



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter X - Law Enforcement

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Dear Reader:

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

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

Sincerely,

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# Chapter X - Law Enforcement

## Offenses

### Fireworks

## Private Acts of 2004 Chapter 129

**SECTION 1.** Chapter 681 of the Private Acts of 1949, and all acts amendatory thereto, is repealed in its entirety.

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

(1) "Pyrotechnics" means any sparkler, squibb, rocket, firecracker, roman candle, fire balloon, flashlight composition, firework or other similar device or composition used to obtain a visible or audible pyrotechnic display, including D.O.T. Class C common fireworks and special fireworks defined in Tennessee Code Annotated, Section 68-104- 101.

(2) "Fire department" means a department of a municipality or an organization, agency, or entity that either voluntarily or for remuneration offers its services to suppress fires or to perform rescue or other emergency response services, that possesses a valid certificate of recognition issued by the state fire marshal pursuant to Tennessee Code Annotated, Title 68, Chapter 102, Part 3, and that serves as the primary fire department for a geographical territory within Washington County. Fire department does not include any law enforcement agency, emergency medical agency licensed by the Tennessee emergency medical services board, or rescue squad that does not provide fire protection.

**SECTION 3.** Except as otherwise provided by this chapter, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics in Washington County.

**SECTION 4.** Any article of merchandise coming within the definition of pyrotechnics that is possessed by a person not otherwise permitted to possess it by this chapter is hereby declared to be contraband and subject to confiscation whenever found within the boundaries of Washington County. It shall be the duty of the sheriff and all peace officers of Washington County to seize such articles and destroy them.

**SECTION 5.** A person, firm or corporation may conduct a public display of pyrotechnics by contract or arrangement for any state or county fair, patriotic assembly or similar public function; provided, however, that the person, firm or corporation must acquire all articles used in the pyrotechnic display from either a point outside Washington County or from a fire department within Washington County that is duly authorized to see the articles, must keep the pyrotechnic articles in its possession at all times during the public gathering, and must transport the same out of Washington County upon the conclusion of the arrangement or contract under which the pyrotechnics are displayed for public entertainment.

**SECTION 6.** A fire department approved pursuant to Section 7 of this chapter may purchase for resale, possess, store, use and sell pyrotechnics. It shall be lawful for any person, firm, or corporation within Washington County to use pyrotechnics purchased from such approved fire department.

**SECTION 7.** A fire department must submit an annual application to the county clerk and receive a permit as provided by this chapter in order to purchase for resale, possess, store, use or sell pyrotechnics. The county clerk shall forward all applications to the county legislative body for approval. The county legislative body shall have the authority to issue such permit for a period of one (1) year, upon approval of the application, and upon assurance that such organization has complied with any applicable state law.

**SECTION 8.** The legislative body may establish an annual application fee in an amount in its discretion but no less than two hundred dollars (\$200) for a permit to purchase for resale, possess, store, use or sell pyrotechnics. The application fee shall be submitted to the county clerk with the application.

**SECTION 9.** Fire departments shall only be allowed to operate as a seasonal retailer as defined by Tennessee Code Annotated, Title 68, Chapter 104, Part 101, and shall only operate for those dates during which a seasonal retailer may operate pursuant to that part. Fire departments shall only sell fireworks within such hours and to such persons as the county legislative body determines is appropriate to protect the citizens of Washington County from the irresponsible use of pyrotechnics. Fire departments shall use all profits from the sale of pyrotechnics for the purchase of fire safety equipment, for the training and education of the public or of fire safety personnel, or for other expenses directly related to enhancing the fire safety of the public.

**SECTION 10.** The county legislative body is authorized to adopt resolutions or ordinances to provide

reasonable rules and regulations for the implementation of this chapter, including but not limited to limiting the hours of operation during which pyrotechnics may be sold, limiting the locations where pyrotechnics may be sold, prescribing civil penalties for any violation of this chapter in its discretion, and prescribing any other necessary and appropriate requirements for the enforcement and administration of this chapter.

**SECTION 11.** 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 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Washington County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by the presiding officer of the county legislative body to the secretary of state.

**SECTION 13.** For the purpose of approving or rejecting the provisions of this act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided by Section 12.

Passed: May 19, 2004.

## Law Enforcement - Historical Notes

### Jails and Prisoners

The following acts once affected jails and prisoners in Washington County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1794, Chapter 15, appointed commissioners in the district of Washington for the purpose of erecting a courthouse, prison and stocks in Washington County.
2. Private Acts of 1832, Chapter 110, directed the treasurer of East Tennessee to pay Charles Howell, jailer of Washington County, the sum of \$63.87½ for boarding Allen Jones, a state prisoner.

