



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

March 12, 2025

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# Unicoi

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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.

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# Unicoi



Unicoi County Courthouse

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# Chapter I - Administration

## Budget System

### Private Acts of 1937 Chapter 565

**SECTION 1.** That it shall be the duty of the Unicoi County Board of Highway Commissioners on or before the first Monday in April of each year, to prepare and file with the County Court Clerk an itemized statement or budget of the funds which said commission estimates to be necessary for the construction, maintenance, upkeep, and operation of the roads, bridges and county work house in Unicoi County, and expenses incident thereto, for the year commencing on the first day of October following the making of said report; the said budget shall show in detail and in separate items the estimated amounts necessary for salaries and office expenses of old equipment, maintenance or repair of old equipment, bridges, lumber, gravel, maintenance of the county work house, etc., the said budget shall likewise show in parallel columns the amounts expended in the previous year for the respective purposes.

That it shall likewise be the duty of the Unicoi County Board of Education on or before the first Monday in April of each year to prepare and file with the County Court Clerk of Unicoi County an itemized statement or budget of the funds which said Board of Education estimates to be necessary for the maintenance and operation of the schools in Unicoi County, and expenses incident thereto, for the year commencing on the first day of September following the making of said report; the said budget shall show in detail and in separate items the estimated amounts necessary for the office expenses and salaries of the County Superintendent and his assistants, salaries for the different county schools, the aggregate of the salaries for each individual being shown, for the purchase of new equipment, for the maintenance and repair of old equipment and school buildings, janitor service, bus service, insurance, and all other expenses of said department. The said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall likewise be the duty of the Chairman of the County Court of Unicoi County on or before the first Monday in April of each year to prepare and file with the County Court Clerk of Unicoi County an itemized statement or budget of the funds which he estimates necessary to be expended for the general county fund during the year commencing on the first day of October following the making of his said report, for the payment of salaries, maintenance of insane patients, jail bills, improvements and repairs of court house and jail, court costs, jail buildings, etc., and all expenses which are properly paid out of the General County Fund. It shall also be the duty of the Chairman of the County Court of Unicoi County at the same time to prepare and file with the Clerk a statement or budget showing the amounts that will be necessary to pay the various county bonds, together with interest thereon, which have been issued by the county, which will mature or become due during the ensuing year. The budgets of the Chairman of the Court will likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall be the duty of all other county agencies and parties not hereinabove specifically mentioned, having authority to expend or expending county funds to file with said Clerk each year on or before the first Monday in April an itemized statement or the budget of the funds estimated to be necessary to be expended by said agencies or Department for the year commencing on the first day of September following.

That it shall be the duty of the County Trustee on or before the first Monday in April of each year to prepare and file with the County Court Clerk an itemized statement or estimate of all funds, exclusive of the funds to be derived from the county tax on property, which he has reasonable grounds to believe will be paid into his office during the year commencing on the first of the following October, and which will be available for the purpose of defraying the expenses of the county government during said year; and said statement shall show the source of each fund and said trustee shall likewise show in a parallel column the amount received for the same purposes from the same sources during the year ending on the preceding August 31st, as near as may be practicable, and he shall likewise show in said statement the actual amount collected from the county tax on property during the year ending on the preceding August 31st. It shall be the duty of the County Court Clerk to record the budgets herein referred to in a well bound book kept for that purpose and in a manner that shall make a permanent record of the same.

**SECTION 2.** That it shall be the duty of the Chairman of the County Court with the approval and confirmation of the Quarterly Court of Unicoi County, Tennessee, at its April term each year, to appoint a committee of three persons who shall be and constitute the Budget Commission of Unicoi County, Tennessee. One of said persons so appointed shall reside outside of the city limits of Erwin, Tennessee;

and only two shall be members of the Quarterly Court of Unicoi County, Tennessee. That no member of said Budget Commission, with the exception of the members of the Quarterly Court, shall have any official connection with the County of Unicoi. The Budget Commission shall be appointed by the present Chairman of the County Court, and shall hold office until the next regular quarterly term of the said court.

That the Quarterly Court may in its discretion allow the members of said Commission such compensation for their services as said court may deem right and proper. That immediately upon their election said Budget Commission shall organize by electing a Chairman; and two members of said Commission shall constitute a quorum for the transaction of business. The County Court Clerk or one of his duly authorized deputies, at the option of the said commission, shall act as the Secretary of said Commission but shall have no voice or vote in the deliberations of said commission.

That the duties of the Secretary shall be to keep all records of the commission, including a complete record of the proceedings thereof, assist it in the compilation of the data necessary for the commission to prepare the budget herein provided and to assist in the preparation of said budget, and he shall perform such other duties as shall be prescribed by said commission.

That the County Court in its discretion may compensate said Secretary for services rendered in said capacity but in no event shall such compensation exceed \$4.00 per day for every day actually required to perform his duties as Secretary to said commission; and said commission shall certify to the Quarterly Court at the time it submits its budget as hereinafter provided for, the number of days the said Secretary has been actually engaged in the performance of his said duties.

That each year prior to the meetings of the July term of the Quarterly Court of Unicoi County, it shall be the duty of said Budget Commission to consider and examine the budgets referred to in Section 1 hereof and such other records and data as may be necessary, and to prepare on appropriate forms a complete itemized budget covering all of the proposed expenditures of every kind and description to be made by or on behalf of the county for the year beginning on October St., following. And in preparing said budget, said commission is not to be bound by the amounts fixed in the several budgets of the various departments of the county referred to in Section 1 hereof, but shall make such changes therein as in the option of said commission are to the best interest of the county, subject to all times to the approval of the County Court.

That immediately upon its organization, said Budget Commission shall cause to be prepared appropriate printed forms on which the budget of the various departments of the county referred to in Section 1 hereof are to be submitted by said commission. That said forms shall be of such nature as to enable said commission to submit to the Quarterly Court as hereinafter provided a complete itemized budget and financial statement of the county in simple, intelligible form, to the end that the Quarterly Court shall have before it in said budget all of the data necessary to enable it to intelligently determine the proper amount to be allowed the various departments of the county during the year for which the budget is proposed and the amount of revenue that will be available to pay the nature and kind of said forms.

That said budget, when prepared by said Budget Commission, shall be filed with the County Court Clerk and by him recorded along with the budgets prepared by the several departments of the county, as hereinabove provided for, in a well bound book and kept as a permanent record in the office of the County Court Clerk; and shall be submitted by the Chairman of the commission each year to the July term of the Quarterly Court of Unicoi County in open court; and it shall be the duty of said court before fixing the tax rate for the current year to fully consider in open court said budget prepared by said Budget Commission, but the same shall not be in any way binding on said court.

That said court shall have full right and power to alter, vary or change in any way it deems right and proper said budget so submitted by said Budget Commission or any part thereof, but it shall be the positive duty of said court at its July term each year, to fix, establish and adopt a complete, itemized budget of the amounts to be expended by each department of the county government during the year beginning on the first day of October following, and no warrant drawn against county funds after October 1, 1937, shall be binding on the County unless the items or expense for which said warrant is issued shall have been included in a budget adopted by said court as herein provided for; and no warrant shall be valid or binding on the county after the aggregate amount of warrants theretofore drawn during the fiscal year by or on behalf of any department of the county government, shall equal the amount allowed said department in the budget adopted for that year.

That in preparing said budget herein provided for, it shall be the duty of said Budget Commission to take into consideration any un-expended balances that may remain at the end of the year to the credit of any department from the amount allowed such department for the previous year.

That as nearly as may be practicable, said commission shall show in its budget the amount of actual

expenditures of each department of the county government during the preceding year covering each item or head in the budget, said amounts for such previous year to be shown in a column parallel to that containing the amounts proposed for the ensuing year, so that when completed said budget will show not only the proposed expenditures for the ensuing year, but the actual expenditures under each head for the preceding year.

That from the data and information herein required to be prepared and filed by the County Trustee and such other data as it may be necessary to examine, said Budget Commission shall likewise show in its budget an itemized statement or estimate of all funds, exclusive of the funds derived from the county tax on property, which said commission has reasonable grounds to believe will be available during the year for payment of the amounts allowed in its said budget for said year, and it shall also show as nearly as may be practicable, the amounts or revenue derived from the same sources during the preceding year, together with the amount actually collected from the county tax on property during such preceding year.

That said Budget Commission shall, along with its budget, submit its recommendation to the Court with respect to the tax rate on property for the current year together with its estimate of the amount that will be actually collected during the year beginning on the St. day of the following October, from the tax so recommended. That at the same time and in the same report said Budget Commission shall submit to the Quarterly Court a full and complete statement of all outstanding and unpaid warrants and the outstanding bonded indebtedness of the county, showing the amounts and maturities of all outstanding bonds, the purpose for which issued and any other information relative thereto which said commission shall deem pertinent.

That along with its budget and report said commission shall submit to said court such other data information and recommendations as it may deem advisable and necessary to enable said Quarterly Court and the public to fully understand the financial condition of the county and the necessity for the amounts fixed in said budget and the tax rate on property recommended by said commission.

That the Secretary of said commission shall mail a full and complete copy of the report and budget prepared by said commission to each member of the Quarterly Court at least ten days before the July term of said Court.

**SECTION 3.** That in the event that said Budget Commission fails, refuses or neglects to prepare and submit that budget herein provided for to the said Quarterly Court at its July term, then it shall be the duty of said Quarterly Court, at said term of said court to establish and adopt an itemized budget covering the amounts to be expended by each department of the county government for the year beginning on the 1st day of the following October, said budget be of the same kind and form as that herein required to be prepared by said Budget Commission, and it shall be a misdemeanor in office for any official of Unicoi County from and after October 1, 1937, to draw, sign or issue the warrant of Unicoi County against any fund of Unicoi County unless a budget has been adopted by said Quarterly Court as herein provided for; and no warrant shall be valid or binding on the County of Unicoi unless the item of expense for which said warrant is drawn shall have been included in a budget adopted according to the provisions hereof.

That the budget as finally adopted by the Quarterly Court as its July term each year shall be spread on the minutes of said court, and from and after October 1, 1937, no warrants shall be drawn against any funds of Unicoi County by any official of said county unless and until a budget has been adopted by said Quarterly Court as herein required; provided that warrants may be issued covering any obligation or indebtedness of said county actually incurred prior to said date.

**SECTION 4.** That it shall be the duty of each department of the county government that disburses public funds, including the Unicoi County Board of Education, and the County Court Clerk, and the Chairman of the County Court, in regard to the fund designated as the "General County Fund," to keep all such books and records as will enable then to fully and specifically comply with the provisions of this Act. Each of said departments and officials shall close the books kept by it or him as of the 30th day of September each year, showing the balance to its or his credit, said balance to represent the difference between the amount allowed said department or fund in the budget for the year ending on that date and the aggregate amount of the warrants issued and chargeable against said amount allowed in said budget, regardless of whether said warrants have been paid or not; and it shall likewise be the duty of each of said departments and said officials to open its or his books on the first day of October of each year bring forward the balance, if any, arrived at in the manner herein provided for, remaining to the credit of said department or fund from the previous year, to which shall be added the amount allowed said department or fund in the budget adopted by the Quarterly Court at its July term next preceding.

That said books shall be kept in such a manner as to at all times show the amount allowed that department or fund in said budget adopted at the July term of the Quarterly Court and the amount of all warrants drawn and chargeable against said fund regardless of whether said warrants have been paid or not, said warrants to be posted in said books as the same are issued.

That on the first day of each October hereafter the amount allowed each department or disbursing agency of the county government or county fund in said budget shall also be placed at an appropriate place on the stubs in the several warrant books containing the warrants to be used by said department or county agency in drawing on county funds and said amount shall be added to any balance remaining from the previous year; and at the end of each day it shall be the duty of every official issuing warrants of any kind against any such funds to subtract the aggregate of the warrants issued that day from the previous balance arrived at as herein provided for, and the balance thus arrived at shall be brought forward each day at an appropriate place on the stubs remaining in said warrant books; and at the end of each month it shall be the duty of every official drawing warrants against any fund of Unicoi County to reconcile the balance to the credit of the fund drawn against as shown on the warrant stubs with the balance to the credit of said fund as shown by the books required to be kept by said official; provided that for the year beginning the 1st day of October, 1937 the books of each department shall be opened by placing to the credit of each department the amount allowed it in the budget adopted at the July term 1937, of the Quarterly Court without regard to the number of warrants theretofore issued by said department or the head thereof which have not been paid; and said amount so allowed said department for the year beginning October 1, 1937, shall also be placed at an appropriate place on the stubs of the warrants book used by said department before any warrants are drawn or issued by said department after the beginning of said year, and thereafter the balance from day to day shall be arrived at and carried in said warrant stubs as herein provided for.

**SECTION 5.** That it shall be unlawful and a misdemeanor in office for any official or employee of Unicoi County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any warrant against any fund of said county, when the aggregate of the warrants theretofore issued or signed, whether the same have been paid by the Trustee or not, equals the amount allowed in the budget adopted by the Quarterly Court to that department or fund of the county against which said warrant would otherwise be chargeable, plus the balance, if any, that may have been brought forward to the credit of such department or fund from the previous year, and it shall also be a misdemeanor in office for any official to sign or issue, or authorize the signing or issuance of a warrant or warrants against any county fund, in excess of the amount allowed said fund in the budget adopted by the Quarterly Court plus any balance remaining to the credit of such fund from the previous year.

That it shall be the mandatory duty of every official drawing warrants against any county fund to keep advised and know before he signs, issues or delivers any warrants, whether or not the aggregate of the warrants theretofore issued against said funds out of which said warrant is payable equals the amount allowed said fund or department in the budget for that year plus any balance brought forward from the previous year, and it shall be the duty of said Budget Commission before submitting its annual report to the Quarterly Court to examine the books and records of each department of the county government for the purpose of ascertaining whether or not the warrants issued by or on behalf of any said department during the year ending on the preceding September 30th have exceeded the amount allowed said department in the budget adopted for that year, and said commission shall show in its report to be filed with its budget each year the departments, if any, that have issued warrants in excess of the amounts allowed such department in the budget of said year, and it shall be the mandatory duty of the Quarterly Court to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts of said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SECTION 6.** That it shall be a misdemeanor in office for any county officer or agent or employee, including the members of the Unicoi County Board of Highway Commissioners, the members of the Unicoi County Board of Education, County Superintendent of Education, the Chairman of the County Court, and the County Court Clerk, to violate any provision of this Act or to fail or refuse to do or perform any of the duties placed upon them or any of them by this Act, and any such officer or officers failing to perform the duties imposed by this Act, shall be subject to a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00), and imprisonment of not less than thirty days or more than six months, and be subject to removal from office, in any appropriate legal proceeding brought for that purpose.

**SECTION 7.** That all laws in conflict with this Act are hereby repealed.

**SECTION 8.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 14, 1937

## County Register



## Private Acts of 1975 Chapter 76

**SECTION 1.** The County Register of Unicoi County shall have the right to employ a suitable person as clerical assistant at a salary not to exceed the sum of three hundred fifty dollars (\$35.00) [sic] a month, such clerical assistant to be paid out of the general funds of the county.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) majority of a quorum of the Quarterly County Court of Unicoi County at or before the next regular meeting of the court occurring more than thirty (30) days after this Act's approval by the Governor. Its approval or nonapproval by the Quarterly County Court shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

**SECTION 3.** Upon being approved by the Quarterly County Court of Unicoi County, as provided in Section 2 hereof, this Act shall be deemed to have an effective date and become law when approved by the Governor, the public welfare requiring it.

Passed: April 17, 1975.

## County Welfare Officer

### Private Acts of 1949 Chapter 663

**SECTION 1.** That there is hereby created and established the office of County Welfare Officer in all counties having a population of not less than 14,100 nor more than 14,200, according to the Federal Census of 1940, or any subsequent Federal Census.

**SECTION 2.** That the County Welfare Officer shall be elected by the Quarterly County Court of said counties for a term of one year, the first election to be held at the October term of the Quarterly County Court of the year 1950, and every year thereafter.

**SECTION 3.** That the compensation of the County Welfare Officer shall be not to exceed \$1,200.00 annually, payable in equal monthly installments out of the welfare funds of said county upon warrants properly drawn by the County Judge or Chairman.

**SECTION 4.** That said County Welfare Officer handle all matters pertaining to the county welfare, make investigations as to the needs, and recommendations as to relief to be extended those in need and do any and all other things in connection with the county welfare as the Judge or Chairman of the County Court may direct.

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

Passed: April 8, 1949.

