The act made it unlawful for any person, company or corporation to build a dam or obstruction across any of the streams in the State or any fish gate or trap for the purpose of corralling or catching fish. The fines for violation ranged from \$10 to \$50, except in cases of wounding or destroying fish by means of poison or dynamite or any other explosive. Those persons would be imprisoned for not less than 6 months in the county jail. The fines collected from violating this act were paid into the County Treasury for the benefit of the common school fund. This act exempted lakes in this State having an area of 15 square miles and subject to overflow or back water from the Mississippi River. The use of dynamite or other explosives or poison remained a violation even in lakes.
10. Private Acts of 1897, Chapter 258, amended Public Acts of 1895, Chapter 127, above, by allowing the catching of fish out of the several streams or ponds in Carter County by giggering, shooting or trapping with the hands from June 1 to March 1 of the following year. To catch fish during any other times resulted in a misdemeanor. Transporting or sending fish in any way out of Carter County for sale was also a misdemeanor. The fines for violation ranged from \$25 to \$50 and imprisonment, at the discretion of the court hearing the case.
11. Public Acts of 1899, Chapter 70, made it unlawful for any person to hunt, capture, kill, shoot, wound or destroy any partridge or quail in Carter County from April 1 to November 15 of each year. It was illegal to do the same on the lands of another person at any time without their consent. Fines for violations ranged from \$5 to \$10, half going to the public school fund.
12. Public Acts of 1899, Chapter 76, repealed Private Acts of 1897, Chapter 258, above. This act specified that fish could be taken from the running streams of water in Carter County by use of an ordinary hook and line or trot line and by hand. Minnows for fish bait not exceeding 4 inches in length could be taken by dip or minnow nets. The fish could be taken by gig from November 1 to February 1. Persons taking fish during any season of the year by use of seine, basket-net, grab-hook, dam, gun or gig were guilty of a misdemeanor. The fines for violation ranged from \$25 to \$50 and imprisonment at the discretion of the court. The act also established that any

- person taking, catching, killing or destroying fish in any of the running streams by use of dynamite or any explosive substance or poisonous substances, such as fish berries, indian berries, or other substances could be imprisoned in the penitentiary from one to three years for committing a felony.
13. Public Acts of 1899, Chapter 85, declared it unlawful for any person, firm or corporation to build a dam or other obstruction across the Watauga River in Carter County, which prevented the free passage of fish up and down the river. Those who owned or used such dams or obstructions had to provide a sluice or waterway, not less than 10 feet in width and 5 feet in depth of water and either of them had to be in and upon the natural bed of the river. The fines for violation ranged from \$50 to \$200.
  14. Acts of 1901, Chapter 358, stated it to be lawful to catch fish in any of the running streams of Carter County by means of a trap, provided that the slats on the trap were at least two inches apart.
  15. Acts of 1903, Chapter 485, declared it unlawful for any person, firm or corporation to place, cause to be placed or place in or near any bank in running streams, lakes or ponds in Carter County, sawdust, shavings or off-fallings from sawmills or planning machines into them. Fines for violation ranged from \$50 to \$200.
  16. Acts of 1903, Chapter 559, was identical to Acts of 1903, Chapter 485, above.
  17. Private Acts of 1911, Chapter 470, repealed Acts of 1903, Chapter 485, above. No mention was made of duplicate Acts of 1903, Chapter 559, above.
  18. Private Acts of 1915, Chapter 290, declared it to be lawful to take and catch fish from the Doe and Watauga Rivers and all other streams in Carter County, with hook and line, trot line, gun, gig and set net during any time of the year except May, during which month it would be unlawful to catch fish in any manner. Fines ranged from \$10 to \$50.
  19. Private Acts of 1915, Chapter 593, declared it unlawful for any person to shoot any fox or destroy the den of any young fox or foxes or by means of any snare, trap or other device, catch, maim or otherwise destroy or injure any such fox or foxes. This act applied to Carter, Johnson, Washington and Unicoi Counties. The act further established that the setting of any trap, snare or device around a dwelling place, barn, out-house or within 100 yards of those premises was not prohibited. The killing or injuring of foxes while said animal was inflicting any injury to fowls or other livestock was allowed. The fines for violation ranged from \$25 to \$100.
  20. Private Acts of 1915, Chapter 629, declared it to be unlawful for any person, firm or corporation to place, cause to be placed or place so near the banks of running streams, lakes or ponds in Carter County, sawdust, shavings or off-fallings from sawmills or planning machines into them. Fines for violation ranged from \$50 to \$200.
  21. Private Acts of 1917, Chapter 622, repealed Private Acts of 1915, Chapter 120. The caption of this act, however, relates to the repeal of Private Acts of 1915, Chapter 629, above.
  22. Private Acts of 1917, Chapter 722, amended Private Acts of 1915, Chapter 290, above, making it unlawful to catch, take or kill any black bass or black perch from the Watauga and Doe Rivers in Carter County from March 1 to June 15 of each year. This period was considered to be closed season on black bass and black perch in those rivers. During the open season the act made it unlawful to capture, retain or kill black bass or black perch under 8 inches in length. It was also unlawful to take fish from Buffalo Creek in Carter County and it was unlawful to catch or kill the same for 2 years from the effective date of this act. Fines for violation of this act ranged from \$5 to \$25 for each offense.
  23. Private Acts of 1917, Chapter 723, Page 2253, made it a misdemeanor for any person to shoot, kill, capture, take or hunt any of the following game birds or animals in Carter County, except as follows: Quail from December 1 to February 1; Doves from November 1 to February 1; and Rabbits from December 1 to March 1. A twenty bag per day limit was placed on quail. It was unlawful to kill at any other time. Fines ranged from \$5 to \$25.
  24. Private Acts of 1919, Chapter 22, repealed Private Acts of 1917, Chapter 723, above.
  25. Private Acts of 1921, Chapter 374, made it unlawful in Carter County for any owner of a horse, cow, sheep, goat, hog or other livestock to knowingly permit the same to run at large but it was not unlawful to use unfenced lands as a summer range. The owner of the livestock would be liable for any damages caused and the injured party would have a lien on the stock, which he could retain until the damages were paid and the cost of the upkeep of the stock could be added to the damages. The act applied to Carter and Lauderdale Counties.

26. Private Acts of 1921, Chapter 405, exempted several Counties, including Carter, from the provisions of Public Acts of 1919, Chapter 61, which dealt with the regulation of the care and keeping of dogs throughout the State.
27. Private Acts of 1921, Chapter 533, amended Private Acts of 1921, Chapter 374, above, by providing that the latter act not take effect unless approved by a majority of qualified voters in Carter and Lauderdale Counties.
28. Private Acts of 1927, Chapter 57, declared it unlawful for any person, firm or corporation to take, capture or kill any fish from any of the rivers, streams, ponds or lakes in Carter County by means of gigs, set net, hook and line and trot line except as provided in this law. It was unlawful to capture, kill or take fish from any of the streams, lakes and ponds in Carter County during the month of May of each year. The act made it unlawful to capture, kill or take fish from the above mentioned water sources except rivers, by seines, poison, lime, fish berries, gunpowder, giant powder, dynamite or any other explosives. It was permissible to capture and retain from said waters minnows used for bait by means of dip net or minnow net not more than 10 feet in length. Any bass, trout, rainbow trout or black perch caught in such manner had to be returned to the water. Fines for violation ranged from \$10 to \$100.
29. Private Acts of 1929, Chapter 178, proclaimed it to be unlawful to hunt and kill rabbits, quail and doves from November 15 to January 15 in Carter County. It was also unlawful to hunt, capture or kill all fur-bearing animals except rabbits from November 1 to February 15. Fines ranged from \$25 to \$100.
30. Private Acts of 1929, Chapter 207, declared it unlawful to take, kill, wound or chase any male or female deer or fawn in Carter and other named Counties. Any person, firm or corporation guilty of doing so would be fined \$50 or more.
31. Private Acts of 1929, Chapter 753, applied to Carter, Unicoi, Greene and Washington Counties. This act declared the following to be unlawful: Hunting or shooting quail during the open season then fixed by law when the ground was covered with snow; hunting or shooting wild turkeys for a period of two years; hunting or shooting pheasants except from November 20 to December 20 of each year; trapping or killing any hare or fur-bearing animal except that coon, opossum and skunk could be caught by use of dogs from October 15 to January 15, and foxes could be chased with dogs during any season; trapping mink or muskrat except from November 15 to February 15, provided the traps were set under water; and to hunt or kill squirrel from August 1 to January 1 each year. It was permissible in these Counties to set steel traps at any time within 100 feet of a person's house, barn, chicken house or other out-building on these premises. Fines for violations ranged from \$25 to \$50. The duty of enforcing this law was assigned to all Game Wardens, Justices of the Peace, Sheriffs, Deputy Sheriffs, Constables and others having law enforcement responsibilities.
32. Private Acts of 1931, Chapter 344, declared it lawful for any person, firm or corporation to take, capture or kill any fish from any river, stream, pond or lake in Carter County by means of gigs, hook and line and trot-lines, except as was provided. This act declared the following to be unlawful: to capture, kill or take fish except rainbow trout and brook trout from any of the streams, lakes or ponds, by any means from May 1 to June 15; to capture, kill or take rainbow trout and brook trout from any of the streams, lakes and ponds by any means from May 1 to June 15; to capture, kill or take fish from the streams, lakes and ponds by means of seines, set nets, poison, lime, fishberries, gunpowder, giant powder, dynamite or any other explosive; to capture, kill or retain, if accidentally captured, any big mouthed black bass or rainbow trout less than 8 inches in length or brook trout less than 6 inches from any steams, lakes and ponds; and to capture or kill any big or small mouthed black bass, any rainbow or brook trout by line in any of the streams, lakes and ponds. It was permissible to capture and retain water minnows used for bait, by means of dip net or minnow net not over 10 feet in length, but any bass, trout, rainbow trout or black perch taken in such manner had to be returned to the water and released. Fines for violations ranged from \$10 to \$100.
33. Private Acts of 1933, Chapter 263, made it lawful to fish for and take by traps or nets between March 1 and April 30 in Carter County the species of fish known as "Horneyhead".
34. Private Acts of 1937, Chapter 328, stated that Joe N. Stout had practiced veterinary medicine and surgery over 10 years, was a graduate of an accepted school, was a man of good moral character, over 21 years old and a bona fide citizen of Johnson County. The act permitted Stout to practice veterinary medicine and surgery in Carter and Johnson Counties as any other veterinarian permitted to do. He would file proof of all these things with the State Board of veterinary examiners whereupon they would issue him a license to practice in Carter and Johnson Counties

for which he would pay the required fee for the license.

35. Private Acts of 1937, Chapter 825, stated that J. Louis Freeman had practiced veterinary medicine and surgery over 10 years, was a man of good moral character, over 21 years old and a bona fide citizen of Lauderdale County. The act permitted Freeman to practice veterinary medicine and surgery in Carter and Johnson Counties. Freeman would file proof of all these things, whereupon the State Board of Veterinary Examiners would issue him a license to practice in Carter and Johnson Counties and he would pay the required fee for the license.
36. Private Acts of 1939, Chapter 294, declared it to be lawful to hunt squirrels in Johnson and Carter Counties between September 1 and January 1, which constituted open season on squirrels.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Carter County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

#### **Bridges**

1. Private Acts of 1941, Chapter 5, authorized all prior proceedings held in connection with the issuance of \$75,000 in Bridge Bonds to be validated by the County Court and other county officials in Carter County. The interest rate could not exceed 4% and would mature from one to seventy-five. The County Court was authorized to levy a tax for the general sinking fund while the bonds were outstanding. Proceeds of the issuance were to be turned over to the Trustee and disbursed under the supervision of a Committee comprised of W. W. Smith, M. L. Carriger, Herman Robinson and the Superintendent of Roads. Disbursement could be made only upon written approval from the County Chairman. The Committee had the duty of keeping a record of transactions, which had to be signed by at least two committee members and the County Chairman. Such record was to be filed with the County Court Clerk. The Committee had the power to contract for the construction and repair of bridges, hire men and make necessary expenditures in connection with the repairing and building of bridges. The \$75,000 Bridge Bonds were divided as follows: Smalling Bridge, 6th District, \$18,000; Main Street Bridge, 7th District, \$6,500; Siam Bridge, 18th District, \$16,000; Elk Mills Bridge, 4th District, \$6,000; Watauga Bridge, 13th District, \$5,000; Highway Right-of-Way, \$10,000; Outstanding Highway Debt, \$10,000; and Expenditures at the discretion of the Committee, \$3,500.

#### **Courthouse**

1. Private Acts of 1917, Chapter 742, authorized the County Court of Carter County to issue \$30,000 in bonds to enlarge and improve the courthouse and to build a county jail. The bonds were to be issued at an interest rate less than 6% and matured 20 years from the date of issue. The County Trustee was responsible for collecting and accounting for the taxes collected to create a sinking fund for the payment of the principal when it became due.

#### **Debts**

1. Public Acts of 1866-67, Chapter 41, permitted Hawkins County upon a two-thirds vote of the Quarterly Court to issue its coupon bonds for the amount of its indebtedness but no debt was to be paid which was incurred to aid the rebellion in any way. The act conferred the same privilege upon Washington, Sullivan, Carter and Johnson Counties.
2. Private Acts of 1919, Chapter 268, authorized the County Court of Carter County to issue interest bearing notes or warrants up to \$12,000. The notes or warrants were to bear interest at the legal rate from the date of issuance and could not exceed five years. The funds from the issuance would be used to meet and pay off the floating indebtedness of Carter County. The County Court was authorized to levy and collect a special tax sufficient for paying the interest and the principal of the notes and warrants.
3. Private Acts of 1923, Chapter 73, authorized the Quarterly Courts of Carter and Lauderdale Counties to issue interest bearing notes or warrants in the amount of \$21,000, bearing interest at the rate of 6% per year and to mature at a time set by the County Court, not exceeding eleven years from the date of issuance. The funds from the issuance would be used to meet and pay off the floating indebtedness of these Counties. Both Counties were authorized to levy and collect a

special tax sufficient to pay the interest of such notes or warrants.

4. Private Acts of 1923, Chapter 155, authorized the County Court of Carter County to issue and sell interest bearing warrants, notes or bonds in an amount not to exceed \$30,000, bearing an interest rate of 6% and maturing at a time set by the County Court, not exceeding ten years from the date of issuance. The funds from the issuance would be used to pay off the outstanding and unpaid warrants then issued. The County Court was authorized to levy and collect a special tax sufficient to pay the interest on such warrants, notes or bonds.
5. Private Acts of 1925, Chapter 184, authorized the Quarterly County Court of Carter County to issue and sell interest bearing warrants or bonds in the amount of \$20,000, bearing an interest rate of 6% per year and to mature at a time set by the County Court, not exceeding thirty years. The funds derived from this issuance were to pay off the outstanding and unpaid warrants then issued. The warrants or bonds required the signatures of the Chairman of the County Court and Clerk of same. A special tax was authorized to pay the interest and principal of the warrants or bonds.
6. Private Acts of 1925, Chapter 786, authorized a bond issue identical to that of Private Acts of 1925, Chapter 184, above, with one exception, that the County Court of Carter County call a referendum upon said bond issue to submit to qualified voters. A bond issuance would only be made after a majority of voters approved.
7. Private Acts of 1929, Chapter 19, authorized all previous actions of the Quarterly County Court of Carter County held in connection with the issuance of \$368,000 in Funding Bonds be validated at an annual interest rate of 5%, payable semi-annually. The Quarterly Court was authorized to levy an annual tax sufficient to liquidate them.
8. Private Acts of 1931, Chapter 587, authorized the Quarterly County Court of Carter County to issue interest bearing notes, warrants or bonds in the amount of \$70,000, with a 6% annual interest rate. Maturity of the bonds was left at the determination of the County Court, not to exceed 20 years from the date of issuance. The funds derived from the issuance were to be used to meet and pay off the floating indebtedness. The act authorized the levy of a special tax sufficient to pay the interest and principal of such notes, warrants or bonds.
9. Private Acts of 1931, Chapter 741, authorized the Quarterly County Court of Carter County to issue bonds in the amount of \$25,000, with an annual interest rate up to 6%, maturing at a time specified by the Quarterly County Court. The purpose of this issuance was to refund an indebtedness on school buildings.
10. Private Acts of 1935, Chapter 79, authorized the Quarterly County Court of Carter County to issue coupon bonds in the amount of \$47,000, for the purpose of refunding and retiring two outstanding bond issues, maturing October 1, 1935. The bonds authorized by this act had a 6% interest rate, payable semi-annually and matured within twenty years. The County Court was authorized to levy and collect an annual tax sufficient to pay the interest on the bonds and to create a sinking fund sufficient to pay the bonds upon maturity.
11. Private Acts of 1935, Chapter 461, authorized the Quarterly County Court of Carter County to issue coupon bonds up to \$150,000 to pay off the County's existing indebtedness represented by judgments and outstanding warrants, except school warrants. The interest rate on the bonds was 6%, and matured 30 years from issuance. A tax levy was authorized to pay the interest on the bonds and to create a sinking fund sufficient to pay the bonds upon maturity.
12. Private Acts of 1935, Chapter 464, authorized the Quarterly County Court of Carter County to issue and sell warrants up to the amount of \$15,000, with a 6% annual rate of interest. The purpose of such borrowing or providing funds was in anticipation of taxes levied but uncollected, which were to pay and liquidate the unpaid, outstanding and floating indebtedness of Carter County. Maturity of the warrants was not to exceed five years from the date of issuance. The act authorized an annual tax levy sufficient to pay the interest and the principal of the indebtedness of the warrants.
13. Private Acts of 1935 (Ex. Sess.), Chapter 111, amended Private Acts of 1935, Chapter 461, above. It provided that all uncollected taxes due Carter County for the year of 1933 and prior years, which were levied for general county purposes and the warrants for which the taxes were levied to be taken up by that bond issue, be set aside and appropriated as a special sinking fund to retire the bonds herein authorized in addition to the tax levy required in the original law. Any official diverting these funds would be guilty of a misdemeanor, subject to a fine ranging from \$25 to \$50 and would forfeit his office.
14. Private Acts of 1939, Chapter 159, validated the prior actions of the Quarterly County Court in

Carter County in connection with the issuance of \$15,000 in funding bonds up to a 6% interest rate and maturing in twenty years be validated. The County Chairman and the County Court Clerk would deliver the bonds. A tax levy was authorized to pay the principal of and interest of the bonds.

### **Jail**

1. Private Acts of 1929, Chapter 344, authorized the Quarterly County Court of Carter County to issue and sell bonds in the amount of \$25,000, for the purpose of remodeling or repairing the County Jail or for the erection of a new jail and to pay for the equipment and fixtures of said jail. The bonds had an interest rate up to 5½%, maturing in thirty years. Such issuance would only take place after a majority of qualified voters voted in favor of such issuance. A tax levy was authorized to pay the interest on the bonds and to create a sinking fund to pay the bonds upon maturity.

### **Roads**

1. Acts of 1909, Chapter 528, authorized the Quarterly Court of Carter County to issue bonds in an amount up to \$150,000 bearing an interest rate of 5%, maturing thirty years after the date of issuance. Bonds could only be issued after a majority approval from qualified voters was received at an election. The County Court was to elect 3 Commissioners who would compose the Board of Trustees, to be known as "Trustees of the Good Roads Fund." They were to have charge of the issuance of the bonds. The Trustees were to select one Chairman and one Secretary from amongst them-selves. The Trustees had the duty of keeping a record of their proceedings. Proceeds of the sale of bonds had to be paid to the Trustee of Carter County. The County Court was to elect a Committee of five persons other than members of the County Court, who were to have control over the construction of roads. The County was empowered to condemn any and all lands needed for the purpose of said roads the Committee was empowered to purchase any needed lands for the purpose of constructing said roads. The County Court was to levy a special tax each year to be known as "Road Bond Interest Tax" in an amount sufficient to pay the annual interest on the bonds then outstanding. The County Court was further authorized to levy at any time a special sinking fund tax of 20¢ or less to provide funds to pay the bonds upon maturity. The Chairman of the Committee was to receive no more than \$200 a year and the Secretary was to receive no more than \$300 a year as compensation for their services. The other members of the Committee were to receive no more than \$100 each. The Trustees of the Good Roads Fund served without compensation.
2. Private Acts of 1911, Chapter 650, authorized the Quarterly County Court of Carter County to issue bonds in the sum of \$60,000 for the purpose of constructing a highway from the Sullivan County line to the Washington County line by way of Elizabethton. The bonds had an interest rate of 5%, maturing thirty years after the date of issuance. The bonds were exempt from county and municipal taxation provided that a majority of the Justices of the Peace voted in favor of the issuance of said bonds during their term of Quarterly Court. The County Court was to elect 3 Commissioners who in conjunction with the Chairman of the County Court constituted a Board of Trustees of the Good Roads Fund. They were responsible for the bond issuance. The elected Chairman and Secretary, along with the remaining Commissioners were to keep a record of their proceedings. The Commissioners were to serve without compensation. Proceeds of the issuance were to be paid to the Trustee of Carter County. The County Court was to elect a Committee of five persons other than members of the County Court, who were to have control over the construction of roads. For handling, receiving and disbursing funds, the County Trustee was authorized to receive ½ of one per centum of the amount handled and paid out by him. Members of the Commission had to take an oath of office. The County Court was empowered to condemn any and all lands needed for the purpose of said road and the committee is given full power to purchase any needed lands for the purpose of constructing the road or highway. The County Court was authorized to levy a special tax to be known as the Road Bond Interest Tax to pay the annual interest on the bonds then outstanding and to levy at any time a special sinking fund tax with which to provide funds to pay said bonds upon maturity, which could not exceed 20¢ on the hundred dollars of taxable value.
3. Private Acts of 1915, Chapter 118, authorized the County Court of Carter County to issue bonds in the amount of \$340,000. The proceeds of this issuance were to be used to locate, build, repair, complete and maintain the public roads, turnpikes and bridges named in the act. The bonds had a rate of interest at 5% annually and thirty years from the date of issue. The act established a Board of Commissioners, composed of E. H. Little, Chairman; L. D. Gasteiger, Secretary; Dr. S. B. Wood, R. H. Pierce and S. A. Williams. The Board was empowered to control and supervise the construction of the roads, turnpikes and bridges. The Commissioners were to receive

- compensation in the amount of \$100 per year for their services. The Chairman and Secretary would receive \$600 per year. Before entering office, each Commissioner was required to execute a \$1,000 bond and subscribe to an oath of office. The Board was given the authority to hire a Civil Engineer if they deemed necessary, whose compensation was not to exceed \$150 per month, payable out of proceeds from the bond issuance. The Board had the power to condemn property deemed necessary for rights of way. The Board had to keep a record of all its accounts and expenses and construction. The County Court was authorized to levy annually a special property tax for road improvement that was sufficient to pay the interest and provide a sinking fund to pay the principal on the bonds. If the Court ordered the bonds to be issued and sold, Lee F. Miller, J. M. Barnes and J. W. Williams would comprise the Bond Committee. This committee had the responsibility of preparing, advertising and selling the bonds. The Committee members were to serve without compensation. Proceeds of the sale were to be paid to the Board of Commissioners, who would deposit such funds in a bank to be used in connection with the road maintenance and upkeep. E. E. Hathaway, E. C. Alexander and J. P. Bowers comprised the Sinking Fund Commission. Each member had to execute a \$5,000 bond before entering his duties. The Commissioners were paid \$2 for each meeting. The Secretary was to receive an additional \$50 per year for keeping the books, minutes and records.
4. Private Acts of 1915, Chapter 636, amended Private Acts of 1915, Chapter 118, above, by requiring a quorum to be present on the County Court when a bond issuance was to be decided upon. The amount of the issuance increased to \$365,000 and a new list of roads to be constructed or repaired was set out. New Board members were selected. M. D. Allen, Chairman of the Board; L. D. Gasteiger, Secretary; E. H. Little, Superintendent of Construction; Dr. S. B. Wood, and R. H. Pierce comprised the new members. The Superintendent of Construction was to be paid a salary of \$600 per year. In addition to their regular salaries, the Chairman and Superintendent were to receive up to \$100 per year for expenses. The Secretary was directed to keep a set of books showing all activities and transactions and was to receive no additional compensation. Commissioners were required to execute a \$10,000 bond and had to be approved by the Chairman of the County Court or the Clerk. Vacancies on the Board were to be filled by the Quarterly County Court. This amendment allowed P. W. Julian to replace Lee F. Miller as the new Bond Committee member and set out the manner in which a bond issuance could be made. The Sinking Fund Commission was abolished and vacancies on the Bond Committee were to be filled by the County Court. The Trustee was given control of the sinking fund.
  5. Private Acts of 1917, Chapter 334, provided for an election to determine whether the qualified voters favored a bond issuance in the amount of \$180,000. The purpose of such was to build additional turnpikes and improve roads. If approved, the bonds would be sold with an interest rate of 5% annually, redeemable thirty years from the date of issuance. The Quarterly County Court was to levy a tax sufficient to pay the indebtedness. The tax was to be collected by the Trustee. To carry out the provisions of this act a Bond Commission was established. William Boren, E. H. Little, Lee Goodwin, John K. Heaton, M. D. Allen, R. H. Pierce, L. D. Gasteiger, S. B. Wood, G. E. Wagner and S. E. Carden were appointed as Commissioners, their legal name being Carter County Pike Commission. The Commissioners had the authority to sell bonds, contract the public roads in Carter County and hire the engineers and other experts. The Commission had the right to close roads and anyone violating such would be fined from \$10 to \$100. The Commissioners would hold office until completion of the work. The elected Chairman and Secretary were to receive \$50 per month compensation and the remaining members were to receive \$3 per day each, with necessary expenses. Commissioners violating their duties would be subject to a fine of not less than \$1,000. An oath of office had to be taken by the Commissioners and they were to execute a \$25,000 bond. A Sinking Fund Commission was created to handle the sinking fund. The act specified the roads on which building and construction were to take place.
  6. Private Acts of 1919, Chapter 139, authorized Carter County to issue bonds in an amount up to \$30,000, bearing interest at a maximum rate of 6% annually, maturing thirty years after the date of issue, for the purpose of completing the pike road from the state line between North Carolina and Tennessee to Elizabethton. This act supplemented the original authorization given in Private Acts of 1915, Chapter 118, as amended by Private Acts of 1915, Chapter 636, both above. The Chairman of the County Court and two other persons selected by the Quarterly County Court were to act as Commissioners to control and supervise the expenditure of money and the work to be done. The County Court had the authority to determine the compensation of the Commissioners. The County Court was authorized to levy a tax to pay the indebtedness.
  7. Private Acts of 1919, Chapter 770, authorized Carter County through its Quarterly County Court to issue bonds in an amount up to \$60,000, bearing interest at a maximum rate of 6% annually with maturity not to exceed thirty years, for the purpose of laying out, grading, constructing and

macadamizing of three roads. Each road was allotted \$20,000. The Chairman of the County Court along with two other persons elected by the Quarterly County Court comprised the Road Commission, which had the duty of carrying out the provisions of this act. Compensation for the Commissioners was to be determined by the Quarterly County Court. An equal amount or one-half of the funds had to come from the State Highway Commission of Tennessee to validate this act. Roads were to be constructed under the supervision of the State Highway Commission. The Quarterly County Court was authorized to levy a tax annually to pay the indebtedness and create a sinking fund.

