



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

July 22, 2024

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# Chapter I - Administration

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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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## Chapter I - Administration

### County Attorney

#### Private Acts of 1983 Chapter 123

**SECTION 1.** The office of county attorney is hereby created for Hawkins County; such attorney to be elected by the Hawkins County Board of Commissioners. The Board of Commissioners shall establish the term of office of the county attorney which shall be for not less than one (1) year nor more than four (4) years; provided that in no event shall the term of office extend beyond the term of office of the Commissioners.

As amended by: Private Acts of 1990, Chapter 188

**SECTION 2.** Chapter 20 of the Private Acts of 1923, Chapter 181 of the Private Acts of 1937, Chapter 671 of the Private Acts of 1951, Chapter 62 of the Private Acts of 1957, Chapter 370 of the Private Acts of 1968, Chapter 207 of the Private Acts of 1974, and Chapter 266 of the Private Acts of 1978, and all other acts amendatory thereto, are hereby repealed.

**SECTION 3.** That nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Hawkins County before October 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Hawkins County and certified by him to the Secretary of State.

**SECTION 5.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

PASSED: May 5, 1983.

### County Clerk

#### Mount Carmel Office

#### Private Acts of 1971 Chapter 46

**SECTION 1.** The Hawkins County Quarterly Court is authorized to secure and provide suitable office space for a permanent branch office of the County Court Clerk of Hawkins County, said branch office to be situated in the City of Mount Carmel.

The County Court Clerk is authorized to establish a branch office in the space provided and shall proceed under the provisions of Chapter 20 of Title 8, Tennessee Code Annotated, to seek authorization for the necessary deputies and their salaries.

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

**SECTION 3.** This Act shall take effect for the purpose of ratifying it as provided in Section 2 upon its becoming a law, the public welfare requiring it, and for other purposes, upon its ratification.

PASSED: April 6, 1971

### County Mayor

#### Private Acts of 1957 Chapter 256

**COMPILER'S NOTE:** The office of county judge was abolished in 1978 and replaced with the office of county executive, which is now known as the county mayor in most counties. Judicial duties were removed from the office in 1978. See Public Acts of 1978, Chapter 934, implementing 1978 amendments to the Tennessee Constitution. Accordingly, some of the provisions of this act have been superseded.

**SECTION 1.** That the office of County Judge of and for Hawkins County in the State of Tennessee is hereby created.

**SECTION 2.** That the office of Chairman of the County Court of Hawkins County be and the same is hereby abolished from and after the passage of this Act, and from and after that date the County Judge shall have and exercise all the jurisdiction and powers of said office of Chairman of the County Court of Hawkins County. The County Judge shall preside at its sessions [sic] and is hereby clothed with the same powers and jurisdiction that are now exercised by the Chairman of said County Court and shall perform the same duties required of said Chairman, pursuant to the statutes of the State of Tennessee.

**SECTION 3.** That the County Court to be held and presided over by the County Judge under the provisions of this Act, shall hold the regular sessions of Court on the first Monday of each month and shall sit from day to day so long as it is necessary to complete the docket.

**SECTION 4.** That the County Judge shall have and is hereby vested with authority, jurisdiction and power to grant all extraordinary writs of injunction and attachments, the same as Circuit Judges and Chancellors of this State now have, and the County Judge shall exercise this power and authority in the same manner as Circuit Judges and Chancellors of the State of Tennessee; and the County Judge shall have the power and authority to appoint receivers and in doing so he shall be governed by the same rules and regulations provided for Chancellors and Circuit Judges and he shall also have jurisdiction to hear and determine cases upon writs of *Habeas Corpus* in the same manner and under the same rule and regulations as are now conferred by law upon Chancellors and Circuit Judges of this State.

**SECTION 5.** That the Quarterly County Court, composed of the Justices of the Peace of Hawkins County, shall meet on the second Mondays in January, April, July and October of each year, and said County Judge shall preside over the same and they shall have such jurisdiction as they now have by law, except such as is imposed by this Act on the County Judge herein created.

**SECTION 6.** That in addition to the judicial duties of said office of County Judge, said County Judge shall be the accounting officer and general financial agent of the County and as such shall have power, and it shall be the duty of the County Judge:

(a) To have the care and custody of all the County property and to see that such property is preserved.

(b) To control all books, papers and instruments pertaining to his office and the County.

(c) To audit each and every claim for money presented against the County and shall not pay such claim or claims unless the County is liable, and in the event there is no money in the treasury to pay the claim or claims, then the County Judge is enjoined from issuing a County warrant to pay said claim or claims unless there is sufficient money in the Treasury to the credit of the fund against which the warrant is drawn.

(d) To draw and have sealed with the County Court all warrants drawn upon the County Treasury.

(e) To audit and settle the accounts of the County Trustee and those of any other collector or receiver of the County revenue, taxes or income payable in the County Treasury and those of any intrusted to receive or expend any other money of the County, and to require said officers or persons to render and settle their accounts promptly as is required by law, or the authority under which they now act.