## Regulation of Business

### Private Acts of 1980 Chapter 222

WHEREAS, businesses which permit or operate machines or games of chance or skill for a consideration affect the public health, safety and welfare; and

WHEREAS, it is desirable to regulate the hours and days of operation of such businesses; now, therefore,

**SECTION 1.** The county legislative body of Unicoi County is authorized to establish hours and days of operation of any business in such county which is outside the corporate limits of the town of Erwin and which permit or operate machines or games of chance or skill for a consideration.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Unicoi 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 3.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 3, 1980.

## Administration - Historical Notes

### County Attorney

The following act once affected the appointment, election, or office of the county attorney in Unicoi

County. This act is included for historical reference only. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1943, Chapter 341, created the office of county attorney for Unicoi County, prescribed his duties, compensation and qualifications. This act was repealed by Private Acts of 1949, Chapter 658.

### **County Clerk**

The following acts once affected the office of county clerk in Unicoi County. They are included herein for historical purposes.

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Court Clerk at \$1,000 per annum.
2. Private Acts of 1923, Chapter 27, set the salary of the county court clerk of Unicoi County at \$1,500 annually, payable quarterly, provided he kept and filed an itemized sworn statement with the judge or chairman of the county court showing the amount of fees collected by his office. If the fees were less than the salary the county would make up the difference. This act also made it unlawful for the clerk to donate the fees directly to those from whom they were to be collected.

### **County Legislative Body**

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

1. Private Acts of 1915, Chapter 79, permitted Erwin to elect an additional justice of the peace. This act was repealed by Private Acts of 1947, Chapter 257.
2. Private Acts of 1915, Chapter 259, declared that the justices of the peace in Unicoi County, would receive \$2.50 daily for each day's attendance at the quarterly county court meetings or at called sessions. Five cents per mile for each mile traveled between residence and court meeting was also allowed. This act was specifically repealed by Private Acts of 1973, Chapter 105.
3. Private Acts of 1921, Chapter 261, granted six more justices of the peace to the town of Erwin in addition to the ones they now have who would have all the power and authority as the other justices in like position. They would be elected at the next general election. This act was repealed by Private Acts of 1947, Chapter 258.
4. Private Acts of 1921, Chapter 921, set the per diem of justices of the peace in Washington, Carter, Greene, Johnson, and Unicoi counties at \$4.00 daily to provide them with some relief. This was for each day's attendance at court plus five cents per mile travel allowance. This act was also repealed by Private Acts of 1973, Chapter 105.
5. Private Acts of 1933, Chapter 629, made it unlawful for any justice of the peace of Unicoi County to have an office for the transaction of official business in any other civil district than the one in which he was elected.
6. Private Acts of 1972, Chapter 389, would have amended Private Acts of 1921, Chapter 921, by increasing the per diem compensation of the justices of the peace to \$25 per day and the mileage allowance to ten cents per mile for travel between residence and court meetings. This act also removed Carter County from its provisions, but it was not approved at the local level in Unicoi County and therefore did not become a law.
7. Private Acts of 1973, Chapter 105, provided compensation for attending meetings by the members of the quarterly county court of Unicoi County which was set to \$4.00 per day and could not exceed \$25 per day. This act also provided five cents compensation for each mile traveled to the county seat from a member's residence.

### **County Mayor**

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

1. Private Acts of 1935, Chapter 410, created the office of county judge in Unicoi County, prescribed his qualifications, his compensation, and defined his rights, powers, and jurisdiction. The act abolished the office of the chairman of the county court and the county road commission and conferred upon the county judge all the powers, duties and jurisdictions of those two offices. Many of the powers of justices of the peace were likewise conferred upon the judge. This act was declared unconstitutional in *Gouge v. McInturff, Sheriff*, 169 Tenn. 678, 90 S.W.2d 753 (1936).
2. Private Acts of 1955, Chapter 108, gave the county judge or chairman of Unicoi County jurisdiction to issue fiats for all extraordinary process.

3. Private Acts of 1963, Chapter 44, would have created the office of county judge of Unicoi County, but this act was rejected at the local level and did not become a law.

### **County Register**

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Register at \$800 per annum.

### **County Trustee**

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Trustee at \$1,000 per annum.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Unicoi 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. Public Acts of 1879, Chapter 121, changed the name of the county seat of Unicoi County from Vanderbilt to Erwin.
2. Public Acts of 1897, Chapter 124, may have been the first really comprehensive salary act which classified counties according to population. The trustees, register, sheriff, and clerks of the several courts were all included. Unicoi, being under 20,000 in population would have been in the last group which paid the clerk and master, the county court clerk, the county trustee, and the sheriff \$1,000 annually, and the remainder, \$800 annually. The salaries were to be in lieu of all fees collected by the office, but the county court was required to furnish whatever materials and equipment were needed. Monthly statements had to be filed but the salaries were not to exceed the fees paid into the treasury.
3. Acts of 1907, Chapter 81, provided how railroad companies could cross and occupy streets, highways, and private roads, and take land for the purpose of substituting other streets, highways, and roads in lieu thereof, and prescribed the mode of condemnation of land taken for such purpose, and provided for compensation or damages to the owners of such land in Unicoi County.
4. Private Acts of 1919, Chapter 131, declared that women over 21 years of age were eligible to hold the office of deputy county court clerk, deputy register, and deputy clerk and master, in Unicoi County. All the power and authority and all the duties and responsibilities which were pertinent to the positions were likewise transferred to them.
5. Private Acts of 1933, Chapter 485, removed the disability of infancy of Clive Wellington Bare of Unicoi County.
6. Private Acts of 1937 (3rd Ex. Sess.), Chapter 2, was an act to centralize, consolidate, and reorganize county administrative affairs in Unicoi County. The law created a board of county commissioners and provided for their appointment, election, and qualification, enumerated the powers conferred upon them and created the departments over which they would preside. The act abolished the board of road commissioners created by Private Acts of 1915, Chapter 248, as amended, and all its powers, duties, functions and responsibilities were transferred to the commission. This act, several pages long, created the framework within which the county government would operate with a great deal of attention given to details. This law was specifically repealed in its entirety by Private Acts of 1949, Chapter 661.
7. Private Acts of 1973, Chapter 85, provided for the election of the county board of equalization of Unicoi County, provided for the qualifications of its members, fixed their terms of office, duties and responsibilities and provided for the filling of vacancies. This act was repealed by Private Acts of 1982, Chapter 215.
8. Private Acts of 1996, Chapter 185, would have appointed a purchasing agent for Unicoi County and amended Private Acts of 1949, Chapter 678, however, according to the Unicoi County Clerk's Office, this act was rejected by the county and therefore never became law.

## Chapter II - Animals and Fish

# Sawdust Pollution Control

## Acts of 1909 Chapter 450

**SECTION 1.** That it shall be unlawful for any person, firm, or corporation to place or cause to be placed in any of the running streams, lakes, or ponds in Unicoi County, Tenn., or place so near the banks of said running streams, lakes, or ponds so that the same will be washed therein by high tides or overflows any sawdust, shavings, or off-fallings from sawmills or planing machines.

**SECTION 2.** That any violation of this Act shall be a misdemeanor, and the punishment for each offense shall, upon conviction, be a fine of not less than fifty dollars nor more than two hundred dollars.

**SECTION 3.** That the grand juries of Unicoi County have inquisitorial power under this Act.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: April 28, 1909.

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

1. Public Acts of 1893, Chapter 59, made it unlawful to hunt, kill, or capture any wild deer in Unicoi, Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, DeKalb and Montgomery counties from December 1 to September 30 of each year. Each violation would be subject to a fine of not less than \$25 and not more than \$50.
2. Public Acts of 1899, Chapter 406, provided that all persons fishing in any of the streams in Unicoi County from July to November of each year by means of a basket, shall have the space between the slats of the basket no less than 1 ½ inches apart and not more than six feet in length. Violations were punished by a minimum fine of \$10 and ten days in jail at the discretion of the judge.
3. Acts of 1903, Chapter 384, made it lawful to catch fish in any stream in Unicoi County with traps and gigs, provided the slats were at least two inches apart and the dams so constructed that fish could pass safely up and down stream, and provided that the season would be closed from March 15 to June 1 of each year.
4. Private Acts of 1913, Chapter 271, made it unlawful in Unicoi and Washington counties to net, trap, shoot, or capture quail, or partridges, for a period of five years. The misdemeanor had a fine of \$5.00 to \$25 for the first offense, \$25 to \$50 for the second, plus imprisonment up to six months, all in the discretion of the court. Inquisitorial powers were given to the grand jury and the circuit and criminal court judges would charge this law to them.
5. Private Acts of 1915, Chapter 64, made it unlawful for bulls of the age of six months and boars of four months old, to run at large in Unicoi County when their owner willfully and knowingly permitted the same. Only a fine of not less than \$5 nor more than \$25 was established for violations.
6. Private Acts of 1915, Chapter 291, rendered it unlawful to net, trap, shoot, or in any way kill or capture quail, partridges, pheasants, turtle doves, field larks and wild turkeys for the next three years in Unicoi County, setting up a fine of \$5 to \$25 for each violation.
7. Private Acts of 1915, Chapter 593, made it a misdemeanor in Washington, Carter, Johnson and Unicoi counties for any person to shoot any fox or destroy the den of any young fox, or to catch, maim, or otherwise destroy or injure such fox by snare, trap or other device. However, one could place traps within 100 feet of their residence, barn or other out buildings, and this law would not apply if the animal were attacking chickens or other domestic stock. The fine prescribed was \$25 to \$100 for each violation.
8. Private Acts of 1915, Chapter 617, declared it unlawful to take or catch fish from any tributary of South Indian Creek by baited hook, and line, or with hands, traps, net or any other means or device whatever for the next five years. The prohibition did not apply to fishing in the mainstream of South Indian Creek by any legal means. The fine ranged from \$5 to \$25 with up to 30 days in jail.
9. Private Acts of 1921, Chapter 405, exempted a large number of counties from the provisions of Public Acts of 1919, Chapter 61, which was a statewide dog law. Unicoi was among those counties

which exempted themselves.

10. Private Acts of 1923, Chapter 9, made it unlawful for the owner of a horse, cattle, sheep, hogs and other livestock to permit them to run at large in Unicoi County. The owner was declared liable for damages, and a lien upon the trespassing stock was granted to the damaged person in addition to all the other remedies available.
11. Private Acts of 1929, Chapter 207, made it unlawful to take, kill, wound or chase any male or female deer, or fawn, in Unicoi County.
12. Private Acts of 1929, Chapter 753, declared it unlawful in Unicoi County to shoot quail unless the ground was covered with snow, to shoot wild turkeys for the next two years, to shoot pheasants except from November 20 to December 20 each year, to bother any fur bearing animal other than coon, possum, and skunk, between October 15 and January 15, except that foxes may be chased by dogs at any time. Mink and muskrat could be sought between November 15 and February 15, if the traps were set under water, and squirrel had an open season from August 1 to January 1. None of these prevented anyone from killing them within 100 feet of their residence, barn, or other out building.
13. Private Acts of 1978, Chapter 197, set the times in which it was legal to hunt bears with dogs. This act was repealed by Private Acts of 1988, Chapter 161.
14. Private Acts of 1991, Chapter 5, would have authorized Unicoi County to establish and support a dog and cat control program and to contract with local municipalities for such purposes, however, according to the Unicoi County Clerk's Office this act was not approved and therefore never became law.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

#### **Bridges**

1. Private Acts of 1897, Chapter 173, allowed the quarterly county court of Unicoi County to issue \$5,000 in bonds with interest not to exceed 5% and a maturity schedule no longer than 20 years to build a bridge across the Nolichucky River. All details of the issue are fixed in the legislation and a tax levy is required to be added to the annual rate in order to liquidate these bonds.

#### **Debts**

1. Private Acts of 1923, Chapter 89, allowed the Unicoi County Court to issue \$160,000 in 5½%, 20 to 25 year bonds, to pay the debt owed by the county to Caldwell and Company, of Nashville, Tennessee, which was just, due, and unpaid. The delivery of the bonds was conditioned upon the surrender to the county of the notes evidencing this debt. The interest then due on the notes was paid in cash by the county up to the date of the issuance of the bonds. The routine details of the bonds and the essential tax levy requirement are contained therein. This act was amended by Private Acts of 1923, Chapter 255, which struck the words "County Judge" wherever they appear and substituted "Chairman of the County Court" in its place, all other provisions to remain as they were written.
2. Private Acts of 1933, Chapter 90, authorized Unicoi County, through its county chairman and finance committee, to issue its negotiable interest bearing warrants in the aggregate principal amount of \$10,000 for the purpose of providing funds to pay the ordinary running expenses of the county, and provided for the payment of said warrants and interest thereon.
3. Private Acts of 1935, Chapter 550, authorized the Unicoi County Quarterly County Court to issue bonds to pay the outstanding debts of the county in furtherance of its plan to do so, no matter in what form the debt exists, and to pledge the full faith and credit of the county therefor. This authority went up to the amount of the total debts, at interest not to exceed 6%, and a maturity schedule not to exceed 50 years. The routine details of the issuances thereunder were filled in by the county court. There was special authority for the highway reimbursement refunding bonds connected with the gasoline tax and for resorting to any necessary steps including petitions to the federal courts in bankruptcy under a recent congressional amendment to the bankruptcy act.
4. Private Acts of 1935 (Ex. Sess.), Chapter 55, validated \$788,000 refunding bonds, Series A, \$241,500 highway reimbursement refunding bonds, and \$20,833.41 funding bonds, of Unicoi County, the indebtedness being retired thereby, and the proceedings of the governing body of said county had in connection therewith; and provided for delivery of said bonds and the levy of

taxes for the payment of same, together with interest thereon.

5. Private Acts of 1937, Chapter 451, was also a validating act of the legislature allowing Unicoi County permission to issue \$10,000 in 5% bonds, the maturity schedule being set out in the act itself, for funding or paying off the outstanding floating indebtedness of the county. The act made it the obligation of the county court to levy an additional sinking fund tax to repay the bonds.

### **Roads**

1. Private Acts of 1913, Chapter 197, authorized Unicoi County to issue coupon bonds in the sum of \$50,000 to build and improve the public roads and pay the incidental expenses thereto. The details of the sale and handling were specifically included. The county court appointed three commissioners to sell the bonds and supervise the work for three roads leading from Erwin to Flag Pond, Limestone Cove, and northwest to the Washington County line. Said bonds carried an interest rate of 5% and were 20-year bonds.
2. Private Acts of 1917, Chapter 157, declared that the funds from a former bond issue and sale were not enough to complete the road system for Unicoi County, and this act authorized the county court to issue \$100,000 in 5%, 20-year bonds, for the purpose of completing this road system, with the general details included in the remainder of the act.
3. Private Acts of 1921, Chapter 637, authorized and validated the action of the county of Unicoi County and of the board of road commissioners of the county in issuing warrants and evidences of indebtedness of the county and of said board of road commissioners in the years 1918, 1919 and 1920 for road construction, for road machinery, and for borrowed money used in road construction in the county amounting to \$59,156.39. The act also provided for the payment of interest thereon and the ration of a sinking fund to pay the principal thereof.

### **Schools**

1. Private Acts of 1925, Chapter 74, gave the Unicoi Quarterly County Court the authority to issue and sell, give, pledge, or in any manner dispose of negotiable, non-negotiable, interestbearing notes, warrants, or other evidences of debts upon the full faith and credit of the county. All conflicting laws were repealed by this one granting this blanket authority. This act was repealed by Private Acts of 1929, Extra Session, Chapter 73.
2. Private Acts of 1929, Chapter 230, validated the issuance and sale of \$150,000 of 5½ school notes of Unicoi County, the proceedings of the quarterly county court of said county had incident thereto, and provided for the payment of such notes and interest.
3. Private Acts of 1931, Chapter 282, authorized the Unicoi Quarterly County Court to issue up to \$30,000, in 6%, 25-year bonds with only the amount of the bonds to be issued submitted to the people by referendum. All other details of this bond issue to construct and improve public schools were left to the judgment and discretion of the Unicoi Quarterly County Court.
4. Private Acts of 1931, Chapter 494, contained recitals that the Martin's Creek School burned at a total loss and the Unicoi County Board of Education had resolved to build the school back at an estimated additional cost of \$31,000. The insurance collected on the fire amounted to only \$16,000 and was therefore inadequate to complete the work. The bond issue was for \$40,000, \$9,000 of which would go to pay the debts of the highway department and the remainder to rebuild the school. The maximum interest rate was 6% and the bonds would mature according to the schedule in the act which also had the form of the bond written out. A tax of 15 cents per \$100 property valuation would be levied for the next six years to repay the bonds.