8. Private Acts of 1920 (Ex. Sess.), Chapter 56, authorized the Carter County Quarterly County Court to issue bonds in an amount up to \$15,000, bearing interest at a maximum rate of 6% annually, with maturity not to exceed thirty years, for the purpose of laying out, grading, constructing and macadamizing two roads specified in the act. One road was to be allocated \$10,000 and the other \$5,000. The Road Commission, County Judge or Chairman of the County Court had the duty of carrying out the provisions of the act. The Quarterly County Court was authorized to levy a tax to pay the indebtedness upon approval of the majority by a vote of the quorum present.
9. Private Acts of 1920 (Ex. Sess.), Chapter 57, authorized the Carter County Quarter Court to issue bonds in an amount up to \$80,000, bearing interest at a maximum rate of 6% annually, with maturity not to exceed thirty years for the purpose of laying out, grading, constructing and macadamizing four roads. The Chairman of the County Court and two other persons elected by the Court comprised the Road Commissioners. The Commission had the duty of carrying out the provisions of the act and their compensation was to be determined by the County Court. The State and Federal Governments provided aid for the completion of the roads. The County Court was to levy a tax annually to pay the indebtedness by a majority vote, a quorum being present.
10. Private Acts of 1920 (Ex. Sess.), Chapter 78, authorized the Carter County Quarterly Court to issue bonds in an amount up to \$125,000, bearing interest at a maximum rate of 6% annually, with maturity not to exceed thirty years to be used exclusively in conjunction with the State Highway Commission for the rebuilding by hard surface road of the Memphis-to-Bristol Highway extending from the Washington County line by way of Elizabethton to the Sullivan County line. The Road Commissioners, the Judge or Chairman of the County Court had the duty to work in conjunction with the State Highway Commission, which had strict supervision of the matters. The State and Federal Governments, for the purpose of this reconstruction, allocated \$250,000 to be used in conjunction with the funds coming from the bond issuance, totaling the sum for Carter County to be \$375,000. The Quarterly County Court was authorized to levy a tax to pay the indebtedness created by the bond issuance, provided the act passed by a majority vote of a quorum.
11. Private Acts of 1921, Chapter 399, allowed the Carter County Quarterly Court to issue bonds in an amount up to \$5,000, bearing interest at a maximum rate of 6% annually, with maturity not to exceed thirty years for the purpose of laying out, grading, constructing and macadamizing the road designated as Road No. 4 in Private Acts of 1920 (Ex. Sess.), Chapter 57, above. George I. Young and C. H. Hyden were named as Commissioners to serve with the Chairman of the County Court to carry out the provisions of this act. The Quarterly County Court was to decide the amount of compensation the Commissioners were to receive. A tax levy was authorized to pay off the interest indebtedness of the bond issuance.
12. Private Acts of 1921, Chapter 401, permitted the Carter County Quarterly Court to issue bonds in an amount up to \$30,000, bearing interest at a maximum rate of 6% annually, with a maturity schedule not to exceed thirty years for the purpose of laying out, grading, constructing, macadamizing and completing work on a road designated as Road No. 1. R. L. Campbell, N. J. Oliver and John S. Cole comprised the Road Commission to carry out the provisions of the act. A tax levy was authorized to pay off the interest of the indebtedness stemming from the bond issue.
13. Private Acts of 1921, Chapter 509, allowed the Carter County Quarterly Court to issue bonds in an amount up to \$137,000, bearing interest at a maximum rate of 6% annually, with maturity not to exceed 30 years, to supplement the \$30,000 authorized by Private Acts of 1919, Chapter 139, above. The purpose for this additional funding was to complete the pike laid out and under construction from the State line between North Carolina and Tennessee to Elizabethton. A Board of Commissioners was established and consisted of the Chairman of the County Court, who was also Chairman of the Board of Commissioners, C. H. Hyden, J. W. Brinkley, John K. Heaton and D. S. Williams. The Commissioners had control over the construction and completion of the pike road and were to act in conjunction with the State Highway Commission. The Commissioners were to receive \$100 per year as compensation for their services. The Chairman and Secretary of



the Board would receive \$300 per year for their services. All Commissioners had to execute a \$1,000 bond and subscribe to an oath. The County Court was authorized to levy a tax sufficient to pay the interest on the bonds and to create a sinking to provide for the payment of the bonds when they matured.

14. Private Acts of 1921, Chapter 518, allowed the Quarterly County Court in Carter County to issue bonds in an amount up to \$25,000, bearing interest at the maximum rate of 6% annually, maturing within thirty years for the purpose of laying out, grading and constructing and macadamizing a road. The road began at or near the bridge at Butler, Tennessee, Carter County side and ran to the mouth of Elk River in front of Carrander's lands and on to Heaton's branch to a point on the state line road leading to the North Carolina line. The Road Commissioners had the duty of carrying out the provisions of this act. The Commissioners were G. W. Trick, George W. Campbell and Joe Corrande. The County Court was to determine the amount of compensation paid to the Commissioners. The Quarterly County Court was authorized to levy a tax sufficient to pay the interest on the bonds and to create a sinking fund with which the bonds would be retired.
15. Private Acts of 1921, Chapter 654, authorized the Carter County Quarterly Court to issue bonds in an amount up to \$5,000, bearing interest at the maximum rate of 6% annually, with maturity not to exceed 30 years. The purpose of this issuance was to lay out, grade, construct and macadamized a road in the 17th Civil District of Carter County. That road began at the end of the pike road at M. E. Hyder's residence and extending southerly to the farm of David McKeenam. A Board of Road Commissioners was established and was comprised of E. L. Little, Chairman of the Commission, Luther Hyder, Secretary of the Commission and W. P. Loveless. The Board was given control of the construction of the road. The Commissioners were allowed \$50 per year for their services. They were each required to execute a \$1,000 bond. The act allow the County Court to levy a tax to pay the indebtedness created by issuance.
16. Private Acts of 1921, Chapter 793, allowed Carter County through its Quarterly County Court to issue bonds in an amount up to \$15,000, bearing interest at the maximum rate of 6% annually, maturing within thirty years from the date of issuance. The purpose of said issuance was to lay out, grade, construct and macadamize a road beginning on the Pike at Carter up Peter's Branch to Murphy Lane then south to C. H. Hyder's, west to Sam Nidiffer, southwest to Blue Spring Road and the most direct route the Commission chose for the 10th Civil District. The Board of Road Commissioners consisted of E. H. Little, Chairman, C. H. Hyder, Secretary and C. N. Ritchie. The Board had full control of the completion of the pike road. Compensation for the Board amounted to \$2 per diem for their services. The Commissioners were required to execute a bond in the amount of \$1,000.
17. Private Acts of 1921, Chapter 915, permitted the Quarterly County Court of Carter County to issue bonds in an amount up to \$10,000, bearing interest at the maximum rate of 6% annually, maturing thirty years from the date of issuance. The funds from this issuance were to be used for laying out, grading, constructing and macadamizing a road beginning on the Memphis to Bristol Highway near Milligan College and extending by way of Okolona Station on the C.C.& O. Railway to the Unicoi County line. The Quarterly County Court was to elect two persons to serve with the Chairman of the County Court as Road Commissioners to carry out the provisions of the act. Compensation for the Commissioners was to be determined by the Quarterly county Court. The Commissioners were required to execute a bond and take an oath of office. The State Highway Commission was given strict supervision of the road construction. The construction of that road received from the State and Federal Government \$2 for each \$1 contributed by Carter County. The Quarterly County Court was authorized to levy a tax to pay the indebtedness of the bonds and to create a sinking fund from which the bonds would be retired.
18. Private Acts of 1921, Chapter 966, authorized the Carter County Quarterly Court to issue bonds in an amount up to \$17,500, bearing interest at the maximum rate of 6% annually, maturing thirty years from the date of issue, for laying out, grading, constructing and macadamizing two roads. One road would begin at the end of the proposed pike at Ellis Spring in the 14th Civil District, extending west to a point on the south side of a bridge near Valley Forge and intersecting with Elizabethton to the North Carolina State Line Highway. This road was appropriated the sum of \$7,500. The second road would begin at the end of the pike road at R. B. Hyder's residence in the 7th Civil District, extending along the east side of Doe River near the residence of Mrs. Alice Garrison. This road was appropriated the sum of \$10,000. The Board of Commissioners were given the control and management of the construction of the roads. The following persons comprised the Board. B. B. Hyder, D. L. Hyder, Secretary and N. T. Somerly. The Commission was to serve without compensation except for necessary and traveling expenses. Each Commissioner had to execute a \$1,000 bond. A tax levy was authorized to pay the indebtedness

resulting from the bond issue.

19. Private Acts of 1923, Chapter 685, amended Private Acts of 1920 (Ex. Sess.), Chapter 78, above, by naming Walter Dungan and J. A. Reynolds as Road Commissioners, by giving the city of Elizabethton the responsibility of paving the highway within the city limits and to prevent independent action by the County Judge or Chairman without the concurrence of the Road Commission. The act further gave the Judge and the Commission the authority to spend the \$125,000 independently of any agreement with the State Highway Department and made all vouchers connected with this undertaking invalid unless they had the signature of the Judge or Chairman and each of the Road Commissioners on them.
20. Private Acts of 1925, Chapter 502, authorized the Quarterly County Court in Carter County to issue bonds in the amount of \$25,000, with an annual interest rate not to exceed 6% and matured thirty years from the date of issue. The purpose of this issuance was to provide funds to replace and refund money into two road funds in Carter County. The withdrawals from the two road funds was used to construct a county jail and improve the county courthouse. Allocation of the replacement funds specified that \$15,000 be refunded to Cardens Bluff Road Fund and \$10,000 to Buladeen Road Fund, both described in Private Acts of 1920 (Ex. Sess.), Chapter 57, above. The Quarterly County Court was authorized to levy a tax sufficient to pay the indebtedness of the bond issue.
21. Private Acts of 1925, Chapter 800, authorized a bond issuance in the amount of \$50,000, with an annual interest rate not to exceed 6% and maturing thirty years from the date of issue. The proceeds were to be used to lay out, macadamize and complete a road beginning at the north end of the 4th Civil District near William Miller's residence on the west side of the Elk River and extending up the same and near same in a southern direction by way of the mouth of Row Branch, Elk Mills and Heatons Branch, to the state line of Tennessee and North Carolina. A Board of Road Commissioners was established and was composed of the Chairman of the County Court, who was to serve as Chairman of said Commission, Don Vancannon and M. R. Pearson as members. This Commission was granted full power to construct the road. The Commissioners were to be paid \$100 per year for their services and each had to execute a \$1,000 bond before they took office. The act permitted a tax levy to be used to pay the debt caused by the issuance.
22. Private Acts of 1927, Chapter 173, permitted Carter County through its Quarterly County Court to issue bonds in an amount up to \$280,000, with an annual interest rate not to exceed 6% annually, maturing within thirty years. The proceeds were to be used in laying out, grading, constructing, macadamizing, repairing and completion of certain specified roads. The issuance could be permitted only after voter approval in a referendum. The act created a Board of Road Commissioners to carry out the provisions it set out and was composed of the Chairman of the County Court, who was also Chairman of the Road Commission, W. R. Pearson, J. D. Simerly, E. H. Little, D. R. Grindstaff and George T. Young. They were paid \$50 a year for their services and were each required to execute a \$5,000 bond before they took office. A tax levy was authorized to pay the indebtedness created by the bond issuance.
23. Private Acts of 1927, Chapter 442, amended Private Acts of 1927, Chapter 173, above, by raising the amount of the bond issuance to \$360,000. The act also added eight more roads to be improved, added George B. Hardin to the Road Commission and if the results of the election were opposed to the issuance, the County Court could call for another election within two years.
24. Private Acts of 1929, Chapter 88, authorized the issuance of bonds in the amount of \$160,000 by Carter County. The proceeds were to be used in aiding the State Highway Department in building a highway from Hampton, by way of Fish Springs and Red Hill to Mountain City. The proceeds from the bond sale were placed in the County Treasury. Carter County desired to build a highway to go by the way of Butler to Mountain City and the State Highway Department refused to allow it. Instead the Highway Department proposed that Carter County build a highway by way of Butler under certain conditions. To accept this proposition, this act empowered Carter County to enter into a contract with the State Highway Department and to use the funds appropriated in constructing a highway from Fish Springs to Butler.
25. Private Acts of 1929, Chapter 820, authorized Carter County through its Quarterly County Court to issue bonds in an amount up to \$498,500, with an annual interest rate that would not exceed 6% and had to mature within thirty years from the date of issue. The purpose of such issuance was to lay out, grade, construct, repair or macadamize twenty-eight roads in Carter County. The proposed issuance had to receive voter approval before the issuance could be made. A Board of Road Commissioners was created by the Quarterly County Court, which had the full power of carrying out the provisions of this act. The Commissioners were to receive \$50 a year as compensation for their services and each was required to execute a \$5,000 bond before entering

- office. A tax levy was authorized to pay the principal and interest of the bonds.
26. Private Acts of 1931, Chapter 308, amended Private Acts of 1929, Chapter 820, above, where a bond issuance was made and partially spent. The sum of \$125,000 remained deposited in the Bank of Tennessee on an indefinite hold because the bank failed. As a result this money may have been lost when the affairs of the bank were cleared up. Numerous projects had been partially completed because there were no available funds. As such, this amendment authorized the Quarterly County Court of Carter County to issue bonds in an amount up to \$125,000 to be used in the completion of the purposes of the original act. The interest rate was not to exceed 6% per year and the maturity date was not to exceed thirty years. The tax levy was authorized to pay the interest and principal of the bonds.
  27. Private Acts of 1937, Chapter 505, Section 15, repealed Private Acts of 1929, Chapter 820, Section 4, by abolishing the Board of Road Commissioners. This act provided that all unexpended funds created for public road purposes and any other funds mixed in the hands of the Commission be transferred to the County Highway Commission created by this act. This act was repealed by Private Acts of 1939, Chapter 297.

### **Schools**

1. Private Acts of 1923, Chapter 571, authorized the County Court of Carter County to issue bonds up to the amount of \$50,000, for the purpose of building a high school in Elizabethton. The bond issuance would be allowed after the majority of qualified voters approved of such in an election. The bonds would carry an interest rate not in excess of 6% and matured in not more than thirty years. The City of Elizabethton along with Carter County were to contribute an equal amount to the erection of the high school. A tax levy was authorized to pay the indebtedness created by the bond issue.
2. Private Acts of 1929, Chapter 773, authorized the County Board of Education in Carter County to borrow money and issue notes of the County Board of Education for no more than one year at a maximum interest rate of 6% per year. The loan could not exceed \$25,000 in one year for high schools and \$35,000 for elementary schools. The purpose of obtaining money was to operate said schools in the counties.
3. Private Acts of 1931, Chapter 741, authorized the Quarterly County Court of Carter County to issue bonds in the amount of \$25,000, for the purpose of refunding an indebtedness on school buildings then outstanding. The bonds would carry an interest rate not in excess of 6%, maturing at a time determined by the County Court.
4. Private Acts of 1935, Chapter 462, permitted the Carter County Quarterly Court to issue bonds in an amount up to \$150,000 to pay off the existing debts represented by outstanding school warrants issued by the Board of Education for teachers, incidental expenses, school grounds, school buildings and to pay off judgments on warrants. The interest rate on the bonds was not to exceed 6% annually and matured thirty years from the date of issue. A tax levy was authorized to pay the interest on the bonds and to create a sinking fund.
5. Private Acts of 1935 (Ex. Sess.), Chapter 110, amended Private Acts of 1935, Chapter 462, above, by a provision requiring that all uncollected taxes due Carter County for the year 1933 and before, which were levied for school purposes and for school warrants, be set aside and appropriated to a special sinking fund to retire the bonds authorized by Chapter 462. Any official of the County who diverted such funds to any other purpose was subject to a fine and forfeiture of his office. Fines ranged from \$25 to \$50.
6. Private Acts of 1949, Chapter 387, allowed the Quarterly County Court of Carter County to issue bonds in an amount up to \$2,000,000, with an annual interest rate not to exceed 4% and maturing 25 years from the date of issue. The proceeds would be known as the "Carter County New School and Improvement Bonds" and used for erecting school buildings, making additions and repairs to school buildings and equipping and furnishing school buildings. Also, to purchase land upon which to build and maintain the buildings and to build playgrounds, rights-of-way and other purposes incident to the buildings. A majority vote of the Quarterly County Court was necessary for a bond issue to be made. A tax levy was authorized to pay the interest on the bonds and to create a sinking fund for the redemption of the bonds.
7. Private Acts of 1949, Chapter 810, amended Private Acts of 1949, Chapter 387, above, by deleting the provision which expressly prohibited the apportionment of any of the funds realized from this bond issue to any city, municipality or special school district.

# Chapter IV - Boundaries

## Creation

### Acts of 1796 (Mar. Sess.) Chapter 31

**SECTION 1.** That the county of Washington be divided by a line as follows, to wit, -- Beginning on the line that divides this state from the state of North Carolina, at a point from which a line to be drawn due north, will strike the house of George Haires -- thence the nearest direction to the top of the Buffaloe mountain -- thence along the heights of the said mountain, to the high knob on the fence, near the north end thereof -- thence a direct line to the house where Jonathan Tipton, junior, now lives, leaving said house in Washington county -- thence a direct line to the south bank of Watauga river, at Jeremiah Dungan's ford -- thence due north to the Sullivan line; and all that part lying to the east of said lines, henceforth be erected into a new and distinct county, by the name of Carter.

**SECTION 2.** That Landon Carter, Reuben Thornton, Andrew Greer, Senior, Zacheriah Campbell, and David M'Nabb, or a majority of them, be, and are hereby appointed commissioners, and authorized to appoint, fix on, and lay out a place the most suitable and convenient in said county, for the purpose of erecting a court house, prison and stocks.

**SECTION 3.** That the aforesaid commissioners are hereby authorized and required, as soon as may be, after agreeing on the place whereon the prison, courthouse, and stocks are to be erected in said county, to contract and agree with suitable workmen, for erecting and building, at the place aforesaid, a courthouse, prison, and stocks, for the use and benefit of said county.

**SECTION 4.** And the better to enable the commissioners aforesaid to carry this act into effect. That a tax of twelve and a half cents on each hundred acres of land -- a tax of twenty five cents on each town lot -- a tax of twenty five cents on each slave between the age of ten and fifty years -- and a tax of twelve and a half cents on each white male, between the age of twenty one and fifty years, shall be collected in the said county, for two years, by the sheriff or collector of the same, and accounted for and paid to the said commissioners, at the same time, and in the same manner, and under the like penalties and restrictions, as is or may be directed for collecting, accounting for, and paying public taxes.

**SECTION 5.** That before the said commissioners shall take into their hands, any of the monies directed to be collected by this act, they shall enter into bond in the sum of one thousand five hundred dollars, payable to the governor and commander in chief, for the time being, and his successors, conditioned for the faithful discharge of the trust reposed in them.

**SECTION 6.** And for the due administration of justice in said county, Be it enacted, That the court for the said county of Carter, shall be held constantly by the justices of said county, on the first Mondays in April, July, October and January in every year: And the justices for said county of Carter are hereby authorized and empowered to hold the first court for the same, at the house of Samuel Tipton, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built for the said county of Carter, then all causes, matters, and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Carter, shall be held by commission to said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction as are or shall be prescribed for the courts for the several counties in this state.

**SECTION 7.** That the aforesaid county of Carter shall be, and is hereby declared to compose a part of the district of Washington, in the same manner, and for all purposes, civil and military, as it did when it stood undivided from the county of Washington: And the said county of Carter, from and after the passing of this act, shall furnish three, and the county of Washington seven jurors to the inferior courts of law and equity, for the district of Washington aforesaid.

**SECTION 8.** That Joseph Brown and Nathaniel Taylor, be appointed commissioners, who are authorized to run the dividing lines between the aforesaid counties; that is, where they are not already run, or particularly pointed out by natural boundaries; for which services the said commissioners shall each be allowed two dollars per day, and the markers one dollar per day, the expense equally to be paid by the aforesaid counties.

**SECTION 9.** That the present sheriff or collector of Washington counties be authorized to collect all arrearages of public taxes, which by law he was authorized to collect, in the same manner that he might or could do, when the said county of Washington stood undivided.

# Change of Boundary Lines

## Private Acts of 1835-36 Chapter 31

**SECTION 1.** That a new and distinct county be and the same is hereby established, to be known and distinguished as the county of Johnson; beginning at the line of Sullivan county, at a place called the Rich End, where the cross ridge commences that divides the waters of Beaver Dam and Stoney creeks; thence running with the height of said ridge to the Iron mountain; thence with the extreme heights of said mountain to a point opposite the ridge running from said mountain between Dugger's and Vanhouse's; then with said ridge to the Watauga river; then up said river to the mouth of Elk creek; then with the ridge dividing Elk creek from the Watauga river, to the North Carolina line; then with the line between Carter county and North Carolina line to the Virginia line; then with the Virginia line to the corner between Carter and Sullivan counties, from thence to the beginning.

**COMPILER'S NOTE:** The remaining Sections of this act did not apply to Carter County and therefore are not included herein.

Passed: January 2, 1836.

## Boundaries - Historical Notes

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

1. Acts of 1803, Chapter 35, authorized the County Court of Carter County to appoint one Commissioner to run and designate such parts of the county lines as they he deemed proper. The Commissioner was permitted to employ one Marker. The act provided the Commissioner with \$2 per day for each day of employment and the Marker was allowed \$1 per day, to be paid out of the County Treasury.
2. Acts of 1804, Chapter 18, changed the lines between Carter and Sullivan Counties. John McKay was appointed Surveyor to run this line at a salary of \$2 per day for his services.
3. Acts of 1809 (Sept. Sess.), Chapter 27, authorized Elihu Embree, of Washington County, to employ a Surveyor to run a line to include the dwelling house of Embree in Carter County, but not to take more than 50 acres from Washington County. The line was to be recorded at Embree's expense and was to be part of the dividing line between Washington and Carter Counties.
4. Acts of 1837-38, Chapter 211, provided that the Quarterly County Court of Carter County appoint a suitable person to run and mark the line between the Counties of Johnson and Carter lying between the County of Sullivan and the Watauga River. Carter County was to pay a reasonable compensation out of any money in the County Treasury for the services. The Surveyor shall make and return a fair plat of such line to the Clerk of the County Court, who was to record the same.
5. Acts of 1851-52, Chapter 249, moved the lands upon which Joshua Perkins and Richard G. Perkins lived from Johnson County into Carter County.
6. Public Acts of 1868-69, Chapter 20, appointed James G. Smith and William C. Emmett of Carter County and John Anderson and John Welch of Sullivan County as a Commission to run the line between Sullivan and Carter Counties, beginning at the coroners of Carter, Sullivan and Washington Counties near Widow Humphrey's place with the county line to the top of Holston Mountain. Commissioners were to be compensated as the court might direct.
7. Public Acts of 1869-70 (2nd Sess.), Chapter 21, transferred the lands and residence of H.P. Phillips from Washington County into Carter County.
8. Public Acts of 1870-71, Chapter 41, appointed James G. Smith, William C. Emmett and Sam A. Cunningham of Carter County; John Wolf, R. P. Fickle and the Surveyor of Sullivan County; and John Bowman and G. W. St. John of Washington County as Commissioners to re-survey and establish the line between Carter and Sullivan Counties, beginning at the corner of Carter, Washington and Sullivan Counties near the residence of the Widow Humphreys, thence with the line between Carter and Sullivan Counties to the top of Holston Mountain. The Commissioners would run and mark the line and file a plat of it in the office of the Secretary of State and in the Register's office in Carter and Sullivan Counties. The line established would be recognized as the true dividing line. The expenses would be paid by the respective County Courts.
9. Public Acts of 1871, Chapter 61, appointed T. A. Faw, E. F. Akard and John Hardin of Washington County as Commissioners. They were to examine records, take testimony and any other means necessary to ascertain the true and original corner of Carter and Sullivan Counties on the same

lines mentioned in the above act. The Commissioners were to make full report of their findings to the County Courts of Carter and Sullivan Counties to enter into their respective records. This would be the boundary line in law and equity. The Commissioners would receive compensation for their services by Carter and Sullivan Counties.

10. Public Acts of 1883, Chapter 201, changed the lines between Carter and Unicoi Counties to begin at the State line between North Carolina and Tennessee on the top of Rickels Ridge, thence with the top of the Dividing Ridge to the top of Stone Mountain, thence on a direct line to Honey Comb Mountain, repealing all conflicting acts.
11. Public Acts of 1887, Chapter 21, designated practical Surveyors William H. Gaines of Sullivan County, J. O. Robertson of Washington County and Nat Hyder of Carter County as Commissioners. They would examine all records, evidence, take testimony and use any other means to determine the true and original corner of Carter and Sullivan Counties, near the Widow Humphrey's residence, to survey and mark the line between the two Counties to the top of Holston Mountain. If they could not serve, the County Court of that County would appoint another Surveyor. The Commissioners were to make a full report to the County Court of Carter and Sullivan Counties to enter into their respective records. This would be the established boundary in law and equity. The Commissioners would receive compensation for their services.
12. Public Acts of 1895, Chapter 61, changed the line between Carter and Johnson Counties to begin on the county line at the top of the Dividing Ridge between the said Counties, then with the old stage road to the Branch at the residence of Eli Oliver, up the McQueen Branch to the northern boundary of Dicey Marley's land, west with her line to the Johnson County line and then back to the beginning.
13. Public Acts of 1899, Chapter 171, altered the lines between Carter and Washington Counties so as to include all the farm of H.B. Huston in the 13th Civil District of Carter County. A metes and bounds description is furnished in the act.
14. Private Acts of 1911, Chapter 275, moved all the lands of I. W. McQueen and V. A. L. Rainbolt from Carter County into Johnson County.
15. Private Acts of 1915, Chapter 646, repealed Private Acts of 1899, Chapter 171, above.

## Chapter V - Court System

### Chancery Court

### Probate Jurisdiction

### Private Acts of 1982 Chapter 385

**SECTION 1.** The chancery court in Carter County shall have exclusive jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto which were formerly vested in the county court or the county judge.

**SECTION 2.** The County Clerk of Carter County shall be the sole county official authorized and empowered to grant letters of administration and letters testamentary, appoint administrators and executors, receive and adjudicate all claims, probate wills in common form, determine allowances to the surviving spouse and family of the deceased, preside over the assignment of homestead, take and state all accounts and settlements, subject to the approval of the chancellor, direct and approve final distributions, and hear and determine all probate matters whether herein enumerated or not. The chancellor shall hear all probates in solemn form and may hear such other probate matters as he may deem proper. Probate-related actions taken by the county clerk shall be subject to review by the chancellor by simple motion, petition or filing of exceptions as may be appropriate.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County before September 1, 1982. 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 4.** 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 September 1, 1982, if approved as provided in Section 3.

Passed: May 6, 1982.

**COMPILER'S NOTE:** Private Acts of 1982, Chapter 325, herein, is identical to this act except that it was not approved by the Carter County Legislative Body and never became law.

## Circuit Court

### Public Acts of 1968 Chapter 449

**COMPILER'S NOTE:** Although this is a public, rather than a private act; it is one of special effect and is not found in Tennessee Code Annotated.

**SECTION 1.** A Second Judge to be designated as "Judge, Part II" for the First Judicial Circuit is established.

**SECTION 2.** The Judge in the said Circuit senior in point of service shall be the Senior Judge. If neither Judge is senior in terms of length of service, then the Judge who received the greater number of votes in the last election for the office shall be considered the Senior Judge.