(f) To enter in a book to be known as a warrant book the order of issuance, the number, date, amount and the name of the drawee of such warrant upon the Treasury of the County, and the purpose of the warrant being issued, and the fund against which it is issued.

(g) No money shall be drawn out of the County Treasury for any purpose whatever except upon a warrant issued by the County Judge under and in accordance with existing laws and the provisions of this Act.

**SECTION 7.** That in addition to the duties enumerated above herein, that the County Judge shall, as the Financial Agent of the County, also perform the duties of Purchasing Agent for the County.

**SECTION 8.** That the Financial Agent or Purchasing Agent shall have the exclusive power and authority to contract for and purchase all materials, supplies and equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of or supported by, or under the control of the county government; including insurance, and no other official, employee, or agent of the said county or any of its departments or agencies, shall contract for or purchase any such materials, supplies or equipment. The Financial Agent or Purchasing Agent shall likewise have exclusive power and authority to arrange for rental of machinery or equipment when the rents are to be paid out of funds belonging to Hawkins County, or any department, institution, or agency thereof; and no other official, employee or agent of the county shall have the right to make any contract for rental of machinery or equipment.

**SECTION 9.** That purchases or contracts for purchases of materials, supplies or equipment for the use of any official, employee, department or agency of the county government with the estimated monetary

value being greater than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, which except in emergencies as hereinafter provided shall be executed by the Financial Agent or Purchasing Agent only after he shall have advertised in a newspaper published or circulated in Hawkins County. The sealed bids will be received by the Financial Agent or Purchasing Agent at the time fixed in the advertisement for such materials, supplies or equipment. The sealed bids received shall be published at the time and place fixed in the advertisement which shall be not less than ten days after the publication of the advertisement. However, purchases of materials, supplies, commodities, and equipment may be made from any federal, state or local governmental unit or agency without conforming to the competitive bidding requirements of this Section. No purchase or contract to purchase will be made or executed until the Financial Agent or Purchasing Agent certifies that funds are available to the credit of the department or agency of the county government to pay for such materials, supplies, or equipment when delivered to the county and found to meet the specifications of the department or agency of the county government. The right shall be reserved at all times to reject any and all bids received. The Financial Agent or Purchasing Agent is authorized to purchase and contract to purchase materials, supplies or equipment on an annual basis and distribute to the various departments of the county government; however, before making any such contract, the county department, institution or agency will deliver to the Financial Agent or Purchasing Agent a requisition for the materials, supplies or equipment and certify: (1) the annual need of the materials, supplies or equipment; (2) when the same shall be delivered, and (3) that funds are and will be available to pay for materials, supplies or equipment for the county government.

As amended by: Private Acts of 1967-68, Chapter 223  
 Private Acts of 1977, Chapter 74  
 Private Acts of 1991, Chapter 36  
 Private Acts of 2007, Chapter 10

**SECTION 10.** That when the estimated monetary value of material, supplies or equipment required for essential functions of the county government is equal to or less than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, the Financial Agent or Purchasing Agent is authorized to purchase same without the necessity of advertised sealed bids, but in making such purchases, the County Agency or official must certify: (1) that there is an immediate need for the item requested; (2) that the public will suffer if the purchase is delayed to permit advertisement; (3) that funds are available to pay for materials, supplies or equipment to be purchased. In such cases the Financial Agent or Purchasing Agent may, by personal contact, obtain the lowest bid for such item, and will keep a record of the names of the persons, firms or corporations contacted and the name of the person, firms or corporations from whom the purchase is made and the price paid for such materials, supplies or equipment.

Private Acts of 1977, Chapter 74  
 Private Acts of 1991, Chapter 36  
 Private Acts of 2007, Chapter 10

**SECTION 11.** That the Financial Agent or Purchasing Agent shall keep a record of all purchases and will keep all necessary papers and documents pertaining to or anywise connected with the purchase of supplies, materials or equipment for the county government of Hawkins County. All records shall be open to the inspection of the Quarterly County Court and the general public to examine the books, records and papers of the said office.

**SECTION 12.** That the Financial Agent or Purchasing Agent shall not be financially interested, directly or indirectly, in the purchase of any supplies, materials or equipment for the County, and shall purchase, insofar as possible in compliance with this Act, from county-owned firms.

**SECTION 13.** That the Financial Agent or Purchasing Agent may, by regulation or written order; (1) require security to accompany bids, and fix the amount thereof guaranteeing the performance of the contract if awarded; (2) govern the method and procedure whereby the departments, agencies or officials of the county shall inform him of the need or necessity for the purchase of supplies, materials or equipment; (3) prescribe forms for estimates, requisitions, orders and contracts; and (4) establish definite or regular periods for submitting estimates or requisitions.

