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Chapter X - Law Enforcement

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

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

Sincerely,

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Table of Contents

Chapter X - Law Enforcement 3
Law Enforcement - Historical Notes 3
Offenses 3
Fireworks 3
Private Acts of 1947 Chapter 256 3
Jamaica Ginger 5
Private Acts of 1925 Chapter 288 5

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.

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