**SECTION 3.** The Senior Judge of the said circuit shall designate which cases will be tried by each Judge.

**SECTION 4.** The provisions of this Act shall not apply to the criminal division of the said circuit, and the Criminal Judge of the said circuit shall not be the Senior Judge referred to in this Act.

**SECTION 5.** The Judge, Part II for the First Judicial Circuit, and his successors, shall be learned in the law and not less than thirty (30) years of age. No appointment shall be made to fill the office created by this Act prior to the August 1968 election, but the Judge, Part II shall be elected at the August election in 1968 by the qualified voters of the First Judicial Circuit and shall hold office from the date of his election until September 1, 1974, and until his successor is elected and qualified; and, at the August election of that year, and thereafter every eight (8) years, there shall be elected by the qualified voters of the said Judicial Circuit a Judge, Part I and a Judge, Part II. The Judge, Part II will receive the same salary, payable in like manner, and have the same powers of the Circuit Judges of this State and may interchange with any of the Circuit Judges and Chancellors of this State.

**SECTION 6.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 14, 1968.

## General Sessions Court

### Private Acts of 1943 Chapter 333

**SECTION 1.** That there is hereby created and established in and for Carter County, Tennessee, a Court which shall be designated as the Court of General Sessions of Carter County, Tennessee, which shall possess the powers and jurisdiction as hereinafter provided.

**SECTION 2.** That the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of Carter County are hereby divested of all such jurisdiction and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in nowise affected by this Act, with the exception of the power and authority to issue civil and criminal warrants, attachments, garnishments, subpoenas, peace warrants, and mittimi and fix bonds. The trial of defendants on such, however, and the trial of any and all cases is to be before the Judge of the Court of General Sessions. The Justice of the Peace issuing such criminal warrants and mittimi shall receive the same fees therefor as are now provided for the issuance of such papers.

**COMPILER'S NOTE:** Brackets supplied by Compiler. Materials within the brackets apply to Section 4 of the Private Acts of 1984, Chapter 179 and not to the original act.

[Effective upon this act being approved as provided in Section 4], the Court of General Sessions shall be vested with juvenile jurisdiction in Carter County and such judge shall possess all of the jurisdiction, powers, duties, and authority conferred upon juvenile court judges by the provisions of Tennessee Code Annotated, Title 37 or any other general law.

[Upon approval of this act,] all unfinished and pending cases or matters in the juvenile court of Carter County shall be transferred to the Court of General Sessions. On such date, all official books, records and other documents pertaining to any matter within the jurisdiction of such juvenile court shall be delivered to the General Sessions Court Clerk.

As amended by: Private Acts of 1949, Chapter 411  
Private Acts of 1951, Chapter 236  
Private Acts of 1951, Chapter 534  
Private Acts of 1984, Chapter 179

**SECTION 3.** That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time and place of which process shall be returnable, and the time and place in which such cases shall be heard, and such other rules as will enable the Court to function properly.

**SECTION 4.** That the jurisdiction of said Court shall be co-extensive within the boundaries of Carter County, Tennessee, and the said Judge shall have power and authority to hear and try all cases at the courtroom established therefor, or at such other place or places in Carter County as he may determine to be more feasible and convenient for the parties.

**SECTION 5.** That before any civil case shall be tried, or judgment rendered in said Court, the Judge of said Court may require the plaintiff to execute a cost bond with good security in the sum of \$25.00, or make a cash deposit of not less than \$2.50 nor more than \$25.00, or in lieu thereof to take the oath prescribed for poor persons, and upon motion of the Court may increase the cost of such bond or deposit.

**SECTION 6.** That the rules of pleadings and practice form, of writs and process and stay of appeals and judgments in civil cases of said Court shall be the same as of Justices of the Peace.

**SECTION 7.** That in all matters the costs and fees of said Court of General Sessions, including the services of the Clerk of this Court, shall be the same as those 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 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, and fees, commissions and emoluments of the Sheriff, his deputies, constables, State highway patrolmen, game wardens, and other officers, for services in said Court accounted for and disbursed as required by law.

**SECTION 8.** That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant to process, and return on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, 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, etc., and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner.

**SECTION 9.** That there shall be one Judge of said Court, who shall be a resident and citizen of Carter County, Tennessee, and learned in the law, who shall before entering upon his duties as such, take and prescribe an oath for the faithful performance of his duties and execute a bond in the penalty of \$5,000.00, payable to the State of Tennessee, with good and solvent sureties thereon, conditioned upon his faithfully accounting for all money coming into his hands.

**SECTION 10.** That the compensation of said Judge shall be \$3,600.00 per annum, payable in equal monthly installments on the first of each month, out of the ordinary funds of the County, and shall not be increased or diminished during the term for which he is appointed or elected. The Judge of said Court of General Sessions may at any time receive and receipt from the Clerk of said Court of General Sessions any amount due the said Judge on his salary. Said funds to be paid out of funds in the hands of said Clerk due Carter County, Tennessee, and the Clerk of said Court will take credit for same on his quarterly report made for revenue due the County.

As amended by: Private Acts of 1947, Chapter 735

**SECTION 11.** That Melton S. Bangs, a resident and citizen of Carter County, Tennessee, and who is learned in the law, is hereby appointed the first Judge of the said Court, to serve as such until his successor is elected and qualified; said successor will be chosen by the voters of Carter County, Tennessee, at the next general August election to be held in the year 1944, and shall hold office from the first day of September, 1944 until the next regular election of judicial officers or until his successor is



qualified.

**SECTION 12.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, 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 shall have the same authority as a regular Judge to hold the Court for the occasion.

**SECTION 13.** That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

**SECTION 14.** That there shall be a Clerk of said Court who shall hold office for a period of two years and until his successor is elected and qualified. The said Clerk shall receive as compensation for his or her services the sum of \$1,800.00 per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Carter County. The Judge of said Court of General Sessions may, at any time, by written order authorize said Clerk to pay said Clerk's salary out of the funds in the hands of said Clerk due Carter County, Tennessee, and said Clerk will be allowed to take credit for same on his quarterly report made for revenue due said County.

Said Clerk shall perform all duties required of him by the Judge of said Court and shall receive, safely keep and account for all funds received by said Court, and shall pay over to said Carter County quarterly all fees, commissions, and emoluments of said Court of General Sessions, less the specific deductions allowable by this Act.

The Clerk of said Court shall have concurrent authority with the Judge of said Court in the issuance of all processes required to be issued from said Court.

[Effective upon this act being approved as provided in Section 4,] the Clerk of the Court of General Sessions shall be the clerk for all juvenile matters within the jurisdiction of the Court of General Sessions. Such clerk shall possess the same powers, duties and authority in matters pertaining to the court's juvenile jurisdiction as the clerk currently responsible for juvenile matters.

As amended by: Private Acts of 1947, Chapter 735  
Private Acts of 1984, Chapter 179

**SECTION 15.** That before the Clerk of said Court shall enter upon his duties he shall take and subscribe an oath for the faithful performance of his duties and execute a bond payable to the State of Tennessee in the penalty of \$5,000.00, secured by good and solvent sureties, conditioned for the faithful accounting of all funds coming into his hands and for the faithful performance of his duties.

**SECTION 16.** That on September 1, 1948, the office of Clerk of the General Sessions Court is hereby abolished and all the duties thereof transferred to the Clerk of the Circuit Court of Carter County and thenceforth shall act as Clerk of the General Sessions Court. All dockets, records and papers in the hands of the then Clerk of the Court of General Sessions shall be transferred to the Circuit Court Clerk of Carter County and the latter's powers and duties with respect to General Sessions Court matters shall be as full and complete as though set forth in this Act as therein conferred on the Clerk of the Court of General Sessions. For the additional duties herein imposed upon him, the Circuit Court Clerk of Carter County shall receive as compensation the additional sum of \$900.00 per annum, to be paid in monthly installments from the County Treasury.

As amended by: Private Acts of 1947, Chapter 735

**SECTION 17.** That this Act shall in nowise 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 suits, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 18.** 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 (sic) Sessions. The official dockets, records, and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to Carter County as provided by law.

**SECTION 19.** That the Clerk of said Court of General Sessions, when he is qualified as such, shall make a quarterly report of all revenue collected by him due Carter County, and in his report he may take credit for any sums paid by him to the Judge of said Court of General Sessions due on his salary, or for any sums paid by him on the Clerk's salary, or other deductions specifically allowed by this Act, and he shall have credit for the same.

**SECTION 20.** That said Court shall have authority to hear and determine all undisposed of cases arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions on unsatisfied judgments on the docket of said Justices of the Peace, and to certify to said judgment or judgments.

**SECTION 21.** That Carter County, Tennessee, shall provide Court rooms, dockets, furnishings, and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County or out of the fees and costs received by said Court.

**SECTION 22.** That the General Assemblby (sic) expressly declare that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of 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 portions elided therefrom.

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

Passed: February 9, 1943.

## Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Carter County, but are no longer operative.

1. Private Acts of 1833, Chapter 194, provided that the County Courts of Carter and Lincoln Counties allow jurors summoned to attend Court more than one day, not less than 50¢ and no more than \$1 per day for their services. A majority of the Justices had to be present. The County Courts were authorized to levy and collect a tax to pay the jurors, if necessary. Talesmen jurors would be paid the same amount and may secure a certificate free from the County Court Clerk showing the number of days served.
2. Private Acts of 1925, Chapter 622, created a three-member Board of Jury Commissioners for Carter County who would be appointed by the Circuit Judge of the Judicial Circuit. The Commissioners would serve for a two year term and were either householders or free holders of the County, having resided in the County at least three years. The Commissioners were required to take an oath of office, after which they would select a Chairman of the Board. The Clerk of the Circuit Court was to serve as Secretary of the Board. The Board would make a list of 500 typewritten names on separate slips of paper and placed in a box under lock and key. The box would only be opened at a regular meeting with at least two Board members present. When the number of available jurors dropped under 100 persons, the list would be replenished. Ten days before the court term, at least 24 names would be drawn from the box by a child under the age of ten years. Summons were issued by the Circuit Court Clerk for the 24 persons selected and the Sheriff was given the duty of serving the summons. Commissioners were to receive \$2 per day while actually engaged in the performance of their duty.
3. Private Acts of 1943, Chapter 464, amended Private Acts of 1925, Chapter 622, above, by increasing the membership on the Board of Jury Commissioners from three to five, increasing the rate of pay from \$2 to \$5 for each day actually worked and by granting a mileage allowance of four cents per mile actually travelled to and from meetings in the performance of their duties.
4. Private Acts of 1951, Chapter 299, allowed jurors serving in Carter County to receive the sum of \$6 per day each as compensation for their services.

### **Circuit Court - Clerk**

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

1. Acts of 1855-56, Chapter 213, required the Secretary of State to furnish the Circuit Court Clerk of Carter County with one volume of Seventh and one volume of Eleventh Humphreys' of the Supreme Court of Tennessee decisions provided copies were available without having a reprinting.
2. Private Acts of 1859-60, Chapter 128, directed the Secretary of State to furnish the Circuit Court Clerk of Carter County with Meigs' Report, Sixth Yerger and Eleventh Humphreys. Their originals were destroyed by fire. The Treasurer of the State was to issue a warrant to the Secretary of State for an amount sufficient to pay for the same. This providing there were copies then in print.
3. Acts of 1903, Chapter 255, set forth a schedule of annual salaries for Circuit Court Clerks based upon the population of the county in which the Clerk was serving. According to population figures, the Circuit Court Clerk of Carter County would be paid \$750 annually. The Clerk was required to file an annual, sworn, itemized statement with the County Judge or Chairman, showing the amount of fees collected by the office during the year. If the fees were less than the salary, the County would supply the difference. If the fees exceeded the salary, the Clerk could retain the surplus.

4. Private Acts of 1915, Chapter 216, fixed compensation of the Circuit Court Clerk in Carter County at \$1,000 per year, provided the Clerk filed a sworn, itemized statement in January with the County Judge or Chairman, showing the total amount of fees collected by his office. If the fees were less than the salary, the County would pay the Clerk the difference. If the fees exceeded the salary, the Clerk was allowed to retain the surplus.
5. Private Acts of 1919, Chapter 184, provided that the Circuit Court Clerk, the Sheriff and the Tax Assessor of Carter County would draw salaries to be paid in quarterly installments by the County Trustee upon the warrant of the Chairman of the Quarterly County Court.
6. Private Acts of 1925, Chapter 160, increased the salary of the Circuit Court Clerk of Carter County to \$1,500 annually, provided the Clerk filed a sworn, itemized statement quarterly with the County Chairman showing the total amount of fees collected. If the fees were less than the salary, the County would make up the difference. The Clerk was also authorized to employ help during the regular or special terms of court for which he could pay a reasonable amount, but if the fees of the office exceeded all this, the excess must be turned into the County Treasury.
7. Private Acts of 1929, Chapter 708, amended Private Acts of 1925, Chapter 160, above, by increasing the annual salary of the Carter County Circuit Court Clerk to \$2,000 per year and the Clerk was allowed \$15 per week for clerical hire, provided the Circuit Court Clerk file a quarterly itemized statement sworn to the County Judge or Chairman, showing a statement of fees paid to their offices.
8. Private Acts of 1931, Chapter 585, amended Private Acts of 1929, Chapter 708, above, by authorizing the Carter County Court to levy a special tax not to exceed five cents per \$100 property valuation in order to provide the revenue to pay for the salary increase heretofore given to the Circuit Court Clerk.

### **Criminal Court**

The following acts once pertained to the Carter County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1867-68, Chapter 49, created a Judicial Criminal District in Johnson, Carter, Washington, Sullivan, Hawkins, Green, Cocke, Jefferson, Grainger and Claiborne. The Sheriffs were authorized to hold an election to elect a Judge for the Criminal District in Johnson, Carter, Sullivan, Washington, Greene, Hawkins and Hancock Counties on the third Thursday in April 1868.
2. Public Acts of 1867-68, Chapter 90, created a Judicial Criminal District composed of Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger and Claiborne Counties. These courts had exclusive jurisdiction of all cases the State was a party or which required the services of an Attorney-General. Carter County held Criminal Court on the second Monday of February, June and October. County Courts had the responsibility of appointing jurors and the Attorney-General was entitled to sit in on Criminal Courts in this County and to prosecute the pleas of the State. The Judge for Criminal Court was to be elected on the first Thursday of February, 1868 with the same salary as other Judges in the State. Judges had the power to interchange with Judges in Circuit or Criminal Court Judges or Chancellors of the State.
3. Public Acts of 1869-70, Chapter 11, repealed Public Acts of 1867-68, Chapter 90, above, by abolishing the Criminal Court. The Circuit Courts of said counties were to succeed to all the duties and powers of the Criminal Court. The Clerk of Criminal Court was to make out a State Docket of all the cases remaining in Criminal Court and place the same on the dockets of the Circuit Court of said counties.
4. Private Acts of 1925, Chapter 131, created a Criminal Court for Greene, Washington, Unicoi, Carter and Sullivan Counties. This court was to be known as the Criminal Court for the First Judicial Circuit. Carter County was to hold Criminal Court on the second Monday in February, June and October at Elizabethton. The Criminal Court was to have general common law and statutory jurisdiction, original and appellate, over all criminal cases arising in these Counties. The Circuit Court Clerks were to serve as the Clerks of the Criminal Court and receive the same compensation. The Attorney-General for the First Judicial Circuit was to serve as the Attorney-General in Criminal Court. The Criminal Court Judge appointed by the Governor was to have the same power and jurisdiction as other Judges in the State. The County Courts, Jury Commissions or other authorized authority had the duty of appointing juries for the Criminal Court.
5. Public Acts of 1957, Chapter 47, amended T.C.A. 16-2-201 by changing the time Criminal Court was held for the First Judicial Circuit. Carter County held court at Elizabethton on the second Monday in February, June and October.

6. Public Acts of 1957, Chapter 54, established a Criminal Court in Tennessee for the Counties of Washington, Unicoi, Carter and Johnson, to be known as the "Criminal Court of the First Judicial Circuit of Tennessee." This Criminal Court was to have general, common law and statutory jurisdiction, original and appellate, over all criminal cases arising in those counties. The Governor was empowered to appoint a Judge of the Criminal Court until there was a regular election, at which time qualified voters would elect a Judge. The Criminal Court Judge had the same powers and salary then provided by law to other Criminal Judges, Circuit Judges and Chancellors in the State. The District Attorney General for the First Judicial Circuit for Tennessee was to perform the duties of the District Attorney General in the Criminal Court. The Circuit Court Clerks and Sheriffs served as the Clerks and Sheriffs of the Criminal Court, performing the same duties and receiving the same compensation then provided by law. The act made it lawful for the Judge of the Criminal Court and the Judge of the First Judicial Circuit to hold each of their Courts in their counties, including the same county or said Circuit at the same time. County Courts, Jury Commissioners or other duly authorized officials in these counties would appoint and select juries for the Criminal Court. The jurors were to have the same pay, qualifications, powers and privileges as then provided by law to all Grand Juries and all other juries of courts. All criminal cases pending in Circuit Courts would be transferred to the Criminal Court. The Clerks of the Circuit Courts were to transfer all criminal proceedings and papers from the Circuit Court to the Criminal Court. In Carter County, Criminal Court was held on the second Monday in February, June and October at Elizabethton.

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

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

1. Public Acts of 1967, Chapter 135, created the office of an additional Assistant Attorney General for the First Judicial Circuit. The person who was to fill the office had to be a licensed attorney over the age of twenty-one years. The additional Assistant Attorney General was to perform the duties and functions assigned by the District Attorney. The District Attorney had the authority to appoint the Assistant Attorney General. The act provided a salary of \$4,800 per year for the Assistant Attorney General.
2. Public Acts of 1971, Chapter 196, created the office of an additional Assistant Attorney General for the First Judicial Circuit. The person who was to fill the office had to be a licensed attorney over the age of twenty-one years. The additional Assistant Attorney General was to perform the duties and functions assigned by the District Attorney. The District Attorney had the authority to appoint the Assistant Attorney General. The act provided that compensation for the Assistant Attorney General conform to the provisions set out in T.C.A. 8-7-201.
3. Public Acts of 1976, Chapter 545, created the office of an additional Assistant Attorney General for the First Judicial Circuit. The additional Assistant Attorney General was to be appointed by the District Attorney General to serve at his pleasure. The act provided that compensation for the Assistant Attorney General conform to the provisions set out in T.C.A. 8-7-201.

#### **District Attorney General - Secretary**

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

1. Public Acts of 1971, Chapter 324, created the position of Secretary to the District Attorney General for the First Judicial Circuit. The District Attorney General had the authority to appoint the Secretary. The Secretary was to perform the duties assigned by the Attorney General. The compensation for the Secretary was set at \$4,800 per year.

#### **Juvenile Court**

The following acts once affecting juvenile courts in Carter County are included herein for reference purposes.

1. Private Acts of 1937, Chapter 893, established a Juvenile Court for Carter County in Elizabethton. The Judge was granted the same powers of Judges of Court of Record. The Court had original and exclusive jurisdiction of all matters involving juveniles and had concurrent jurisdiction in the Circuit and Chancery Courts of Carter County. The Judge was authorized to designate one or more truant officers as probation officers. These officers had the duty of serving citations and other process of the Court, take children into custody, detain and present them to the Court for disposition. The probation officers also had the duty to investigate cases involving children brought before the Court. They were not allowed additional compensation in addition to their compensation as truant officers. The Judge could also appoint as many assistant probation officers as he deemed necessary. Such assistants were to serve without compensation. The act designated what constituted a dependent and delinquent child. Any reputable person having

knowledge or information of such a child could file with the court a petition causing the child to be brought within the provisions of this act. The court could on its own motion, direct any probation officer to bring any child before him. In proper cases the Court could bind cases involving crimes and misdemeanors to the Criminal Court, fine them or commit them to the entry of order. The appeal could be taken by the child, parents of the child or by guardians upon the execution of an appeal bond in the amount of \$250. The County Court provided suitable places of detention for children waiting on trial and final disposition by the Court.

2. Private Acts of 1939, Chapter 336, amended Private Acts of 1937, Chapter 893, Section 2, above, permitting the Quarterly County Court to set the salary of the Juvenile Judge but placed a ceiling of \$100 a month on it, with Carter County and Elizabethton sharing it equally.
3. Private Acts of 1949, Chapter 692, amended Private Acts of 1937, Chapter 893, Section 2, as amended by Private Acts of 1939, Chapter 336, both above, by allowing the Juvenile Judge traveling expenses in the amount of \$600 per year or less, to be paid by warrant from the County Judge or Chairman, provided the Juvenile Judge file a sworn, itemized statement of the expense with the County Judge or Chairman.
4. Private Acts of 1972, Chapter 424, amended Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, Chapter 692, all above, by deleting the second paragraph of Section 2 and inserting a new provision which set the salary of the Juvenile Judge at \$7,500 per annum, to be paid equally by Carter County and Elizabethton. This act was rejected by the Carter County Quarterly Court and never became an effective law.
5. Private Acts of 1974, Chapter 331, attempted to amend Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, all above, by transferring the duties of the Juvenile Court Judge to the General Sessions Court Judge of Carter County and by reenacting the paragraph granting as expense account of \$600 per year for the Juvenile Judge. It was the expressed intention of this law to abolish the Juvenile Court of Carter County and vest the duties, functions, responsibilities, powers, and jurisdiction of the said court into the General Sessions Court. This act was rejected by the Quarterly County Court of Carter County and never became effective law.
6. Private Acts of 1977, Chapter 75, amended Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, all above, by setting the annual salary of the Judge of the Juvenile Court between \$4,800 and \$6,500 per year, payable monthly and shared equally by the City of Elizabethton and Carter County.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 2002 Chapter 76

**SECTION 1.** Chapter 117 of the Private Acts of 1994, and any other acts amendatory thereto, are repealed.

**SECTION 2.** Carter County shall be divided into eight (8) school districts of substantially equal population, which shall be identical to the county legislative body districts established by resolution of the county legislative body from time to time.

**SECTION 3.** The Carter County Board of Education (the "Board") shall consist of eight (8) members, with one member of the Board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to staggered four-year terms so that every two (2) years the terms of one-half of the members of the Board shall expire.

**SECTION 4.** During the transition from seven (7) members to eight (8) members, all incumbent Board members shall remain on the Board until the expiration of their current terms. The incumbent Board Members represent the 1<sup>st</sup>, 4<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> School Districts and their terms shall expire September 1, 2004.

There shall be elected in the general election in August, 2002 four (4) persons who will be elected from the 2<sup>nd</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, and 7<sup>th</sup> School Districts for four-year terms. Persons elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 5.** The Board shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated.

**SECTION 6.** 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 this Act which can be given effect without the invalid provision or application and to that end the provisions of this act are declared to be severable.

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

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

Passed: February 12, 2002.

## Superintendent or Director of Schools

### Private Acts of 1935 Chapter 189

**SECTION 1.** That on and after the date herein set out the County Superintendent of Public Instruction, in and for the counties of the State of Tennessee having a population of not less than 29,215 nor more than 29,223 according to the Federal Census of 1930 or any subsequent Federal Census, shall be elected by the qualified voters of said counties at the general election to be held on the first Thursday of August, 1936, and biennially thereafter, and the term of office of the first person elected hereunder shall begin on the first Monday in September, 1936, and continue to the first Monday in September, 1938, and until a successor is elected and qualified, and the person so elected shall possess the same qualifications and discharge the same duties that are now discharged by the County Superintendent of Public Instruction generally, as set forth and defined under the general law, and the compensation of such person shall be fixed by the Quarterly County Court, as now provided by law, vacancies to be filled by County Court.

The first Superintendent elected under the provisions of this Act, shall serve from the first Monday in September, 1936, until the first Monday in September, 1938, and the successors in said office thereafter shall qualify and serve from the first Monday in September after their respective election for the ensuing two years.

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

Passed: February 20, 1935.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Carter County but are no longer operative.

1. Private Acts of 1935, Chapter 313, created a County Board of Educational Commissioners and five Educational Districts out of the various Civil Districts in Carter County. The Board was composed of five members with one member being elected from each of the five districts. The act named David Harrell, Clyde Treadway, W. B. Morley, P. P. Bain and T. C. Hendrix as Commissioners until the first election by qualified voters in the County. They were to have staggered terms but their successors would serve for a term of two years. Any vacancies on the Board were filled by the County Court. Commissioners received \$4 per day as compensation for each day they attended Board meetings not to exceed 18 days in any one year. They were paid out of the general funds of the County upon certification of the Secretary of the Board to the County Judge or Chairman, who would then issue a warrant to each Board member for their fees. The Board was required to meet on or before the first Monday in June of each year to elect teachers and fix their compensation for the school year. Before entering office, Board members were required to take

- oath and execute a \$1,000 bond.
2. Private Acts of 1937, Chapter 727, amended Private Acts of 1935, Chapter 313, above, by providing that each Board member receive \$4 per day for school visitation and attendance upon the meetings of said Board not to exceed 45 days in any one year. The Chairman of the Board was authorized to receive \$4 per day for the same, not to exceed 25 days, with one-half being paid out of the school funds and one-half to be paid from the County Funds upon certification of the Secretary of the Board to the County Judge or Chairman. This act allowed a warrant to be issued upon receipt of certification from the general fund in an amount not to exceed \$90 per year for each Board member and up to \$250 per year for the Chairman.
  3. Private Acts of 1951, Chapter 237, amended Private Acts of 1935, Chapter 313, above, by increasing the term the County Board of Education Commissioners served from two to four years.
  4. Private Acts of 1963, Chapter 96, amended Private Acts of 1935, Chapter 313, above, by removing the Fourth Civil District from the First Educational District and including it in the Second Educational District.
  5. Private Acts of 1973, Chapter 70, amended Private Acts of 1935, Chapter 313, above, by reorganizing the five Educational Districts and providing for the election of one Commissioner from each District to serve on the Board of Educational Commissioners. This act was rejected by the County Court of Carter County and never became law.
  6. Private Acts of 1974, Chapter 239, amended Private Acts of 1935, Chapter 313, above, by reorganizing the boundaries of Educational Districts in Carter County under the Board of Educational Commissioners and required Board members to be a resident citizen in the Educational District they represented.
  7. Private Acts of 1994, Chapter 117, was repealed by Private Acts of 2002, Chapter 76.

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

The acts referenced below once affected the office of superintendent of education in Carter County, but are no longer operative.

1. Private Acts of 1937, Chapter 725, repealed Private Acts 1935, Chapter 189, above, by providing that the County Court elect the Superintendent of Public Instruction instead of the qualified voters. The case of Treadway v. Carter County, 173 Tenn. 393, 118 S.W.2d 222 (1938), declared that Private Acts of 1937, Chapter 725, was unconstitutional on the grounds that any county office created by legislature must be filled by the people or by the County Court. The decision in this case voided the repeal of Private Acts 1937, Chapter 725.