**SECTION 14.** That the Financial Agent or Purchasing Agent shall personally countersign all warrants in payment for materials, supplies, or equipment purchased under the provisions of this Act. Hawkins County shall be liable for the payment of all purchases of all materials, supplies and equipment made under the provisions of this Act, but shall not be liable for payment for materials, supplies or equipment made contrary to its provisions. No warrant in payment for materials, supplies or equipment shall be binding upon or constitute a charge against Hawkins County until said warrant is countersigned by the Financial Agent or Purchasing Agent.

**SECTION 15.** That the compensation for said County Judge shall be \$4,800.00 per annum, which compensation shall include his services as Financial Agent and Purchasing Agent for said County, and the

salary of \$4,800.00 per year shall be paid monthly from the County Treasury upon the Judge's own warrant, countersigned by the County Court Clerk.

**SECTION 16.** That the County Judge shall be provided secretarial help but he shall not pay more than \$1,800.00 per annum for such help and such compensation shall be paid from the County Treasury as other ordinary expenses of the County are paid, on the County Judge's warrant.

**SECTION 17.** That the necessary office space and equipment for the use of the County Judge in performing his duties as Purchasing Agent shall be provided and maintained at the County Seat of Hawkins County. Such office shall be open for business during the usual hours observed by other officials of the County government.

**SECTION 18.** That before the County Judge shall enter upon the duties of his office he shall give bond in the sum of \$15,000.00 payable to Hawkins County, in an approved surety company. The premium on said bond shall be paid from the County Treasury as other ordinary expenses are paid, to be approved by the Circuit Judge or the Chancellor serving for said County, for the faithful performance of the duties of his office, and he shall take and subscribe to an oath to support the Constitution of United States and of the State of Tennessee, and to faithfully and honestly discharge the duties of his office, and such oath shall be entered upon the minutes of the Court.

**SECTION 19.** That the provisions of this Act are hereby declared to be severable and if any of its sections, provisions or parts thereof be held unconstitutional or void, the remainder of this Act shall continue in full force and effect.

**SECTION 20.** That after this Act has been approved by the Governor, the Election Commissioners of Hawkins County shall call an election to be held on the first Saturday in May, 1957, for the purpose of determining the will of a majority of the people of Hawkins County. The question on the ballot shall be:

"I favor ratification of the bill creating the office of County Judge for Hawkins County."

"Yes"

"No"

Those in favor of ratifying the bill for the creation of a County Judge for Hawkins County shall vote "Yes" and those opposing shall vote "No". All qualified voters in and of Hawkins County shall be entitled to vote in said election and the election shall be conducted in accordance with the general election laws. The said election is declared to be for a County governmental purpose and the County shall expend from its general funds the monies necessary to conduct the election.

**SECTION 21.** That in case of the approval of this Bill by popular vote the qualified voters of Hawkins County shall, at the August election 1958, elect some qualified person County Judge who shall hold office for a term of eight years from September 1, 1958, and until his successor is elected and qualified. Subsequent elections shall be held each eight (8) years or after the term of the incumbent shall expire. At the January term 1958, the Quarterly County Court of Hawkins County shall elect a Chairman who shall serve until September 1st, 1958, and until the Judge herein provided shall take office.

**SECTION 22.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1957.

## County Register

## Recording Subdivisions

## Private Acts of 1953 Chapter 438

**SECTION 1.** That in all counties having a population of not less than 30,000 or more than 30,500, according to the 1950 Federal Census, or any subsequent Federal Census, it shall be unlawful and a misdemeanor in office for the Register of Deeds of such county to accept and file for registration any map or plat of a subdivision of real estate within such county without having first ascertained that a copy of such map or plat has been filed with the Tax Assessor of county.

**SECTION 2.** That it is hereby made the duty of any person subdividing property to cause a copy of the map or plat of such subdivision to be filed with the Tax assessor of such county as a condition precedent to the registration of such map or plat; and any person, firm, or corporation failing to comply with the provisions of this section shall, upon motion of the Tax Assessor of such county, or any interested citizen, be liable to a forfeiture in favor of the county in the sum of one hundred twenty-five (\$125.00) Dollars in any court of competent jurisdiction.

**SECTION 3.** That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

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

Passed: April 6, 1953.

## Planning Commission

### Private Acts of 1978 Chapter 261

**SECTION 1.** There is hereby established the Hawkins County Planning Commission to be composed of one (1) member-at-large from the county, selected by the commission, one (1) member from each magisterial district selected by the district magistrate, and the County Road Commissioner. The County Judge and the Chief Executive Officer of the County Industrial Commission shall be ex-officio non-voting members. The initial at-large and magisterial district members shall be as follows: for one (1) year terms, member-at-large for the county, William Lyons, Jr., and from the first magisterial district, Larry Hagood; for two (2) year terms, from the second magisterial district, Dr. R.B. Baird, and from the third magisterial district, Charles Taylor; for terms of three (3) years, from the fourth magisterial district, William Phillips and from the fifth magisterial district, Claude Cain; for terms of four (4) years, from the sixth magisterial district, Clay Johnson; and from the seventh magisterial district, Sidney Snodgrass. Thereafter the member-at-large and all members appointed by magistrates shall serve four (4) year terms. The terms of the planning commission of the County Judge, the County Road Commissioner, and the Chief Executive Officer of the County Industrial Commission shall be coterminous with their respective terms in office.