## Chapter IV - Boundaries

### Creation of the County

#### Public Acts of 1875 Chapter 68

**SECTION 1.** That a new county is hereby established, to be composed of fractions taken from Madison, Henderson, McNairy and Hardeman counties, to be known and designated by the name of Wisdom.

**SECTION 2.** That the county of Wisdom shall be bounded as follows, viz.: Beginning at a point south, 12½° west 13.30 miles from the city of Jackson, runs east 3.05 miles; thence north 61.05 miles, east, 17.88 miles; thence with the arc of a circle with the radius of 11 miles from the town of Lexington, 8.965 miles; then east 1 mile; thence south 7.95 miles; thence west 8 miles; thence with the arc of a circle with

the radius of 11 miles from the town of Purdy 13.863 miles: thence west 5.10 miles; thence north  $28\frac{1}{2}^{\circ}$  west 9.30 miles; thence north 2.22 miles to the beginning, 278 square miles.

**SECTION 3.** That for the purpose of organizing the county of Wisdom, J. N. Hunter, W. L. Stegall, J. M. Simmons, James Pedy, J. F. Hamlet, M. L. Cherry, J. H. Mitchell, R. T. McAntyre, B. J. Young, J. W. Perkins, William Rush, H. Murley and Ingraham Wilson shall be, and are hereby, appointed Commissioners on the part of the several fractions in which they reside, who shall before entering on the discharge of their duty, take an oath before some Justice of the Peace, faithfully and impartially to discharge all the duties incumbent upon them in this Act, and in all cases of vacancy that may occur among said Commissioners previous to the organization of the County Court of said county of Wisdom, the same shall be filled by the remaining Commissioners, and all vacancies occurring after the organization of such Court shall be filled by said Court of the county of Wisdom. The said Commissioners shall enter into such bond and security as may be required by the said County Court of Wisdom, and payable to the Chairman thereof, conditioned for the faithful performance of their duties, as required by this Act. A majority of said Commissioners shall constitute a Board competent to do all things herein enjoined on them. They shall keep a record of all their proceedings as Commissioners, which shall be returned to the County Court of Wisdom at its first session, and the same shall be recorded by the Clerk thereof, on the records of said Court, and the shall make such returns after the organization of said Court, as shall be directed thereby.

**SECTION 4.** That it shall be the duty of said Commissioners, first giving thirty days' notice in one public place or more, of the time and place to open and hold an election, in one place or more, in each of the fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, in order to ascertain whether two-thirds of the voters residing in each of the said fractions, are in favor of, or opposed to, the formation of said new county of Wisdom, and all persons qualified to vote for members of the General Assembly, residing in said fractions, shall be entitled to vote in said election, and each voter who is in favor of the formation of the new county shall have on his ticket, "new county," and each voter opposed to the formation of said new county of Wisdom, shall have on his ticket "old county," and if after counting the vote cast in said election it shall appear that there are two-thirds of the legal votes cast in each of said fractions in favor of the new county, then, in that case, the county of Wisdom shall be, and is hereby, declared a County, with all the powers and privileges, and advantages, and subject to all the liabilities and duties, with other counties in the State.

**SECTION 5.** That in order to carry into effect and make certain and accurate to the provisions in the fourth Section of this Act, said Commissioners are hereby empowered and authorized to canvass and take the census of the qualified voting population in the bounds of the several fractions, proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman.

**SECTION 6.** That for the due administration of justice, the different Courts to be holden in the said county of Wisdom shall be held at such place or places, as may be designated by the said Commission, until the seat of justice shall be located, and all writs and other process issuing from said Courts, returnable to the place shall be legal, and the Courts of the county of Wisdom shall be under the same rules regulations and restrictions, shall have, exercise, and possess the same power and jurisdiction as prescribed by law, for holding Courts in other counties, and said county shall be attached to the eleventh (11th) Judicial Circuit, and the first Circuit Court shall be held at the time designated by the judge of said Circuit, and shall be attached to the 10th Chancery District, and the Chancery Court shall be held on the first Mondays in June and December.

**SECTION 7.** That all officers, civil or military, now holding office in said county, shall continue to hold their offices, and exercise all the functions and powers thereof, until others are elected and qualified according to this Act; Providing, that nothing in this Act shall deprive the counties from which the fractions have been taken from having, exercising, and holding jurisdiction over the county of Wisdom, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers takes place according to this Act.

**SECTION 8.** That said Commissioners are hereby empowered, and it shall be their duty, to appoint five qualified and suitable persons to divide said county into not less than ten civil districts, designating boundaries and places for holding elections in said district, and perform all the duties relating thereto, which by the laws of the State such Commission are required to do.

**SECTION 9.** That the Commissioners appointed by this Act shall appoint such person or persons, as they think proper, to open and hold the elections for county officers for said county of Wisdom, and such person or persons so appointed shall have power to appoint deputies, clerks and judges, and by himself and deputies, to administer all the necessary oaths, and perform all other duties now made the duties of Sheriffs or other officers holding similar elections, and it shall be the duty of such persons, so appointed, together with their deputies, after giving fifteen days' notice, to open the polls and hold an election in each civil district in said county, for district and county officers, and the officers so elected shall hold their

offices until the next regular election for the different officers so elected takes place in other counties in the State.

**SECTION 10.** That it shall be the duty of the above named Commission, so soon as convenient, after the full and complete organization of the said county of Wisdom, to select and put in nomination two or more suitable locations for the seat of justice of the said county of Wisdom, having a due regard for health and convenience of a majority of the citizens of said county, neither of which places shall be more than three miles from the supposed or probable center of said county of Wisdom, which places shall be voted for by the legal voters of said county, and the site nominated receiving the largest number of voters, shall be and is hereby declared to be the seat of justice of the said county of Wisdom.

**SECTION 11.** That it shall be the further duty of said Commission to superintend the erection of such public buildings as the County Court of said county may direct to be built, and shall let the same out, and shall take bonds with ample security, payable to themselves and their successors in office, conditioned for the faithful performance of his or their contract. The proceeds of the sales of all donations, lands, town lots, or other gifts that may be made, in consideration of the location of the seat of justice for said county of Wisdom, or otherwise, shall be a fund in their hands, to pay the necessary expenses in organizing said county, and paying for the erection of public buildings, ordered to be built by the County Court, and should any surplus remain in their hands, it shall be their duty to pay over the same to the Trustee, to be accounted for by him as other funds in his hands.

**SECTION 12.** That said Commission of Wisdom county, be and they are hereby authorized to exercise all powers and privileges conferred on them by this Act, and any and all other powers, not in violation of the Constitution of the State, that may be necessary and proper for the complete setting up and organization of said county of Wisdom.

**SECTION 13.** That the fractions composing said county of Wisdom, shall be liable for the pro rata of the debts contracted, and owing by the counties from which they were taken, and shall also receive their portion of any stocks or credits belonging to said old counties.

**SECTION 14.** That in conformity to the fourth Section of the 10th Article of the Constitution of the State of Tennessee, a new county be and the same is hereby established, to be composed of fractions, to be taken from the counties of Washington and Carter, to be known and designated as the county of Unicoi.

**SECTION 15.** That the boundaries of the county of Unicoi shall be as follows, viz.: Beginning at the State line, on the top of Iron Mountain, where Rictless's Ridge joins the same; thence a north course, including Samuel McKinney, the Honeycomb Rock on Stone Mountain; thence to the Muddy Spring, near Dry Creek; thence crossing Buffalo Creek at the Big Spring, lying at the lower end of Ellis' farm, nearly twelve miles from Elizabethton; thence to the top of the Haynes Knob; thence to the top of the pinnacle of the Buffalo Mountain; thence with said mountain (so as not to approach the town of Jonesborough at any point nearer than eleven miles), to the Stoney Point, on Nolachucky River; thence crossing said river; thence a direct course to the old furnace stack in Bumpass' Cove; thence to the old furnace on Clark's Creek; thence a direct course to where the counties of Washington and Greene join the North Carolina State line; thence with the State line nearly an east course to the beginning.

**SECTION 16.** That for the purpose of organizing the county of Unicoi, William Tilson, Esq., Charles Bean, Josiah Sams, James V. Johnson, William McInterf, David Bell, Franklin Hannum, Richard N. Norris, and Thomas Wright shall be, and they are hereby appointed Commissioners on the part of the several fractions in which they reside.

**SECTION 17.** That said county shall be attached to the first Judicial Circuit, and the first Circuit Court shall be held at the time designated by the Judge of said Circuit, and shall be attached to the first Chancery District, and the Chancery Court shall be held at the time designated by the Chancellor.

**SECTION 18.** That all the rights, powers and privileges granted in this Act to the county of Wisdom, wherever applicable, be, and the same are hereby granted to and conferred upon the county of Unicoi, and they are hereby authorized to exercise all powers and privileges conferred on the Commissioners in the above Act establishing the county of Wisdom, and all other powers not in violation of the Constitution of the State, that may be necessary and proper for the complete setting up and organization of said county of Unicoi.

**SECTION 19.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: March 19, 1875

## Change of Boundary Lines

### Public Acts of 1883 Chapter 201



**SECTION 1.** That the county line between the counties of Carter and Unicoi be so changed as to run as follows: Beginning at the State line between North Carolina and Tennessee on the top of Rickers Ridge; thence with the top of the Dividing Ridge to the top of Stone Mountain; thence a direct line to the top of the Honey Comb Mountain.

**SECTION 2.** 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 27, 1883.

## Boundaries - Historical Notes

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

1. Public Acts of 1877, Chapter 48, provided that the lines between Washington County and Unicoi County be established by the surveyor of Washington County.
2. Public Acts of 1881, Chapter 147, changed the boundary line between the counties of Washington and Unicoi so as to place the farms of James E. Deakins, A. E. Jackson and James Luttrell in Washington County.

## Chapter V - Court System

### Circuit Court

### Judge, Part II

### Public Acts of 1968 Chapter 449

**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.

### Criminal Court

### Public Acts of 1957 Chapter 54

**SECTION 1.** That a Criminal Court is hereby created and established in the First Judicial Circuit of Tennessee, for the Counties of Washington, Carter, Unicoi and Johnson, to be known as the "Criminal Court of the First Judicial Circuit of Tennessee."

**SECTION 2.** That the said Criminal Court shall have general, common law and statutory jurisdiction, original and appellate and exclusive over all criminal cases existing and arising in said counties to the same extent as is now or may hereafter be conferred upon the Circuit Courts and Criminal Courts of this State under the common laws or the statutes and to hear, try and determine all criminal cases.

**SECTION 3.** That upon the passage of this Act, the Governor of the State of Tennessee, is hereby authorized and directed to appoint a judge of the criminal Court created hereunder; and said Judge shall serve until the next general election, as provided for in Section 4 of this Act. Said Judge shall be clothed with the same powers and jurisdiction as to extraordinary process as are now provided by law for such criminal judges, circuit judges and chancellors in this State, and his salary shall be the same and shall be paid in like manner by the State as that of other criminal and circuit judges of the State.

**SECTION 4.** That at the general election to be held on the first Thursday in August, 1958, and at all regular elections for judges held thereafter, there shall be elected by the qualified voters of said counties a judge for said Criminal Court for the First Judicial Circuit of Tennessee, in the same manner and with the same tenure of office as other Criminal and Circuit Judges of this State.

**SECTION 5.** That the District Attorney General of the First Judicial Circuit for Tennessee shall perform the duties of the District Attorney General in the said Criminal Court in the Counties herein named.

**SECTION 6.** That the Circuit Court Clerks and Sheriffs of the several counties herein named, shall be the Clerks and Sheriffs for the said Criminal Court in said Counties and they shall perform the same duties and receive the same compensation now provided by law for them.

**SECTION 7.** That all bonds and recognizances heretofore or hereinafter taken and of process heretofore or hereinafter issued, shall be made returnable to the Court at the times and places fixed by this Act for the holding the said Court in said Counties herein named.

**SECTION 8.** That it shall be lawful for the Judge of the Criminal Court and the Judge of the First Judicial Circuit to hold each of their Courts in any of the different counties, including the same county, or said Circuit at the same time.

**SECTION 9.** That the County Courts, Jury Commissioners or other duly existing and authorized authorities of the various counties above set out, shall appoint and select juries for said Criminal Court, according to the law now controlling in the above counties respectively, who shall be summoned to attend and bound to appear at said criminal court and shall have the same pay, qualifications, powers and privileges and shall be organized as now, under existing law as the law provides with reference to Grand Juries and all other juries of courts, but all bills of indictment, presentment and information shall be returned to said Criminal Court.

**SECTION 10.** That all criminal cases now existing or pending in the Circuit Courts of said named counties, on the passage of this Act, shall by virtue of the provisions of this Act, automatically be transferred to the said Criminal Court herein established in said counties respectively and said cases shall be tried and determined therein by this said Criminal Court. The Clerks of the respective Circuit Courts in the aforesaid counties shall immediately upon the passage of this Act, transfer all Criminal proceedings and papers from the Circuit Court for said Counties to the Criminal Court and shall procure and keep the proper books, records and minutes for the said Criminal Court. The Clerk shall keep the records, papers, minutes and proceedings of the Circuit Court and the Criminal Court separate. All Courts of General Sessions and Justices of the Peace or other inferior courts in the various herein named counties shall bind over offenders against the State laws to said Criminal Court as heretofore they have been bound over to the Circuit Court.

**SECTION 11.** That all appeals, writs of error and appeals in the nature of writs of error, shall be prosecuted from the judgments of the said Criminal Court to the Supreme Court and as from other Criminal Courts of this State.

**SECTION 12.** [Deleted by Public Acts of 1984, Chapter 931].

**SECTION 13.** That all laws and parts of laws now existing in conflict with this Act and its full intentions be and the same are hereby repealed.

**SECTION 14.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: February 20, 1957.

## District Attorney General

## Assistants and Criminal Investigators

## Public Acts of 1967 Chapter 135

**SECTION 1.** There is created the office of an additional assistant district attorney general for the first judicial circuit. The district attorney general of the first judicial circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the district attorney general. The person appointed to the

office shall be at least twenty-one (21) years of age, shall be learned in the law and shall be licensed to practice law in the State of Tennessee.

**SECTION 2.** The additional assistant attorney general shall perform such duties and functions as may be assigned and directed by the district attorney general of the first judicial circuit.

**SECTION 3.** The additional assistant district attorney general shall receive an annual salary of four thousand eight hundred dollars (\$4,800.00) payable in equal monthly installments out of the treasury of the state, upon warrant of the Commissioner of Finance and Administration. If the general assembly should by general law increase the salaries of assistant attorneys general as provided in Section 8-708, Tennessee Code Annotated, the compensation of the additional assistant attorney general for the first judicial circuit shall be the same amount per year as that provided by general law for such assistants.

**SECTION 4.** This act shall take effect upon becoming a law, the public welfare requiring it.  
Passed: April 25, 1967.

## Public Acts of 1971 Chapter 196

**SECTION 1.** There is created the office of an additional Assistant District Attorney General for the First Judicial Circuit. The District Attorney General of the First Judicial Circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the District Attorney General. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law and shall be licensed to practice law in the state of Tennessee.

**SECTION 2.** The Assistant Attorney General shall perform such duties and functions as may be assigned and directed by the District Attorney General of the First Judicial Circuit.

**SECTION 3.** The Assistant District Attorney General for the First Judicial Circuit shall receive an annual salary in equal monthly installments out of the treasury of the state as provided in Section 8-708, Tennessee Code Annotated.

**SECTION 4.** This Act shall take effect upon becoming a law, the public welfare requiring it.  
Passed: May 10, 1971.

## Public Acts of 1976 Chapter 545

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** There is established one (1) additional position of Assistant District Attorney General for the First Judicial Circuit of the State of Tennessee. That one (1) additional position of full-time Assistant District Attorney General shall be compensated according to the provisions of Tennessee Code Annotated, Section 8-708

**SECTION 2.** The aforesaid one (1) additional position of Assistant District Attorney General shall be appointed by the District Attorney General for the First Judicial Circuit and shall serve at his pleasure.

**SECTION 3.** This Act shall take effect on becoming a law, the public welfare requiring it.

No state funds shall be expended to fund the provisions of this act prior to July 1, 1976 and all acts creating additional District Attorney General or Assistant District Attorney General, Criminal Investigator or Judicial positions which are enacted during the 1976 session of the Eighty-Ninth General Assembly shall be given the priority in funding over this act, and no appropriation shall be made for the fiscal year 1976-77 except through the General Appropriations Bill and amendments thereto, or surplus funds otherwise available in the Judicial Budget, and no District Attorney General appointed or elected until said funds are available.