#### **General Reference**

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

1. Acts of 1806 (Ex. Sess.), Chapter 8, incorporated George Duffield, Nathaniel Taylor, George Williams, Alexander Doran and John Greer as the Trustees for Duffield Academy in Carter County.
2. Acts of 1807, Chapter 56, appointed Andrew Taylor, Abraham Henry and Reuben Thornton as Trustees for Duffield Academy in Carter County.
3. Private Acts of 1819, Chapter 84, appointed James P. Taylor, Alfred M. Carter, William H. Carter, James I. Tipton and William Graham as additional Trustees for Duffield Academy, granting to them the same powers and authority possessed by the former Trustees.
4. Private Acts of 1829, Chapter 57, appointed David Nelson, Samuel Hughes, James P. Taylor, Joseph Powell, Jr., A. W. Taylor, William Gotty and Alfred M. Carter as Trustees of Duffield Academy, granting to them the same powers and authority possessed by the former Trustees.
5. Public Acts of 1832, Chapter 40, provided that where less than a majority of the Trustees of the school districts attend, it shall be as valid as if a majority had been present and voted in the election of County School Commissioners. Elections for Trustees were held annually for the school districts in the State. Trustees held office until other Trustees were elected. The act also provided that whenever any Justice of the Peace residing in or convenient to the school districts, the list of heads of families or households. When the Trustees created a new school district, the Trustees had the duty to furnish a list of the householders or heads of families residing in the new district to the Justice of the Peace residing in the new district or to the nearest Justice of the Peace, who had the duty of holding an election for Trustees in the new district.

6. Private Acts of 1832, Chapter 57, stated that the Board of County Commissioners appointed by the Quarterly Court of Carter County did meet and lay off a regiment into school districts as prescribed by law, establishing the common schools in the State and that the people of the area had elected Trustees and the Trustees had selected a Chairman from amongst themselves, according to the demands of the law. This act declared the Commission to be a legal and valid political body with full power and ample authority to act as they had done.
7. Acts of 1907, Chapter 236, created a Board of Education and a District Board of Advisors for every county in the state, abolishing the office of District Directors. Counties would be divided by their County Courts into at least five school districts, to be composed of whole Civil Districts. One member of the Board of Education would be elected from each school district. The duties of the Chairman, the Secretary and the members of the Board were prescribed in the act. The County Superintendent would be ex officio Secretary to the Board. The members would be paid between \$1.50 and \$3 for each day devoted to their duty, as decided by the County Court. The voters of each Civil District would elect three Advisory Board members who would advise the Board.
8. Acts of 1909, Chapter 234, provided that in Carter and Johnson Counties every parent or guardian of children between 8 and 16 years of age, send their children to public school for 16 weeks or 80 days of not less than four hours of each day, or for as long as the public school in the district is in session, unless attendance is excused by the District or City School Directors or other officers having control of the public school. Exemptions from attendance were allowed only if a child had completed the primary school course and attained proficiency in all subjects, or unless a child had been instructed in a private, parochial, or tutorial school, or at home by competent and reliable teachers. The act allowed the Commissioners of the Counties to reimburse families of indigent children for loss of wages during school attendance and to furnish such children necessary clothing, textbooks, and tuition so they may attend school, if the children were from a family in extreme poverty requiring the labor of children for support. Absences not amounting to more than two unexcused absences in four consecutive weeks were not unlawful. It was unlawful for a person to hire school children during the school months. Fines for violation of this act ranged from \$10 to \$50, proceeds going into the school fund. A yearly scholastic census was to be taken and teachers were not to be paid unless they kept and submitted accurate records. Officers were empowered to arrest and prosecute offenders of this act.
9. Acts of 1909, Chapter 494, required parents or guardians of children between 8 and 14 years of age to direct such children to attend public school four or eighty consecutive days each year. This act applied to Carter and other Counties. Failure to comply with the provisions of this act was a misdemeanor. A fine of \$1 per day a child was absent was the penalty upon conviction. Those children enrolled in private or parochial schools and those who had covered the subjects required by law were exempt from the provisions of this act. Those children with a mental condition or those who were needed by the family to work were also exempt.
10. Private Acts of 1911, Chapter 221, amended Acts of 1909, Chapter 494, above, by changing the population requirement to include those counties with a population between 90,000 to 120,000 persons.
11. Private Acts of 1911, Chapter 342, provided that in Carter and Johnson Counties, parents or guardians of children between 8 and 16 years of age send their children to public school for at least 15 days each school month of the year. Failure of any parent or guardian to comply with this act constituted a misdemeanor and upon conviction for a second offense, the parent or guardian would be fined \$1 for each day the child had been absent. The act required that the full name and place of residence of the parent or guardian be reported when the annual census of the school population is taken. A copy of that report was to be given to the Secretary or Clerk of any Board of Education to furnish the principal or teacher in charge for records purposes in reporting absences and excuses of children at regular meetings of the Board of Education. The act specified those children who were exempt from the provisions of this act.
12. Private Acts of 1929, Chapter 77, authorized the Board of Education in Carter County to borrow money and issue the notes of the County Board of Education for a period of time not to exceed one year and at an annual interest rate not to exceed 6% for the purpose of obtaining money to operate the high schools and elementary schools in Carter County. The loans were limited to \$25,000 for high schools and \$35,000 for elementary schools. All loans previously obtained by the County Board of Education were validated by this act but the loans could not exceed the amounts allowed under this act.
13. Private Acts of 1931 (2nd Ex. Sess.), Chapter 5, provided for the renewal of 12 year certificates of qualifications for the position of County Superintendent, issued under the authority of Public Acts of 1911, Chapter 69. Renewal of the certificates was for 12 years and required that the holder



have served as a Superintendent in some County not less than four years during the life of the certificate. Carter and other Counties falling within the specified population figures were exempt from the provisions of this act.

14. Private Acts of 1933, Chapter 299, abolished the position of Truant Officer in Carter County.
15. Private Acts of 1937, Chapter 501, provided that in Carter County senior high schools located more than 22 miles from the county seat as such high schools are defined in Public Acts of 1931, Chapter 71, could be established and maintained with an average daily attendance of fifty or more pupils.
16. Private Acts of 1937, Chapter 503, provided that in Carter County all teachers who were then engaged in teaching school and who had been teaching for at least 25 years would have teaching certificates issued or renewed for a period of four years. The County Superintendent had the duty to certify eligible teachers and the State Commissioner of Education was given the duty to grant or renew the certificates for a period of four years. The act provided that certificates could only be issued or renewed with the written recommendation of the County Superintendent of Schools in whose county a majority of the teaching experience occurred.
17. Private Acts of 1937, Chapter 819, declared that teachers and principals in public schools in Carter County would have definite tenure of office. The act required that all teachers then employed meet certification requirements. All beginning teachers in elementary schools had to have completed at least two years of college and teachers in high schools had to have completed at least four years of college. The act stated that all teachers or principals who had not been employed at least three years were considered as probationary teachers and principals. During that probationary period, teachers and principals were employed on annual contract, which could or could not be renewed at the discretion of employing authorities and if they were dismissed during the period covered by contract, the teachers and principals had the same right of hearing as did teachers and principals on definite tenure. Teachers and principals who had at least three years experience could be employed on definite tenure of office of a three year period and could not be demoted or dismissed except for inefficiency or immorality or on account of discontinuance of position. The act required that a written notice be given to teachers or principals when school authorities were contemplating demotion or termination of service of the teacher or principal and if they requested, the teachers or principal were entitled to a hearing on the grounds for demotion or termination. The Chairman of the County Board of Education had the duty of setting a hearing date and had to preside over the hearing. Members of the County Board rendered the decision.
18. Private Acts of 1937, Chapter 820, authorized Carter County to retire from active service and to grant pensions in the amount of \$50 to persons who had taught in the county schools for 25 years or more.
19. Private Acts of 1941, Chapter 260, provided that in Carter County, civil service or permanent tenure applied to those employees of the Board of Education or Board of Educational Commissioners, occupying the positions of principals, teachers and supervisors holding permanent, professional elementary or high school certificates. However, the act provided that no person occupying those positions would be deemed to be under civil service or permanent tenure unless they had been employed by the Board of Education or Board of Educational Commissioners for three consecutive years. The act required every principal, teacher and supervisor to attend some accredited school and complete 15 quarter hours of study or the equivalent at least once every three years. This did not apply to teachers of vocational schools who meet the requirements of the State Board of Education and it did not prohibit the employment of persons to teach special subjects in the interest of handicapped persons which were not embodied in the regular educational programs in the County. All principals, teachers and supervisors then employed by school authorities who had served for three years, been elected for the ensuing two years and those who had not served for three years, would upon completion of three years of satisfactory employment would become permanent tenure of office with no dismissal or demotion except for incompetency, immorality or willful and persistent refusal to obey any reasonable regulations of the Board of Education or Superintendent. The act specified the requirements for an effective dismissal, demotion or transfer. The Board of Education had the responsibility of granting leaves of absence and that time spent on leave applied toward tenure.
20. Private Acts of 1943, authorized Carter County to contract with any insurance company doing business in Tennessee, to provide for the retirement of the public school teachers of the County from active service, and to provide group annuity, insurance, pensions or retirement allowances for retired teachers. The insurance contract had to provide for the payment of the teachers' share of the cost of maintaining the group pension or retirement system, by making payroll deductions from their salaries by the County. Carter County was to make financial contributions to the cost

of maintaining the group pension or retirement system. Contributions on behalf of teachers and the County could be fixed by a resolution adopted by the Quarterly County Court.

21. Public Acts of 1978, Chapter 716, repealed Acts of 1909, Chapter 494, as amended by Private Acts of 1911, Chapter 221, both above.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Carter County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1870-71, Chapter 58, created the Thirteenth Civil District for Carter County. This new Civil District was formed out of the Eighth Civil District, with Hart's Ford, Watauga River, Carter's Depot and Lindymood's Mill on Indian Creek named as some of the metes and bounds description. Elections for a Constable and two Justices of the Peace were to be held at the Brick Church in the Thirteenth Civil District. In the Eighth Civil District of Carter County an election was to be held to elect a Constable.
2. Private Acts of 1947, Chapter 691, rearranged the Civil Districts in Carter County into five Civil Districts. Each of the new Civil Districts were composed of then existing Civil Districts. The act provided that all election precincts in Carter County remain unchanged unless it was changed by lawful authority. Justices of the Peace and Constables were to be elected at the general election.
3. Private Acts of 1951, Chapter 710, provided for a referendum in Carter County for the purpose of determining the will of the people on whether to retain the then five Civil Districts created by Private Acts of 1947, Chapter 691, above, or revert to the number of Civil Districts in existence prior to the enactment of the 1947 Act. The expenses of the election would be paid by the County Judge upon warrant drawn on the Trustee and upon certification by the Election Commission.
4. Private Acts of 1953, Chapter 23, repealed Private Acts of 1947, Chapter 691, above, and declared that the Civil Districts of Carter County would be assigned as they were prior to the effective date of that 1947 Act.
5. Private Acts of 1961, Chapter 286, detached a portion of the Thirteenth Civil District and attached it to the Eighth Civil District of Carter County. Citizens living in that area were entitled to the same privileges and rights as other voting citizens of the Eighth Civil District.

#### **Elections**

The following is a listing of acts for Carter 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 1797 (Sept. Sess.), Chapter 11, made it lawful for either the Sheriff, the Coroner, or a proper Deputy to open the polls in the western part of Carter County at the home of William Moreland for the citizens to vote for Governor, Congressional Representatives and for members of the General Assembly, due to the mountainous terrain. General musters of the militia will also be conducted in this area but the same rules and regulations governing them will be observed as do all the others.
2. Acts of 1798, Chapter 16, apportioned the State for the General Assembly. The number of Senators was fixed at 12 and there were 24 Representatives. Carter County was to elect a Representative and jointly elect one Senator with Washington County. The Sheriffs of both Counties were to meet at the Jonesboro courthouse to count the polls on the first Monday after the election.
3. Acts of 1805, Chapter 64, apportioned the State for the General Assembly. The number of Senators was fixed at and there were 26 Representatives. Carter County was to elect one Representative and jointly elect one Senator with Washington County. Polls would be counted at Jonesboro.
4. Acts of 1812, Chapter 27, divided the State into six Congressional Districts. The First District comprised Hawkins, Sullivan, Carter, Washington and Greene Counties and they were permitted to elect one Representative to Congress.

5. Acts of 1812, Chapter 57, apportioned the State for representation in the General Assembly. The number of Senators rose to 20 and Representatives to 40. Carter and Washington composed one Senatorial District with the votes to be counted at Jonesboro and every county elected one Representative except the bigger ones which had two.
6. Public Acts of 1819, Chapter 69, divided the State into 20 Senatorial and 40 Representative Districts. Carter and Washington Counties would jointly elect a Representative and a Senator with all votes being counted at Jonesboro.
1. Public Acts of 1822, Chapter 1, established eight U.S. Congressional Districts in the State. The Counties of Carter, Washington, Sullivan, Hawkins and Greene composed the First District.
2. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly to twenty Senators and forty Representatives. The Counties of Carter, Sullivan and Hawkins composed one election district and were entitled to elect one Senator and Carter and Sullivan would jointly elect one Representative.
3. Private Acts of 1827, Chapter 160, provided that all elections held in Carter County for the purpose of electing the Governor, members of Congress and members of the State Legislature be open and held by the Sheriff at the house of Snider in addition to then existing precincts.
4. Public Acts of 1832, Chapter 4, divided Tennessee into thirteen U.S. Congressional Districts. Carter, Greene, Washington, Cocke and Jefferson Counties composed the First District.
5. Public Acts of 1833, Chapter 71, apportioned the State for the General Assembly which would be composed of twenty Senators and forty Representatives. Carter, Washington and Greene Counties combined to elect one Senator and Carter and Washington would jointly chose one Representative.
6. Public Acts of 1833, Chapter 76, stated a Constitutional Convention of sixty members would be called whose delegates would be elected on the first Thursday and Friday in March and that those selected would meet in Nashville on the third Monday in May to revise, amend and alter the current State Constitution, or form a new one. Carter County would elect one delegate to the Convention.
7. Public Acts of 1835-36, Chapter 2, provided that the Sheriffs would be responsible for opening the elections in the Counties of this State. If there was no Sheriff, the Coroner had the duty to hold elections. If no Coroner, the Chairman of the County Court was to appoint a suitable person to hold the elections. Elections for the Governor, Representatives and members of the General Assembly would be held on the first Thursday in August, 1837 and once every two years thereafter. Polling of these votes would be as prescribed by the Ordinance of the Convention. The Sheriff, Coroner or Deputies of Carter County were to hold the elections for Johnson County. The elected officers were to give bond. Elections were to be held for a Sheriff, Trustee, Register, Circuit Court Clerk and a County Court Clerk for each County in the State. Polling of these votes would be at the courthouse on the first Monday after the election.
8. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the State for the General Assembly into twenty-five Senatorial Districts and fifty Representative Districts. Carter County was in the First Senatorial District with Johnson, Sullivan and Washington Counties. Polls would be counted at Elizabethton in Carter County. Carter and Johnson Counties would jointly elect one Representative.
9. Acts of 1842 (2nd Sess.), Chapter 7, divided the State into eleven U.S. Congressional Districts. The First District contained the Counties of Johnson, Carter, Sullivan, Washington, Hawkins, Greene and Cocke.
10. Public Acts of 1865, Chapter 34, was the first apportionment act subsequent to the Civil War and it divided Tennessee into eight U. S. Congressional Districts. The First District contained the Counties of Carter, Johnson, Sullivan, Washington, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger and Sevier.
11. Public Acts of 1871, Chapter 146, reapportioned the State for the General Assembly based upon the 1870 Federal Census. Carter and Johnson Counties would jointly elect one Representative. Carter, Johnson, Washington and Greene Counties composed the First Senatorial District.
12. Acts of 1872 (Ex. Sess.), Chapter 7, created nine U. S. Congressional Districts with Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Hancock, Claiborne, Union, Grainger, Hamblen and Cocke Counties comprising the First District.
13. Public Acts of 1873, Chapter 27, added a tenth U. S. Congressional Districts to the State and rearranged the county assignments of each district. Johnson, Carter, Sullivan, Washington,

- Greene, Hawkins, Hancock, Claiborne, Grainger, Hamblen and Cocke Counties were allocated to the First District.
14. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the State into Senatorial and Representative Districts. Carter and Johnson Counties would jointly elect one Representative and both Counties would join Washington, Unicoi, Greene and Sullivan Counties in electing one Representative. The First Senatorial District was composed of Carter, Johnson, Sullivan, Washington and Unicoi Counties.
  15. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Counties of Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger composed the First District.
  16. Acts of 1891 (Ex. Sess.), Chapter 10, provided that Carter County would elect one State Representative alone, and Carter, Johnson, Unicoi, Washington and Greene Counties composed the First Senatorial District.
  17. Acts of 1901, Chapter 109, divided the State into ten U. S. Congressional Districts. The First District contained Sullivan, Johnson, Carter, Unicoi, Washington, Greene, Hawkins, Hancock, Claiborne, Grainger, Cocke and Sevier Counties.
  18. Acts of 1901, Chapter 122, apportioned the representation for the General Assembly of Tennessee based upon the 1900 Federal Census. Johnson, Carter, Unicoi, Washington, and Greene Counties composed the First Senatorial District. Johnson and Carter Counties would jointly elect one Representative.
  19. Private Acts of 1929, Chapter 292, declared that all duly qualified voters in Carter County living within any incorporated city or town would be permitted to cast their ballots in all elections for State, City, County, and National offices at the nearest polling or voting precinct within the incorporated city or town.
  20. Private Acts of 1931 (2nd Ex. Sess.), Chapter 2, authorized the Registrars in Carter, McMinn, Montgomery, Obion and Weakley Counties to appoint a Deputy Registrar. The Deputy had to take an oath and execute a \$500 bond and would be paid a salary of \$900 per year, to be paid out of the excess fees of the office of the County Registrar. The act provided that a county warrant be issued by the Chairman of County Court and the County Judge for the necessary fees, if the excess fees were insufficient to pay the Deputy's salary. The Deputy Registrar was empowered with the same powers as the County Registrar.
  21. Private Acts of 1937, Chapter 816, fixed the compensation of Officers, Judges and Clerks for their services in Carter County at \$2 per day and Registrars were to receive \$3 per day for the registering of voters in Carter County.
  22. Private Acts of 1947, Chapter 744, provided that the Judges, Clerks and Officers holding a general or a special election in Carter County would be entitled to \$4 per day for one day only as compensation for their services.
  23. Private Acts of 1947, Chapter 745, provided that in Carter County every person, who was registered to vote for members of the General Assembly in November 1946, would not be required to register to vote again provided such person continued to reside in the precinct or civil district in which they originally registered. The same applied to persons who registered thereafter. The act further stated that any registered voter who moved to another civil district would be required to register again in the civil district to which the voter has moved. The Registrant was to make entry on the registration books showing that the voter was registered in another civil district or precinct, disqualifying them from voting in the civil district or precinct in which they had been previously registered.
  24. Private Acts of 1951, Chapter 118, provided that election officials in Carter County would be paid \$7 per day for one day only for their services in holding all elections.
  25. Private Acts of 1951, Chapter 121, required that election precincts in Carter County in every regular election open at 9:00 A.M. standard time and close at 6:00 P.M. standard time.
  26. Public Acts of 1978, Chapter 597, repealed Acts of 1842 (2nd Sess.), Chapter 1, above.

## Chapter VIII - Health

# Massage Regulation Board

## Private Acts of 1978 Chapter 276

**SECTION 1.** This Act shall be known and may be cited as the Carter County Massage Registration Act of 1978.

**SECTION 2.** As used in this Act, unless the context otherwise requires:

- (a) "Massage" means the art of body massage, by hand or with a mechanical or vibratory device, for the purpose of massaging, reducing, or contouring the body, and may include the use of oil rubs, heat lamps, salt gloves, hot and cold packs, tub, shower, or cabinet baths. The procedures involved include, but are not limited to, touching, stroking, kneading, friction, vibration, percussion, and medical gymnastics.
- (b) "Masseur" or "masseuse" means a person engaged in activity set forth in subsection (a).
- (c) "Massage establishment" means a place of business wherein the practice of massage, as defined in subsection (a) is practiced.
- (d) "Board" means the Carter County Massage Registration Board.

**SECTION 3.** There is hereby created the Carter County Massage Registration Board. The Board shall consist of the County Board of Health. The terms of the Board members shall be coextensive with their terms on the County Board of Health and no members shall serve after the expiration of his term or removal from the County Board of Health. A majority of the members to which the Board is entitled shall constitute a quorum. The Board shall serve without compensation but the members shall receive their actual expenses for attending Massage Registration Board meetings.

The Board shall select a chairman from among its members and the chairman shall notify interested persons and members of Board meetings. The Board shall meet as often as required to carry out the provisions of this Act.

**SECTION 4.** All persons or massage establishments engaged in "massage" as defined herein, for compensation in Carter County shall be required to register with the Carter County Massage Registration Board. It shall be unlawful for any person to engage in massage for compensation without a current valid certificate of registration from the Massage Registration Board.

**SECTION 5.** The Board shall establish procedures and criteria for the issuance of certificates of registration to persons and establishments engaged in massage for compensation in Carter County.

No person or establishment shall be issued a certificate of registration until the applicant and each person engaged in massage at a massage establishment has provided evidence satisfactory to the Board that:

- (1) the applicant is eighteen (18) year of age or older;
- (2) the applicant presently holds a current valid health certificate as provided in Tennessee Code Annotated, Section 52-1012;
- (3) that the certificate holder is engaged in massage as a bona fide occupation or vocation and is not utilizing the title masseuse or masseur, or turkish bath or any other title as subterfuge to engage in unlawful activity;
- (4) has paid the required fees.

**SECTION 6.** In order to effectuate the provisions of this Act the Board, or its authorized representative shall be empowered to conduct investigation of persons engaged in massage or massage establishments and inspect the registration of practitioners and establishments for compliance. Refusal of a practitioner or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue certificates of registration provided by this Act.

**SECTION 7.** The Board shall provide applicants denied issuance of a certificate or practitioners whose certificate is revoked or not renewed a hearing on such refusal, revocation or non-renewal, which is consistent with due process of law. All decisions of the Board on the revocation, refusal to issue or non-renewal of certificates of registration shall be reviewable in the circuit court of Carter County only as to the existence of any substantial evidence upon which the Board could base its decision. Provided, however, that upon a decision of the Board to refuse to issue, revoke, or not to renew a certificate, the practitioner or establishment shall be prohibited from engaging in massage until the Board's decision is overturned.

**SECTION 8.** The following classes or persons shall not be required to register under this Act:

- (a) Persons authorized by the laws of this state to practice any branch of medicine, surgery, osteopathy, chiropractic or chiropody, or persons holding a drugless practitioner's certificate.
- (b) Registered nurses under the laws of this state.
- (c) Barbers duly licensed under the laws of this state.
- (d) Beauticians duly licensed under the laws of this state.
- (e) Registered physical therapists under the laws of this state.
- (f) Recreational facilities or their employees associated with the YWCA or YMCA religious organizations.

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

**SECTION 9.** The Board may charge a fee for each certificate of registration in massage which shall be sufficient to defer the expenses of administering this Act but in no case shall the fee for a certificate exceed ten dollars (\$10.00).

**SECTION 10.** If the Board ascertains that any masseur or masseuse may be in such physical condition as to jeopardize the health of those who seek massage from him or her, the board may require an applicant or certificate holder to have a physical examination by a competent medical examiner, and if found to have had, or has, any communicable disease, shall disqualify such person from obtaining, or renewing, a certificate to practice massage in this state. The granting of renewal of such certificate shall be denied until such person furnished due proof of being physically and mentally competent and sound to practice massage.

The Board may adopt reasonable rules and regulations regarding personal cleanliness of masseurs and masseuses, and the sanitary conditions of towels, linen, creams, lotions, oils, and other materials, facilities, and equipment used in the practice of massage.

**SECTION 11.** The certificate of registration of a masseur or masseuse may be revoked, suspended, or annulled, by the Board for any of the following reasons:

- (a) The registrant is guilty of fraud in the practice of massage, or fraud or deceit in his admissions to the practice of massage.
- (b) The registrant has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state.
- (c) The registrant is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.
- (d) The registrant is addicted to the habitual use of intoxicating liquors, drugs, or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.
- (e) The registrant is guilty of fraudulent, false, misleading, or deceptive advertising, or that he or she prescribes medicines or drugs, or practices any licensed profession without legal authority.
- (f) The registrant is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.
- (g) The registrant has violated any of the provisions of this Act.

Charges may be preferred by any person or the Board may, on its own motion, direct the Chairman of the Board to prefer charges. An accusation may be filed with the Chairman of the Board, charging any registered masseur or masseuse with any of the offenses herein enumerated. Such accusation shall be in writing, signed by the accuser, and duly verified under oath.

**SECTION 12.** (a) It is unlawful for any person or persons or massage establishment to engage in the practice of massage for compensation without a valid certificate or registration issued pursuant to the provisions of this Act.

- (b) It is unlawful for any person or persons to operate or conduct any massage establishment which does not conform to the sanitary rules and regulations adopted by the Board, or to employ any person as a massage practitioner who does not hold a certificate of registration.
- (c) Any person who shall violate any of the provisions of this Act shall upon conviction be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not

more than one (1) year, or both, at the discretion of the trial court.

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

**SECTION 14.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Carter County before December 1, 1978. 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 15.** For the purpose of approving or rejecting the provision 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: March 27, 1978.

## County Health Department

### Private Acts of 1929 Chapter 821

**SECTION 1.** That all counties in the State having a population of not exceeding 21,490 nor less than 21,485, are hereby authorized to co-operate with the State Health Department and the Health Department of any municipality within their boundaries, in establishing and maintaining a Health Unit and to meet the expenses of same are authorized to levy and collect a special tax sufficient to raise a sum sufficient but not to exceed \$5,000.00 in any one year.

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

Passed: April 11, 1929.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1939 Chapter 295

**SECTION 1.** That in all counties of this State having a population of not more than 29,230, and not less than 29,215, according to the Federal Census of 1930, or any subsequent Federal Census, there is hereby created the office of Superintendent of Public Roads.

**SECTION 2.** That the qualified voters of said County shall elect a Superintendent of Public Roads for a term of four years at the regular August election 1954 and quadrennially thereafter.

As amended by: Private Acts of 1941, Chapter 145  
Private Acts of 1953, Chapter 496

**SECTION 3.** That said Superintendent of Roads shall be not less than twenty-five years of age, shall have been a resident of said counties for at least five years, shall be well versed in the construction and maintenance of public highways, and shall give all of his time to the faithful performance of the duties of his office.

**SECTION 4.** That the said Superintendent of Roads, shall, before entering upon the performance of his duties, take and subscribe to an oath and shall enter into bond in the sum of \$5,000.00, for the faithful performance of the duties of his office and to account for and pay over all funds, monies or property that may come into his hands belonging to said counties or to the road funds of said counties. Said bond shall be secured by a reputable surety or indemnity company authorized to do business in the State of Tennessee.

**SECTION 5.** That said Superintendent of Roads shall receive as compensation the sum of Two Hundred (\$200.00) Dollars per month, payable monthly, on warrant drawn by the County Chairman or County Judge upon the Trustee of said counties, payable out of the road funds or two-cent gas tax funds.

As amended by: Private Acts of 1941, Chapter 145

**SECTION 6.** That said Superintendent of Roads shall have full control of all public roads in said counties and all road equipment of every kind and character belonging to said counties, shall be charged with the

responsibility of all engineering, laying out, locating and construction of any of the road or roads in said counties, and the maintenance and upkeep of all existing roads belonging to said counties.

**SECTION 7.** That the Superintendent of Roads shall report to the Quarterly County Court, at each term, and file a complete itemized statement of all disbursements, and to whom paid; the respective road on which said amount or amounts, were expended, and for what purpose. Said report shall be sworn to and entered on the minutes of the Court.