The Quarterly County Court shall fill vacancies in any unexpired term. If the Quarterly County Court does not fill a vacancy within thirty (30) days of its occurrence it shall be filled by the remaining members of the County Planning Commission. If the Quarterly County Court, as provided above, does not appoint a replacement that district shall not be represented on the commission and no action of the commission shall be declared invalid based on such a vacancy so long as a quorum is present. The quorum required for planning commission action is a majority of the members to which the commission is entitled under this Act. Members of the Planning Commission shall receive the sum of fifty dollars (\$50.00) per meeting for attendance at any and all sessions of the Hawkins County Planning Commission or the same amount as members of committees appointed from the Hawkins County Legislative Body are paid per each meeting, whichever is greater. Members must be present at an authorized meeting of the commission in order to receive the above compensation.

As amended by:

Private Acts of 2007, Chapter 9

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

**SECTION 3.** It shall be the function and duty of the commission to make and adopt an official general plan for the physical development of the general plan for the physical development of the county, outside of, but up to, the corporate boundaries of any municipalities in the county.

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

**SECTION 4.** The commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a two-thirds ( $\frac{2}{3}$ ) vote of all voting members of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the Quarterly County Court.

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

**SECTION 6.** The County Planning Commission is also authorized to meet, negotiate, contract, and cooperate with one or more municipal planning commissions in the county for the purpose of formulating a countywide plan of development.

**SECTION 7.** The commission may make reports and recommendations relating to the plan and development of the county to public officials and agencies, public utility companies, to civic, educational, professional and other organizations and to citizens. It may recommend to the executive or legislative officials of the county programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its work, may enter upon any land and make examination and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have powers as may be necessary to enable it to perform its purposes and promote county planning.

**SECTION 8.** Upon ratification of this Act as provided herein, no street, park or other public recreation facility or subdivision shall be constructed or authorized in the county outside of municipal boundaries until and unless the location and extent thereof shall have been submitted to and approved by the commission. The failure of the commission to act within thirty (30) days after the date of official submission to it shall be considered approval unless the commission notified the applicant of an extension not to exceed one hundred twenty (120) days.

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

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

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

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



property within the subdivision.

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

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

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

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

**SECTION 14.** After the time when the platting jurisdiction of the planning commission attaches, as provided in Section 9, the county shall not, nor shall any public authority, accept, lay out, open, improve, grade, pave, or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the county, outside of municipal boundaries unless such street has been accepted or opened as, or shall have otherwise received the legal status of a public street prior to the attachment of the commission's subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the commission or with a street plat made and adopted by the commission.

**SECTION 15.** For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the planning commission is empowered, in accordance with the conditions and the procedure specified in this act, to regulate the subdivision of land and the construction and maintenance of streets in the county according to the standards set forth herein. Special districts or zones may be established in those areas considered subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property and as will secure to the citizens of Hawkins County the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related laws or regulations promulgated thereunder.

**SECTION 16.** In case any subdivision or street is proposed to be erected, constructed, reconstructed, altered, converted or maintained or is proposed to be used in violation of any regulation enacted under this act, the county or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation.

**SECTION 17.** Any person aggrieved by an action of the planning commission may bring an action for review of such action in a court of competent jurisdiction in the county.

**SECTION 18.** Chapter 150 of the Private Acts of 1975 and Chapter 154 of the Private Acts of 1977, are repealed.

**SECTION 19.** 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 this end the provisions of this Act are declared to be severable.

**SECTION 20.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the Act should be approved. The ballots used in the May election held subsequent to the enactment of this Act shall have printed on them the following question:

Do you favor the creation of a county-wide planning commission for Hawkins County and the approval of

(insert private chapter number) authorizing this and repealing Chapter 150, Private Acts of 1975 and Chapter 154, Private Acts of 1977 which are in conflict with this Act?

For

Against

The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commission and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act.

**SECTION 21.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 20, it shall be effective upon becoming a law, but for all other purposes it shall be effective only upon being approved as provided in Section 20.

PASSED: March 20, 1978.

## Purchasing

### Private Acts of 1957 Chapter 256

**COMPILER'S NOTE:** The full text of this act is reproduced under the heading COUNTY MAYOR in this publication. Only the provisions concerning purchasing are reproduced below.

[Sections 1 - 6 deleted.]

**SECTION 7.** That in addition to the duties enumerated above herein, that the County Judge shall, as the Financial Agent of the County, also perform the duties of Purchasing Agent for the County.