Passed: March 11, 1976.

## General Sessions Court

### Probate Jurisdiction

## Private Acts of 1981 Chapter 98

**SECTION 1.** The Judge of the General Sessions Court of Unicoi County is hereby vested with jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto, previously

vested in the County Court, the County Judge or County Chairman, and the Chancery Court. However, to assist the Judge of the General Sessions Court, the County Court Clerk shall be 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 surviving spouse and family of the deceased, preside over the assignment of homestead, direct and approve final distributions, and hear and determine all probate matters whether herein enumerated or not. Subject to the approval of the General Sessions Judge, such clerk may also take and state all accounts and settlements. The Judge of the General Sessions Court shall hear all probates in solemn form and may hear such other probate matters as he may deem proper. All action taken by the County Court Clerk shall be subject to review by the Judge of the General Sessions Court by simple motion, petition, or the filing of exceptions as may be appropriate.

**SECTION 2.** The Circuit Court for Unicoi County shall hear all appeals from the decisions of the Judge of the General Sessions Court.

**SECTION 3.** The procedure, rules of practice and laws governing the administration of estates in probate shall be the same as are now in effect, except where expressly changed by this Act.

**SECTION 4.**

(a) All probate matters and the administration of any estate pending in any other court in Unicoi such matter as if it had originated in such court.

(b) Upon approval of this Act by the county legislative body, all records and other documents relating to a probate matter or the administration of an estate in Unicoi County, except those records and documents that relate to a pending case, shall be transferred to the General Sessions Court of Unicoi County.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Unicoi County before January 1, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the Unicoi county legislative body and certified by him to the Secretary of State.

**SECTION 6.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective thirty (30) days after being approved as provided in Section 5. Passed: April 20, 1981

## Court System - Historical Notes

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

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

1. Private Acts of 1943, Chapter 221, created a three member board of jury commissioners in Unicoi County who were to be appointed by the circuit judge. This act was amended by Private Acts of 1945, Chapter 35, which lowered the minimum number of names to be submitted as perspective jurors from 100 to 400.
2. Private Acts of 1949, Chapter 159, provided that every regular juror serving on a jury in Unicoi County would be paid \$5.00 daily for such services from funds in the county treasury.

### **Chancery Court**

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

1. Public Acts of 1877, Chapter 40, set the time for holding the Unicoi County Chancery Court to the first Mondays in January and July at Vanderbilt.
2. Acts of 1885 (Ex. Sess.), Chapter 20, placed Unicoi County in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke and Hamblen counties. The time for holding said court in Unicoi County was set for the first Mondays in January and July.
3. Public Acts of 1891, Chapter 165, placed Unicoi County in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Claiborne, Grainger, Hamblen, Cocke, Greene, and Jefferson counties. The time for holding said court was set on the third Mondays in May and November.
4. Public Acts of 1899, Chapter 427, divided the state into ten chancery divisions. Unicoi County was placed in the first chancery division along with Johnson, Carter, Sullivan, Washington, Greene, Hawkins, Hancock, Claiborne, Grainger, Hamblen and Cocke counties. The time for holding said

court in Unicoi County was set for the third Mondays in March and September. This act was amended by Private Acts of 1901, Chapter 438, by placing Unicoi County in the second chancery division along with Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon and Scott counties. The time for holding said court in Unicoi County was set for the third Mondays in May and November.

5. Private Acts of 1927, Chapter 407, changed the time for holding the Unicoi County Chancery Court to the second Mondays in June and December.
6. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Unicoi County in the first chancery division, along with Johnson, Carter, and Sullivan counties. The time for holding said court was set for the second Mondays in June and December.

### **Chancery Court - Clerk and Master**

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Clerk and Master at \$1,000 per annum.
2. Private Acts of 1911, Chapter 333, set the salary of the Unicoi County Chancery Court Clerk at \$500 per annum. This act was amended by Private Acts of 1917, Chapter 187, by eliminating the fees of the clerk and master for making transcripts to the appellate courts from his accounting for salary, same to be regarded as his separate earnings. Private Acts of 1921, Chapter 32, further amended Acts of 1911, Chapter 333, by increasing the salary of the clerk and master from \$500 to \$1,200 annually. Private Acts of 1925, Chapter 656, further amended Private Acts of 1911, Chapter 333, above, by excepting from those fees required to be listed in the report of the clerk and master those fees collected as commissions on the sale of land by his office. The report was the one to be filed by January 1, with the county judge or court showing all the fees collected.
3. Private Acts of 1949, Chapter 214, provided that the clerk and master of Unicoi County would be paid a salary of \$1,800 annually if he filed a report with the county judge, or chairman, every month, sworn to and itemized, showing the amount of fees paid into his office.

### **Circuit Court**

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

1. Public Acts of 1877, Chapter 40, set the time for holding the Unicoi County Circuit Court to the fourth Mondays in February, June and October.
2. Public Acts of 1879, Chapter 45, set the time for holding the Unicoi County Circuit Court to the first Mondays of July, November and March.
3. Acts of 1885 (Ex. Sess.), Chapter 20, placed Unicoi County in the first judicial circuit, along with Johnson, Carter, Sullivan, Washington, Greene, Hawkins and Hancock counties. The time for holding said court for Unicoi County was set for the first Mondays in March, July and November. Public Acts of 1889, Chapter 74, amended Acts of 1885 (Ex. Sess.), Chapter 20, by placing the counties of Unicoi, Johnson, Carter, Sullivan, Washington, Greene, Hawkins and Hancock in the first judicial circuit. The time for holding said court in Unicoi County was set for the fourth Mondays in February, June and October.
4. Public Acts of 1899, Chapter 427, divided the state into fourteen judicial circuits. Unicoi County was placed in the first judicial circuit along with the counties of Johnson, Carter, Sullivan, Washington, Greene, Hawkins, Hancock and Claiborne. The time for holding said court in Unicoi County was set for the third Mondays in February, June and October.
5. Acts of 1903, Chapter 198, changed the court dates in Unicoi County for the circuit court to the second Mondays in January, May and September.
6. Private Acts of 1921, Chapter 303, fixed the times for holding the circuit court of Unicoi County to the second Mondays in January, May and September.
7. Private Acts of 1927, Chapter 407, assigned Unicoi, Johnson, Carter and Washington counties to the first judicial circuit changing the court terms for Unicoi to the fourth Mondays in March, July, and November.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Unicoi County in the first judicial circuit, along with Washington, Johnson and Carter counties. The time for holding said court was set for the fourth Mondays in March, July and November.
9. Public Acts of 1953, Chapter 18, showed the first judicial circuit to be composed of Unicoi, Washington, Carter and Johnson counties. Court terms at Erwin for Unicoi County commenced on

the first Monday in April, August, and December.

**Circuit Court - Clerk**

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Circuit Court Clerk at \$800 per annum.
2. Acts of 1903, Chapter 255, set up a salary schedule for circuit court clerks by counties according to population; the Unicoi County Circuit Court Clerk received \$500 annually.
3. Private Acts of 1921, Chapter 124, set the salary of the circuit court clerk of Unicoi County at \$1,000 payable quarterly in January, April, July and October, but required that an accurate record of the fees collected shall be kept and filed quarterly showing the amount of the fee and the source from which it was collected. If the fees were less than the salary, the county would make up the difference. This act was amended by Private Acts of 1923, Chapter 281, by increasing the salary of the circuit court clerk from \$1,000 to \$1,200 yearly.
4. Private Acts of 1949, Chapter 213, fixed the salary of the circuit court clerk in Unicoi County at \$1,800 annually, payable monthly, but also on condition that he file a sworn, itemized statement with the judge or the chairman, between the first and tenth days of every month, showing the amount of the fees paid into his office during the preceding month.

**Criminal Court**

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Criminal Clerk at \$800 per annum.
2. Public Acts of 1899, Chapter 427, set the time for holding the Unicoi County Criminal Court to the third Mondays in February, June and October.
3. Private Acts of 1925, Chapter 131, created a separate criminal court for the first judicial circuit composed at the time of Unicoi, Greene, Washington, Carter and Sullivan counties. The time for holding said court in Unicoi County was fixed to the second Mondays in March, July and November. Appropriate transfer of criminal jurisdiction took place in the act with provisions for the clerk of the circuit court and the sheriff to serve this court as they had previously served the circuit court. This act expired under its own terms on August 1, 1926, carrying this special court with it.
4. Public Acts of 1957, Chapter 47, amended T.C.A. 16-207, by changing the court dates for the criminal court of the first judicial circuit. Court times for Unicoi were to begin on the first Mondays in April, August and December.

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

The following act once affecting Unicoi County is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1971, Chapter 324, created the position of a secretary to the district attorney general of the first judicial district. The salary for this position was \$4,800 per annum.

**General Sessions**

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

1. Private Acts of 1955, Chapter 161, would have created a court of general sessions for Unicoi County, but this act was not approved at the local level and therefore did not become a law.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1953 Chapter 39

**SECTION 1.** That the counties of this State having a population of not less than 15,800 and not more than 16,000 by the Federal Census of 1950, or any subsequent census, the County Board of Education, shall consist of nine members, two of whom shall come from the county at large, and the other seven

shall be allocated to the five civil districts of said county, each to be a resident of the district from which elected. The county town being located in the Third Civil District, the said third district shall be represented by three members.

**SECTION 2.** That at the August election in 1954, the qualified voters of the Civil Districts represented by Fred Griffith, R. E. Spainhour, Haynes Brown and Carl Nelson shall elect a resident or residents of such Civil District as a member or members of the County Board of Education, as provided for herein, and that at the August election in 1956, the qualified voters of the Civil Districts represented by T. R. Masters, Richard Jones and Perrell Ferrell, shall elect a resident of such Civil District as a member of the County Board of Education, as provided for herein, and that at the August election in 1956, the qualified voters of the entire County shall elect two members to said Board of Education as members at large and which are now filled by Dr. Earl Peterson and N. C. Duncan. The term of office of each such member of the said County Board of Education shall be for four years from and after the September 1st. following the election at which they are elected, and they shall serve until their successors shall be elected and qualified.

**SECTION 3.** That the compensation, powers and duties of the members of the said County Board of Education as herein provided for, shall be the same as those provided for members of the County Board of Education by general law.

**SECTION 4.** That to the end that the schools of said County may be properly administered until the election of a new County Board of Education, as herein provided, the following citizens are hereby appointed to fill the vacancies of the said County Board of Education, and to serve until their successors are elected and qualified as provided for herein. Those appointed are as follows:

- For the First District--Fred Griffith
- For the Second District--T. R. Griffith
- For the Third District--Richard Jones, R. E. Spainhour, M. Haynes Brown
- For the Fourth District--Carl Nelson
- For the Fifth District--Ferrell Miller
- For the County at Large--Nat C. Duncan, Dr. Earl Peterson

**SECTION 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.  
 Passed: February 24, 1953

## Private Acts of 1961 Chapter 61

**SECTION 1.** That in counties of this State having a population of not less than 15,080 nor more than 15,090, according to the 1960 Federal Census or any subsequent Federal Census, the election of the members of the County Board of Education shall be by the qualified voters in said county rather than by the Quarterly County Court as now provided under the general law. At the regular election in August 1962, there shall be elected two Board members to serve in the place of those two whose terms expire in July 1961, and in July 1962, respectively; at the regular election in August 1964, there shall be elected two Board members to serve in the place of the two whose terms expire in July 1963, and July 1964, respectively; at the regular election in August 1966, there shall be elected two Board members to serve in the place of those two whose terms expire in July 1965 and in July 1966, respectively; and at the regular election in August 1968, there shall be elected one Board member to serve in the place of the Board member whose term expires in July 1967. The term of office for each of the Board members whose election is provided for in this Act shall be for a term of four years, beginning September 1 following their election, or until their successors shall have been elected and qualified. All terms of office thereafter for Board members in said county or counties shall be for a period of four years or until their successors shall have been elected and qualified. Vacancies created by the transition from the Board as it now exists to the Board provided for under the terms of this Act shall not be filled but shall remain vacant.

**SECTION 2.** That this Act shall have no effect unless the same be approved by a majority vote of the qualified voters of any such county voting thereon. It shall be the duty of the County Commissioners of Elections of the Counties to which this Act applies, to call an election for the County, for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and the voters shall vote for or against its adoption at the places appropriately provided therefor. The votes cast at such election shall be canvassed by the Commissioners of Elections of the county, upon the first Monday occurring five or more days next after the date of such election and the results shall be proclaimed by the Commission and certified by the Commission to the Secretary of State immediately after the votes have been canvassed. The general election laws, except as otherwise provided herein, shall apply in all respects to the election held hereunder.

As amended by: Private Acts of 1961, Chapter 349.

**SECTION 3.** That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: February 16, 1961.

## Compulsory Attendance

### Private Acts of 1933 Chapter 178

**SECTION 1.** That the officer known as Truant Officer in counties having a population of not less than 12,660, nor more than 12,690 according to the population fixed by the Federal Census of 1930 or any subsequent Census, be and the same is hereby abolished.

**SECTION 2.** That it shall be the duty of all school teachers in said counties, to report any and all children belonging to their respective schools every two weeks, to the County Superintendent of Public Instruction of said Counties, giving the name of such child not attending school, the name of its parents, or guardian, or any person having custody of said child, or children.

**SECTION 3.** That the said County Superintendent of Public Instruction shall upon receipt of the names of such child, or children not attending school as aforesaid, give written notice to said parents, or guardian, or any person having custody of said child or children, calling attention to the violation of the school law.

**SECTION 4.** That if within five days after being mailed the notice above provided for by said Superintendent, if any parent, guardian, or any person having custody of a child, or children shall not enter them in school, or give good and satisfactory reasons for not doing so, that the said Superintendent of Public Instruction shall turn over the names of such child, or children, together with the name of their parents, guardian or person having control of them, to the sheriff of said county, or any constable, who shall take out warrants and arrest said parents, guardian or other person having control of such child, or children and not sending them to school, and carry them before some Magistrate, or County Judge of said Counties for trial and upon conviction said parent, guardian or person having control of such child or children shall be fined for misdemeanor, as now provided for in the compulsory school law, together with all costs.

**SECTION 5.** That it shall be a misdemeanor for any school teacher in said county to fail or refuse to report to the County Superintendent as herein provided for the names of the children, and parents, guardian or person having custody of them.

**SECTION 6.** That it shall be a misdemeanor for any County Superintendent to fail or refuse to give notice herein provided for, to such parent, guardian or person having custody of any child, or children, reported to him as not sending them to school or to furnish the Sheriff or Constable said names.

**SECTION 7.** That this law take effect from and after its passage, the public welfare requiring it.  
Passed: March 23, 1933.

## Purchase of Property

### Private Acts of 1919 Chapter 307

**SECTION 1.** That Unicoi County of this State be and is hereby authorized and empowered to purchase real or personal property for common or high school purposes and to this end it may at any time, by and through its Quarterly Court, at any regular term or at a call term, or session, levy a tax in such a sum as may be sufficient to pay for the same. The said Quarterly Court of said county may make all contracts and agreements pertaining to said purchase.

**SECTION 2.** That any levy made for such purposes shall be made upon all the taxable properties of said county as levies are made for general taxes for other county purposes and such taxes so levied shall be collected by the officer of the county whose duty it may be to collect the taxes for general county purposes.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: March 24, 1919.

## Superintendent or Director of Schools

### Private Acts of 1949 Chapter 158

**SECTION 1.** That in counties of this State having a population of not less than 14,100, nor more than



14,200, by the Federal Census of 1940, or any subsequent Federal Census, beginning at the August election, 1952, County Superintendents of Education shall be elected by a popular vote of the qualified voters of said counties and such official shall take office upon September 1 next following his election. His term of office shall be four years and until his successor shall be elected and qualified. Quadrennially thereafter, elections shall be held for such position. Qualifications, duties and salary of such official shall be as now provided and fixed by general law.

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring the same, but the first election to be held hereunder shall not occur until the first Thursday in August, 1952, and the first incumbent elected under this Act shall not take office until September 1, 1952.

Passed: February 11, 1949.

## Teacher Retirement

### Private Acts of 1937 Chapter 808

**SECTION 1.** That counties in the State of Tennessee, having a population of not less than 12,670 nor more than 12,680, according to the Federal Census of 1930 or any subsequent Federal Census, be and are hereby authorized to retire from active service and to grant pensions to persons who have taught in the county schools for twenty-five years or more. Such pensions shall not exceed in amount the sum of Fifty Dollars (\$50.00) nor under Fifty Dollars (\$50.00) per month.