**SECTION 8.** That it shall be the duty of said Superintendent of Roads to keep an accurate account of all expenditures upon the road fund or other funds belonging to said County. Said Superintendent of Roads shall have the right to enter into contracts for the purchase of any equipment, materials or supplies without being required to obtain the consent of the County Chairman or County Judge, and the Trustee of said County is hereby directed to pay warrants drawn by said Superintendent of Roads on any road funds, including the County's pro rata share of the State gasoline fund in the hands of said Trustee, when drawn in satisfaction of any liability created in the construction or maintenance of said County roads. Provided, that said Superintendent of Roads shall not hire employees or issue warrants in excess of budget appropriations, including the County's pro rata share of the State gasoline tax fund (2c [sic] gas tax fund) available to said Counties. Said Superintendent of Roads and the sureties on his bond shall be liable to said Counties for all expenditure or any commitments in excess of budget appropriations for those purposes, including the pro rata of the State gasoline tax fund available to said Counties.

As amended by: Private Acts of 1941, Chapter 145  
Private Acts of 1947, Chapter 746

**SECTION 9.** That all laws or parts of laws in conflict with this Act, be, and the same are, hereby repealed.

**SECTION 10.** That this Act take effect from and after its passage, the public welfare requiring it.

**SECTION 11.** That should any section or portion of this amendment be held unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof other than the part so held to be unconstitutional.

As amended by: Private Acts of 1941, Chapter 145  
Passed: February 21, 1939.

## Private Acts of 1951 Chapter 591

**SECTION 1.** That in counties of this State having a population of not less than 35,100 nor more than 35,200, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is empowered to levy a tax for county road purposes not to exceed \$0.50 on the \$100.00 worth of assessed property.

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

Passed: March 14, 1951.

## Private Acts of 1989 Chapter 66

**SECTION 1.** The Carter County Highway Department, with the approval of the Carter County Legislative Body, is authorized to receive donations of money, property, or supplies or other gifts shall be used or disbursed in good faith in accordance with the terms or conditions of such donations or gifts. Any funds so received from such donations or gifts shall be paid into the office of the county trustee, credited to the county highway fund, and disbursed according to law as other funds of the County Highway Department.

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

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

Passed: April 20, 1989.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Carter



County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1801, Chapter 71, made it lawful for the Court of Pleas and Quarter Sessions of Carter County to appoint Commissioners to open a road from the iron works on Roan's Creek in Carter County, running from the south fork of Roan's Creek across the mountain on the easiest and best way leading to the Courthouse until it intersects the North Carolina boundary. The County Court was authorized to establish a turnpike on this road at a place designated by the Commissioners. The County Court was to appoint a person to keep the turnpike. That person was to take oath and execute a \$5,000 bond. The keeper of the turnpike was responsible for collecting the toll from persons using the road. The tolls collected would be used to keep the road in good repair. The keeper had the duty of turning over the money collected to the Clerk of the County Court, who was to keep an account of the money given to him.
2. Acts of 1806, Chapter 35, repealed Acts of 1801, Chapter 71, above. In addition, the act authorized the Court of Pleas and General Sessions of Carter County to appoint someone to open and cut a road. That person had to execute a \$1,000 bond. The General Assembly was to compensate the undertaker with \$200 for his services. Carter County was also permitted to make a grant out of its funds, if desired, so that the opening of the road may begin.
3. Acts of 1811, Chapter 46, authorized the Court of Pleas and Quarter Sessions of Carter County to appoint a person to cut and open a road to facilitate the carrying of mail and aid the line of communication with North Carolina. The road was to run from Carringan's Ford to Julius Dugger's place on the Watauga River. The act allowed the Court to issue a \$100 grant to the undertaker of the project if necessary.
4. Acts of 1813, Chapter 32, authorized the County Court of Carter County to appoint a suitable person to repair and put in good order the road leading from James People's place up the Doe River to the state line on Yellow Mountain and to keep the same in good order and repair for the next ten years as its use may require. The Court would also appoint three freeholders to view, inspect and report to the court on the conditions of the road from time to time. A license to erect a turnpike could be granted to the person named as the repairer, who could then charge the schedule of tolls specified in the act to the users of the Road.
5. Acts of 1813, Chapter 128, incorporated under the name of the Watauga and Holston Navigation Company the following directors, Alfred Carter, Samuel Tipton, Godfrey Carriger and John Stewart of Carter County, four people from Washington County and six people from Sullivan County. The company would improve the navigation of the Watauga River from Elizabethton in Carter County to its junction with the Holston River and improve the Holston River from Middletown. The directors were also granted the privilege of conducting a lottery to raise money up to \$4,000 to begin the work.
6. Acts of 1815, Chapter 114, repealed Acts of 1813, Chapter 128, above. In addition, the act provided that where any number of persons form themselves into a company and by subscription create a stock of \$20,000, they were to be made a corporate entity to be known as the Watauga and Holston Navigation Company of Carter County. The company was authorized to elect up to ten Directors, who had to enter into a bond in an amount to be decided upon. After receipt of the first installments, the Directors were permitted to hire hands to remove rocks and other impediments out of the river channel and the Directors had the duty of keeping the channel in good repair. Any person causing the obstruction of the river would be fined \$50 each day the obstruction occurs. The Directors were allowed to collect a toll from the owners of boats or other crafts using the channel. The toll could not exceed 6¼ cents for every 100 weight of produce or merchandise.
7. Public Acts of 1821, Chapter 6, required the County Courts of all counties to index and classify the roads within their respective boundaries according to their width and surfacing materials. Penalties were provided for those persons who obstructed roads and for those persons who failed to abide by the terms of the act.
8. Private Acts of 1821, Chapter 182, stated that the State of North Carolina appropriated \$3,000 for the opening of two roads in Carter County, running through Wilkes and Ash Counties located in North Carolina. This act appointed James Taylor, William B. Carter, Charles N. George, William Lindsay and Johnston Hampton of Carter County as Commissioners to superintend the opening of the road from Elizabethton to the North Carolina line. A majority of the Commissioners had to determine which of the two roads could be intersected at the least expense. The act required the Commissioners to give bond to the Chairman of the County Court in the amount of \$1,200 to be filed in the Clerk's office in Carter County. The act authorized the Treasurer of East Tennessee to

- pay the Commissioners the \$600 appropriated for the opening of the road. The County Court was responsible for establishing rules and regulations to keep up the road and the County Court was allowed to give the Commissioners up to \$50 as compensation for their service.
9. Private Acts of 1823, Chapter 220, authorized James P. Taylor, John Kennedy, Christian Carriger, William Lindsay, Leonard Shown and Johnson Hampton of Carter County to draw on the Treasurer of Tennessee for the sum of \$500, which would be used to clear out and put in good order that part of the public road from Jonesboro, by way of Elizabethton, to North Carolina and to spend sufficient money on that section on Stone Mountain to open it up. The County Court of Carter County was to appoint an overseer for that portion of the road and allot him sufficient hands to open, clear out and repair the road.
  10. Private Acts of 1824, Chapter 76, declared it to be lawful for Nathaniel Kelsey, John Kennedy, Samuel Crawford, James P. Taylor, James Roberts, John G. Eason, Abial C. Parks and Christian Carriger to raise, by lottery, a sum not to exceed \$2,000, to be used to complete the road leading from Jonesboro by Elizabethton to the two roads opened and cut by the North Carolina state line, in Carter County. If the lottery were not drawn in 18 months, the ticket holders would have their money returned to them. The County Court had to appoint a Commissioner to oversee the building of the remainder of the road.
  11. Private Acts of 1829, Chapter 173, appropriated the sum of \$500 for the opening of the stage road from Elizabethton in Carter County to the North Carolina line, out of which \$400 would be applied toward the building of a bridge across the worst fords on the Doe River and \$100 to the finishing of the road across the mountains above Shown's crossroads to the state line. John O'Brien, James J. Tipton, William Hott and Caleb Smith were appointed Commissioners for the erection of the bridge and Leonard Shown, Green Moore, Mathew Wagner and David Waide were appointed Commissioners for finishing up the road across the mountains. The Carter County Court could appoint Commissioners as they were needed.
  12. Private Acts of 1833, Chapter 156, made it lawful for Ansel Carden and his heirs to build a bridge in the edge of the Watauga River at the end of Smith's Hill in Carter County. After the bridge was built, Carden would be permitted to place a toll gate thereon and charge tolls according to the toll schedule in the act ranging from 1¢ per head for cattle and stock to 75¢ for a four wheeled vehicle. The right was to extend for 35 years provided Carden kept the bridge in good repair and was answer-able for any damage done to anyone. Citizens of Carter County had the right to cross the bridge and be exempt from paying the toll.
  13. Acts of 1847-48, Chapter 214, allowed Carrick W. Nelson to open and maintain a turnpike road in Carter County. The turnpike was to start at Ansel Carden's and run down Watauga River to the nearest course or to Elizabethton. Nelson was to build a first class road according to the laws of Tennessee and build bridges and crossways where necessary. The County Court of Carter was authorized to appoint five Commissioners to regulate the turnpike. The road was to be completed in four years and Nelson and his heirs could enjoy the rights to the road for 99 years from completion. The act allowed Nelson to erect a toll bridge at any point he thought proper and to collect the toll fees. Citizens of Carter and Johnson Counties were allowed to contract with Nelson to do work and labor on the road. This act also authorized the opening of a turnpike road to be called the Johnson and Carter turnpike. This turnpike was to run from a road chartered by North Carolina intersecting the Tennessee line, to the Washington County line and in the direction of Jonesborough. The act appointed named Commissioners from Jackson and Carter Counties to receive subscription up to \$10,000 for the purpose of opening the turnpike.
  14. Acts of 1849-50, Chapter 64, authorized Benjamin Cole, Thomas C. Johnson, William Stover, Harvey Richardson and Samuel Duffield of Carter County and Green Moore, William Shown, E. L. Dugger and Abraham Law of Johnson County to open, operate and repair a turnpike road. The road was to begin at Lewis Garland's on Stoney Creek and run up the creek crossing Iron Mountain, intersecting the Taylorsville road near William Shown's. The road was to be a first class road where the road permits and erect bridges or crossways where necessary. The County Court of Carter was to appoint three Commissioners and the County Court of Johnson was to appoint two Commissioners. Those Commissioners were required to regulate the turnpike. The road was to be completed in six years and those responsible for opening the road would, along with their heirs, enjoy the rights to such road for 99 years from completion. Those same persons were allowed by the act to erect a toll bridge at any point they thought proper and entitled to collect the toll fee. Citizens of Carter and Johnson Counties were allowed to contract with the proprietors or their heirs to perform work and labor on the road. The proprietors or their heirs could dispose of their interest of the road at anytime.
  15. Acts of 1851-52, Chapter 11, stated that Carrick W. Nelson sold his right, title and interest in the

- turnpike road he was authorized to open by Acts of 1847-48, Chapter 214, above, to Ansil Carden. Carden had the same privileges and would be subject to the same penalties and restrictions as Nelson. Carden was allowed two extra years to complete the road. Carden was allowed to set up two gates on the road but could collect toll from only one gate. The turnpike would be known as Ansil Carden's turnpike.
16. Private Acts of 1859-60, Chapter 114, changed the method of keeping up the public roads in Carter and other Counties. The County Courts of those Counties had to classify roads into first, second or third classes and assess the tax upon the property. Sheriffs of the Counties had the duty of giving public notice of the act at the precincts 30 days before the March election. The majority of voters had to vote favorably for the tax assessment for it to become law. The County Courts had the authority to appoint a Road Commissioner for their county to assist in classifying roads and the Commissioners were to receive compensation for their services. The County Courts were to determine the amount of compensation. The act stated that taxpayers could pay their road taxes in work at \$1.00 per day for eight hours of work at a time designated by the undertakers of the road. Tax Collectors were required to execute bond, with approved security for the payment of the road tax in an amount twice that of the tax. The bond was to be made payable to the Chairman of the County Courts. County Trustees could only pay under-takers for their work through an order by the County Courts.
  17. Private Acts of 1869-70, Chapter 27, incorporated Granville Stout, John Hardin Jones and their associates for the purpose of building a turn-pike road from the main stage road at or near the residence of A. T. Bunch in Carter County. The road was to go by Granville Stout's to the main road at or near James Hilliard's residence with corporate succession for 99 years.
  18. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 population. The County Court in each county would select a Road Commissioner at its January meeting for each road district. The road districts would be coextensive with the County Civil Districts. The act detailed the duties of the Road Commissioners and the road section overseers to be appointed by the Commissioners. Male residents of the County were subject to road work but could commute the duty by paying a fee. Prisoners of the County were also subject to road work. A tax levy was authorized not to exceed twenty cents per \$100 valuation.
  19. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, by allowing the Road Commissioner to receive and dispose of petitions and to open, close or change roads.
  20. Private Acts of 1917, Chapter 578, made it unlawful for anyone to haul heavy drafts on the pikes of Carter County when the tires on their wagons were under four inches in width. The act also made it necessary for persons using the pikes to haul heavy loads in Carter County to equip their wagons and vehicles with tires at least four inches wide so that the pikes may be preserved and not unnecessarily cut up and injured. Fines for violations ranged from \$5 to \$50 for each offense.
  21. Private Acts of 1919, Chapter 520, authorized the Carter County Court to appropriate money for building pikes in Carter County upon the condition that the people of the community obtain rights of ways for the pikes and erect necessary fences so as to throw the roads open to the public for public use without cost to the county. The act also required that the community provide one-half of the amount needed to pave the pikes and the County had the authority to pay the other half but no more. The County Court was empowered to issue interest bearing warrants or bonds to run as long as the County Court deemed necessary and was further authorized by taxation to provide sinking funds for the liquidation of the indebtedness.
  22. Private Acts of 1925, Chapter 492, provided for the management and control of roads in Carter County. Roads were classified into three types: Federal and State Aid Highways, Turnpikes and District Roads. The Federal and State Aid Highways were under the control of the State and the Pike Commission, who would co-operate with the State and Federal officials in an advisory capacity. Turnpikes were under the control of the Pike Commission. District roads built or maintained by local district funds or road labor were under the control of the District Supervisor. The five member Pike Commission consisted of E. H. Little, Chairman and Superintendent of Turnpikes, C. L. Grindstaff, Secretary, S. A. Williams, W. G. Boren and D. S. Peters. The Chairman and Superintendent of Turnpikes received \$600 per year as compensation, the Secretary received \$300 per year and each of the three Commissioners received \$100 per year. The compensation of the Commissioners was paid out of the turnpike funds. Each Commissioner had to execute a \$5,000 bond for the faithful performance of the duties of their office. The Pike Commission had the duty of controlling and managing all turnpike roads, constructing, maintaining and repairing all new turnpike roads in the county. The County Court had the authority to levy a tax on all taxable property in the county ranging from 15¢ to 30¢ per \$100 worth of taxable property as a means of funding the building and maintaining of the turnpike

- roads. Part of the automobile registration tax belonging to the County would become a part of the general pike fund. However, the funds arising from the automobile tax could only be expended under the direction of or in conjunction with the State Highway Department.
23. Private Acts of 1927, Chapter 676, created a Board of Highway Commissioners for Carter County. The Board was composed of three men elected by the Quarterly County Court. No member of the Court could hold a position on the Commission. Commissioners would hold office for the terms of two, four and six years. Each Commissioner had to take an oath and execute a \$5,000 bond before they took office. The Commissioners had the duty of electing one of their members as Chairman, another as Vice-Chairman and the other as Secretary. Each member of the Commission was to receive \$4 per day for meetings and days spent inspecting up to three days a month. The Commission would meet once a month. The Commissioners were authorized to hire a County Road Superintendent, who was to receive a salary up to \$2,400 per year and a personal automobile and travel allowance in an amount up to \$600 per year. The Commission had the duty of keeping and maintaining all macadamized roads in good repair. The Commission also had to keep in good repair all bridges and levees. The County Court was authorized to levy a tax from 20 to 30 cents per \$100 worth of taxable property. This tax was to create a fund for the maintenance of the roads. The Trustee of Carter County had the duty to collect the tax. If funds for road work were insufficient, the Commissioners were to have all road work ceased until further funds became available. The Commissioners were authorized to borrow money by issuing its note or interest-bearing warrants to obtain the necessary funds.
  24. Private Acts of 1931, Chapter 813, created a Superintendent of Public Roads in Carter County who would hold office for a term of four years. J. A. Waldrop was appointed to serve as Superintendent until the Quarterly County Court held its first election under this act. The act required that the Superintendent be a construction man with at least ten years experience in pike road construction and have no interest directly or indirectly as a contractor in charge of any road in Carter County. He had to take oath and execute a \$5,000 bond. The Superintendent could not engage in the active management of any other business. He had complete control of all public roads, road equipment, engineering work and lay out of all roads in Carter County. If it was necessary for the Superintendent to hire additional employees, he was directed to hire Carter County persons provided he maintain within the budget. Before any warrant or check could be issued for payment of road work, they had to be approved and countersigned by the Superintendent of Roads and the County Judge or Chairman. The act intended for the Road Superintendent to perform all the duties in paying out, opening and closing, and maintaining the public roads of the County then performed by the District Commissioners and Overseers. The Superintendent was to receive \$3,000 per year as compensation to be paid monthly from the county road funds on warrant approved by the County Judge or Chairman. The salary would not begin until the work authorized by Private Acts of 1929, Chapter 820, was completed under the direction of Waldrop. The Quarterly County Court was authorized to levy a tax ranging between 10 and 30 cents per \$100 worth of taxable property. The County Trustee was to collect the tax in a fund called The Road Fund. The act declared that males between the ages of 21 and 45 and not exempt by the County Court had to pay \$3 year road tax or work three days on the road or in quarries under the direction and control of the Superintendent. Workhouse prisoners were required to work out their sentences on the public roads at a rate of \$1 per day.
  25. Private Acts of 1933, Chapter 63, amended Private Acts of 1931, Chapter 813, above, by lowering the annual road tax rate, from 10 cents to 5 cents for the 1932 and 1933 taxable year and then it would return to 10 cents per \$100 work of taxable property.
  26. Private Acts of 1933, Chapter 304, repealed Private Acts of 1931, Chapter 813, above.
  27. Private Acts of 1933, Chapter 305, created a Superintendent of Public Roads in Carter County who would hold office for a term of two years. Nat C. Nave was appointed to serve as Superintendent until the next regular election when one would be elected. The act required that the Superintendent be a construction man with at least five years experience in pike road construction and have no interest directly or indirectly as a contractor in charge of any road in Carter County. He had to take oath and execute A \$5,000 bond. The Superintendent could not engage in the active management of any other business. He had complete control of all public roads, road equipment, engineering work and laying out of all roads in Carter County. If it was necessary for the Superintendent to hire additional employees, he was required to hire Carter County persons provided he maintain within the budget. Before any warrant or check could be issued for payment of road work, they had to be approved and countersigned by the Superintendent and County Judge or Chairman. The act intended for the Road Superintendent to perform all the duties in paying out, opening and closing, and maintaining the public roads of the county then performed

- by the District Commissioners and Overseers. The Superintendent was to receive \$2,400 per year as compensation to be paid monthly from the county road funds on warrant approved by the County Judge or Chairman. The Quarterly County Court was authorized to levy a tax ranging between 10 cents and 30 cents per \$100 work of taxable property. The County Trustee was to collect the tax in a fund called The Road Fund. The act declared that males between the ages of 21 and 45 and not exempt by the County Court had to pay \$2 per year road tax or work two days on the road or in quarries under the direction and control of the Superintendent. Work-house prisoners were required to work out their sentences on the public roads at a rate of \$1 per day.
28. Private Acts of 1935, Chapter 65, amended Private Acts of 1933, Chapter 305, above, by requiring that warrants or checks no longer had to be countersigned, just signed by the Superintendent, County Judge or Chairman and that the Superintendent no longer had the same duties of the District Commissioners and Overseers. The act further provided that in the event the county road funds of Carter County were insufficient to pay the Superintendent his compensation, then he was to be paid out of the general funds of the county. The act also provided that the Superintendent be removed if necessary under the general ouster law of the State.
  29. Private Acts of 1937, Chapter 505, created a County Highway Commission for Carter County. The Commission was composed of five members to be known as the County Highway Commissioners. The Commission had full control to provide and maintain all public roads and highways in Carter County. The members were responsible for electing from amongst themselves a Chairman and Secretary. The act designated Joseph L. Gray, D. M. Chambers, Chairman, Charles D. Ensor, Jack A. Toncray, Secretary, and W. J. Mottern as the first Commissioners. They would serve until their successors were elected. The salary of the Chairman was \$90 per month, plus \$40 for expenses and the Secretary received \$200 per month which would be reduced to \$150 after the expiration of the first term. The other members received \$5 per day for meetings attended up to five days per month. Each Commissioner was required to take oath and execute a \$1,000 bond. Commissioners served two year terms. The act created five Highway Districts and one Commissioner was to be elected from each district. Commissioners had to reside in the district he was elected to represent, age thirty or older, be of good moral character and possess practical knowledge of road construction. The Commission was responsible for complete and full control to provide and maintain all public roads and highways in Carter County. The County Court had the authority to levy a tax for county road purposes at a cost between 3 and 30 cents per \$100 worth of taxable property. The County Trustee was to collect the tax and deposit them into a fund named the Road Fund. Workhouse prisoners were required to work out their sentences on the public highways or in the quarries at a rate of \$1 per day. This act repealed Section 4 of Private Acts of 1929, Chapter 820, herein, by abolishing the office of "Board of Road Commissioners". The Commission was responsible for reporting to the County Court an itemized statement of all disbursements of Public Road funds.
  30. Private Acts of 1939, Chapter 285, repealed Private Acts of 1933, Chapter 305, as amended by Private Acts of 1935, Chapter 65, both above.
  31. Private Acts of 1939, Chapter 297, repealed Private Acts of 1937, Chapter 505, above.
  32. Private Acts of 1951, Chapter 129, provided that the Superintendent of Roads in Carter County receive a salary of \$300 per month payable on the first day of each month out of the treasury on a warrant from the County Judge instead of the \$200 per month as previously indicated.
  33. Private Acts of 1961, Chapter 253, set the County Road Superintendent of Roads in Carter County at \$6,000 per year, payable in monthly installments out of the Road Funds in Carter.
  34. Private Acts of 1971, Chapter 56, amended Private Acts of 1961, Chapter 253, above, by increasing the salary of the County Road Superintendent to \$10,000 per year.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Constables**

The following private act has no current effect but is included here for reference purposes since it once applied to the Carter County Constable's Office.

1. Private Acts of 1937, Chapter 846, created an additional office of Constable for the 15th District of the State for Carter County. The act named Sherman Blevins to fill the office until the next general election. Blevins had the same duties as other Constables and was to receive the same

compensation as other Constables in the State.

### **Militia**

Those acts once affecting Carter County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1803, Chapter 1, constituted an early and complete military code for the local armed forces of the State, including within it a Table of Organization and the regulations appertaining to all phases of military functions. The act named those persons who were exempt from the military except in cases of imminent danger or invasion. Carter County militia comprised the Fifth Regiment, which constituted the First Brigade. Carter County had to hold one annual regimental muster at the place where Court was held. The Fifth Regiment met on the last Thursday in September.
2. Public Acts of 1825, Chapter 69, declared that all free men and indentured servants between the ages of eighteen and forty-five years would constitute the State Militia. Some persons were exempted including judges, secretary of state, treasurers, ministers of the gospel, justices of the peace, public ferry men, grist mill keepers and all mail carriers. The militia of Carter County composed the Fifth Regiment and held its regimental on the last Thursday in September. Many changes were made by the act in the military system of a technical and organizational nature.
3. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Carter County would convene and drill its units on the first Monday and Tuesday in September. Johnson, Carter, Washington and Sullivan Counties composed the First Brigade.
4. Public Acts of 1978, Chapter 595, repealed Acts of 1837-38, Chapter 157, above.

### **Offenses**

The acts briefly summarized below fell into this category in Carter County.

1. Private Acts of 1927, Chapter 438, made it unlawful for any person, firm or corporation to own, operate or in any way to be associated with any pool room, billiard room, hall, ten pin alley or other establishment of like character whether for money or pleasure in Carter County. The Grand Jury was given inquisitorial powers and every Circuit Court and Criminal Court Judge would change the contents of this law to the Grand Juries. The law did not apply to pool rooms operated by the Young Men's Christian Association or in private homes for pleasure. Fines ranged from \$25 to \$50 for each offense.
2. Private Acts of 1927, Chapter 535, required Sheriffs, Constables and all police officers to search for, seize and capture all illicit distilleries, stills and all parts, fixtures and equipment connected with them and to destroy any and all whiskey, beer or other intoxicants found at or near the stills. The officers would bring such stills to the County Seat, turn them over to the Clerk of the Circuit or Criminal Court, who would publicly destroy all of them in the presence of the Chairman of the Court and make a written report of his actions to the Judge of the Circuit or Criminal Court. The officers were further obligated to make arrests of all persons implicated herein and prosecute them before the proper tribunal. Upon each conviction, the officer would be paid \$50 from the fine imposed by the Circuit or Criminal Judge. For each person convicted of transporting unlawful liquors based upon the evidence furnished by the officer, the officer would be paid \$25.

### **Sheriff**

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

1. Private Acts of 1825, Chapter 205, allowed William B. Carter, the Sheriff of Carter County, two additional years from the passage of this act to finish his collection of taxes under the same rules, regulations and restrictions applicable to all Sheriffs in similar situations.
2. Private Acts of 1826, Chapter 147, allowed Andrew Taylor, the late Sheriff of Carter County, the additional time of two years from the passage of this act to complete his collection of taxes due, subject to the same rules, regulations and restrictions applicable to all Sheriffs in similar situations.
3. Private Acts of 1827, Chapter 87, ordered the Treasurer of East Tennessee to suspend the collection of the judgment rendered against William Carter, former Sheriff of Carter County, for failure to pay over the revenue collected for the year 1826 and no execution upon the said judgment shall be allowed to issue until March 1, 1828.