**SECTION 8.** That the Financial Agent or Purchasing Agent shall have the exclusive power and authority to contract for and purchase all materials, supplies and equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of or supported by, or under the control of the county government; including insurance, and no other official, employee, or agent of the said county or any of its departments or agencies, shall contract for or purchase any such materials, supplies or equipment. The Financial Agent or Purchasing Agent shall likewise have exclusive power and authority to arrange for rental of machinery or equipment when the rents are to be paid out of funds belonging to Hawkins County, or any department, institution, or agency thereof; and no other official, employee or agent of the county shall have the right to make any contract for rental of machinery or equipment.

**SECTION 9.** That purchases or contracts for purchases of materials, supplies or equipment for the use of any official, employee, department or agency of the county government with the estimated monetary value being greater than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, which except in emergencies as hereinafter provided shall be executed by the Financial Agent or Purchasing Agent only after he shall have advertised in a newspaper published or circulated in Hawkins County. The sealed bids will be received by the Financial Agent or Purchasing Agent at the time fixed in the advertisement for such materials, supplies or equipment. The sealed bids received shall be published at the time and place fixed in the advertisement which shall be not less than ten days after the publication of the advertisement. However, purchases of materials, supplies, commodities, and equipment may be made from any federal, state or local governmental unit or agency without conforming to the competitive bidding requirements of this Section. No purchase or contract to purchase will be made or executed until the Financial Agent or Purchasing Agent certifies that funds are available to the credit of the department or agency of the county government to pay for such materials, supplies, or equipment when delivered to the county and found to meet the specifications of the department or agency of the county government. The right shall be reserved at all times to reject any and all bids received. The Financial Agent or Purchasing Agent is authorized to purchase and contract to purchase materials, supplies or equipment on an annual basis and distribute to the various departments of the county government; however, before making any such contract, the county department, institution or agency will deliver to the Financial Agent or Purchasing Agent a requisition for the materials, supplies or equipment and certify: (1) the annual need of the materials, supplies or equipment; (2) when the same shall be delivered, and (3) that funds are and will be available to pay for materials, supplies or equipment for the county government.

As amended by: Private Acts of 1967-68, Chapter 223,

Private Acts of 1977, Chapter 74,

Private Acts of 1991, Chapter 36,

Private Acts of 2007, Chapter 10.

**SECTION 10.** That when the estimated monetary value of material, supplies or equipment required for essential functions of the county government is equal to or less than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, the Financial Agent or Purchasing Agent is authorized to purchase same without the necessity of advertised sealed bids, but in making such purchases, the County Agency or official must certify: (1) that there is an immediate need for the item requested; (2) that the public will suffer if the purchase is delayed to permit advertisement; (3) that funds are available to pay for materials, supplies or equipment to be purchased. In such cases the Financial Agent or Purchasing Agent may, by personal contact, obtain the lowest bid for such item, and will keep a record of the names of the persons, firms or corporations contacted and the name of the person, firms or corporations from whom the purchase is made and the price paid for such materials, supplies or equipment.

As amended by: Private Acts of 1977, Chapter 74,

Private Acts of 1991, Chapter 36,

Private Acts of 2007, Chapter 10.

**SECTION 11.** That the Financial Agent or Purchasing Agent shall keep a record of all purchases and will keep all necessary papers and documents pertaining to or anywise connected with the purchase of supplies, materials or equipment for the county government of Hawkins County. All records shall be open to the inspection of the Quarterly County Court and the general public to examine the books, records and papers of the said office.

**SECTION 12.** That the Financial Agent or Purchasing Agent shall not be financially interested, directly or indirectly, in the purchase of any supplies, materials or equipment for the County, and shall purchase, insofar as possible in compliance with this Act, from county-owned firms.

**SECTION 13.** That the Financial Agent or Purchasing Agent may, by regulation or written order; (1) require security to accompany bids, and fix the amount thereof guaranteeing the performance of the contract if awarded; (2) govern the method and procedure whereby the departments, agencies or officials of the county shall inform him of the need or necessity for the purchase of supplies, materials or equipment; (3) prescribe forms for estimates, requisitions, orders and contracts; and (4) establish definite or regular periods for submitting estimates or requisitions.

**SECTION 14.** That the Financial Agent or Purchasing Agent shall personally countersign all warrants in payment for materials, supplies, or equipment purchased under the provisions of this Act. Hawkins County shall be liable for the payment of all purchases of all materials, supplies and equipment made under the provisions of this Act, but shall not be liable for payment for materials, supplies or equipment made contrary to its provisions. No warrant in payment for materials, supplies or equipment shall be binding upon or constitute a charge against Hawkins County until said warrant is countersigned by the Financial Agent or Purchasing Agent.

[Sections 15 - 21 deleted.]

**SECTION 22.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1957.

## Zoning

### Private Acts of 1997 Chapter 79

**SECTION 1.** The County Legislative Body of Hawkins County may by resolution call for an advisory referendum at the regular August election of 1998. The question on the ballot of such election shall be substantially as follows:

Should Hawkins County formulate its own land use planning or zoning plan?