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

Passed: May 20, 1937.

## Education/Schools - Historical Notes

### Board of Education

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

1. Private Acts of 1951, Chapter 613, created a board of education for Unicoi County. The act provided for their election and prescribed their powers, duties and compensation. This act was repealed by Private Acts of 1953, Chapter 40.
2. Private Acts of 1998, Chapter 130, amended the Private Acts of 1953, Chapter 39, and Private Acts of 1961, Chapters 61 and 349, changed the Unicoi County Board of Education from a seven member board to a six member board. Private Acts of 1998, Chapter 130, was not adopted locally.

### General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Unicoi 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 1905, Chapter 165, created the thirteenth school district of Unicoi County by describing the area embraced thereby a metes and bounds description, granting to it all the rights and privileges given to other school districts and directing the county superintendent of public schools to appoint three school directors to serve until the next general election, or until their successors are elected and qualified. A special election for this purpose would be conducted at the Clear Branch Schoolhouse.
2. Acts of 1907, Chapter 71, created the fifteenth school district of Unicoi County which involved among other things the tenth and thirteenth school districts, Raven Cliff, Spring's Creek, and Tumbling Creek. The remainder of the act is similar to the provisions of the 1905 Act in Item 1, except that the election will be held at the Coffee Ridge Schoolhouse for the three school directors.
3. Acts of 1907, Chapter 296, created the eighth school district of Unicoi County and provided for the special election of three school directors at Spivy Schoolhouse.
4. Acts of 1909, Chapter 494, required parents and guardians of Unicoi County to cause children between certain ages to attend public school for at least four months or eighty days consecutively each year. This act was repealed by Public Acts of 1978, Chapter 716.
5. Private Acts of 1925, Chapter 74, gave the Unicoi Quarterly County Court the authority to issue and sell, give, pledge, or in any manner dispose of negotiable, non-negotiable,

interestbearing notes, warrants, or other evidences of debts upon the full faith and credit of the county. All conflicting laws were repealed by this one granting this blanket authority. This act was repealed by Private Acts of 1929 (Ex. Sess.), Chapter 73.

6. Private Acts of 1929, Chapter 230, validated the issuance and sale of \$150,000 of 5½ school notes of Unicoi County, the proceedings of the quarterly county court of said county had incident thereto, and provided for the payment of such notes and interest.
7. Private Acts of 1931, Chapter 282, authorized the Unicoi Quarterly County Court to issue up to \$30,000, in 6%, 25-year bonds with only the amount of the bonds to be issued submitted to the people by referendum. All other details of this bond issue to construct and improve public schools were left to the judgment and discretion of the Unicoi Quarterly County Court.
8. Private Acts of 1931, Chapter 494, contained recitals that the Martin's Creek School burned at a total loss and the Unicoi County Board of Education had resolved to build the school back at an estimated additional cost of \$31,000. The insurance collected on the fire amounted to only \$16,000 and was therefore inadequate to complete the work. The bond issue was for \$40,000, \$9,000 of which would go to pay the debts of the highway department and the remainder to rebuild the school. The maximum interest rate was 6% and the bonds would mature according to the schedule in the act which also had the form of the bond written out. A tax of 15 cents per \$100 property valuation would be levied for the next six years to repay the bonds.
9. Private Acts of 1955, Chapter 26, would have required the payment of prevailing wages in the region to certain persons engaged in repairing and maintaining public schools in Unicoi County; however, this act was rejected by Unicoi County and therefore never became law.

## Chapter VII - Elections

### Districts - Reapportionment

#### Private Act of 1953 Chapter 42

**SECTION 1.** That the Civil Districts of Unicoi County be and are hereby rearranged into five Civil Districts, and the numbers of said Districts and the boundaries of same established as hereinafter provided, to-wit:

##### FIRST DISTRICT

The First Civil District shall consist of the territory within the following boundaries: Beginning at a point on the line between the State of North Carolina and the State of Tennessee where Greene County and Unicoi County join, and running thence along the boundary line between Greene and Unicoi Counties to a point known as Wilson Knob on top of Rich Mountain, this being the division line between the 7th and 9th voting precincts of Unicoi County; thence along the line between said 7th and 9th voting precincts, along the top of Higgin's Ridge to a point near the end of said Ridge; thence continuing with the division line between said voting precincts, passing a cemetery and crossing South Indian Creek and U. S. Highway 23 and 19W Northeast of Earnestville and continuing to the point where said division line intersects the line between 7th and 8th voting precincts; thence continuing, in an easterly direction, along the division line between said 7th and 8th voting precincts to a point in the center of the Nolichucky River at the line between North Carolina and Tennessee; thence along said boundary line between the States of North Carolina and Tennessee to the beginning point at the Greene County line, including the 1st, 8th, 9th, and 10th voting precincts of Unicoi County. Mr. R. M. Sams and Mr. Labe Gentry shall serve as Justices of the Peace for this said First Civil District of Unicoi County, Tennessee, until September 1, 1954, with their successors to be selected by the voters at the general county elections in August, 1954.

##### SECOND DISTRICT

The Second Civil District shall consist of the territory within the following boundaries: Beginning at a point on the line between the States of North Carolina and Tennessee, in the center of the Nolichucky River, and running thence along the line between North Carolina and Tennessee to a point on said line, in the Unaka National Forest, designated by the U. S. Forest Service as its corner No. 389; thence in a northwesterly direction, a direct line to the head of Martin Creek; thence with the center of Martin Creek, as it meanders, to the center of the Nolichucky River; thence down the center of the Nolichucky River, as it meanders, to the line between Washington and Unicoi Counties; thence along the line between Washington and Unicoi Counties, in a Westerly and Southwesterly direction, to the Greene County line; thence along the line between Greene and Unicoi Counties, in a Southeasterly direction, to the Wilson Knob on top of Rich Mountain, the corner to the First Civil District, hereinbefore described; thence along the line of said First

Civil District to a point in the center of the Nolichucky River at the line between North Carolina and Tennessee, the point of beginning. Mr. Dewey Frye and Mr. Bernie Bailey shall serve as Justices of the Peace for this said Second Civil District of Unicoi County, Tennessee, until September 1, 1954, with their successors to be selected by the voters at the general county elections in August, 1954.

THIRD DISTRICT

The Third Civil District shall consist of the territory within the following boundaries: Beginning at a point on the line between the States of North Carolina and Tennessee, in the Unaka National Forest, designated by the U. S. Forest Service of Corner No. 389, and running thence along the line between North Carolina and Tennessee, in a Northeasterly direction, to a point designated by said Forest Service as corner No. 379; thence in a Northerly direction, a direct line, to the center of Rock Creek; thence down the center of Rock Creek, and the Northern prong thereof, in a Northwesterly direction, to the center of North Indian Creek; thence North 70 West to the line between Washington and Unicoi Counties on the Buffalo Mountain; thence along the line between Washington and Unicoi Counties, in a Westerly and Southwesterly direction, to the center of the Nolichucky River, the corner to the Second Civil District, hereinbefore described; thence along the line of said Second Civil District to a point on the line between North Carolina and Tennessee, the point of beginning. The county town being located in this Civil District, Mr. L. H. Alfred, Mr. A. F. Beckelheimer and Mr. Fred D. Booth shall serve as Justices of the Peace for this said Third Civil District of Unicoi County, Tennessee, until September 1, 1954, with their successors to be selected by the voters at the general county elections in August, 1954.

FOURTH DISTRICT

The Fourth Civil District shall consist of the territory within the following boundaries: Beginning at a point on the line between Washington and Unicoi Counties, on the Buffalo Mountain, the corner to the Third Civil District, hereinbefore described, and running thence along the line between Washington and Unicoi Counties, in a Northeasterly direction, to a point which is the division line between the 4th and 11th voting precinct of Unicoi County; thence along the division line between said 4th and 11th voting precinct, in a Southeasterly direction, to a point on the Rattlesnake Ridge and on the line of the 2nd voting precinct; thence along the line between the 4th and 2nd voting precincts, in a Northeasterly direction, along Stone Mountain, to the line between Carter and Unicoi Counties; thence along the line between Carter and Unicoi Counties, in a Southwesterly direction, to the line between North Carolina and Tennessee; thence along the North Carolina-Tennessee line to the U. S. Forest Service corner 379 on the Unaka Mountain, the corner to the Third Civil District, hereinbefore described; thence along the line of said Third Civil District, in a Northwesterly direction, to the Washington County line on the Buffalo Mountain, the point of beginning. Mr. Sam Jones and Mr. Clarence McInturff shall serve as Justices of the Peace for this Fourth Civil District of Unicoi County, Tennessee until September 1, 1954, with their successors to be selected by the voters at the general county elections in August, 1954.

FIFTH DISTRICT

The Fifth Civil District shall consist of the territory within the following boundaries: Beginning at a point on the line between Carter County and Unicoi County, on the Stone Mountain, the corner to the Fourth Civil District, and running thence with the line between Carter and Unicoi Counties, Northeasterly, Northwesterly and Southwesterly to the Washington County line at the Haynes Knob on the Buffalo Mountain; thence with the Washington County- Unicoi County Line, along the Buffalo Mountain, in a Southwesterly direction, across the Pinnacle, and to the Fourth Civil District line, as hereinbefore described; thence with the line of said Fourth Civil District to the Carter County line, the point of beginning. Mr. Earl McInturff and Mr. W. R. Anderson shall serve as Justices of the Peace for this Fifth Civil District of Unicoi County, Tennessee until September 1, 1954, with their successors to be selected by the voters at the general county elections in August, 1954.

**SECTION 2.** That the number of Civil Districts of Unicoi County, as herein established, shall not be increased or diminished except by Act of the General Assembly of the State of Tennessee.

**SECTION 3.** That this Act shall take effect from and after its passage, the public welfare requiring it, and all laws in conflict with this Act are hereby repealed.

Passed: February 20, 1953.

## Voter Registration

### Private Acts of 1945 Chapter 173

**COMPILER'S NOTE:** Some of the provisions of this act may be superseded by general law.

**SECTION 1.** That in order to require voters to vote in election precincts in which they reside, to secure

the freedom and purity of the ballot box in certain Counties by preventing plural voting and to encourage and facilitate the registration of voters in such Counties, all Counties of the State of Tennessee having a population of not less than 14,100 nor more than 14,200 inhabitants according to the Federal Census of 1940 or according to any subsequent Federal Census, are exempted from the operation of Sections 1996 to 2026, inclusive, of the 1932 Official Code of the State of Tennessee; the laws established by such Code provision shall be inapplicable in said Counties and the registration of voters in such Counties shall be on a permanent basis as provided hereinafter.

**SECTION 2.** That

*Registration Is Prerequisite to Voting.*

In addition to the other requirements of law, each voter shall be registered as herein provided before being allowed to exercise the elective franchise in any election (including municipal and nominating primary elections) held in any civil district, ward or voting precinct.

**SECTION 3.** That

*Place of Registration.*

Voters are entitled to be registered only in the voting precinct in which they maintain actual or legal residence; provided, that for the purpose of voting in any municipal election in which voting is authorized on property qualification, a voter not otherwise qualified to vote in such election may be registered on property qualifications in any one of the voting precincts wherein such voter may own property, but such registration shall be valid only for municipal elections. And provided further, that a voter may register and vote in any voting precinct within the Civil District in which he lives or maintains legal residence if outside a municipality, or if within a municipality, then in any voting precinct within the Ward in which he lives, or maintains legal residence.

**SECTION 4.** That

*Registration Permanent.*

Registration of voters shall be continuous or permanent, so that when a voter has been registered it will be unnecessary thereafter for such voter to re-register except in those cases in which the voter either:

- (a) moved to another voting precinct;
- (b) changes name by marriage or otherwise;
- (c) loses the legal right to vote by a Court judgment.

As amended by: Private Acts of 1949, Chapter 243

**SEC. 5.** That

*Those Entitled to Register; Effective Date of Registration.*

All persons qualified to vote under existing laws at the date of application for registration, including those otherwise qualified who will arrive at the legal voting age by the date of the next succeeding election following the application to register, and those otherwise qualified who have lived in the State for twelve (12) months and in the county in which they apply for registration six (6) months by the date of the next succeeding election, and also those otherwise qualified who have had any disability to vote removed by the date of their application to register shall be entitled to be registered as voters under the provisions of this Act; provided, however, that any registration or re-registration hereunder shall be ineffective to entitle a registrant to vote in any election until such registration or re-registration has been in effect for twenty (20) days from the date thereof.

**SEC. 6.** That

*Termination and Cancellation of Registration.*

The registration of any person hereunder shall become void whenever such persons either:

- (a) moved his residence to another voting precinct
- (b) changes name by marriage or otherwise, or
- (c) loses the right to vote by Court judgment or
- (d) dies.

When a registration is terminated it is the duty of the Registrar and the County Election Commission to cancel the registration of such person by endorsing on the face of the registration records at the name of such person that the registration is terminated as of a certain date and the reason for termination.

No person shall be re-registered in a voting precinct different than that in which such person's registration has been terminated and canceled until the Registrar in the voting precinct in which registration is applied for has received a certificate signed by the Registrar of the voting precinct of former registration, or from the County Election Commission that the former registration therein has been canceled. Certificates evidencing cancellation or registration shall be furnished at any time and without charge to any former registrant by the Registrar of the voting precinct in which such person was formerly registered or by the County Election Commission of the county in which such voter was formerly registered. Upon the completion of re-registration the certificate of cancellation of former registration shall be retained by

the Registrar.

As amended by:

Private Acts of 1949, Chapter 243

**SECTION 7.** That  
*Registration Periods.*

(a) The first registration under the provisions of this Act shall take place in each voting precinct for ten successive days beginning the first Tuesday in the month of August, 1945. It shall be the duty of Registrars for each voting precinct on the days designated for registration herein to open an office for the registration of voters in some convenient place in each voting precinct and to keep such office open from nine o'clock A.M. until nine o'clock P.M. for the purpose of registering voters who appear in their own proper person before said Registrants.

(b) In addition, any person entitled to register or re-register shall be registered by the County Election Commission at its office, or selected place of business, in the county seat, which shall be open for business during regularly appointed hours, and shall conduct its business therein, replacing lost registration certificates, correcting and copying permanent registration forms and performing the other duties required of the Commission, and that the County Election Commissioners may employ a Registrar-at-large for the County who is authorized to act for the Commission in issuing, canceling, correcting, copying and replacing permanent registrations and the forms and certificates relating thereto.

(c) The County Election Commission is authorized to register as absentee voters in any voting precinct any person who has formerly been a registered voter in such voting precinct and who is required by regular business or occupation and habitual duties to be absent from the city and county in which registered, upon the filing of an affidavit of such person with the Election Commission setting forth the place of legal residence within the voting precinct and the necessity for absence therefrom, together with the other information required for registration.

**SECTION 8.** That

*Commissioners of Election Shall Appoint Registrars; County Shall Pay for Registration.*

It shall be the duty of the Commissioners of Election in each county to appoint Registrars of voters for each voting precinct, to designate the place in each voting precinct at which the Registrars shall maintain their offices on the days of registration, to purchase and furnish the Registrar with the required registration books, stationery and forms at the expense of the respective counties; and said Commissioners shall certify the necessary expense of registration together with the other costs to the County Judge or Chairman, who shall issue his warrant on the County Treasury to pay for the same. The Commissioners of Election and the Registrars shall be held accountable as custodians for the registration books, stationery and forms hereinafter provided for. A majority of the Commissioners of Election shall have full power to act in all matters concerning registration of voters, and at least ninety (90) days prior to every period of registration shall appoint two (2) registrars of voters for each voting precinct, both of whom shall be residents of the voting precinct in which they are intended to serve, and not more than one of whom shall be for the same political party. Each permanent registration form and certification of registration shall be signed by both registrars or by the Registrar-at-Large.

**SECTION 9.** That

*Notice of First Registration.*

It shall be the duty of the Commissioners of Election to give at least ten (10) days' notice of the time and place of the first registration to be held under the provisions of this Act in some newspaper published in the county wherein such registration is to be held, or give like notice by written or printed notices posted in three or more public places in each voting precinct of the county.

**SECTION 10.** That

*Permanent Registration Forms.*

(a) Permanent registration forms for the registration of voters shall be prepared and supplied by the Commissioners of Election in sufficient quantities to enable all eligible voters to register. Such forms shall consist of an equal number of original forms one color and duplicate forms of another color. Each set of original and duplicate registration forms shall be serially number and each of such forms shall be suitable for locking in a loose-leaf binder, shall be approximately ten (10) inches by ten (10) inches so as to contain on the face thereof a margin of approximately two (2) inches for binding and shall contain the information hereinafter required.