4. Private Acts of 1831, Chapter 231, required the Sheriff or the Collector of taxes in Carter, Fentress, Morgan and Anderson Counties to pay over the state taxes collected for the next two years to those Commissioners appointed by the County Courts of the named Counties for the purpose of building a jail in each of the Counties.
5. Private Acts of 1831, Chapter 245, allowed William B. Carter, former Sheriff of Carter County, two additional years from the passage of this act to complete the collection of all taxes not paid within their legal time limit. Nothing could prolong the time for settlement with the County Treasurer or Trustee.
6. Private Acts of 1915, Chapter 205, allowed the Sheriffs of Carter County to receive \$1,000 per year as compensation for his services, payable semi-annually upon the warrant of the County Judge or Chairman. The Sheriff had to file a sworn, itemized statement semi-annually with the County Judge or Chairman, showing the total amount of fees collected in his office. If the fees did not equal \$1,000, the county paid the difference. Fees allowed for boarding prisoners and turnkeys could not be included in the statement or report. The Sheriff had to also collect and report all legal fees.
7. Private Acts of 1919, Chapter 184, provided that the Circuit Court Clerk, Sheriff and Tax Assessor of Carter County, who were all drawing salaries, to be paid on a quarterly installment basis by the County Trustee upon warrant by the Chairman of the Quarterly County Court.
8. Private Acts of 1921, Chapter 159, amended Private Acts of 1915, Chapter 205, above, by increasing the annual salary of the Sheriff of Carter County from \$1,000 to \$1,500 per year.
9. Private Acts of 1923, Chapter 127, amended Private Acts of 1915, Chapter 205, as amended, above, by increasing the annual salary of the Sheriff of Carter County from \$1,500 to \$1,800 per year.
10. Private Acts of 1925, Chapter 145, amended Private Acts of 1921, Chapter 159, above, by increasing the salary of the Sheriff from \$1,800 to \$2,400, by changing the figures \$1,500 to \$2,000 wherever they appeared in the original and amended act. The County would pay three-fourths of the cost of all the Sheriff's auto repair bills including tires, tubes and gasoline. These amounts would be paid quarterly out of the County Treasury on order by the Chairman of the County Court.
11. Private Acts of 1927, Chapter 9, amended Private Acts of 1925, Chapter 145, above, by repealing the provision to pay the car expenses of the Sheriff and agreeing to pay \$50 a month to two Deputies. The Deputies would be named by the Sheriff and be assigned to duty in different parts of the County.
12. Private Acts of 1929, Chapter 822, amended Private Acts of 1925, Chapter 145, above, by raising the annual salary of the Sheriff from \$2,400 to \$3,000 per year.
13. Private Acts of 1931, Chapter 586, amended Private Acts of 1929, Chapter 822, above, by authorizing the Quarterly County Court of Carter County to levy a special tax not to exceed five cents per \$100 worth of taxable property to pay the salary increases provided for the Sheriff and his Deputies.
14. Private Acts of 1931, Chapter 752, amended Private Acts of 1929, Chapter 822, above, by permitting the Sheriff to be paid his expenses for operating his car expenses up to \$50 per month which would be in addition to his regular salary of \$3,000 per year.
15. Private Acts of 1931 (2nd Ex. Sess.), Chapter 4, applied to McMinn, Obion, Weakley and Carter Counties. It set the salary of the Sheriff at \$3,000 per year but the Sheriff could elect to be paid under the provisions of Public Acts of 1921, Chapter 101, Page 188. If the Sheriff decided to do this, he had to notify the Chairman of the Quarterly County Court of his decision to do so in writing so that the County Chairman or Judge could issue warrants to pay the Sheriff in accordance with the terms of Public Acts of 1921, Chapter 101.
16. Private Acts of 1931 (2nd Ex. Sess.), Chapter 17, stated that the Sheriffs in Carter, McMinn, Obion, Montgomery and Weakley Counties were authorized to appoint one first or Chief Deputy Sheriff to be paid a salary of \$150 per month out of which he was obligated to pay all his own expenses. The Sheriff would not be paid this amount if he elected to be compensated under the provisions of Public Act of 1921, Chapter 101, above.
17. Private Acts of 1947, Chapter 855, amended Private Acts of 1931, Chapter 752, above, by increasing the monthly amount paid to the Sheriff for operating his car from \$50 to \$100.
18. Private Acts of 1951, Chapter 558, authorized the Sheriff of Carter County to purchase, at a cost not to exceed \$4,400, a two or three-way radio set to be used by the Sheriff in the process of law

enforcement. The cost of the system would be paid out of the excess of fees collected by the County Court Clerk, the General Sessions Court Clerk, Trustee, Register and Circuit Court Clerk or from the general fund. The Trustee could pay for the cost of the warrant out of either source.

## Chapter XI - Planning Commission

### Creation of Planning Commission

#### Private Acts of 1972 Chapter 360

**SECTION 1.** The quarterly county court of Carter County is authorized to create a county planning commission, to consist of not less than seven (7) members nor more than twelve (12) members, the number of members within such limits to be determined by the quarterly county court. One (1) of the members shall be the chairman of the county court and one (1) of the members shall be a member of the quarterly county court selected by the quarterly county court. All other members shall be appointed by the quarterly county court in such manner as to give each school district equal representation on said commission among the appointed members. All members of the commission shall serve as such without compensation except when they are also members of the board of zoning appeals as provided under Section 20. The terms of appointive members shall be of such length as may be specified by the quarterly county court not to exceed six (6) years and may be arranged by the quarterly county court so that the terms of one (1) or more members expire each year. Any vacancy in an appointive membership shall be filled for the unexpired term by the quarterly county court.

(a). Members of the planning commission shall receive, as compensation for each day's attendance at commission meetings, the same amount of compensation received by a county commissioner for a committee meeting, which amount shall be paid from the county's general fund.

As amended by:

Private Acts of 1975, Chapter 46

Private Acts of 1992, Chapter 189

Private Acts of 1993, Chapter 47

**COMPILER'S NOTE:** Private Acts of 1975, Chapter 46, added an unnumbered section which provided that the members of the planning commission should receive fourteen dollars (\$14.00) each for each day's attendance at commission meetings to be paid from the county's general fund. This unnumbered section was amended by Private Acts of 1992, Chapter 189, raised the amount to seventeen dollars and fifty-cents (\$17.50). This unnumbered section was amended by Private Acts of 1993, Chapter 47, deleting the section and substituting instead a new section, Section 1(a).

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

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

**SECTION 4.** The commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the



affirmative votes of not less than a majority of all the members of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the quarterly county court.

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

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

**SECTION 7.** Whenever the commission shall have adopted the plan of the county or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the county outside of municipal boundaries until and unless the location and extent thereof shall have been submitted to and approved by the planning commission. In case of disapproval, the commission shall communicate its reasons to the quarterly county court of the county and the court by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, the court shall have the power to proceed. However, if the public way, ground, place, space, building, structure or utility is one the authorization or financing of which does not, under the law governing the same, fall within the province of the quarterly county court, then the submission to the planning commission shall be by the state, county, district, municipal or other board or official having such jurisdiction, and the planning commission's disapproval may be overruled by such board by a majority vote of its membership, or by such official. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days after the date of official submission to it shall be considered approval, unless a longer period is granted by the quarterly county court or other submitting board or official.

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

**SECTION 9.** After the planning commission adopts a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and files a certified copy of such major street plan in the office of the county register of the county, no plat of a subdivision of land lying wholly or partly within the county and wholly or partly outside of municipal boundaries shall be filed or recorded until it is submitted to and approved by the planning commission and such approval is entered in writing on the plat by the secretary of the commission.

The county register shall not file or record a plat of subdivision of such land without the approval of the planning commission as required by this section. Violation of this provision is a misdemeanor.

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

Such regulations may include requirements of the extent to which and the manner in which streets shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities

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

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

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

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

**SECTION 13.** Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required by this chapter and before such plat be recorded in the office of the county register, is guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from being in violation of this section. The county may enjoin such transfer or sale or agreement by action for injunction.

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

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

**SECTION 16.** For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the quarterly county court is empowered, in accordance with the conditions and the procedure specified in this act, to regulate the location, height, bulk, number of stories

and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes. Special districts or zones may be established in those areas considered subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Carter County the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related laws or regulations promulgated thereunder.

**SECTION 17.** Whenever the planning commission makes and certifies to the quarterly county court a zoning plan, including both the full text of a zoning ordinance and the maps, representing the recommendations of the planning commission for the regulation by districts or zones of the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, then the quarterly county court may exercise the powers granted and for the purposes mentioned in Section 15 and may divide the county into districts or zones of such number, shape and areas it may determine, and, for said purposes, may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land.

**SECTION 18.** Before enacting the zoning ordinance or any amendment thereof, the quarterly county court shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the county. No change in or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the quarterly county court.

**SECTION 19.** The zoning ordinance, including the maps, may from time to time be amended, but no amendment shall become effective unless it is first submitted to and approved by the planning commission or, if disapproved, shall receive the favorable vote of a majority of the entire membership of the quarterly county court.

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

The quarterly county court may provide and specify, in its zoning or other resolution or ordinance, general rules to govern the organization and procedure and jurisdiction of the board of zoning appeals, which rules shall not be inconsistent with the provisions of this act, and the board of zoning appeals may adopt supplemental rules of procedure, not inconsistent with this act or such general rules.

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

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

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

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the county building commissioner or any other administrative official in the carrying out or enforcement of any provision of any resolution or ordinance enacted pursuant to this act.

(2) To hear and decide, in accordance with the provisions of any such resolution or ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which the board is authorized by any such resolution or ordinance to pass.

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this act would result in peculiar and exceptional practical difficulties to or

exception or undue hardship upon the owner of such property to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolution or ordinance.

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

**SECTION 24.** If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**SECTION 25.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the quarterly county court of Carter County before December 1, 1972. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 26.** 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 25.

Passed: March 29, 1972.

## Planning Commission

### Mobile Homes

### Private Acts of 1990 Chapter 182

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

(1)(A) "Mobile home" means a structure which is:

(i) Designed for long-term occupancy with sleeping accommodations, and bathrooms and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and

(ii) Designed to be transported after fabrication on its own wheels or flatbed, or other trailers and constructed as a single, self-contained unit on a single chassis.

(B) For the purpose of this act, the term "mobile home" does not include:

(i) Manufactured homes which are constructed in two (2) or more separate chunks, are mounted on two (2) or more chassis, and are assembled on site.

(ii) Recreational vehicles, which are vehicular type units designed as temporary living quarters for recreational camping or travel use, such as travel trailers, camping trailers, truck campers, and motor homes.

(iii) Manufactured mobile units, which are:

(a) Designed to be transported after fabrication, and arriving at the site ready for use except for minor and incidental assembly operations, location on foundation, and connection to utilities; and

(b) Designed to function as an office commercial establishment, assembly hall, storage, and other non-residential occupancy.

(2) "Mobile home park" means any plot of ground containing a minimum of one (1) acre upon which two (2) 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.

(3) "Lot" means a parcel or tract of land.

(4) "County road" means a publicly owned right-of-way which has been improved, accepted, and maintained by Carter County.

**SECTION 2.** The purpose of this act is to provide minimum development standards for mobile homes in the unincorporated areas of Carter County so that they will be developed in a safe and sanitary manner. It shall be unlawful to place a mobile home on a lot or in a mobile home park unless it meets the requirements of this act.

**SECTION 3.** The minimum standards for the placement of a mobile home on a lot shall be as follows:

- (1) The lot must abut a county road.
- (2) The mobile home must be properly connected to all utilities and have a sewage disposal system approved by the Carter County Health Department.
- (3) The space between the bottom of the mobile home and the ground must be permanently enclosed within six (6) months.
- (4) At least two (2) off-street parking spaces shall be provided.
- (5) The lot shall be covered with permanent vegetation.
- (6) Recreational vehicles and campers may not be placed on a lot for long-term occupancy.
- (7) The mobile home shall be set back twenty (20) feet from the road and fifteen (15) feet from other property lines.

**SECTION 4.** (a) The property development standards in this section shall apply for all mobile home parks.

(b) The owner of the land parcel proposed for a mobile home park shall submit a plan for development to the Carter County Planning Commission. The plan shall show:

- (1) The park plan drawn to scale.
- (2) The area and dimensions of the proposed park.
- (3) The location and width of all roadways.
- (4) The location and dimensions of any proposed service buildings and structures.
- (5) The location of all water and sewer lines.
- (6) The location of all equipment and facilities for refuse disposal and other park improvements.
- (7) A drainage plan of the park.
- (8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.
- (9) The certificate and signature of the health officer.
- (10) Any other information deemed pertinent by the Planning Commission.

(c) Each mobile home park site shall meet the following minimum standards:

- (1) There shall be a minimum of thirty (30) feet between each mobile home.
- (2) All mobile homes, structures, and pavement shall be set back thirty (30) feet from the front property line, and twenty (20) feet from the side and rear property lines.
- (3) The sites shall be located in a flood-free area with proper drainage.
- (4) 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 Planning Commission.
- (5) There shall be a planted buffer strip along the side and rear property lines. Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, and shrubs. The buffer strip shall be a plant material or other approved material which will provide a screen not less than six (6) feet in height.
- (6) The park shall be adequately lighted.
- (7) Each mobile home park shall provide two (2) off-street parking spaces for each mobile home space.
- (8) The roadways and parking areas shall be paved with a hard surface material which shall be not less than double bituminous surface. The roadways shall be a minimum of eighteen (18) feet in width.

(9) The density of mobile home parks is dependent on meeting requirements for setbacks, minimum distance between mobile homes, and the health department.

(10) Recreational vehicles and campers may not be placed in a mobile home park for long-term occupancy.

**SECTION 5.** It shall be unlawful for any person to place a mobile home on a lot or in a mobile home park in the unincorporated part of Carter County unless a permit is obtained. Fees for permits shall be set by the county commission as needed.

**SECTION 6.** (a) This act shall be enforced by the Carter County Planning Commission.

(b) Any person who shall willfully neglect or refuse to comply with any of the provisions of this act shall be guilty of violating this act and, upon conviction, shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day of violations shall constitute a separate offense.

**SECTION 7.** (a) This act shall be administered by the Carter County Planning Commission.

(b) All plans and plats for mobile home parks shall submitted five (5) working days before the regular meeting date of the Planning Commission. These plans will be given preliminary and final approval by the Planning Commission.

(c) Expansions of existing mobile home parks will have to be approved by the Carter County Planning Commission, and must conform to the standards in this act.

**SECTION 8.** Variances may be granted to any part of this act by the Planning Commission for good and sufficient reasons.

**SECTION 9.** The provisions of this act shall supersede any less stringent provisions of any ordinance of Carter County.

**SECTION 10.** 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 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of such body and certified by him to the Secretary of State.

**SECTION 12.** For the purposes 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 11.

Passed: March 29, 1990.

## Private Acts of 1990 Chapter 187

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

(1) "Structure" means any building or manufactured home or building.

(2) "Mobile home" means a structure which is:

(a) Designed for long-term occupancy with sleeping accommodations, and bathrooms and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and

(b) Designed to be transported after fabrication on its own wheels or flatbed, or other trailers and constructed as a single, self-contained unit on a single chassis.

Manufactured homes which are constructed in two (2) or more separate chunks, are mounted on two (2) or more chassis, and are assembled on site are not considered mobile homes for the purpose of this act.

(3) "Mobile home park" means any plot of ground containing a minimum of one (1) acre upon which two (2) 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.

**SECTION 2.** The purpose of this act is to require permits for all structures in the flood hazard area and for mobile homes before final electrical inspections are made in the unincorporated areas of Carter County.

**SECTION 3.** No final electrical inspections shall be made in the unincorporated areas of Carter County,

for any structure placed in the flood zone, as shown by either the Flood Hazard Boundary Map or the Flood Insurance Rate Map issued by the Federal Emergency Management Agency, or located within a distance of the stream bank equal to the width of the stream at the top of the bank or twenty (20) feet from each side of the bank top, whichever is greater, for streams that have no flood zones shown on the above-stated flood maps, without a permit.

**SECTION 4.** No final electrical inspections shall be made in the unincorporated areas of Carter County for the placement of any mobile home on either a lot or mobile home park without a permit.

**SECTION 5.** The provisions of this act shall supersede any less stringent provisions of any ordinance of Carter County.

**SECTION 6.** 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 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of such body and certified by him to the Secretary of State.

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

Passed: March 29, 1990.

## Private Acts of 1992 Chapter 198

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

- (1) "County road" means a publicly owned right-of-way which has been improved, accepted, and maintained by Carter County;
- (2) "Lot" means a parcel or tract of land;
- (3) "Mobile home" means a structure which is:
  - (A) Designed for long-term occupancy with sleeping accommodations, and bathrooms and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and
  - (B) Designed to be transported after fabrication on its own wheels or flatbed, or other trailers and constructed as a single, self-contained unit on a single chassis.

For the purpose of this act, the term "mobile home" does not include:

- (A) Manufactured homes which are constructed in two (2) or more separate chunks, are mounted on two (2) or more chassis, and are assembled on site.
- (B) Recreational vehicles, which are vehicular type units designed as temporary living quarters for recreational camping or travel use, such as travel trailers, camping trailers, truck campers, and motor homes.
- (C) Manufactured mobile units, which are:
  - (i) Designed to be transported after fabrication, and arriving at the site ready for use except for minor and incidental assembly operations, location on foundation, and connection to utilities; and
  - (ii) Designed to function as an office commercial establishment, assembly hall, storage, and other non-residential occupancy; and
- (4) "Mobile home park" means any plot of ground containing a minimum specified amount of land upon which two (2) 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.

**SECTION 2.** The purpose of this act is to provide minimum development standards for mobile homes in the unincorporated areas of Carter County so that they will be developed in a safe and sanitary manner. It shall be unlawful to place a mobile home on a lot or in a mobile home park unless it meets the requirements of this act.

**SECTION 3.** The minimum standards for the placement of a mobile home on a lot shall be as follows:

- (a) The lot may be required to abut a county road.
- (b) The mobile home may be required to be properly connected to all utilities and have a sewage disposal system approved by the Carter County Health Department.
- (c) The space between the bottom of the mobile home and the ground may be required to be permanently enclosed within a specified amount of time.
- (d) Off-street parking spaces may be required to be provided.
- (e) The lot may be required to be covered with permanent vegetation.
- (f) Recreational vehicles and campers may be restricted from being placed on a lot for long-term occupancy.
- (g) Front, side, and rear setbacks may be required for mobile homes.

**SECTION 4.** The property development standards in this section shall apply for all mobile home parks.

(a) The owner of the land parcel proposed for a mobile home park shall submit a plan for development to the Carter County Planning Commission. The plan may be required to show:

- (1) The park plan drawn to scale;
- (2) The area and dimensions of the proposed park;
- (3) The location and width of all roadways and parking;
- (4) The location and dimensions of any proposed service buildings and structures.
- (5) The location of all water and sewer lines.
- (6) The location of all equipment and facilities for refuse disposal and other park improvements;
- (7) A drainage plan of the park;
- (8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct;
- (9) The certificate and signature of the health officer; and
- (10) Any other information deemed pertinent by the Planning Commission.

(b) Each mobile home park site shall meet the following minimum standards:

- (1) A minimum setback may be required between each mobile home;
- (2) All mobile homes, structures, and pavement may be required to have front, side and rear property line setbacks;
- (3) The site may be required to be located in a flood free area with proper drainage;
- (4) Entrances and exits to the mobile home park may be required to be designed for safe and convenient movement of traffic into and out of the park, and may be required to be located and designed as prescribed by the planning commission;
- (5) A planted buffer strip may be required along the side and rear property lines. Any part of the park area not used for buildings or other structures, parking, or access ways may be required to be landscaped with grass, trees, and shrubs. The buffer strip may be required to plant material or other approved material which may provide a screen of a specified minimum height;
- (6) The park may be required to be adequately lighted;
- (7) Each mobile home park may be required to provide a specified number of off-street parking spaces for each mobile home space;
- (8) The roadways and parking areas may be required to meet minimum base and paving standards. The roadways may be required to have a minimum width;
- (9) Density standards may be set for mobile home parks; and
- (10) Recreational vehicles and campers may be restricted from being placed in a mobile home park for long-term occupancy.

**SECTION 5.** It shall be unlawful for any person to place a mobile home on a lot or in a mobile home park in the unincorporated part of Carter County unless a permit is obtained from Carter County or its designated agent.

**SECTION 6.** This act shall be enforced by the Carter County Planning Commission.

(a) Any person who shall willfully neglect or refuse to comply with any of the provisions of this act shall be



guilty of violating this act and, upon conviction, shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense.

(b) Any mobile home placed in violation of these regulations shall be deemed an unlawful mobile home and the county attorney or other official designated by the Carter County Board of Commissioners, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action to cause the mobile home to be removed.

**SECTION 7.** This act shall be administered by the Carter County Planning Commission.

(a) All plans and plats for mobile home parks may be required to be submitted a specified number of working days before the regular meeting date of the planning commission. These plans will be given preliminary and final approval by the Planning Commission.

(b) Expansion of existing mobile home parks may be required to be approved by the Carter County Planning Commission, and conform to the standards in this act.

**SECTION 8.** Variances may be granted to any part of this act by the Planning Commission for good and sufficient reasons.

**SECTION 9.** The provisions of this act shall supersede any less stringent provisions of any ordinance of Carter County.

**SECTION 10.** If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

**SECTION 11.** Specific standards authorized to be set by this private act, and amendments to these standards may be initiated by the Carter County Planning Commission, the Carter County Board of Commissioners, a resident of Carter County, or other persons or agents interested in these regulations. Proposed standards or amendments to them must first be submitted to the Carter County Planning Commission for approval, disapproval, or suggestions. The Carter County Board of Commissioners will approve or disapprove such standards or amendments to them at their next regularly scheduled and/or called meeting. Standards and amendments to them shall become effective upon approval by the Carter County Board of Commissioners, the public welfare requiring it.

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of such body and certified by him to the Secretary of State.

**SECTION 13.** For the purposes 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 12.

Passed: April 1, 1992.

## Chapter XII - Public Utilities

### Watauga River Regional Water Authority

#### Private Acts of 2001 Chapter 29

**SECTION 1.** Purpose and creation of Authority.

(a) A governmental authority to be known as the "Watauga River Regional Water Authority" is hereby created and established for the purpose of planning, acquiring, constructing, improving, extending, furnishing, equipping, financing, owning, operating, and maintaining a water and wastewater system, including treatment, storage, distribution and collection facilities, properties, and services, as hereinafter provided; the selling, donating, conveying, or otherwise disposing of water and wastewater; and undertaking any project or work related thereto or connected therewith. The Authority shall be a public and governmental body acting as an instrumentality and agency of the county and districts, and the powers granted are for public and governmental purposes and matters of public necessity.

(b) The purpose of the Authority is also to plan and develop the water resources of the geographic region and to provide necessary wastewater collection and treatment attendant thereto. The further purpose of the Authority is to provide environmental services and to secure economic benefits to the geographic

region that is encompasses and may serve.

**SECTION 2.** Definitions.

Whenever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

- (1) "Authority" means the Watauga River Water Authority created by this act;
- (2) "Board" means the board of directors of the Authority;
- (3) "Bonds" means bonds, interim certificates or other obligations of the Authority issued pursuant to this act including joint obligations of the Authority and the county, districts or municipalities;
- (4) "County" means Carter County, Tennessee;
- (5) "Districts" refer to the North Elizabethton Utility, the Siam Utility District, the Roan Mountain Utility District, and the South Elizabethton Utility District;
- (6) "Governing Body" means the Chief Legislative Body of a municipality, as hereinafter defined;
- (7) "Municipality" means any county, incorporated city or town, utility district, or other municipal, or governmental body or subdivision in this State, thereof now or hereafter authorized by law to be created;
- (8) "Notes" means notes or interim certificates of the Authority issued pursuant to this act, including joint obligations of the Authority and the county and/or districts;
- (9) "Person" means any individual, firm, partnership, association, corporation, or any combination thereof;
- (10) "Refunding Bonds" means refunding bonds, issued pursuant to this act, including joint obligations of the Authority and the county issued pursuant to this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1 and 9, to refund bonds of the Authority or bonds issued to refund bonds or notes of the county, the districts, or a municipality issued by such county, district or municipality, the proceeds of which were used to construct, acquire, extend, improve or equip all or a portion of a system acquired by the Authority or to refund bonds, the proceeds of which were used for such purposes;
- (11) "State" means the State of Tennessee; and
- (12) "System" means a water and wastewater system, which shall include, but not be limited to, all devices and systems used in the storage, treatment, recycling and reclamation of sewage of residential, commercial and industrial wastes of a liquid nature to restore and maintain the chemical, physical and biological integrity of the State's waters; or any devices and systems used in the treatment and distribution of water, including intercepting sewers, outfall sewers, sewage collection systems, water storage facilities, water transmission lines, pumping, power and other equipment, and other appurtenances, extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities, and any works.

As amended by: Private Acts of 2008, Chapter 95

**SECTION 3.** Board of Directors.

(a) The Authority shall have a Board of Directors in which all powers of the Authority shall be vested. Each Director shall have an equal vote in the affairs of the Authority.

(b) The initial membership of the Board of Directors shall consist of five (5) Directors designated as follows:

- (1) The County Executive of Carter County or the designee of the County Executive who is named in a revocable written instrument executed by the County Executive.
- (2) One (1) Director to be selected by each of the governing bodies of the North Elizabethton Utility District, the Siam Utility District, the Roan Mountain Utility District and the South Utility District. The governing body of each utility district is hereby authorized to appoint one (1) person as Director.
- (3) Upon adoption of a resolution by a two-thirds (2/3) vote of the municipal governing body of the City of Elizabethton, the governing body of any such municipality shall appoint one (1) person to serve as an additional Director on the Board of Directors.
- (4) Upon execution of an agreement between any other municipality and the authority as provided for in Section 18 of this Act, the governing body of any such municipality shall appoint one (1) person to serve as an additional Director on the Board of Directors.

(c) All vacancies on the Board shall be filled as follows:

(1) For the Director selected pursuant to subdivision (b)(1) above, vacancies shall be filled by the County Executive of Carter County or his or her designee;

(2) For the Directors selected pursuant to subdivision (b)(2) above, vacancies shall be filled by the governing body of the utility district which was represented by the departing Director.

(3) For the Directors selected pursuant to subdivision (b)(3) above, vacancies shall be filled by the governing body of the municipality which was represented by the departing Director.

(d) The term of a Director serving pursuant to subdivision (b)(1) shall be concurrent with the term of office of the County Executive of Carter County. The term of a Director serving pursuant to subdivision (b)(2), or the term of a Director representing a utility district pursuant to subdivision (b)(3) shall be four (4) years. The term of a Director serving pursuant to subdivision (b)(3) representing a municipality other than a utility district shall be concurrent with the term of office of the chief executive of such municipality.

(e) A majority of the Board constitutes a quorum, and the Board shall act by a vote of a majority present at any meeting attended by a quorum. Vacancies among the Directors shall not affect their power and authority, so long as a quorum remains. Within thirty (30) days after their selection, as herein provided, the Board shall hold a meeting to elect a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and/or such other officers as shall from time to time be deemed advisable by the Board. The Secretary shall keep minutes of all regular and special meetings of the Authority. Such minutes shall be available for inspection by the public at the office of the Authority at all reasonable times.

(f) The Board shall hold meetings at such times and places as the Board may determine and all such meetings shall be open to the public. Special meetings may be called and held upon such notice and in such manner as the Board may, by resolution, determine. Except as otherwise expressly provided herein, the Board shall establish its own rules of procedure. Any action taken by the Board exercising its powers and authority under the provisions of this act may be exercised by vote or resolution at any regular or special meeting.

(g) All Directors shall serve with compensation as the Board may determine by resolution. The Board, upon a majority vote, may set compensation up to, but not exceeding, one hundred dollars (\$100) per Director per meeting of the Authority; provided, however, that the Directors shall not be compensated for more than twelve (12) meetings in one calendar year.

As amended by: Private Acts of 2008, Chapter 95

**SECTION 4.** Powers of the Authority.

The Authority shall have the following powers in addition to those specified in other sections of this act, together with powers incidental thereto or necessary for the performance of those hereinafter stated.