Yes\_\_\_

No\_\_\_

The County Legislative Body of Hawkins County may place a brief statement of the purpose of the referendum preceding the question on the ballot. Such statement shall not exceed two hundred (200) words.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Hawkins County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the

Legislative Body of Hawkins County and certified to the Secretary of State.

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

PASSED: MAY 29, 1997.

## Administration - Historical Notes

### County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Hawkins County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 20, created the office of county attorney in Hawkins County and validated the action of the county court in said county. This act was repealed by Private Acts of 1983, Chapter 123.
2. Private Acts of 1937, Chapter 181, created the office of county attorney in Hawkins County, validated the action of the county court in said county in electing county attorneys and made appropriations therefor. This act was amended by Private Acts of 1951, Chapter 671, which fixed the salary of the Hawkins County Attorney to \$600 per annum. Private Acts of 1957, Chapter 62, amended Private Acts of 1937, Chapter 181, further, by setting the salary of the county attorney at \$1,200 per annum. Private Acts of 1967-68, Chapter 370, provided that the county attorney receive \$200 per month. Chapter 181 was further amended by Private Acts of 1974, Chapter 207, which provided that the county attorney receive \$400 per month. Private Acts of 1978, Chapter 266, approved by the Hawkins County Quarterly Court on July 17, 1978, increased the salary of the county attorney from \$400 per month to \$6,000 per year. This act was repealed by Private Acts of 1983, Chapter 123. Private Acts of 1982, Chapter 357, was an amendment to Private Acts of 1937, Chapter 181, which would have increased the annual salary of the county attorney from \$6,000 to \$8,400 but this act was rejected by the Hawkins County Legislative Body on June 28, 1982, and therefore never became an effective law.

### County Clerk

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

1. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Clerk at \$1,800.
2. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Court Clerk at \$2,500. Private Acts of 1935, Chapter 720, expressly and entirely repealed Private Acts of 1933, Chapter 851, which concerned the annual salaries of several Hawkins County officials.
3. Private Acts of 1967-68, Chapter 186, was the authority for the quarterly court of Hawkins County to secure and provide suitable office space for a permanent branch office of the county court clerk which would be situated in the city of Mount Carmel. This act was rejected by the quarterly court of the county and never became an effective law. Private Acts of 1967-68, Chapter 369, was an exact duplicate of Chapter 186, and was also rejected by the Hawkins County Quarterly Court.

### County Legislative Body

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

1. Acts of 1794, Chapter 8, set the dates for holding the court of pleas and quarter sessions for each of the counties in the Washington District. Hawkins County's Court met on the first Mondays in March, June, September and December.
2. Acts of 1797, Chapter 6, scheduled the meeting dates for the courts of pleas and quarter sessions in several of the Tennessee counties. For Hawkins and Blount counties, the courts met on the fourth Mondays in February, May, August and November.
3. Acts of 1809, First Session, Chapter 93, regulated the times for holding the courts of pleas and quarter sessions throughout the state. Hawkins County held said court on the fourth Mondays in February, May, August and November.
4. Private Acts of 1827, Chapter 65, stated that courts of pleas and quarter sessions of Dickson,

Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry and Rhea counties, a majority of the justices being present at their first meeting of the year, and on the first day, may select three of their own number by ballot to hold the court for the remainder of that year and the clerk shall enter the names of those chosen in the minute book. This quorum court, once established, would operate under the same laws and regulations as the other courts.

5. Public Acts of 1866-67, Chapter 41, allowed the quarterly court of Hawkins County by a two-thirds vote of its members, to issue coupon bonds to produce the funds with which county debts would be paid, but no debt would be included to be paid which was incurred in aiding and abetting in the Civil War.
6. Private Acts of 1913, Chapter 212, stated that all justices of the peace in Hawkins County, and in three other counties, shall be entitled to receive the sum of \$2.50 per day for each day of attendance at any regular or special session of the quarterly county court. The justices would also be paid five cents per mile for each mile traveled in going to and from their residences and the courthouse. This act was amended by Private Acts of 1967-68, Chapter 384, amended Private Acts of 1913, Chapter 212, as amended by Private Acts of 1951, Chapter 278, by increasing the per diem allowance for the justices of the peace to \$25 per day. It must be noted, however, that Private Acts of 1951, Chapter 278, did not specifically amend Private Acts of 1913, Chapter 212, as implied by Private Acts of 1967-68, Chapter 384.
7. Private Acts of 1951, Chapter 278, provided that the justices of the peace in Hawkins County would be paid \$5.00 per day for each day spent in attendance at the quarterly county court for each and every session.
8. Private Acts of 1961, Chapter 163, would have amended Chapter 278, by increasing the per diem payments for the justices of the peace in Hawkins County from \$5.00 to \$10.00 per day for each day's attendance at the quarterly court; however, this act was rejected or disapproved by Hawkins County and therefore never became law.