(b) Space shall be provided on both the original and the duplicate forms at the top for the word "original" on the original forms and the word "duplicate" on the duplicate forms, to be followed immediately below the words "Permanent Registration" on both forms, which shall contain the following information concerning each applicant for registration:

1. The full name, including middle initials, if any. In the case of a man, the name shall be

prefixed by the word "Mr." and in the case of a woman the name shall be prefixed by the words "Mrs." or "Miss".

2. The place of residence and street address, including number of house, if numbered; if not numbered, then a designation of its location, and if not the owner thereof, the name of owner or renter. If the applicant resides at a hotel, apartment or boarding house, or institution, such additional information may be included as may be deemed necessary to give the exact location of the applicant's place of residence.

3. The applicant's statement that he is 21 years of age or over, that he is a citizen of the United States and of the State of Tennessee, and that he will have resided in the State of Tennessee for at least one year and in the County for at least six (6) months immediately preceding the next general election, all of which shall be indicated by the word "yes".

4. Whether he is a native-born citizen or a citizen by naturalization.

5. Applicant's color.

6. The voting precinct, including post office and county from which he was last register

7. Whether the applicant is married or single.

8. His vocation.

9. Whether or not applicant has ever been disqualified as a voter by judgment of decree of any court; if so, when and by what Court reinstated.

10. The signature in person or by mark of the applicant; provided, however, that if the applicant is totally disabled so that he cannot write or make his mark, the Registrar or County Election Commissioner may sign for such applicant.

11. Immediately above the space for the signature of the applicant shall be printed these words: "I, being duly sworn on oath (or affirmation) depose and say (or affirm) to the best of my knowledge and belief that the foregoing statements made by me are true and correct."

12. The filing date of the application and the signature of Registrar or other person authoriz For the purpose of taking affidavits of applicants for registration the Registrars and Commissioners of Election are empowered to administer oaths to applicants. Immediately to the right of the above permanent registration and identification statement shall be printed a column approximately 2½ inches wide for subsequent changes of address or removal of such applicant from one district to another.

(c) The original and duplicate registration form shall be substantially in the following form with the County Election Commission being hereby given express authority to prescribe the exact forms necessary to effectuate and carry out the purposes of this Act.

ORIGINAL

No. \_\_\_\_\_

*Permanent Registration*

Mr. \_\_\_\_\_

Name Mrs. \_\_\_\_\_

Miss \_\_\_\_\_ Full Name

Resident \_\_\_\_\_

Number \_\_\_\_\_ Street or Road

Exact Location \_\_\_\_\_ Apt. No. \_\_\_\_\_

Room Number \_\_\_\_\_ Floor No. \_\_\_\_\_

City \_\_\_\_\_ Ward \_\_\_\_\_ Voting Precinct \_\_\_\_\_

Are you 21 years of age or over; are you a citizen of the United States and of Tennessee; will you have resided in Tennessee at least one year and in the County at least six months on or before the next General Election \_\_\_\_\_

Are you a native born or naturalized citizen? \_\_\_\_\_

Color \_\_\_\_\_

Where last registered \_\_\_\_\_

State of Tennessee )

County of \_\_\_\_\_ ) ss

I, being duly sworn by oath (or affirmation), depose and say (or affirm) to the best of my

knowledge and belief that the foregoing statements made by me are true and correct.  
Sworn to and subscribed before me this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_\_.

Signature of Applicant

\_\_\_\_\_  
\_\_\_\_\_

Signature of Registrar or other person  
taking Affidavit

\_\_\_\_\_  
\_\_\_\_\_

Authority to take Affidavit

\_\_\_\_\_  
\_\_\_\_\_

(Signature of Second Registrar (if registered in Voting Precinct)

INDEX

\_\_\_\_\_  
\_\_\_\_\_

First four letters of surname  
Change in Address

TO \_\_\_\_\_

CITY \_\_\_\_\_

WARD \_\_\_\_\_ DISTRICT \_\_\_\_\_

DATE \_\_\_\_\_

TO \_\_\_\_\_

CITY \_\_\_\_\_

WARD \_\_\_\_\_ DISTRICT \_\_\_\_\_

DATE \_\_\_\_\_

TO \_\_\_\_\_

CITY \_\_\_\_\_

WARD \_\_\_\_\_ DISTRICT \_\_\_\_\_

DATE \_\_\_\_\_

TO \_\_\_\_\_

CITY \_\_\_\_\_

WARD \_\_\_\_\_ DISTRICT \_\_\_\_\_

DATE \_\_\_\_\_

TO \_\_\_\_\_

CITY \_\_\_\_\_

WARD \_\_\_\_\_ DISTRICT \_\_\_\_\_

DATE \_\_\_\_\_

(Note the termination of this registration by an endorsement across the face canceling it, giving date and  
reason therefor with signature and authority of person canceling and drawing a line across the unused  
portion of the voting form on reverse hereof. Withdraw canceled certificates from binder and file with the  
Commissioners of Election after two whole years.)

**SECTION 11.** [Deleted by Private Acts of 1949, Chapter 243, Section 3.]

**SECTION 12.** That  
*Certification of Registration.*

At the time of registration each registered voter will be given a signed card, approximately 2½ inches by 4  
inches, attesting his resignation and identity as a registrant in substantially the following form:

PERMANENT REGISTRATION CERTIFICATE

Mr.

This is to certify that Mrs. \_\_\_\_\_

Miss

of the \_\_\_\_\_ voting precinct of  
\_\_\_\_\_, Tennessee, was duly registered on the

City County

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_;  
 Registration No. \_\_\_\_\_, Color \_\_\_\_\_, Age \_\_\_\_\_;  
 Residence \_\_\_\_\_,  
 and is entitled to vote when otherwise qualified twenty (20) days after the issuance of this  
 certificate, provided there is no change of residence before offering to vote.

*Registrars or Commissioner of Election*

On the reverse side of the permanent registration certificate shall be printed the first full paragraph of Section 6 of this Act.

**SECTION 13.** That  
*Correction of Errors and Replacement of Lost Certificates.*

The Commissioners of Election are authorized to replace any permanent registration certificate on the affidavit or affirmation of the registrant that such permanent registration certificate has been lost and cannot be found. The Commissioners of Election are authorized to correct any errors upon the registration records which are apparent on the face of said record or which are called to their attention by affidavit of the registrant.

**SECTION 14.** That  
*Filing Registration Forms.*

The original and duplicate registration forms when filled out shall be filed alphabetically by voting precincts in the office of the Commissioners of Election in separate sets of locked binders, one for permanent office records and the other for use in the polling places on election day. Each binder shall be divided by appropriate alphabetical index tabs and if desirable, either the permanent or the duplicate permanent registration forms may be divided into two or more volumes. The original permanent registration forms shall not be removed from the office of the Commissioners of Election except upon the orders of a court of competent jurisdiction, and shall be kept posted from the duplicate permanent registration forms. The duplicate copy of the permanent registration form shall be used by the Registrars in the polling places at elections. The permanent registration forms shall be the official record of a person's eligibility to vote in any election.

**SECTION 15.** That  
*Registrars to Attend Elections.*

On the day of any election the Registrars for each voting precinct shall attend at the place of holding said election, with the duplicate permanent registration form book which shall be evidence of registration, and they shall occupy a place inside the polling precincts and as each voter therein registered shall vote, said Registrars shall insert in the voting record form of said voter the number of the stub on the ballot furnished such voter; and said Registrars shall make a list of the names of the voters and return the same to the officer holding the election, who shall file the same with the election returns. In voting precincts in which voting machines are used, the number on the Registrar's slip given to the voter shall be noted on the voting record instead of the ballot stub number.

**SECTION 16.** That  
*Compensation of Registrars.*

For each day's attendance during the various registration periods and for attendance at the polls, the Registrars shall be compensated in the sum of \$4.00 per day each, to be paid out of the County Treasury on the warrant of the Judge or Chairman of the County Court upon the certification of the account by the Commissioners of Election, provided, that the compensation herein provided may be increased by action of the County Court in any county. In case of municipal elections, the compensation of the Registrars shall be paid by the municipality for which said election was held.

**SECTION 17.** That  
*Affidavit as to Correctness of Registration Books.*

At the end of any period of registration, the Registrars shall make affidavit before any officer in their county authorized by law to administer oaths on a form provided by the Commissioners of Election as to the correctness of their registration and that they have in all respect in conducting such registration complied with the provisions of this Chapter. This affidavit shall be filed with the Election Commission when the permanent registration forms are returned to it.

**SECTION 18.** That  
*Oath of Registrars.*

Before entering upon the performance of any duties pertaining to their offices, each Registrar shall take and subscribe to the following oath upon a form supplied by the Commissioners of Election:



"I do solemnly swear (or affirm) that I will faithfully and impartially keep the register of voters in my voting precinct, that I will not knowingly register or allow to be registered any person not a legally qualified voter and that I will not knowingly prevent any person from registering who is a legally qualified voter, so help me God."

**SECTION 19.** That  
*Denial of Registration.*

If the Registrars do not permit an applicant for registration to register or are divided as to the applicant's right to register, said applicant shall not be registered, provided, however, any applicant denied registration shall be entitled to apply to the Commissioners of Election for registration within three (3) days or upon any day upon which the office of the Commissioners of Election is open and obtain the ruling of the Commissioners of Election upon his right to be registered, and the action of the Board of Commissioners therein shall be final.

**SECTION 20.** That  
*Refusal or Inability of Registrars to Act.*

In case of the temporary absence of a duly appointed Registrar on any of the days fixed for registration or election, from sickness or other cause, the Commissioners of Election shall select a person from the political party to which such Registrar belongs, to act for and in the stead of the absent Registrar during such temporary absence; provided, however, that said temporary Registrar shall subscribe to the oath undertaken by regular Registrars before entering upon the duties required.

**SECTION 21.** That  
*Division of Voting Precincts.*

If any voting precinct shall be divided after coming under the provisions of this Chapter, it shall be the duty of the Commissioners of Election to separate the permanent registration forms in the binders of the old precinct according to the residences of the respective registrants and provide new binders for the new voting precinct, restoring to the old binders the permanent registration forms of those registrants who remain in the old voting precinct.

**SECTION 22.** That  
*Primary Elections.*

When primary elections are held on the same day as general elections, the Commissioners of Elections shall furnish to the primary election officials of each party and at each polling place a certified copy of the names of all persons registered in such precinct for use in determining the qualifications of those who may offer to vote in such primary. Space shall be provided on each certified list for the primary election officials to enter the primary ballot number of each registrant who votes in such primary opposite the registrant's name. Immediately after the election, the primary election officials shall return this certified list to the Registrars in each voting precinct, who shall enter the primary ballot number together with an indication of the primary in which the registrant has voted upon the voting record of each registrant on the permanent registration form of each registrant. Each Registrar shall be allowed compensation for one additional day for this work.

**SECTION 23.** That  
*Custody of Registration Books.*

Between registration periods and elections and until the next election or registration period, the permanent registration forms shall be kept by the Commissioners of Election for safekeeping and said Commissioners shall be held responsible for the same as in the case of other public records. Any entries on permanent registration forms signed by the Registrant and the Registrars shall be prima facie evidence of the truth thereof, and any such statement shall be admissible evidence in the Courts of this State without further attestation when presented by the Commissioners of Elections in response to a subpoena.

**SECTION 24.** That  
*Criminal Offenses: Fines and Imprisonment.*

It shall be a criminal offense against the laws of this State for any person to register or to have his name registered as a qualified voter under this Chapter when he is not entitled to vote; to vote or attempt to vote on a certification of registration or permanent registration form issued to some one other or otherwise than the person voting or offering to vote on the same; to procure or induce any other person to register or be registered as a voter, such person not legally qualified as such; to induce or procure any other person to vote or attempt to vote on any registration certificate or permanent registration form issued to another or otherwise than the person voting or offering to vote on the same; to alter, change, forge or counterfeit or procure the same to be done by another, any of the registration forms or books provided for in this Chapter; to issue, circulate, or in any way use, or attempt to use, any fraudulent certificate or registration or permanent registration form, the same not having been regular issued by duly appointed and legally qualified Registrars or Commissioners of Election as provided for in this Chapter; to willfully and knowingly vote or attempt to vote on a registration which has not been in effect twenty

(20) days prior to the day of the election; and for any Registrar to willfully refuse to register any legally qualified voter; for any person to knowingly and willfully make any statement which is materially false in an application for registration or in any affidavit required under this Chapter. Any person convicted of either of the aforesaid offenses shall be fined not less than \$50.00 nor more than \$1,000.00; or be confined in the county jail not less than thirty (30) days nor more than eleven months and twenty-nine days, or both, in the discretion of the Court; and, upon conviction, it shall be part of the judgment of the Court that such person shall be deprived of the right to vote, or to hold office under the laws of this State for the term of three years from the date of such conviction.

**SECTION 25.** That if any section, paragraph, or sentence of this Act be held unconstitutional for any reason, it is the expressed intent of the Legislature that such holding shall not invalidate any other portion of this Act in that the same would have been enacted without such section.

**SECTION 26.** That the Commissioners of Election in each County are empowered to incur such expenses as they may deem necessary in the execution of this Act and to employ such personnel as is required to execute it. The expenses incurred therefor shall be paid from County funds upon the certification of the Chairman of the Commissioners of Election to the County Judge.

**SECTION 27.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 6, 1945.

## Voting Precincts

### Private Acts of 1947 Chapter 259

**COMPILER'S NOTE:** This act should be read in conjunction with Private Acts of 1951, Chapter 700 which follows this act.

**SECTION 1.** That voting precincts within the civil districts of Unicoi County be and are hereby established, and the numbers of said precincts and the boundaries of same established as hereinafter provided, to-wit:

#### WITHIN THE FIRST CIVIL DISTRICT

The First Civil District shall have the following voting precincts within the boundaries described:

- 1st. voting precinct at the Rocky Fork School, and embraces the territory now within said precinct.
- 8th. voting precinct at the voting booth now used and embraces the territory now within said precinct.
- 9th. voting precinct at the Clear Branch School, and embraces the territory now within said precinct.
- 10th. voting precinct at the Flagpond School, and embraces all of the territory now within said precinct.

#### WITHIN THE SECOND CIVIL DISTRICT

- 6th. voting precinct at a place in the Bumpas Cove to be selected and furnished by the Unicoi County Court, and embraces all of the territory formerly contained in the old Sixth Civil District.
- 7th. voting precinct at the Temple Hill School, and embraces all of the territory now within said precinct.
- 12th. voting precinct at the Love's Chapel School, and embraces all of the territory contained in the present Second Civil District not included in the 6th and 7th voting precincts.

#### WITHIN THE THIRD CIVIL DISTRICT

- 5th. voting precinct at the Love Street School, and embraces all of the territory within the Third Civil District to the south and west of the center of Gay Street, and Gay Street extended.
- 13th. voting precinct at the Elm Street School, and embraces all of the territory within the Third Civil District to the North and East of the center of Gay Street and Gay Street extended.

#### WITHIN THE FOURTH CIVIL DISTRICT

- 2nd. voting precinct at the Limestone Cove School, and embraces all of the territory now within said precinct.
- 11th. voting precinct at the Fishery School, and embraces all the territory within the Fourth Civil District not included in the 2nd. voting precinct.

#### WITHIN THE FIFTH CIVIL DISTRICT

- 3rd. voting precinct at the Fagan's Chappel School, and embraces all of the territory now within said precinct.
- 4th. voting precinct at the Unicoi School, and embraces all of the territory within the Fifth Civil District not included in the Third voting precinct.

As amended by: Private Acts of 1953, Chapter 43

## Private Acts of 1953, Chapter 172

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

Passed: February 17, 1947.

## Private Acts of 1951 Chapter 700

**SECTION 1.** That Chapter 259, private Acts of 1947, the title of which is set out in the title of this Act, be, and the same is, hereby amended to provide an additional voting precinct, within the Second Civil District, which precinct will be the Thirteenth Precinct with voting place at the Bumpus Cove School House, and embraces all the territory formerly contained in the Old SIXTH CIVIL DISTRICT.

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

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

Passed: March 16, 1951.

## Elections - Historical Notes

### **District - Reapportionment**

The acts listed below have affected the civil districts in Unicoi County, but are no longer operative regarding elections.