(1) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(2) To have a seal and to alter the same at pleasure, provided, however, the absence thereof shall have no effect on the validity of any document, instrument or other writing;

(3) To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain, and operate one (1) or more systems within or without the geographic boundary and service areas of the county or districts as such boundaries now or may hereafter exist, including all real and personal property, facilities, and appurtenances which the Board of the Authority may deem necessary in connection therewith and regardless of whether or not such system shall then be in existence;

(4) To enter in to agreements with the county, the districts and any municipality for the orderly transfer of all or any part of the system of the county, the districts or such municipality, and to the extent permitted by law and contract, to assume, to reimburse or to otherwise agree to pay outstanding obligations or liabilities of the county, the districts or such municipality incurred to acquire, extend or equip the system;

(5) To enter into agreements with the county, the districts and any other municipality, to acquire by lease, gift, purchase or otherwise any system or property related thereto, of the county, the districts or such municipality and operate such system separately or as a part of its systems; or enter into agreements with the county, the districts or any municipality providing for the operation by the Authority of the system, or any portion thereof, owned by the county, the districts or municipality;

(6) To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of

eminent domain, or otherwise, any and all types of property, franchises, assets, and liabilities, whether real, personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges or other encumbrances and to hold, sell, lease, exchange, donate, or convey its properties, facilities, services, but only for the purpose of continuing operation of any system by the Authority, whenever the Board of the Authority shall find such action to be in furtherance of the purposes for which the Authority is hereby created; provided, however, revenues of any system of the Authority is hereby accounted for in such manner as not to impair the obligations of contract with reference to bond issues or other legal obligations of the transferor and shall fully protect and preserve the contract rights vested in the owners of outstanding bonds, obligations, or contractual interests; provided, further, any income from the sale of such properties, facilities, and services shall be dedicated to the continued operation of any system by the Authority;

(7) To buy, sell, store, treat and distribute water; to collect and provide treatment for wastewater from, with or to any municipality or other governmental unit of the State or any agency thereof or the United States or any agency thereof, or any persons whether public or private, and to enter into contracts, agreements, or other arrangements with the county, districts, any municipality or other persons in connection therewith;

(8) To make and enter into all contracts, trust instruments, agreements, and other instruments with the county, districts, any municipality, the State or agency thereof, the United States or any agency thereof, or any person, including without limitation, bonds, notes, loan agreements with the Tennessee Local Development Authority and/or the Tennessee Department of Environment and Conservation and other forms of indebtedness as if it were a local government as such term is defined in applicable statutes governing grants and loans, to construct, equip or extend the system, and to enter into contracts for the management and operation of a system or any facilities or service of the Authority for the treatment, processing, collection, distribution, storage, transfer, or disposal of water and wastewater;

(9) To incur debts, to borrow money, to issue bonds, and to provide for the rights of the holders thereof;

(10) To apply for, accept and pledge donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts from the county, districts, any municipality, the State or any agency thereof, the United States or any agency thereof, or any person, whether public or private, for or in aid of the purposes of the Authority, to enter into agreements in connection therewith and to accept the same;

(11) To pledge all or any part of the revenues, receipts, donation, contributions, loans, guarantees, financial assistance, capital grants, or gifts of the Authority, to mortgage and pledge one (1) or more of its systems or any part or parts thereof, whether then owned or thereafter acquired, and to assign and pledge all or any part of its interest in and rights under contracts and other instruments relating thereto as security for the payments of the principal, premium, if any, and interest on bonds, refunding bonds, loan agreements or notes issued by the Authority;

(12) To have control of its systems, facilities, and services with the right and duty to establish and charge rates, fees, rental, tolls, deposits and other charges for the use of the facilities and services of the Authority, of the sale of materials or commodities by the Authority and to collect revenues and receipts therefrom, not inconsistent with the rights of holders of its bonds, refunding bonds, and notes;

(13) To enter onto any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in and for the furtherance of the purposes authorized by this act;

(14) To use any right-of-way, easement, or other similar property right necessary or convenient in connection with a system, held by the State or any political subdivision thereof, provided the governing body of such political subdivision consents to such use;

(15) To employ and pay compensation to such agents, including attorneys, accountants, engineers, architects, and financial advisors, as the Board shall deem necessary for the business of the Authority;

(16) To employ and pay compensation to such employees, including a general manager, who shall have such authority, duties, and responsibilities as the Board deems necessary;

(17) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any act of any member, officer, or employee of the Authority in the performance of the duties of the office or employment or any other insurable risk, including the payment of its bonds, refunding bonds or notes, as the Board in its discretion may deem necessary;

(18) To enter into, by contract with the county and/or the districts, or otherwise, a plan for pension, disability, hospitalization and death benefits for the officers and employees of the Authority;

(19) To exercise all powers expressly given to it and necessarily implied therefrom, to make and execute contracts and all other instruments necessary or convenient to do any and all things for the exercise of its powers hereunder, and to establish and make rules and regulations not inconsistent with the provision of this act, deemed expedient for the management of the Authority's affairs;

(20) To adopt by majority vote of the Board the purchasing procedures for utility districts as defined in Tennessee Code Annotated Title 7, Chapter 82, Part 8; and

(21) To make all necessary investments, in the discretion of the Board, consistent with the powers of local governments to make such investments as provided in Tennessee Code Annotated, Section 9-1-107.

**SECTION 5.** Condemnation and eminent domain.

The Authority may condemn in its own name any land, rights in land, easements, and/or rights-of-way which in the judgment of the Board, are necessary for carrying out the purposes for which the Authority is created, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the Authority; provided further, the exercise of eminent domain power shall be approved by a majority of those present and voting on the Board of the Authority. Such power of condemnation may be exercised in the manner prescribed by any applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain.

**SECTION 6.** Rates sufficient to pay costs and retire bonds.

The Board shall prescribe and collect reasonable rates, fees, tolls, or charges for the services, facilities, and commodities of any system, shall prescribe penalties for the nonpayment thereof, and shall revise such rates, fees or charges from time to time whenever necessary to ensure that any system shall be and always remain self-supporting. The rates, fees, tolls, or charges prescribed shall be such as will always produce revenue at least sufficient:

(1) To provide for all expenses of operation and maintenance of the system, including reserves therefor;

(2) To pay when due all bonds, notes and interest and premium thereon for the payment of which such revenues are or shall have been pledged, charged, or otherwise encumbered, including reserves therefor; and

(3) To provide for the extension or improvement of the system. Provided, however, that the Authority shall charge equal rates to the county, the districts, and any municipality hereinafter entering into such an agreement with the Authority as provided in Section 18 of this act. This provision shall apply to the rates charged for the provision of services as outlined in Section 4 (7) of this act.

**SECTION 7.** Notes of the Authority.

(a) The Authority may issue, by resolution adopted by the Board, interest-bearing bond anticipation notes for all purposes for which bonds can be legally authorized and issued by the Authority. Such notes shall be secured by the proceeds from the sale of the bonds in anticipation of which the notes are issued and additionally secured by a lien upon the revenues of the system on a parity with the bonds in anticipation of which such notes are issued. In no event shall the amount of outstanding bond anticipation notes exceed the principal amount of the bonds to be issued by the Authority. The notes shall mature not later than two (2) years from their date of issuance and may be extended or renewed for not more than two (2) additional period of two (2) years each by resolution of the Board and the issuance of renewal or extension notes.

(b) Notes shall be sold at public or private sale for not less than ninety-seven percent (97%) of the par value thereof and accrued interest as the Board may direct. Notes may be sold in one (1) or more series, may bear such date or dates, may bear interest at such rate or rates (which may vary from time to time), may be payable at such time or times, may be in such denomination or denominations, may be in such form, either coupon or registered, may be payable at such place or places, may be executed in such manner, may be payable in such medium of payment, may be subject to such terms of redemption, without a premium or, for notes sold for not less than the par value thereof and accrued interest, without or with a premium, all as may be provided by resolution of the Board.

(c) Notes shall be executed in the name of the Authority by the proper officials authorized to execute the

same, together with the seal of the Authority attached thereto.

(d) The proceeds arising from the sale of such notes shall be disbursed as provided by the resolution authorizing the issuance of the notes. The term "bond anticipation notes" includes interim certificates or other temporary obligations which may be issued by the Authority to the purchaser of such notes upon the terms and conditions herein provided. When the bonds shall be issued and sold a sufficient amount of the proceeds of the bonds shall be applied to the payment of the notes at their maturity or upon their earlier redemption as directed by the Board of resolution.

(e) The Authority herein granted to issue "bond anticipation notes" also includes the issuance of "grant anticipation notes," to be secured by the grant in anticipation of which such notes are issued, with all provisions of this section being applicable to such grant anticipation notes.

**SECTION 8. Bonds of the Authority.**

(a) The Authority shall have the power to issue bonds from time to time to finance the construction, purchase, acquisition, extension, improvements and equipping of one (1) or more systems. All bonds issued shall be payable solely out of the revenues and receipts derived from the system for which such bonds are issued or as may be designated in the proceedings under which the bonds shall be authorized to be issued. Such bonds may be issued in one (1) or more series, may be executed and delivered at any time and from time to time, may be in such form and denomination and of such terms and maturities, may be subject to redemption prior to maturity either with or without premium, may be in fully registered form, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the State of Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings whereunder the bonds shall be authorized to be issued.

(b) Bonds may be sold at public or private sale for such price and in such manner and from time to time as may be determined by the Board of Directors to be most advantageous, and the Authority may pay any and all expenses, premiums, and commissions which its Board of Directors may deem necessary or advantageous in connection with the issuance thereof.

(c) All bonds and the interest applicable thereto are hereby made and shall be construed to be negotiable instruments.

(d) Interim certificates or notes or other temporary obligations pending the issuance of revenue bonds shall be payable out of proceeds of bonds or other funds of the Authority available for such purpose.

(e) Proceeds of bonds may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending a system, including the payment of interest on the bonds during construction of any project for which bonds are issued and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance, and legal expenses incurred in connection therewith and the issuance of bonds, and the establishment of a reasonable reserve fund for the payment of principal of, and interest on, such bonds if a deficiency occurs in the revenues and receipts available for such payment.

**SECTION 9. Refunding Bonds of the Authority.**

(a) Any bonds at any time outstanding may, at any time and occasionally, be funded by the issuance of refunding bonds in such amount as the Board may deem necessary, but not exceeding the sum of the following:

- (1) The principal amount of the bonds being refinanced;
- (2) Applicable redemption premiums thereon;
- (3) Unpaid interest on such bonds to the date of delivery or exchange of the refunding bonds;
- (4) If the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates elected, in its discretion, by the Board, or to the date or dates of maturity, whichever shall be determined by the Board to be the most advantageous or necessary to the Authority;
- (5) A reasonable reserve for the payment of principal of, and interest on, such bonds and/or a renewal and replacement reserve;
- (6) If the project to be constructed from the proceeds of the obligations being refinanced has not be completed, an amount sufficient to meet the interest charges on the refunding bonds during the

construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced); and

(7) Expenses, premiums, and commissions of the Authority, including bond discount deemed by the Board to be necessary for the issuance of the refunding bonds. A determination by the Board that any refinancing is advantageous or necessary to the Authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(b) Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of the holders of the bonds so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds refunded thereby, and regardless of whether or not the bonds to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

(c) At the time of delivery of the refunding bonds, the bonds to be refunded will not be retired or a valid and timely notice of redemption of the outstanding bonds is not given in accordance with the resolution, indenture or other instrument governing one redemption of the outstanding bonds, then, prior to the issuance of the refunding bonds, the Board shall cause to be given adequate notice of its intention to issue the refunding bonds. The notice shall be given either by mail to the owners of all the outstanding bonds to be refunded at their addressees (sic) shown on the bond registration records for the outstanding bonds, or give by publication, or by such other means which may be deemed sufficient pursuant to the laws of this State. The notice shall set forth the estimated date of delivery of the bonds, refunding bonds and identify the bonds, or the individual maturities thereof, proposed to be refunded; provided, that if portions of individual maturities are proposed to be refunded the notice shall identify the maturities subject to partial refunding and the aggregate principal amount to be refunded within each maturity. If the issuance of the refunding bonds does not occur as provided in the notice, the governing body shall cause notice thereof to be given as provided above. Except as otherwise set forth in this section, the notice required pursuant to this section shall be given whether or not any of the bonds to be refunded are to be called for redemption.

(d) If any of the obligations to be refunded are to be called for redemption, notice of redemption shall be given in a manner required by the proceedings authorizing such outstanding obligations.

(e) The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

(1) To the immediate payment and retirement of the bonds being refunded; or

(2) To the extent not required for immediate payment of the bonds being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the bonds being refunded and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of, premium, if any, and interest or any issue or series of refunding bonds. Money in any such trust fund may be invested in the discretion of the Board.

(f) Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded, but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption.

**SECTION 10.** Security for payment of bonds and notes.

(a) The principal of, premium, if any, and interest on any bonds, refunding bonds and notes may be secured by a pledge of revenues and receipts of a system. The proceedings under which the bonds, refunding bonds or notes are authorized to be issued may contain any agreements, provisions and covenants respecting the maintenance of such system or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any system or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, refunding bonds and notes and the rights and remedies available in the event of default, all as the Board shall deem advisable and not in conflict with the provisions of this act. To the extent provided in the proceedings authorizing any bonds, refunding bonds or notes, each pledge and agreement made for the benefit of security of any of the bonds, refunding bonds or notes shall continue in effect until the principal, of and interest on, the bonds, refunding bonds or notes for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made

by the Authority. In the event of a default in such payment or in any agreements of the Authority made as part of the proceedings under which the bonds, refunding bonds or notes were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or the proceedings under which the bonds, refunding bonds or notes are issued.

(b) The Board may designate the appropriate officials to execute all documents necessary to guarantee or, in any other manner, to secure the payment of the bonds or notes of the Authority; provided, however, the approval of the governing body of the county or district to such guarantee or security shall have been obtained before the execution of such documents. Provided, further prior to any meeting where such authorization will be considered by the governing body of the county or district, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the county or district of such authorization is given.

(c) Bonds, notes or refunding bonds may constitute a joint obligation of the Authority and the county or district. Any such bonds, note or refunding bond upon which the county is jointly obligated with the Authority may be secured by the full faith and credit and unlimited ad valorem taxing power of the county. Bonds, notes or refunding bonds issued as a joint obligation of the Authority and the county shall be issued in the form and manner of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9, where applicable, and in the event of a conflict between this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9, then the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9 shall prevail. Notes issued as a joint obligation of the Authority and the county shall be issued in the form and manner of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4 and 5, where applicable and in the event of a conflict between this act and the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4 and 5 shall prevail.

(d) any bond, note or refunding bond issued under this act may be secured by a mortgage or deed of trust covering any or all part of the property, real or personal, of the Authority. Any pledge, or lien, on revenues, fees, rents, tolls or other charges received or receivable by any local government to secure the payment of any bonds, notes or refunding bonds issued pursuant to the act and the interest thereon, shall be valid and binding from the time that the pledge or lien is created and granted and shall inure to the benefit of the holder or holders of any such bonds, notes or refunding bonds until payment in full of the principal, premium and interest thereon. Neither the resolution nor any other instrument granting, creating or giving notice of the pledge of a lien, or other such security interest, need be filed or recorded to preserve or protect the validity or priority of such pledge or lien.

**SECTION 11.** Exemption from taxation and State regulation.

(a) The Authority, its properties at any time owned by it, and the income and revenues therefrom, shall be exempt from all State, county and municipal taxation. All bonds, notes and refunding bonds issued by the Authority and the income therefrom shall be exempt from all State, county, and municipal taxation, except inheritance, transfer and estate taxes, or except as otherwise provided by state law. For purposes of Tennessee Code Annotated, Title 42, Chapter 2, and any amendments thereto or substitution therefor, bonds issued by the Authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State.

(b) Neither the Tennessee Regulatory Authority nor any other Board or commission of like character hereafter created shall have jurisdiction over the Authority in the management and control of a system, including the regulation of its rates, fees, tolls, or charges, except to the extent provided by this act; provided, however, the Authority is subject to regulation by the Department of Health and the Department of Environment and Conservation as a public water supply and public sewerage system.

**SECTION 12.** Liability and indebtedness of political subdivisions.

(a) Neither the county, the districts, the State, nor any municipality other than the Authority shall, except as may otherwise be authorized by the Board of Directors of the Authority and the governing body of the particular governmental entity, in any event be liable for the payment of the principal of, premium, if any, or interest on any bonds, notes or refunding bonds of the Authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever which may be undertaken by the Authority, and none of the bonds, notes or refunding bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the State, or any municipality within the meaning of any constitutional or statutory provision whatsoever.

(b) Bonds, notes or refunding bonds of the Authority shall not constitute a debt or a pledge of the faith and credit of the State or any municipality, except as may otherwise be authorized by the governing body of the county, district or municipality, and the holders or owners of such bonds shall have no right to have taxes levied by any municipality, the State or any other taxing authority within the State for the payment



of principal of, premium, if any, and interest on such bonds, but shall be payable solely from revenues and monies pledged for their payment.

(c) Except as may otherwise be authorized by the governing body of the county or district(s) as specified hereinabove, all such bonds shall contain on the face thereof a statement to the effect that the bonds, refunding bonds or notes are not a debt of the State or any municipality or any other taxing authority within the State, but are payable solely from revenues and monies pledged to the payment thereof.

**SECTION 13.** Disposition of Funds.

No part of the net earnings of the Authority remaining after payment of its expenses shall inure to the benefit of any persons except that, at such times as no bonds, note or refunding bonds of the Authority are outstanding and unpaid and adequate provision has been made for the full payment of all liabilities, obligations and contracts of the Authority, and the Authority shall have, by operation of law, been terminated, any assets of the Authority, to the extent not necessary for such purposes, shall be paid to the county, to the districts, and to any other municipality represented on the Board, in equal proportions. To the extent allowed by this act, nothing herein contained shall prevent the Board from transferring its properties in accordance with the terms of any contract, agreement, or covenant entered into or undertaken by the Authority.

**SECTION 14.** Budget, annual audits, contracting procedures, personnel procedures.

(a) The Board shall annually establish and adopt a budget for the Authority.

(b) The Board shall cause to be prepared each fiscal year an annual audit of the books and records of the Authority. The Comptroller of the Treasury, through the Department of Audit, is responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards. A copy of such annual audit shall be filed with the office of the County Executive of Carter County, and with the governing bodies of the districts. The Board shall establish employment procedures, compensation levels and benefits for the employees of the Authority.

**SECTION 15.** Powers of the districts.

(a) The districts may take all actions hereunder by resolution of its governing body. The districts shall have all powers necessary in order to further the purposes of this act, including, without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, or grant easements, licenses, or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The districts may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreement for the Authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the districts or loan agreements entered into by the districts to acquire, construct or equip all or any part of a system.

(c) The districts are authorized to advance, donate or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(d) A utility district shall have the same right to enter into any agreement with the Authority that the Board deems necessary to carry out the purposes of this act, as the utility district has to enter into similar agreements with water and wastewater treatment authorities as provided by Tennessee Code Annotated, Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 16.** Powers of the County.

(a) The county may take all actions hereunder by resolution of its governing body. The county shall have all powers necessary to further the purposes of this act, including, without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances or grant easements, licenses or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The county, through its governing body is authorized to issue joint obligations with the Authority and to pledge its full faith and credit and unlimited taxing power to such bonds, notes or refunding bonds and to guarantee the bonds, notes or refunding bonds as set forth in Section 10.

(c) The county may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreements with the Authority for the Authority to assume, to pay or to

refund bonds, refunding bonds and notes issued by the county or loan agreements entered into by the county to acquire, construct or equip all or any part of a system.

(d) The county may advance, donate or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(e) The county has the power to enter into any other agreement with the Authority that the Board deems necessary to carry out the provisions of this act.

**SECTION 17.** Powers not restricted.

Neither this act nor anything herein contained shall be construed as a restriction or a limitation upon any powers which a county, city or utility district might otherwise have under any laws of this State, but shall be construed as cumulative of, and supplemental to, any such powers. No proceeding, notice, or approval shall be required with respect to the issuance of any bonds, refunding bonds or notes of the Authority or any instrument as security therefor except as provided in this act, any law to the contrary notwithstanding; provided, however, nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers, or to impair any power of any official or agency of said State and its governmental subdivisions which may be otherwise provided by law.

**SECTION 18.** Agreements with the Authority.

The Authority is hereby authorized, whenever the same shall be found desirable by its Board, to enter into contracts, agreements or other arrangements with any municipality regarding a system, any facility, or any service of the Authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof.

Upon execution of such agreement, the governing body of each municipality shall appoint one (1) person to serve as an additional Director on the Board of Directors of the Authority, pursuant to the terms set forth in Section 3 of this act.

Any utility district seeking to enter into such agreement with the Authority shall have the same rights and liabilities as it would otherwise have in entering into a similar agreement with a water and wastewater treatment authority as provided by Tennessee Code Annotated, Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 19.** Liberal construction.

This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of distributing and encouraging the best utilization and conservation of water resources and wastewater service and the powers herein granted may be exercised without regard to requirements, restrictions or procedural provisions contained in any other law or charter except as herein expressly provided. Provided, however, that the continued operation of any utility district entering into an agreement with the Authority, including the districts, as provided in Section 18 of this act, shall be in compliance with the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 20.** Severability.

If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application 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 21.** Local approval.

This act shall not take effect unless approved by a two-thirds (2/3) vote of the governing body of Carter County, Tennessee, which action may be by resolution. Its approval or disapproval shall be proclaimed by the presiding officer of the governing body of Carter County and certified by such officer to the Secretary of State.

**SECTION 22.** Effective date.

This act shall take effect immediately upon becoming law, for purposes of approving or rejecting the provisions of this act, the public welfare requiring it. For all other purposes, the act shall take effect as provided in Section 21.

Passed: April 9, 2001.

## Public Utilities - Historical Notes

The following is an act that once pertained to public utilities in Carter County which is no longer effective.

1. Private Acts of 1951, Chapter 498, established the First Utility District of Carter County, which was authorized to acquire, construct, improve, maintain and operate a telephone communication system within the District. The District had the power to issue bonds to pay the cost of the telephone communication system and to issue bonds to refund any bonds of the Utility District. The refunding bonds were payable solely from the revenues received from the operation of the utility system.

## Chapter XIII - Taxation

### Board of Equalization

#### Private Acts of 1935 Chapter 241

**SECTION 1.** That in all counties of this State, having a population of not less than 29,215, nor more than 29,223 inhabitants, according to the Federal Census of 1930, or of any subsequent Federal Census, the County Board of Equalizers, (County Equalization Board), as now required and provided by the Public Laws of this State, 1932 Official Code, Section 1419, et. seq., shall be elected by the legal voters of such counties, at the regular August Elections for the election of officers for such counties, beginning with the General County Election in August, 1952, and every four years thereafter, except as hereinafter provided. As amended by: Private Acts of 1951, Chapter 715

**SECTION 2.** That the quarterly county courts of said counties shall not elect the County Board of Equalizers (County Equalization Board), nor shall they fill any vacancies in said Board at their April, 1935, session of Court, and in lieu thereof, the following named citizens, taxpayers and freeholders are here designated as the County Board of Equalizers (County Equalization Board), in each and all of said counties to take office when the present members of the County Board of Equalizers' (County Equalization Board) terms expire:

J. A. B. Smith  
James N. Julian  
John W. Peoples  
Frank Edens  
James Hyder

**SECTION 3.** That all existing laws pertaining to and applicable to such General August Elections for county officers shall be applicable to and govern the election of the County Board of Equalizers (County Equalization Board) and each member thereof.

**SECTION 4.** That nothing herein shall in any way interfere with the term of any member of said Board, which does not expire on or before the first day in June, 1935, if such there be, as such members whose term or terms do not expire on or before the first day in June, 1935, shall hold office until the first Monday in September, 1936, when their successor or successors elected at the August, 1936, election shall take office.

As amended by: Private Acts of 1935, Chapter 775

**SECTION 5.** That all of the parties hereinbefore designated as the County Board of Equalizers (County Equalization Board) shall hold office until the first day in September, 1936, when they shall be succeeded by a Board elected by the legal voters in the General August Election, 1936, as hereinbefore provided for.

As amended by: Private Acts of 1935, Chapter 775

**SECTION 6.** That said County Board of Equalizers (County Equalization Board) shall be composed of five (5) freeholders and taxpayers from the different sections of the county. The boundaries of the five Equalization Districts shall be as follows:

Equalization District No. 1. The boundaries of Equalization District No. 1 shall be comprised of Magisterial Districts Nos. Two (2) and Three (3), and part of the Fourth (4th) Magisterial District of said County, which districts are contiguous. The part of the 4th Magisterial District, to wit:

Beginning on the Unicoi County - Carter County boundary, a point 500 feet West of the Scioto Road, thence a first call and at all times parallel to the Scioto Road, a distance of four (4) miles, more or less, to the top of Greer Mountain; thence easterly with the top of Greer Mountain; as it meanders, and down same to a bridge approximately 1/2 mile North of the Old Upper Gap Creek School, on the Gap Creek Road, in an Eastern direction; thence continuing in an Eastern direction a direct line with Gap Creek Mountain to the boundary of Magisterial Districts 3 and 4, at a point 1/2 mile North of the Upper Gap Creek Road; thence a direct line with Magisterial Districts 3 and 4 in a Southwestern direction to the Unicoi County - Carter County line; thence in a Western direction with the Unicoi County - Carter line to

the Beginning corner.

Equalization District No. 2. Equalization District No. 2 shall be comprised of Magisterial Districts Nos. 1, 6 and 15, and which Districts are contiguous.

Equalization District No. 3. Equalization District No. 3 shall be comprised of Magisterial Districts Nos. 5, 7, 11 and the balance of the 4th Magisterial District not contained in Equalization District No. 1 above, which Magisterial Districts are contiguous.

Equalization District No. 4. Equalization District No. 4 shall be comprised of Magisterial Districts Nos. 9, 10, and 13, and which Magisterial Districts are contiguous.

Equalization District No. 5. Equalization District No. 5 shall be comprised of Magisterial Districts 8, 12 and 14, and which Magisterial Districts are contiguous.

Each of the five (5) members of the Equalization Board shall reside in the Equalization District that he represents. Provided, however, that no member currently holding a seat on the Equalization Board shall lose his seat due to the fact that he resides outside his district according to the equalization district boundaries established under this act. Any member of the Equalization Board currently in office who, because of a change in district boundaries, resides outside the district he represents, shall retain his seat and continue to represent the district for which he was elected for the remainder of his term. All future and successive members of the Equalization Board shall reside in the Equalization District which they represent. Each member of the Equalization Board shall be a citizen of the county for not less than six (6) years and shall be qualified as provided by existing law.

As amended by: Private Acts of 1935, Chapter 775  
Private Acts of 1974, Chapter 240

**SECTION 7.** That from and after the first Monday in September, 1936, the members of said County Board of Equalizers (County Equalization Board) shall serve for a term of two years.

**SECTION 8.** That if a vacancy or vacancies shall occur on said Board between said election, then such vacancy or vacancies shall be filled by the Quarterly County Court of each of said Counties, and the member or members so elected by said Court to fill such vacancy or vacancies shall hold office during the unexpired term of his or their predecessor, or predecessors.

**SECTION 9.** That the meetings and sittings of the Board, its organization, a quorum, records, transactions, compensation and duties, powers, jurisdiction and limitations, shall be as now provided by existing law.

**SECTION 10.** That if any section or part of this Act should be held unconstitutional or invalid by the Courts, it is hereby expressed legislative intent that the same may be elided and the remainder of this Act shall remain in full force and effect.

**SECTION 11.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 28, 1935.

## Hotel/Motel Privilege Tax

### Private Acts of 1984 Chapter 186

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

(a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust receiver, trustee, syndicate, governmental entity, or any other group or combination acting as a unit.