### **County Mayor**

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

1. Private Acts of 1951, Chapter 329, stated that in Hawkins County the chairman of the county court shall be paid the sum of \$1,800 per year in equal monthly installments out of the county treasury.
2. Private Acts of 1957, Chapter 256, as amended by Private Acts of 1967-68, Chapter 223, Private Acts of 1977, Chapter 74, and Private Acts of 1991, Chapter 36 created the office of county judge in Hawkins County elected to serve an eight (8) year term. This act also abolished the office of chairman of the county court.
3. Private Acts of 1980, Chapter 217, would have amended Private Acts of 1957, Chapter 256, relative to the purchases or contracts for purchases of materials, supplies or equipment by the financial agent or purchasing agent of Hawkins County; however, this act was rejected or disapproved by the proper authorities and never became law.

### **County Register**

The following acts once affected the office of county register in Hawkins County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 162, stated that all deeds and other instruments of conveyance heretofore registered in Greene, Sevier, Cocke, Washington, Hawkins, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane and Sullivan counties, although the certificates might not specify that the same were acknowledged by the grantor, or proved by the attestation of two witnesses, yet the same shall be as good and valid in both law and equity as if they had been certified and endorsed in the most formal and legal manner.
2. Private Acts of 1835-36, Chapter 61, declared that all grants of land issued by the state of Virginia for lands in that tract of country situated between what is commonly called Henderson and Walker's lines in Hawkins, Claiborne and Sullivan counties, and which have heretofore been registered in said counties, shall be received as evidence in the state of Tennessee. Certified copies of the same shall likewise be accepted and so treated.
3. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Register at \$1,000.
4. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Register at

\$1,500 Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851.

### **County Trustee**

The following acts once affected the office of county trustee in Hawkins County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1897, Chapter 124, fixed the salary of the county trustee of Hawkins County at \$1,800 per annum.
2. Private Acts of 1917, Chapter 697, established the salary of the county trustee of Hawkins County at \$1,800 a year, payable monthly on the warrant of the county judge, or chairman. The trustee must file an accurate record of all the fees, commissions, and emoluments of the office with the county judge, or chairman, and pay the same over to the county. If the fees do not equal the salary above, the trustee will get the fees only. This act was repealed by Private Acts of 1919, Chapter 534.
3. Private Acts of 1921, Chapter 320, fixed the compensation of the trustee of Hawkins County at 5% on the first \$10,000; 3% on the next \$10,000; 2% on the next \$10,000; and 1% on all sums in excess of \$30,000. All funds were considered as one in computing the compensation but no funds left by a predecessor were included. The fee on all monies collected by the other county officers were 1%. Private Acts of 1929, Chapter 457, amended Section 1, Chapter 320, by setting up a new schedule of payments for the trustee of Hawkins County, which provided for 5% on the first \$10,000; 3% on the next \$10,000; 2% on the next \$10,000; and 1½% on all sums over \$30,000. All funds were taken and considered as one for the purpose of computing the compensation hereunder, and each fund paid its pro-rata share. All moneys collected by county officers were subject to a 1% fee, but no accounts left by a predecessor would be included at all. All of the above was not allowed to exceed \$4,500 per year. Private Acts of 1931, Chapter 35, repealed Private Acts of 1929, Chapter 457. Private Acts of 1921, Chapter 320, was found unconstitutional by State v. Miner, 176 Tenn. 158, 138 S.W. 2d 766 (1938).
4. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Trustee at \$2,500 Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851.

### **General Reference**

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

1. Acts of 1801, Chapter 5, established the procedures for the storing and the methods for inspecting various commodities for sale or shipment. Warehouses were selected in each county where goods could be officially examined. In Hawkins County the warehouses selected were those belonging to Daniel Rice, Rhodham Kenner, and Lacky Stubblefield.
2. Acts of 1806, Chapter 28, provided that five commissioners would be selected by election for Dandridge, Gallatin and Rogersville who would in turn choose a clerk and treasurer and perform such other administrative duties as were specified in the act.
3. Acts of 1815, Chapter 52, was the legislative authority given to John Miller, of Hawkins County, to build a grist mill on Beech Creek which was located on his own land and built to meet all the demands of the law. This act must not be construed as preventing Miller from paying damages to anyone who might suffer some injury from the construction of the mill.
4. Acts of 1815, Chapter 105, allowed Stokely D. Mitchell the privilege of building an office on the public square in Rogersville in Hawkins County in his capacity as the clerk of the court of pleas and quarter sessions. Upon an application to the court by Mr. Mitchell, and, at least nine of the justices being present, they proceeded to designate the spot where the office shall be built.
5. Private Acts of 1820, Chapter 17, allowed the quarterly court of Hawkins County, a majority of the justices being present, to designate a part of the public square in Rogersville through a committee of their own members as a site on which offices of county officials might be constructed. When the area was selected, any of the clerks of the different offices were permitted to build an office thereon for the safe keeping and preservation of their records. If the clerk should die, his representative may collect the value of that clerk's share. The county was given leave to buy the properties at any time as the property of the county. The clerks were not allowed to convey the property to third parties.
6. Private Acts of 1826, Chapter 5, provided for the relief of the citizens of Hawkins County who had purchased land from Thomas Johnston.