### Militia

Those acts once affecting Washington 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 1801, Chapter 1, provided that the volunteer cavalry companies of Washington and Hawkins counties be annexed to the regiment of cavalry of the Washington District.
2. Acts of 1803, Chapter 1, provided for the establishment and regulation of the militia throughout the state. The militia of Washington County composed the fifth regiment and held regimental musters on the last Thursday of September.
3. Acts of 1815, Chapter 119, provided for the better establishment and regulation of the militia of the state by dividing the militia of the state into regiments and revising the militia laws of the state. The militia of Washington County composed the first regiment of the state.
4. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Washington County composed the first regiment and held regimental musters on the first Thursday in the month of October. This act was repealed by Public Acts of 1978, Chapter 595.
5. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Washington County composed the first regiment of the first brigade and held regimental musters on the first Thursday in October.
6. Private Acts of 1827, Chapter 248, set the time for holding the county drills of Washington County to the second Monday in September.
7. Private Acts of 1831, Chapter 209, authorized the first regiment of the Tennessee militia, in Washington County, to divide into two distinct regiments.
8. Private Acts of 1831, Chapter 236, set the time for holding the battalion muster of the regiment of cavalry attached to the twelfth brigade of the first battalion, on the north side of the Tennessee River, on the first Thursday in October in Washington and Rhea counties.

9. Private Acts of 1833, Chapter 46, provided that the one hundred and thirtieth regiment of the militia of the state hold their regimental musters annually on the third Thursday in October in Washington County.
10. Private Acts of 1833, Chapter 142, authorized the regimental court martial of the one hundred thirtieth regiment, in Washington County, to exempt the citizens of the Cove Company from attending regimental and battalion musters.
11. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Washington County composed the fifth and sixth regiments, first brigade of the first division.
12. Acts of 1837-38, Chapter 157, placed the militia of Washington County in the first brigade and set the time for holding regimental musters on the first Wednesday and Thursday in September. This act was repealed by Public Acts of 1978, Chapter 595.
13. Acts of 1839-40, Chapter 56, condensed and brought into one view the militia laws of the State of Tennessee. The militia of Washington County composed the fifth and sixth regiments of the first brigade and held musters on Friday after the first Monday in October for the fifth regiment and on the following Saturday for the sixth regiment.
14. Private Acts of 1861, Chapter 1, divided the state militia into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Washington County formed the fifth and sixth regiments of the first brigade and held musters on the Friday after the first Monday in October for the fifth regiment and on the following Saturday for the sixth regiment.

### **Offenses**

The act briefly summarized below fell into this category in Washington County.

1. Private Acts of 1927, Chapter 388, made it illegal to own, operate or be employed in a pool or billards hall in Washington County.
2. Private Acts of 1949, Chapter 681, the fireworks law, was repealed by Private Acts 2004, Chapter 129, reproduced herein.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Washington County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1796, Chapter 31, authorized the Washington County Sheriff to collect all arrearages of public taxes which he was authorized to collect, in the same manner that he did prior to when Washington County was divided to create Carter County.
2. Private Acts of 1823, Chapter 186, authorized the Washington County Sheriff to appoint an additional deputy. This act was repealed by Private Acts of 1978, Chapter 248.
3. Private Acts of 1826, Chapter 98, legalized the acts of John Bricker, deputy sheriff of Washington County.
4. Private Acts of 1831, Chapter 229, allowed Samuel Hunt, the late sheriff of Washington County, the two additional years to collect the taxes and public dues that accrued during his time in office.
5. Acts of 1847-48, Chapter 81, authorized the sheriff of Washington County to appoint an additional deputy in Greasy Cove.
6. Private Acts of 1921, Chapter 380, provided \$600 as additional compensation to the sheriff of Washington County.
7. Private Acts of 1925, Chapter 221, set the salary of the Washington County Sheriff at \$3,600 per year. This act was amended by Private Acts of 1933, Chapter 617, which reduced the salary of the Washington County Sheriff to \$1800 per annum.
8. Private Acts of 1927, Chapter 660, required the sheriff of Washington County to search for, seize and capture old equipment used to manufacture intoxicating beverages.
9. Private Acts of 1929, Chapter 779, directed Washington County to pay the sheriff's office and transportation expenses and directed that same be paid by the chairman of the quarterly county court out of the general county funds by warrants drawn on the county trustee. This act was repealed by the Private Acts of 1933, Chapter 618.

10. Private Acts of 1933, Chapter 652, fixed the maximum compensation of the sheriff of Washington County at \$3,250 per annum.
  11. Private Acts of 1943, Chapter 420, authorized the Washington County Quarterly Court to contract with the sheriff with reference to his compensation and that of his deputies and jailers.
  12. Private Acts of 1978, Chapter 166, would have repealed Private Acts of 1823, Chapter 186; however, it was not ratified as the effective date of the act was listed as 1977 instead of 1978. Private Acts of 1823, Chapter 186, was subsequently repealed by Private Acts of 1978, Chapter 248.
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