(b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist courts, tourist camp, tourist cabin, motel or any place in which rooms, lodging or accommodations are furnished to transients for a consideration.

(c) "Occupancy" means the use or possession or the right to use or possession of any room, lodging, or accommodations in a hotel for a period of less than thirty (30) continuous days.

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

(e) "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 service of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged or received from any person.

(f) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.

(g) "Tax collection official" means the County Clerk of the County.

(h) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the county tourists, visitors and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same purposes. It also means the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourist, conventions and recreational business.

As amended by: Private Acts of 1989, Chapter 87

**SECTION 2.** In Carter County there is authorized a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set annually at or before the July term by the county legislative body. The tax is a privilege upon the transient occupying the room and is so collected and distributed as hereinafter provided.

As amended by: Private Acts of 1992, Chapter 170

**SECTION 3.** The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient a copy thereof filed by month and retained as provided by Section 7 hereof.

**SECTION 4.**

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the County Clerk not later than the 20th of each month next following collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for and remitting the tax levied by this act, the operator shall be allowed five percent (5%) of the amount of the tax due and accounted for and remitted to the County Clerk in the form of a deduction in submitting his report and paying the amount due by him, provided the amount due was not delinquent at the time of payment.

As amended by: Private Acts of 1992, Chapter 170

**SECTION 5.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

**SECTION 6.** Taxes collected by an operator which are not remitted to the County Clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of eight percent (8%) 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. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor. Any fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable.

**SECTION 7.** It is the duty of every operator liable for the collection and payment of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

**SECTION 8.** In administering and enforcing the provisions of this act, the tax official shall have as additional power the powers and duties with respect to collection of taxes provided in Title 67 of the Tennessee Code Annotated or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in the Tennessee Code Annotated Section 67-1-912, it being the intent of this Act that the provisions of law which apply to the recovery of taxes illegally assessed shall apply to the tax collected under the authority of this act; provided, the tax collection official possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707, with respect to adjustment and settlement with taxpayers of all the

errors of taxes collected by him under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, and suit for recovery shall be brought against the tax collection official.

**SECTION 9.**

(a) The proceeds from this tax levied herein shall be retained by the county government and distributed as follows:

1. For the purpose of compensating the county for collecting the tax, the county shall be allowed to retain in the general fund two percent (2%) of the amount of tax remitted by hotel operators or \$12,000 per annum which ever is less.
2. All other amounts collected shall be deposited in a special tourism fund and expended only for tourism development or promotion.

(b) The county legislative body shall contract with a suitable not-for-profit or civic organization for the promotion and development of tourism in Carter County. Pursuant to the provisions of such contract the County Trustee shall pay on county warrants from the special tourism fund such funds as are authorized and expended pursuant to the provisions of this act and the contract entered hereunder.

**SECTION 10.** The tax collected by the County Clerk shall be remitted by him to the County Trustee for distribution in accordance with the terms of this act and the laws of the State of Tennessee.

**SECTION 11.** The tax herein levied 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 12.** 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 13.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter 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 14.** 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 the first day of the month following its approval as provided in Section 13.

Passed: March 29, 1984.

## Litigation Tax

### Private Acts of 1975 Chapter 110

**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, the Criminal Court, and the Chancery Court of Carter County, Tennessee.

**SECTION 2.** The clerk of each court will collect the litigation tax and pay same into a separate fund, which is to be designated as the "Court House and Jail Maintenance Repair and Improvement Fund and Library Fund", to be used exclusively for the purpose of maintenance, upkeep, and repair of the Court House and Jail and Library.

**SECTION 3.** All expenditures made from the 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 it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Carter County before September 1, 1975. 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: May 12, 1975.

## Poor Farm

### Private Acts of 1939 Chapter 607

**SECTION 1.** That in all Counties of this State having a population of not more than 29,223 nor less than 29,215, according to the Federal Census of 1930, or any subsequent Census, that the Quarterly County Courts of such Counties are authorized at the time of making levy of taxes for other purposes to levy against all the taxable property located in said Counties, and subject to taxation in said Counties, in addition to all other tax levies now permitted by law, such special taxes as may in the opinion of said County Courts be necessary and proper to enable said counties to defray the expenses of maintaining and relieving paupers in said Counties, including the maintenance and operation of the Poor Farms and also to enable said Counties to defray the maintenance and care for the upkeep of such citizens as may be insane, whether confined in State Institutions or otherwise, and such special tax shall not be more than 10¢ on each \$100.00 worth of property. Said tax shall be collected in the same manner and at the same time as other taxes now collected by law and the bond of the County Trustee shall be liable therefor.

**SECTION 2.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: March 10, 1939.

## Severance Tax

### Private Acts of 1981 Chapter 79

**SECTION 1.** Carter County, by resolution of its county legislative body, is authorized to levy a tax on all sand, gravel, limestone, phosphate rock, and all other mineral products severed from the ground within its jurisdiction. The tax shall be levied for the use and benefit of Carter County only, to be allocated to its Highway Department, and all revenues collected from the tax except deductions for administration and collection provided for herein, shall be allocated to Carter County.

Administration and collection of this tax shall be by the County Clerk of Carter County who shall have the power to promulgate all rules and regulations necessary and reasonable for the administration of the provisions of this Act.

**SECTION 2.** The rate of the tax shall be set by the county legislative body, but shall not exceed fifteen cents (15¢) per ton of sand, gravel, limestone, phosphate rock, or other mineral products severed from the ground in the county. Every interested owner shall become liable at the time the sand, gravel, limestone, phosphate rock, or other mineral products is severed from the earth and ready for sale, whether before processing or after processing may be.

The term "sand, gravel, limestone, phosphate rock, or other mineral product" shall mean sand, gravel, limestone, phosphate rock, or any other mineral severed from the earth in the process of producing a saleable product by whatever means of severance used. It shall not include, however, any mineral taxes under the provisions of Tennessee Code Annotated, Sections 67-5901 through 67-5905, Section 60-116 or any lime or limestone used for agricultural purposes. The tax shall be levied upon the entire production in the county regardless of the place of sale or the fact that delivery may be made outside the county. The tax shall accrue at the time the sand, gravel, limestone, phosphate rock, or other mineral product is severed from the earth and in its natural or unprocessed state. The tax levied shall be a lien upon all sand, gravel, limestone, phosphate rock, and other mineral products severed in the county and upon all property from which it is severed, including but not limited to mineral rights of the producer, and such liens shall be entitled to preference over all judgments, encumbrances or lien whatsoever created.

**SECTION 3.** The tax levied by this Act shall be due and payable on the first day of the month succeeding the month in which the sand, gravel, limestone, phosphate rock, or other mineral products are severed from the soil. For the purpose of ascertaining the amount of tax payable, it shall be the duty of all operators in Carter County to transmit to the County Clerk on or before the fifteenth (15th) day of the month next succeeding the month in which the tax accrued a return upon forms provided by him. The return shall show the month or period covered, the total number of tons of each type of mineral, sand, gravel, limestone, phosphate rock, or other mineral products severed from each production unit operated, owned or controlled by the taxpayer during the period covered, the amount of the tax and such information as the County Clerk may require. The return shall be accompanied by a remittance covering the amount of tax due as computed by the taxpayer.

**SECTION 4.** The tax levied by this Act shall become delinquent on the sixteenth (16th) day of the month next succeeding the month in which such tax accrues. When any operator shall fail to make any return and pay the full amount of the tax levied on or before such date there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. Whenever a penalty is imposed there shall also be added to the amount of tax and penalty due interest thereon at the rate of eight percent (8%) per annum from the date due until paid. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is due to an intent to evade payment. If the tax is delinquent for a period of sixty (60) days or if the nonpayment of the tax is due to an intent to evade payment, the person liable for such payment may be restrained and enjoined from severing sand, gravel, limestone, phosphate rock, or other mineral products that have been severed and sold and upon which the tax is due. Restraint proceedings shall be instituted in the name of the county by the District Attorney General for the county at the request of the Carter County Judge and County Clerk, or may be filed by the County Attorney when so requested.

All such penalties and interest imposed by this Act shall be payable to and collectible by the County Clerk in the same manner as if they were a part of the tax imposed and shall be retained by the County Clerk's Office to help defray the expenses of administration and collection.

Any person required by this Act to make a return, pay a tax, keep records, or furnish information deemed necessary by the County Clerk for the computation, assessment, or collection of the tax imposed by this Act, who fails to make the return, pay the tax, keep the records, or furnish the information at the time required by law or regulation is, in addition to other penalties provided by law, guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one (1) year or both.

Any person who willfully or fraudulently makes and signs a return which he does not believe to be true and correct as to every material fact is guilty of a felony and subject to the penalties prescribed for perjury under the law of this state. For the purposes of this section the word "person" also includes an officer or employee of a corporation or a member or employee of a partnership who is under duty to perform the act in respect to which the violation occurs.

**SECTION 5.** When any person shall fail to file any form, statement, report or return required to be filed with the County Clerk, after being given written notice of such failure, the County Clerk is authorized to determine the tax liability of such person from whatever source of information may be available to him. An assessment made by the County Clerk pursuant to this authority shall be binding as if made upon the sworn statement, report or return of the person liable for the payment of such tax; and any person against whom such an assessment is lawfully made, shall thereafter be estopped to dispute the accuracy thereof except upon filing a true and accurate return, together with such supporting evidence as the County Clerk may require indicating precisely the amount of the alleged inaccuracy.

**SECTION 6.** All revenues collected from the severance of sand, gravel, limestone, phosphate rock, or other mineral products in Carter County less an amount to cover the expenses of administration and collection and all of the penalties and interest collected, which shall be retained by the Office of the County Clerk, and credited to its current service revenue to cover the expense of administration and collection, shall be remitted quarterly to the County Trustee of Carter County, not later than the tenth (10th) day of the month following the end of the calendar quarter. These revenues shall become a part of the general fund of Carter County, subject to appropriation by the County Legislative Body for the use and benefit of the County Road Department.

Any adjustment of taxes, penalties, or interest which is necessary to adjust any error in collection or disbursement may be made at a subsequent collection or disbursement.

**SECTION 7.** Any tax levied by authority of this Act shall not apply to any mineral products severed pursuant to any written contract entered into prior to the ratification of this Act by the Carter County legislative body.

**SECTION 8.** This Act shall have no effect unless it is approved by two thirds (2/3) vote of the county legislative body of Carter County. Its approval shall be proclaimed by the presiding officer of the county legislative body 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 7.

Passed: April 16, 1981.



# 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 Carter County Assessor.

1. Private Acts of 1913, Chapter 21, fixed the compensation of County Assessors in Carter County at \$1,000 per year and would be paid out of the County Treasury on the warrant of the County Judge or Chairman on the first day of July each year.
2. Private Acts of 1921, Chapter 682, fixed the compensation of Assessors in Carter and Lauderdale Counties at \$1,500 per year and would be paid out of the County Treasury on the warrant of the County Judge or Chairman on the first day of July each year.
3. Private Acts of 1925, Chapter 310, amended Private Acts of 1921, Chapter 682, above, by increasing the annual salary of the Tax Assessor in Carter and Lauderdale Counties to \$1,600 per year. Payments were to be made quarterly in the amount of \$450 on the first Monday of January, April, July and October of each year.
4. Private Acts of 1929, Chapter 709, amended Private Acts of 1925, Chapter 310, above, by increasing the annual salary of the Tax Assessor in Carter County to \$2,400 per year. Quarterly payments were increased to \$600 per quarter.
5. Private Acts of 1931, Chapter 584, amended Private Acts of 1929, Chapter 709, above, by authorizing the Quarterly County Court of Carter County to levy a special tax not to exceed five cents per \$100 worth of property valuation so as to produce the revenue to pay the salary increases for the Tax Assessor.
6. Private Acts of 1937, Chapter 500, created the office of County Tax Assessor for each Civil District in Carter County, who would be elected by qualified voters of each district to serve for four years. The act also restricted and enlarged the duties of the General County Assessor. Neither General County Assessors nor County District Assessors could serve more than four years in an eight year period. The purpose of this provision was to prevent them from succeeding themselves in office. Until the first election could be held for County Assessors, the act named citizens to serve as such. Tax Assessors were to assess all property in their Districts relieving the General County Assessor of this duty and the Tax Assessor had to take oath, execute a \$1,000 bond and be at least 21 years of age. The act set out the prescribed duties of the General County Assessor and failure to perform those duties constituted a misdemeanor, punishable by fine ranging from \$50 to \$200. Any clerical assistance the office of the General Assessor employed would be paid out of his salary.
7. Private Acts of 1939, Chapter 455, provided that in Carter County a deed for conveyance of land could not be registered in the Register's office until it had been taken to the Tax Assessor's office first, where the Tax Assessor was to make note of the ownership change in his books and note such on the deed by stamp or otherwise. The City Tax Assessor was to note the same in his office. The act prohibited the Register of Deeds from accepting any deed for registration without the notation of changed ownership on the deed. Violation of this act constituted a misdemeanor with a fine ranging from \$2 to \$50.
8. Private Acts of 1941, Chapter 258, amended Private Acts of 1929, Chapter 709, above, by allowing the Tax Assessor to receive \$996 a year, payable monthly, for car and traveling expenses in addition to his salary.
9. Private Acts of 1947, Chapter 615, authorized the Tax Assessor of Carter County to appoint such number of deputies as may be required to assist him in performing the duties of his office at a total salary for the Deputies of \$1,800 a year, to be paid monthly out of the general funds of the County.
10. Private Acts of 1957, Chapter 255, authorized the Quarterly County Court in Carter County to appropriate to the County Tax Assessor a sum not to exceed \$600 per year to pay the expenses incurred by him in the discharge of his duties, provided that the Assessor spend no more than \$50 per month. The County Tax Assessor was responsible for filing a sworn statement with the office of the County Court Clerk, attesting to the sums expended by him. The act provided that the County Tax Assessor receive a salary of \$3,000 per year, payable out of the general county funds.
11. Private Acts of 1961, Chapter 254, provided that the County Tax Assessor of Carter County would be paid a salary not to exceed \$6,000 per year, payable in equal monthly installments out of the County Treasury. The Quarterly County Court had the duty to fix such salary within the limitation.
12. Private Acts of 1963, Chapter 102, amended Private Acts of 1961, Chapter 254, above, by adding

a provision that allowed the Tax Assessor to expend up to \$300 a year for clerical help in preparing and copying the tax rolls for the County, which amount would be paid from the general funds in the same manner the salary of the Assessor was paid. This act was not approved by the Quarterly County Court and therefore failed to become law.

13. Private Acts of 1973, Chapter 60, amended Private Acts of 1935, Chapter 241, reprinted herein along with its amendments, by deleting Section 6 of the act and substituting a new section which provided that the County Board of Equalizers consist of five members, one being elected from each of the five districts. Each member had to be a citizen of Carter County for a minimum of six years and be a resident of the equalization district from which he is elected. This act designated which of the five equalization districts each magisterial district would be composed of. This act failed to receive approval and never became law.

### **Board of Equalization**

The following are acts for Carter County which affected the board of equalization, but which have been superseded, repealed or failed to receive local approval. They are listed here for historical and reference purposes.

1. Private Acts of 1937, Chapter 240, amended Private Acts of 1935, Chapter 775, herein, by increasing the number of County Equalization Board members. In addition, the act named D. J. Street, Lee H. Goodwin, Landon Estep, W. B. Marsh, Nat Birchfield and C. M. Hendrix as additional members to the County Board of Equalizers.
2. Private Acts of 1939, Chapter 293, repealed Private Acts of 1937, Chapter 240, above.
3. Private Acts of 1973, Chapter 60, amended Private Acts of 1935, Chapter 241, as amended and cited herein, by deleting Section 6 and providing for a five man Board of Equalizers, each to be elected from a district in which the new member resided. The act required each member to be a resident of the district he represented for at least six years and qualified in all other respects as required by law. This act was disapproved by the Quarterly County Court and never became law.

### **Taxation**

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

1. Acts of 1797, Chapter 3, established a schedule of tax rates which the County Court Justices were required to levy for county purposes. The Counties of Knox, Hawkins and Carter were permitted to levy an additional tax not to exceed the sum set out in the schedule, in order to produce the revenue to construct a court house, prison and stocks when necessary.
2. Acts of 1801, Chapter 62, made it lawful for a majority of the Justices of the Peace in the Quarterly County Court in regular session to levy an additional tax in Carter County for the purpose of procuring a standard for weights and measures. This tax shall be collected as other taxes at a rate of eight cents on each white poll, sixteen cents on each black poll, eight cents on each 100 acres of land, sixteen cents on each town lot, fifty cents on each breed horse, and one dollar on each billiard table.
3. Private Acts of 1821, Chapter 72, authorized the County Court of Carter County to levy a tax on all taxable property in the county for the purpose of finishing the court house in Elizabethton. The act specified the rates in which the tax levy could not exceed by law. The tax was to be collected in the same manner as other public taxes and paid into the hands of the Chairman of the Commissioners. The tax collected represented a lien upon all lands, lots, slaves and other property. The act named Jeremiah Campbell, William Carter, James Keys, Johnson Hampton and Alfred M. Carter as the Commissioners to superintend the building of the new court house. The Commissioners were to select from amongst themselves a Chairman of the Board who was to execute a \$5,000 bond with the Chairman of the County Court of Carter.
4. Private Acts of 1917, Chapter 147, authorized the Quarterly County Court of Carter County to levy a tax of two mills on the dollar of all taxable property in the county for a maintenance fund for the State Line Road. There was some question as to the validity of the manner in which the tax was levied. This act validated all prior actions of officials and the court in collecting the taxes collected.
5. Private Acts of 1921, Chapter 580, allowed the County Court Clerk in Carter County to levy a privilege tax on all automobiles, auto-trucks and all other self-propelled vehicles used for the transportation of persons or freight for hire. Each vehicle was taxed according to its carrying capacity with the tax becoming larger with the size of the vehicle, ranging from \$5 on five passenger cars to \$150 for vehicles used for over twenty passengers. No vehicle carrying freight of three tons or more was allowed to be driven or operated on the public highways. No tractor or

traction engine shall be driven or operated on macadamized or hard surface roads unless the lugs on the wheels were removed to prevent damage to the highway. The fine was \$25 for violating the act.

6. Private Acts of 1931, Chapter 223, created a Delinquent Poll Tax Collector for Carter and other counties. The Collector would serve a two year term and was appointed by the County Judge or Chairman. J. R. Reaves was appointed as the Delinquent Poll Tax Collector. The Trustee had the duty of providing the Tax Collector with a list of persons having delinquent polls and the list constituted judgment against those persons, allowing the Collector to issue distress warrants for the collection of each poll tax, along with cost. The warrant could be levied on goods and chattels of the delinquent or served by garnishee. The Tax Collector could use only receipt books similar to those used by the Trustee to show from whom a poll was collected and the amount of cost. Failure to receive the entire portion of a poll by the Collector was a misdemeanor, except where collection was attempted by distress warrants. The Collector had to pay all sums collected over to the Trustee on or before the first day of each quarterly session of the County Court. The Tax Collector had the right to inspect any payroll, or list of employees in the service of individuals or corporations. Refusal by employers constituted a misdemeanor. The Collector had the authority to summon witnesses and administer hearings and any false swearings constituted perjury and was punishable as such. As compensation for services, the Tax Collector was paid seventy cents for each delinquent tax he collected.
7. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, above, by designating that all eligible male citizens who had not paid their poll taxes to the Trustee be turned over to the Delinquent Poll Tax Collector for collection. This act further amended Private Acts of 1931, Chapter 223, by requiring the Collector to add any eligible male citizen to the list received from the Trustee if, under law, he was liable for the payment of poll tax for the previous year, but was not assessed. The Tax Collector no longer had the right to inspect payrolls or list of employees employed by individuals or corporations.
8. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223, above, as it was amended.
9. Private Acts of 1933, Chapter 64, authorized the Quarterly County Court of Carter County to levy and collect a special tax of not more than five cents per \$100 property valuation to provide revenue for transporting high school and elementary students from their homes to school, provided they lived more than three miles from the school to which they were assigned.
10. Private Acts of 1939, Chapter 606, authorized the County Court of Carter County and the Board of Education to set up a separate budget for the transportation of high school and elementary school pupils and to levy a special tax of 30¢ per \$100 worth of taxable property or less in order to provide for the transportation of the pupils.
11. Private Acts of 1943, Chapter 375, amended Private Acts of 1939, Chapter 606, above, by increasing the amount of tax on every \$100 worth of taxable property to forty cents.
12. Private Acts of 1989, Chapter 12, amended Private Acts of 1984, Chapter 186, reprinted herein, by adding "governmental entity" to the definition of a person for the purposes of the hotel/motel occupancy tax. The act also increased the privilege tax rate to five percent of the consideration charged by the operator. This act failed to receive approval by the County Legislative Body and never became law.

## Chapter XIV - Zoning

### Zoning Regulations

#### Private Acts of 1937 Chapter 903

**SECTION 1.** That the Quarterly County Courts of counties coming under the provisions of this Act are hereby empowered, in accordance with the conditions and the procedure specified in the subsequent sections of this Act, to regulate, in the portions of counties which lie outside of municipal corporations, the location, height and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, the uses of

buildings and structures for trade, industry, residence, recreation or other purposes and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes.

**SECTION 2.** That from and after the time when the Regional Planning Commission of the planning region defined and created by the State Planning Commission makes and certifies to the Quarterly County Court of any county located in whole or part in such region a zoning plan, including both the text of a zoning resolution and the zoning maps, representing the recommendations of such planning commission for the regulation by districts or zones of the location, height and size of buildings and other structures, the percentage of lots that may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation or other purposes and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes, then such County Court may, by resolution, exercise the powers granted in Section 1 of this Act and, for the purpose of such exercise, may divide the territory of the county which lies within said region but outside of municipal corporations into districts of such number, shape or area as it may determine and within such districts may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class of kind of buildings throughout any such district, but the regulations in one district may differ from those in other districts. The Regional Planning Commission may make and certify a single plan for all the territory of the county which lies within said region but outside of municipal corporations, or may make and certify separate and successive plans for parts of such territory which it deems to be suitable for urban or non-urban development or which for other reasons it deems to be an appropriate territorial unit for a zone plan; and correspondingly any ordinance enacted by the County Court may cover and include the said whole territory of the county which lies within said region but outside of municipal corporations covered and included in any such single plan or in any such separate and successive plans. No resolution covering more or less than the entire area covered by any such certified plan shall be enacted or put into effect until or unless it be first submitted to the Regional Planning Commission and be approved by said commission or, if disapproved, receive the favorable vote of not less than two-thirds of the entire membership of said County Court.

**SECTION 3.** That such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants and the State of Tennessee in the counties covered by the provision of this Act including, among other things, lessening congestion in the roads or reducing the wastes of excessive amount of roads, securing safety from fire and other dangers; promoting adequate light and air; preventing on the one hand excessive concentrations of population and, on the other hand, excessive and wasteful scattering of population or settlement; promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunity, recreation, soil fertility, food supply and the protection of both urban and non-urban development.

**SECTION 4.** That after the certification of a zoning plan from the Regional Planning Commission and before the enactment of any such zoning resolution the County Court shall hold a public hearing thereon of the time and place of which at least thirty (30) days notice shall be given by one publication in a newspaper of general circulation in the county. Such notice shall state the place at which the text and maps as certified by the planning commission may be examined. No change in or departure from the text or maps as certified by the Regional Planning Commission shall be made; unless such change or departure be first submitted to the certifying planning commission for its approval, disapproval or suggestions, and, if disapproved, shall receive the favorable vote of a majority of the entire membership of the County Court; and the planning commission shall have thirty days from and after such submission within which to send its report to the County Court. Any such ordinance shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county, and shall not be in force until it is so published.

**SECTION 5.** That the County Court may from time to time amend the number, shape, boundary, area or any regulation of or within any district or districts or any other provision of any zoning resolution; but any such amendment shall not be made or become effective unless the same be first submitted for approval, disapproval or suggestions to the Regional Planning Commission of the region in which the territory covered by the resolution is located, and, if such Regional Planning Commission disapproves within thirty (30) days after such submission, such amendment shall require the favorable vote of a majority of the entire membership of the County Court. Before finally adopting any such amendment, the County Court shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of

general circulation in the county.

**SECTION 6.** That the County Court of any county which enacts zoning regulations under the authority of this Act shall create a County Board of zoning Appeals of three or five members. The County Court shall be the appointing power of the members of such Board of Appeals and may fix their compensation and their terms, which terms shall be of such length and so arranged that the term of one member will expire each year. The County Court may remove any member for cause upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The County Court may appoint associate members of said board, and, in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board, or other cause, his place may be taken during such temporary disability by an associate member designated for the purpose by the County Court. The County Court of two or more counties may, by resolution enacted by both or all of them, arrange and provide for a joint or common Board of Zoning Appeals.

The County Court may provide and specify, in its zoning or other resolution, general rules to govern the organization, procedure and jurisdiction of said Board of Appeals, which rules shall not be inconsistent with the provisions of this Act and the said board may adopt supplemental rules of procedure, not inconsistent with this Act or such general rules.

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

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the county affected, by any grant or withholding of a building permit or by any other decision of a building commissioner or other administrative official based in whole or part upon the provisions of any resolution under this Act.

The Board of Appeals shall have the following powers:

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

**SECTION 7.** That the County Court may provide for the enforcement of its zoning regulations by means of the withholding of building permits and, for such purpose, may establish and fill a position of County Building Commissioner and may fix the compensation attached to said position. From and after the establishment of such position and the filling of same, it shall be unlawful to erect, construct, reconstruct, alter or use any building or other structure without obtaining a building permit from such County Building Commissioner, and such Building Commissioner shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning regulations then in effect.

**SECTION 8.** That it shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation in or of any provision of any resolution or any amendment thereof enacted or adopted by any County Court under the authority of this Act. Any person, firm or corporation violating any such regulation or provision or any provision of this Act shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues

shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of this Act or of any regulation or provision enacted or adopted by any County Court under the authority granted by this Act, such County Court, the Attorney General, the District Attorney for the judicial circuit in which such violation occurs or is threatened, the County Building Commissioner or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent or enjoin or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

**SECTION 9.** That wherever the regulations made under authority of this Act require a greater width or size of yards, courts or other open spaces or require a lower height of buildings or less number of stories or require a greater percentage of lot to be left unoccupied or imposed other higher standards than are required in any other statute, the provisions of the regulations made under authority of this Act shall govern. Whenever the provisions of any other statute require a greater width or size of yard, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the standards that are required by the regulations made under authority of this Act, the provisions of such statute shall govern.

**SECTION 10.** That, for the purposes of this Act, "Regional Planning Commission" means the Regional Planning Commission established by the State Planning Commission as authorized by law; provided further, that where the word county or County Court appears in this Act either or both shall be construed to include only counties within a planning region as officially designated by the State Planning Commission, having a population of at least twenty-nine thousand two hundred (29,200) and not more than twenty-nine thousand two hundred fifty (29,250); provided, further, that the population of a county or of counties shall be determined by reference to the Federal Census of 1930 or any subsequent Federal Census.

**SECTION 11.** That this Act shall not be construed as repealing or modifying any provision of any Private Act heretofore enacted relating to the powers of any county therein designated or of any municipality therein designated to enact zoning regulations in such county or in territory lying outside of such municipality.

**SECTION 12.** That should any section or provision of this Act be held to be unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof other than the part so held to be unconstitutional.

**SECTION 13.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 19, 1937.

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