1. Private Acts of 1921, Chapter 197, changed the lines of the fifth and twelfth civil districts of Unicoi County by removing from the twelfth civil district that portion which laid within the corporate limits of the town of Erwin, and extended the line of the fifth civil district to be up to and even with the said corporate line.
2. Private Acts of 1947, Chapter 310, divided Unicoi County into three civil districts which were described by their respective boundary lines and the number thereof shall not be increased or diminished except by act of the general assembly, but the existing terms of the justices of the peace and the constables in the former civil districts would be honored.

### **Elections**

The following is a listing of acts for Unicoi County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Unicoi, Carter, Johnson, Sullivan and Washington composed the first senatorial district. One representative was jointly elected by the counties of Unicoi, Carter, Johnson, Washington, Greene and Sullivan.
2. Public Acts of 1882 (2nd Ex. Sess.), Chapter 27, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Unicoi, Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Hamblen, Hancock, Cocke, Claiborne and Grainger composed the first congressional district.
3. Public Acts of 1891, Chapter 131, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Unicoi, Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger composed the first congressional district.
4. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Unicoi, Carter, Johnson, Washington and Greene composed the first senatorial district. One representative was jointly elected by the counties of Unicoi, Johnson, Sullivan, Washington, Greene, Hawkins and Hancock.
5. Public Acts of 1901, Chapter 109, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Unicoi, Sullivan, Johnson, Carter, Washington, Greene, Hawkins, Hancock, Claiborne, Grainger, Cocke and Sevier composed the first congressional district.
6. Public Acts of 1901, Chapter 122, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Unicoi, Johnson, Carter, Washington and

Greene composed the first senatorial district. One representative was jointly elected by the counties of Unicoi, Greene and Washington.

7. Private Acts of 1949, Chapter 160, provides that each person serving as an officer, judge or clerk in any election in Unicoi County would be paid \$5.00 per day for each day of service, the money to be paid out of the county treasury.
8. Private Acts of 1953, Chapter 13, set the hours in Unicoi County for opening the polls for general elections at 9:00 A.M. and for closing the polls at 6:00 P.M.

## Chapter VIII - Health

### Massage Registration Board

#### Private Acts of 1977 Chapter 20

**SECTION 1.** This Act shall be known and may be cited as the Unicoi County Massage Registration Act of 1977.

**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, saltgloves, 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 Unicoi County Massage Registration Board.

**SECTION 3.** There is hereby created the Unicoi 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 member 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 Unicoi County shall be required to register with the Unicoi 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 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 Unicoi 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) years 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 a 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 or 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 Unicoi 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 of 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 or 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 certificates shall be denied until such person furnishes 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 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 admission 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 of 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 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 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 ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Unicoi County before December 1, 1977. 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 15.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 14.

Passed: April 7, 1977

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1949 Chapter 678

**SECTION 1.** There is hereby created a County Road Superintendent in counties of this State having a population of not less than 14,100 nor more than 14,200 by the 1940 Federal Census or any subsequent Federal Census who shall be elected by popular vote of the qualified voters in said counties at the next general election to be held in said counties during August 1962 for a term of two (2) years beginning on the first day of September following said general election or until his successor shall be duly elected and qualified. All future terms of said office shall be for a period of two (2) years. The office shall be filled by appointment of the Governor from November 1, 1961, the expiration date of the term of the present County Road Superintendent until September 1, 1962, when the same shall be filled as provided for in this Act.

As amended by: Private Acts of 1961, Chapter 62

**SECTION 2.** That the compensation of said County Road Superintendent shall be as fixed by the Quarterly County Court, but it shall not exceed the sum of Eleven Thousand (\$11,000.00) Dollars per annum, payable monthly out of the road funds of said County, by a warrant drawn upon the County Trustee, and signed by the Chairman of the County Court.

As amended by: Private Acts of 1957, Chapter 121  
Private Acts of 1969, Chapter 12  
Private Acts of 1974, Chapter 278

**SECTION 3.** The Superintendent of Roads will work in conjunction with a seven man road committee which will be appointed by the Quarterly County Court. The Road Committee shall consist of one member from each of the seven magisterial districts. No court member currently employed by the county will be eligible to serve on this committee. The county chairman shall be an ex-officio member of the Road Committee with a vote in case of a tie.

The Superintendent of Roads and the Road Committee shall by majority vote set priorities including initiation and completion dates on road work to be done, with school bus routes and mail routes taking precedence over all other work, except in the case of an emergency. At such time emergency work will be performed along with the priority work. Emergency work will be defined by the Superintendent of Roads and said seven-man Road Committee. All work performed will be reported to the Quarterly County Court as often as the chairman of the Court deems necessary.

The Superintendent of Roads shall have personal control over the maintenance, management and supervision of the Road Department in said County, with power to employ and discharge employees with approval from the Road Committee. He shall also have power to employ such personnel as may be deemed necessary by him to properly carry out his functions and duties as County Road Superintendent and the salaries and expenses shall be paid out of the General Road Fund of said County upon a warrant signed by the Chairman of the County Court.

As amended by: Private Acts of 1961, Chapter 348  
Private Acts of 1974, Chapter 278

**SECTION 4.** It shall be the duty of the County Road Superintendent to keep an accurate and complete record of all receipts and disbursements made by him and all expenditures shall be reported in their entirety for the benefit of the court and the taxpayers of the County. The County Road Superintendent shall also keep separate accounts and records of all purchases made for the building, repairing and

maintenance of said roads and bridges as well as an account and record of all machinery and equipment which he purchases. Said Road Superintendent shall make a detailed and complete report to the Quarterly County Court of said County, setting forth the financial status, including receipts and disbursements made by him out of the County Road Fund. This report shall be made quarterly at the regular meeting of the Quarterly County Court.

As amended by: Private Acts of 1974, Chapter 278

**SECTION 5.** That in the event of the cessation of work on the roads of said County for any reason, said County Road Superintendent shall have the right to immediately suspend payment of the salaries of any employees whom he might have working under him, and said salaries shall remain suspended until the road work in said County is resumed. In case it shall be found necessary to lay off or furlough any road employees, those employees with the longest period of service in the employ of the road system shall be retained to the exclusion of employees more recently employed; and in promotions, those employees with the longest period of service shall be promoted to the exclusion of such as have been more recently employed, it being the intention of this Act to provide a seniority basis both as to layoffs and as to promotions.

**SECTION 6.** That all funds received by the County Trustee, including gas tax and all State road funds now and hereafter levied for the use and benefit of the roads and highways of said County, shall be kept in a separate fund to be known as "The General Road Fund" of said County and the same shall be expended upon such roads and bridges as the County Road Superintendent may designate.

**SECTION 7.** That said County Road Superintendent shall have the right and power to purchase such equipment as he deems may be necessary to be used in the building and maintenance of the roads and bridges of said County, and said equipment shall be paid for out of any road funds available to said County, provided that all purchases of equipment of any character, as well as oil and gas and other supplies, shall contemplate the expenditure of more than One Hundred (\$100.00) Dollars, the same shall be purchased upon competitive bids <sic> and in such quantities as will give said County the benefit of the best possible prices.

**SECTION 8.** [Deleted by Private Acts of 1961, Chapter 52].

**SECTION 9.** That this Act take effect on September 1, 1950, the public welfare requiring it.

Passed: April 8, 1949.

## Highways and Roads - Historical Notes

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

1. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in the state, except in counties of 70,000 inhabitants and over, according to the Federal Census of 1900. This act was amended by Acts of 1905, Chapter 478, in several minor areas but retained all the basic features of that act.
2. Private Acts of 1913, Chapter 197, authorized Unicoi County to issue coupon bonds in the sum of \$50,000 to build and improve the public roads and pay the incidental expenses thereto. The details of the sale and handling were specifically included. The county court appointed three commissioners to sell the bonds and supervise the work for three roads leading from Erwin to Flag Pond, Limestone Cove, and northwest to the Washington County line. Said bonds carried an interest rate of 5% and were 20-year bonds.
3. Private Acts of 1915, Chapter 248, created a board of road commissioners to lay out, build, repair and maintain public roads in Unicoi County and provided revenue, ways and means to build, repair and maintain said roads. This act was amended by Private Acts of 1923, Chapter 8, by granting the road commissioners their expenses which were lawfully incurred by them while discharging their duties, by raising the rate for commutation from \$5.00 to \$10 per day, and by making the foremen on various road jobs responsible for the tools and equipment assigned to them, a written list being required to be signed. This act was further amended by Private Acts of 1925, Chapter 115, which added a provision that the county court shall have a separate tax book prepared for the county trustee with a copy to be kept in the office of the superintendent of roads, which shall be called the "County Road Tax Book," made it a misdemeanor for any person to fail to pay the tax on roads or to perform his work on the same as the law requires, and the violator shall be punished as others who commit misdemeanors. Chapter 248, was again amended by Private Acts of 1927, Chapter 704, which required road foreman to make reports to the

superintendent of roads, and authorized the county court to levy road duty and enforced the payment of same in labor or cash equivalent. Private Acts of 1937, Chapter 207, amended Private Acts of 1915, Chapter 248, by repealing Sections 5 and 12, and modifying Section 2, by letting the Unicoi County Court fill vacancies of commissioners. Private Acts of 1915, Chapter 248, was repealed by Private Acts of 1937 (3rd Ex. Sess.), Chapter 33.

4. Private Acts of 1917, Chapter 157, declared that the funds from a former bond issue and sale were not enough to complete the road system for Unicoi County, and this act authorized the county court to issue \$100,000 in 5%, 20-year bonds, for the purpose of completing this road system, with the general details included in the remainder of the act.
5. Private Acts of 1921, Chapter 637, authorized and validated the action of the county of Unicoi County and of the board of road commissioners of the county in issuing warrants and evidences of indebtedness of the county and of said board of road commissioners in the years 1918, 1919 and 1920 for road construction, for road machinery, and for borrowed money used in road construction in the county amounting to \$59,156.39. The act also provided for the payment of interest thereon and the ration of a sinking fund to pay the principal thereof.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Offenses**

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. Some of these were billiard playing, operating dance halls, shooting fireworks, and things of a similar nature.

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

1. Private Acts of 1925, Chapter 104, made it unlawful and a misdemeanor for any person, firm, or corporation in Unicoi County to own, operate, or in any way be connected with the owning, or operating, or conducting or working in, any pool room, billiard room or hall, whether it or a similar game is played for money, pleasure or otherwise. The fine was from \$25 to \$50 for conviction upon each offense and every game played would be a separate offense. The grand jury was given inquisitorial powers regarding this situation and the judges were required to charge this act to the grand juries at each session. This act was amended by Private Acts of 1925, Chapter 290, so that the giving of a prize or any reward or premium after a game would constitute a misdemeanor and this provision was also inserted into the section of the act making each and every game a separate offense subject to the \$25 and \$50 fine.
2. Private Acts of 1955, Chapter 404, would have made it unlawful to maintain loud speakers from which music or other sound is broadcast upon the public streets or highways or other public places with certain exceptions, in Unicoi County, but the act was rejected by the county and did not become effective.

#### **Sheriff**

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Sheriff at \$1,000 per annum.
2. Private Acts of 1917, Chapter 185, provided that the sheriff of Unicoi County would receive \$800 as an annual salary, payable quarterly in January, April, July and October, if he would keep an itemized statement of the fees received from every source and file it with the judge, or chairman, of the county court, properly sworn to, at the beginning of every quarter. The fees were not to include those for boarding prisoners and turnkeys. If the total amount of income from these sources failed to amount to \$800, the county would make up the difference; but the sheriff could not donate directly or indirectly such fees to the person from whom they were collectible, the same being declared unlawful and the basis upon which the judge could withhold payment of his salary.
3. Private Acts of 1921, Chapter 58, raised the salary of the sheriff of Unicoi County to \$1,200 annually, payable quarterly on the first day of January, April, July and October. This act was amended by Private Acts of 1923, Chapter 7, which increased the salary of the sheriff from \$1,200 to \$1,800 annually, payable quarterly.



4. Private Acts of 1925, Chapter 29, provided that the sheriff of Unicoi County would be paid \$500 per annum, in quarterly payments, in ex-officio fees, out of the regular funds of the county, the same to be in addition to all the other fees collected in his office.
5. Private Acts of 1931, Chapter 341, set the salary of the Unicoi County Sheriff at \$2,300 annually, payable in quarterly installments from regular county funds.
6. Private Acts of 1947, Chapter 836, set the Unicoi County Sheriff's salary at \$3,600 annually, payable monthly under the same terms and conditions as before except the reports of

## Offenses

### Fireworks

#### Private Acts of 1947 Chapter 256

**SECTION 1.** That from and after the effective date of this Act, except for volunteer fire departments located within Unicoi County, Tennessee, or as provided in Sections 6, 7, 8, 9, and 10, it shall be unlawful for any other person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 14,100 and not more than 14,200 inhabitants according to the Federal Census of 1940, or any subsequent Federal Census. The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

As amended by: Private Acts of 2009, Chapter 10.

**SECTION 2.** That any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of any County within this State to which this Act is applicable, and it shall be the duty of the Sheriff of any such County, and all peace officers, to seize such article or articles and destroy the same.

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 and not more than \$400.00, or by confinement in the County Jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment in the discretion of the Court.

**SECTION 4.** That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusions of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

**SECTION 5.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter has not been included therein.

**SECTION 6.** Nothing in this act shall be construed to prohibit any charitable or civic organization within Unicoi County approved pursuant to Section 7 of this act from purchasing for resale, possessing, storing, using or selling pyrotechnics. It shall be lawful for any person, firm, or corporation within Unicoi County to use pyrotechnics purchased from such approved charitable or civic organization.

As amended by: Private Acts of 1989, Chapter 29.

**SECTION 7.** Any charitable or civic organization within Unicoi County may purchase for resale, possess, store, use or sell pyrotechnics, provided such organization makes annual application with the county clerk and receives a permit as provided in this section and Section 8 of this act. 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 permits 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.

As amended by: Private Acts of 1989, Chapter 29.

**SECTION 8.** There shall be an annual application fee of two hundred dollars (\$200) for a permit to purchase for resale, possess, store, use or sell pyrotechnics. In addition to such application fee, a fee shall be imposed on the gross revenue received on the sale of pyrotechnics at a rate of one eighth of one cent

( $\frac{1}{8}$  of 1¢). Such additional fee shall be paid by the approved organization. The application fee shall be submitted to the county clerk with the application. All other fees imposed by this act shall be remitted to the county clerk not later than the tenth day of each month for sales from the preceding month.

As amended by: Private Acts of 1989, Chapter 29.

**SECTION 9.** A monthly report shall be filed under oath with the county clerk by the approved organization. The report shall include such facts and information as may be deemed reasonable for the verification of the fees due. Each approved organization shall maintain and preserve, for a period of three (3) years, accurate and detailed records necessary to determine the amount of such fees for which the organization is liable. The county clerk shall have the authority to require the approved organization to produce all records of sales and purchases or any other records upon request of the county clerk for the purpose of determining if proper payments have been made of the fees imposed. Upon any claim of illegal assessment and collection, the approved organization against who the fee is assessed shall have the remedies provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the fees levied by this act.

As amended by: Private Acts of 1989, Chapter 29.

**SECTION 10.** The county clerk shall be responsible for the collection of such fees and shall place the proceeds in the general fund. The county clerk is authorized to develop and furnish any forms necessary for the implementation of this act. The clerk, in administering and enforcing and provisions of this act, shall have as additional powers those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, Title 67, or otherwise provided by law for the county clerk. The county legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of this act, including but not limited to establishing requirements for an organization to be classified as charitable or civic under the provisions of this act, establishing penalties and interest for delinquent payment of fees, and any other necessary and appropriate requirements for the enforcement and administration of this act.

As amended by: Private Acts of 1989, Chapter 29.

**SECTION 11.** That this Act shall take effect from and after its passage, the public welfare requiring it.  
Passed: February 17, 1947

## Jamaica Ginger

### Private Acts of 1925 Chapter 288

**SECTION 1.** That it shall be a misdemeanor for any person, firm or corporation to manufacture for sale, sell, or keep on hand for sale, Jamaica Ginger, or any similar concoction, no matter by what name designated containing more than 75% of alcohol by volume at 20 degrees centigrade, and 1.50 grams residue on evaporation of 100 cubic centimeters at (20) twenty degrees centigrade, in counties having a population of not less than ten thousand one hundred and fifteen and not more than ten thousand one hundred and twenty-five, by the Federal Census of 1920, or any subsequent Federal Census.

**SECTION 2.** That it will be conclusively presumed from the possession of such Jamaica Ginger, or other similar concoctions, that it is kept for the purposes of sale. Provided, that a legally licensed druggist may keep same on hand for sale, but may not sell same except on prescription of a regular physician for use as a medicine.