7. Private Acts of 1826, Chapter 84, authorized the citizens of Hawkins County to have persons summoned to examine whether their fish traps, dams and mill dams on Holston River were obstructing the navigation of said river.
8. Private Acts of 1827, Chapter 111, directed the entry taker of Hawkins County to accept the sum of 12½ cents per acre for twenty-five acres of land from one David Clark, and to issue him a certificate for that amount of land stating its precise location in Hawkins County.
9. Private Acts of 1832, Chapter 72, provided that Benjamin James be entitled to all the privileges of citizenship that other free persons of color were entitled to in Hawkins County.
10. Private Acts of 1832, Chapter 91, provided that James Nugent and Samuel D. Powell of Hawkins County be released from the payment of a forfeiture of \$100.00 each, entered against them by the Gibson County Court, for the personal appearance of William Nall, provided they paid all costs that had accrued upon said prosecution.
11. Private Acts of 1833, Chapter 66, provided for the divorce of Daniel Green and his wife Mary Green of Hawkins County.
12. Public Acts of 1833, Chapter 93, appointed Stokely D. Mitchell, Orville Rice, and Jacob Miller as commissioners in the room and stead of William Simpson, James Sanders, and James Young. The new commissioners joined the others to purchase a sufficient quantity of land on the public square in Rogersville on which to build a courthouse, provided the agreement of a majority of the quarterly court was first obtained.
13. Private Acts of 1835-36, Chapter 59, appointed Clinton Armstrong, Joseph Huffmaster, and William A. Walker as additional commissioners for the building of the aforementioned courthouse in Rogersville and the new commissioners were vested with the same power and authority as were the former ones.
14. Acts of 1841-42, Chapter 61, authorized the treasurer of the state to pay to George C. Bradley, former jailor of Hawkins County, the sum of \$79, that being the amount of legal fees for keeping in prison two prisoners, one charged with murder, and the other with horse stealing, who had made their escape without the negligence, default, or connivance of Bradley, but because of the insufficiency of the jail.
15. Acts of 1845-46, Chapter 191, recited that an act passed in January, 1830, provided for a special entry taker's office to be opened in Hawkins County for the entry of land designated by Sim's big survey, and John Mitchell was appointed special entry taker. The special office was closed July 1, 1832 and the remaining lands to be entered were treated under the general laws by the regular entry taker of Hawkins County. The general assembly was advised that several entries were made at the special office after July 1, 1832 and this act made all such entries legal, valid, and binding for all purposes, which occurred after July 1, 1832, in the special office.
16. Private Acts of 1869-70, Chapter 28, allowed Carter M. Bales, the revenue collector of Hawkins County until August 1, 1870, to collect and pay over the state revenue that was charged to him as the said collecting officer. The attorney-general of the first judicial circuit suspended prosecution on Bale's official bond until the expiration of the time given to Bales under this act.
17. Public Acts of 1869-70, Chapter 93, permitted Carter M. Bales of Hawkins County, and all other revenue collectors in the state who did not complete their collections for the years 1865, 1866 and 1867 to take the further time of one year in which to do so.
18. Public Acts of 1893, Chapter 82, declared that Poor Valley Creek in Hawkins County was a navigable stream for the floating of logs thereon from its mouth to the forks of the said creek, at or near the residence of Washington Hunzman, in the said county.
19. Public Acts of 1929, Chapter 138, appropriated out of the state treasury the sum of \$10,000 for the purpose of constructing driveways, walkways and beautifying the grounds and building known as the "American Legion Hut" in Hawkins County, and for appropriating a commission to supervise the expenditure of said funds for said purpose.
20. Private Acts of 1937, Chapter 647, removed all the disabilities of infancy from Cornelius DeWolfe Miller of Hawkins County, granting him all the rights and privileges of adulthood.
21. Private Acts of 1937, Chapter 648, removed all the disabilities of infancy from Miss Graham K. Rogan, Jr. [sic] upon whom was also bestowed all the privileges and obligations of a majority.
22. Private Acts of 1953, Chapter 437, authorized Hawkins County to sell and dispose of property known as the Old County Poor Farm in the fifth civil district. The act also provided for the disposition of the proceeds of said sale.
23. Private Acts of 1975, Chapter 150, established the Hawkins County Planning Commission for

county planning purposes, provided for the selection of members, provided for duties and responsibilities. This act was repealed by Private Acts of 1978, Chapter 261.

24. Private Acts of 1977, Chapter 154, would have amended Private Acts of 1975, Chapter 150, with respect to the initial members of the commission and the territorial jurisdiction of the same, however, this act was not approved by Hawkins County and therefore never became law.

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