**SECTION 3.** That the circuit and criminal judges shall give this law in charge juries, in counties where applicable, and such juries shall have inquisitorial power to inquire into the violations of said law and to return presentments.

**SECTION 4.** That the violation of this Act shall be a misdemeanor, punishable by a fine of not less than fifty nor more than five hundred dollars, and imprisonment in the county jail for a term of not more than six months, in the discretion of the court.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: March 27, 1925.

## Chapter XI - Taxation

### Assessor of Property

# Construction Registration

## Private Acts of 1972 Chapter 314

**SECTION 1.** No person shall build, remodel, renovate, alter or otherwise construct any structure in Unicoi County whenever the value of such is in excess of two hundred dollars (\$200.00) without registering such construction with the Tax Assessor of Unicoi County prior to beginning the construction.

**SECTION 2.** The Tax Assessor may impose a fee not to exceed one dollar (\$1.00) for each such registration. The proceeds of such fee shall be used for the administration of this act. The Tax Assessor of Unicoi County is authorized and empowered to establish such rules and regulations as are necessary to carry out the provisions of this act.

**SECTION 3.** Any person failing to register any construction as required by this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Unicoi County before August 1, 1972. 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 July 1, 1972.

Passed: March 28, 1972

## Hotel/Motel Tax

### Private Acts of 1989 Chapter 111

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

- (1) "Clerk" means the county clerk of Unicoi County, Tennessee.
- (2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction 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 to or received from any person.
- (3) "County" means Unicoi County, Tennessee.
- (4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

**SECTION 2.** The legislative body of Unicoi County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

**SECTION 3.** The proceeds received by the county from the tax shall be retained by the county and designated for and deposited into the general funds of the county.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to Unicoi County. When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him or her, and the operator shall

receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 5.** (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county to the clerk or such other officer as may be resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

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

**SECTION 6.** The clerk, or other authorized collector of the tax authorized by this act, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the count legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body. The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

**SECTION 7.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 8.** Taxes collected by an operator which are not remitted to the 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 the rate of twelve percent (12%) per annum, and shall be liable for an additional 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. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

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

**SECTION 10.** The clerk in administering and enforcing the provisions of this act shall have as additional powers, those power and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the county clerks. For his or her services in administering and enforcing the provisions of this act, the clerk shall be entitled to retain as a commission five percent (5%) of the taxes collected. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk. Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 11.** The proceeds of the tax authorized by this act shall be allocated to and placed in the General Fund of Unicoi County to be used for the purposes stated in Section 3 of this act.

**SECTION 12.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 13.** 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 14.** This act shall have no effect unless it is approved by a two thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Unicoi County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by such presiding officer to the Secretary of State.

**SECTION 15.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

Passed: May 25, 1989.

## Litigation Tax

### Private Acts of 1972 Chapter 293

**SECTION 1.** That a litigation tax of One Dollar and Fifty Cents (\$1.50) shall be assessed and taxed as a part of the costs in all civil and criminal actions brought in the General Sessions Court of Unicoi County, and that a litigation tax of Three Dollars (\$3.00) be assessed in all civil or criminal actions originating in the Circuit Court of Unicoi County.

**SECTION 2.** That the Clerk of said Courts will collect the said litigation tax and pay the same into a separate fund which shall be designated as the "Unicoi County Capital Improvement Fund," such proceeds to be used exclusively toward the erection, equipping and purchase of realty for a new jail to be constructed in Unicoi County.

**SECTION 3.** That all expenditures made from the said fund herein provided for shall be made by the County Judge upon the approval of the Quarterly County Court for the purposes herein specified.

**SECTION 4.** That the Quarterly County Court is authorized to issue notes and bonds for the advanced purposes herein specified and to pledge the income to accrue from the tax herein levied exclusively toward the payment of the bonds or notes.

**SECTION 5.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Unicoi County at or before the next regular meeting of such Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of such court and certified by him to the Secretary of State.

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

Passed: March 16, 1972

## Mineral Tax

### Private Acts of 1982 Chapter 213

**SECTION 1.** Unicoi 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 Unicoi County only, to be allocated to its County General Fund, and all revenues collected from the tax except deductions for administration and collection provided for herein, shall be allocated to Unicoi County. Administration and collection of this tax shall be by the County Clerk and Unicoi 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 are 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 taxed 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 Unicoi 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 accrues 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, owner 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 the 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 Unicoi 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 a "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 evidences 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 Unicoi 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 expenses of administration and collection, shall be remitted quarterly to the County Trustee of Unicoi 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 Unicoi County, subject to appropriation by the County Legislative Body for the use of the County General Fund.

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 Unicoi County legislative body.

**SECTION 8.** This Act shall have no effect unless it is approved by two thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Unicoi 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 9.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: February 18, 1982.

## Nolichucky White Water Amusement Tax

### Private Acts of 1983 Chapter 40

WHEREAS, an increasing number of WHITE WATER canoeists and rafters are attracted to and are accepting the challenge offered by the Nolichucky River; and

WHEREAS, the number of these enthusiasts is creating safety problems by overcrowding and exceeding the capacity of the river to safely transit such river; and

WHEREAS, the influx of these enthusiasts has placed an increased burden on Unicoi County's local inhabitants to provide law enforcement, traffic control, first aid, ambulance services and ensure safe operating conditions on the river; and

WHEREAS, at least a portion of the expenses of this requirement of greater service should be borne by the customers and others for whom the use and protection such services are provided; now, therefore,

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

- (1) "Admission" means admission for an amusement for a consideration and shall apply on admission fees or charges, whether or not a ticket is actually issued;
- (2) "Amusement" includes any ride, excursion or float trip by canoe, raft, or similar floating device on a WHITE WATER river where a fee is charged by any person for such ride, excursion, or float trip, which charge is otherwise not included as a taxable privilege under the "Retailers' Sales Tax Act" imposed by Tennessee Code Annotated, Title 67, Chapter 30;
- (3) "Consideration" means the consideration charged whether or not received for an admission for an amusement valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever; provided, however, that nothing in this definition shall be construed to imply that consideration is charged when the service provided is complimentary and no consideration is charged to or received from any person by an operator;
- (4) "Consumer" or "Customer" means any person who pays consideration for an amusement;
- (5) "Operator" means the person operating an amusement;
- (6) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other entity, or group or combination acting as a unit;
- (7) "Watercraft" or "Rivercraft" means any canoe, raft, kayak or similar floating or powered device; and
- (8) "WHITE WATER river" means that portion of the Nolichucky River which is located within the boundaries of Unicoi County.

**SECTION 2.** The legislative body of Unicoi County is authorized to issue licenses or permits to operators and to levy a privilege tax upon the privilege of a consumer paying consideration for admission for an amusement, in the following manner:

- (1) The Board of Commissioners of Unicoi County shall through the county clerk issue a license or permit to each operator which authorizes such operators to conduct amusements on a WHITE WATER river; provided, however, that each operator must furnish proof of liability insurance in the amount of five hundred thousand dollars (\$500,000.00) or more and that Unicoi County will be specifically named or a co-insured party. Failure to provide proof of liability insurance in the minimum amount specified above will result in a denial of a license or permit.
- (2) A License or permit issued to an operator by Unicoi County shall entitle such operator to operate watercraft and transport customers on any portion of the Nolichucky River within Unicoi County and to disembark a maximum of sixty (60) customers per day in Unicoi County on any one (1) day on that portion of the river South of the Old Highway Bridge at Chestoa.

A. The number of permits issued shall be limited so that no more than four hundred eighty (480) customers shall transit that portion of the Nolichucky River South of the Old Highway Bridge at Chestoa on any one (1) day. There is no restriction on the number of customers embarking or disembarking on that portion of the river located North of the Old Highway Bridge at Chestoa provided the privilege tax is paid as set forth in Section 3 of this Act.

B. Issuance of licenses shall be based upon the operator's knowledge of and experience on their qualifications for a license.

C. Licenses shall be valid for one year after date of issuance. Applications for renewal of a license shall be filed with the County Clerk of Unicoi County and the license shall be

issued for the first time not later than thirty (30) days after the application has been approved by the Unicoi County Commission. In no event will licenses be issued for a period of more than one (1) calendar year provided however, the County Clerk may, with the approval of the Unicoi County Commission, grant an operator an option for license renewal for two (2) additional years at time of issuance or renewal of licenses and all licenses issued will indicate thereon whether the two (2) year option has been approved.

D. A non-refundable fee of one hundred dollars (\$100.00) per year for a license shall be paid by each operator and no operator shall be authorized to conduct amusements on any portion of the Nolichucky River without first having paid the fee and obtained a license from the County Clerk of Unicoi County to do so. A failure to obtain such license or permit shall be unlawful punishable by a civil penalty of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00). Each individual transaction without such license or permit shall constitute a separate offense. If there is a willful failure to comply with the provisions of this Act, the operator's license or permit shall be revoked. Any violation of the provisions of this act shall be grounds for denial of a permit or license.

**SECTION 3.** A privilege tax of two dollars (\$2.00) per consumer may be levied and imposed on the consideration charged by the operator and on each individual consumer or customer transported by any operator for promotional purposes. Such tax so imposed is a privilege tax upon the consumer and shall be collected and distributed as provided in this act.

A. The tax authorized by this Act shall be added by each operator to the consideration charged for admission for such amusement and shall be collected by such operator from the consumer and remitted by such operator to the County Clerk. The tax shall not be assumed by the operator.

B. Such tax shall be remitted to the County Clerk not later than the twentieth (20th) day of each month next following collection from the consumer. The County Clerk may promulgate reasonable rules and regulations for the enforcement and collection of such tax, shall prescribe any necessary forms, and may, by regulations, set other reporting and paying dates and periods. Provided, however, that an operator shall be required to file statements, reports or returns with the In any month when no taxes are collected by an operator, such operator shall not be required to file any statement, report or return with the County Clerk, and no penalty or interest under the provisions of this act shall be imposed for failing to file such statement, report or return in any such month.

C. No operator of an amusement shall advertise or state in any manner, whether directly or indir

D. The privilege tax shall apply to all consumers or customers paying a consideration for any trip and to all individuals furnished an amusement by an operator for promotional purposes regardless of whether or not a consideration is charged for the promotional activities.

E. Taxes collected by an operator which are not remitted to the County Clerk on or before the due dates as provided in this act are delinquent. If an operator fails to remit the tax due, or any portion thereof, required by this Act on or before such due date there shall be imposed a specific penalty, to be added to the amount of the tax which is delinquent in the amount of five percent (5%), if the failure is not for more than thirty (30) days, with an additional five percent (5%) for each additional thirty (30) days, or fraction thereof, not to exceed twenty-five (25%) in the aggregate. Provided, however, if a return is delinquent at the time it is filed the minimum penalty shall be five dollars (\$5.00) regardless of the amount of tax due or whether or not any tax is due. If an operator fails to remit such tax due, or any portion thereof on or before such due date, there shall be added to the amount due, interest at the rate of twelve percent (12%) per annum from such date due until paid. Such interest and penalty shall become a part of the tax required to be remitted. The fine levied herein shall apply to each individual transaction involving an amusement taxable by this act if such operator willfully fails or refuses to collect or remit the tax payable to the County Clerk. Willful refusal of an operator to collect or remit the tax imposed shall be unlawful and shall be punishable by a civil penalty of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00). The penalty levied herein shall apply to each individual transaction involving an amusement taxable by this Act is such operator willfully fails or refuses to collect or remit the tax payable to the County Clerk.

F. It shall be the duty of every operator to keep and preserve for a period of three (3) years all records necessary to determine the amount of the tax levied by this act. The County Clerk shall have the right to inspect such records at all reasonable times.

G. The proceeds from the tax levied by this Act shall be deposited in the general fund of the cou

H. 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.

As amended by: Private Acts of 1989, Chapter 30,  
Private Acts of 1996, Chapter 210.



**SECTION 4.** The Unicoi County Commission may adopt any local safety regulations determined necessary to ensure the safety of persons transiting the Nolichucky River. This shall include the adoption of all or any portion of the United States Forest Service operating plan for commercial use of the river.

As amended by: Private Acts of 1989, Chapter 30,  
Private Acts of 1994, Chapter 178.

**SECTION 5.** [Deleted by Private Acts of 1994, Chapter 178].

**SECTION 6.** [Deleted by Private Acts of 1994, Chapter 178].

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

**SECTION 8.** Chapter 214 of the Private Acts of 1982 is repealed.

**SECTION 9.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Unicoi 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 10.** 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 9.

Passed: March 10, 1983

## Special Tax

### Private Acts of 1923 Chapter 37

**SECTION 1.** That all counties of this State having, by the Federal Census of 1920, or any subsequent Federal Census, a population of not less than 10,115, and not more than 10,125, be and are hereby authorized and empowered to levy and collect a special tax, for the purpose of establishing and maintaining County High School in and for said respective counties, in addition to other taxes for school purposes, not to exceed twenty-five cents on the One Hundred Dollars of taxable property for the same, to be levied and collected as other county taxes.

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

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

Passed: January 23, 1923.

## 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 Unicoi County Assessor. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 345, set the salary of the Unicoi County Tax Assessor at \$400 annually.
2. Private Acts of 1921, Chapter 146, raised the salary of the tax assessor in Unicoi County to \$900 a year and repealed all laws in conflict therewith.
3. Private Acts of 1945, Chapter 144, fixed the salary of the Unicoi County Tax Assessor at \$1,500 annually, payable in equal monthly installments.
4. Private Acts of 1949, Chapter 306, increased the compensation of the Unicoi County Tax Assessor to \$2,400 per annum, payable in equal monthly payments, out of the regular county funds. This act was amended by Private Acts of 1953, Chapter 66, which increased the compensation of the tax assessor to \$3,600 payable monthly, and also repeated the requirement that he file reports of fees collected with the county court.

### **Taxation**

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

1. Private Acts of 1919, Chapter 307, authorized Unicoi County, acting through its quarterly county court to purchase real and personal property for common or high school purposes and to levy a tax to pay for these improvements upon all taxable property in the same manner as other tax levies are made.
2. Private Acts of 1921, Chapter 638, validated the tax levy made for the year 1920, by the Unicoi County Court by the adoption of the report of a committee fixing the tax rate for said county upon each \$100 worth of property as follows: state tax on \$100 worth of property, 26¢; county tax, 25¢; school tax, 50¢; high school tax, 14¢ bonds and other interest bearing indebtedness, 30¢; county road tax, 25¢; poll tax, \$2.00, and made the same collectable.
3. Private Acts of 1925, Chapter 125, created the position of delinquent poll tax collector for Unicoi, Greene and Washington counties, who would be a citizen of the county, over 21 years of age, appointed by the county trustee for a term of two years, but who could be removed by the county court. The act defined the delinquency of the poll tax, set up a fifty cent fee for the collector in addition to his other compensations. The tax collector was charged with the duty of ascertaining all those who were negligent in the payment of this tax and of settling with the county court every quarter. The tax collector was allowed to appoint deputies.
4. Private Acts of 1981, Chapter 47, would have levied an amusement tax on certain activities in Unicoi County in an amount set by the county legislative body which would have been collected and expended as provided in the act, however, this act was rejected locally and consequently never became a law.
5. Private Acts of 1982, Chapter 214, regulated permits for white water canoeing and rafting on the Nolichucky River. This act was amended by Private Acts of 1987, Chapter 55, which provided that each operator of amusements on a white water river have proof of liability insurance in the amount of \$300,000 and reserved the right to allocate the number of customers per license to the Unicoi County Commission. Private Acts of 1982, Chapter 214 was repealed by Private

## Chapter XII - Zoning

### Zoning Regulations

#### Private Acts of 1937 Chapter 902

**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.** *Regional Zoning to be Preceded by and Based on Plans Submitted by Regional Planning Commission.* 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 creation, construction, reconstruction, alteration and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or 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. *Purpose of Zoning Regulations.*** 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 of 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. *Method of Procedure.*** That after the certification of zone 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. *Amendments.*** 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. *Board of Appeals.*** 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, requests for spe
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. *Building Commissioner.*** 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. *Other Enforcement and Remedies.*** 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 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 any regulation or provision enacted or adopted by proposed to be used in violation of this Act or of 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. *Conflict with Other Laws.*** 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 the authority of this Act shall govern. Whenever the provisions of any other statute require a greater width or size of yards, 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 twelve thousand six hundred seventy-five (12,675) and not more than twelve thousand seven hundred twenty-five (12,725); 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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