



February 04, 2025

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# Sumner

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Dear Reader:

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

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

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# Sumner



Sumner County Courthouse

**Original Compilation By:** William C. McIntyre, Legal Specialist  
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# Chapter I - Administration

## Building Permits

### Private Acts of 1975 Chapter 7

**SECTION 1.** Any person desiring to erect or have erected, constructed or reconstructed, any building or structure in Sumner County, shall first apply to the Building Commissioner of Sumner County for a building permit for such erection, construction, reconstruction, or alteration. The value of any alteration must exceed the sum of one thousand dollars (\$1,000) before a permit shall be required. Said application shall be in a form to be prescribed by the Building Commissioner and shall contain the following information: (1) whether the proposed work is to be new construction or the alteration of an existing structure; (2) the location or address of the proposed construction or alterations; (3) the identity of the owner or owners of the premises; (4) the estimated cost of the completed structure in the case of new construction, or in the case of the alteration of an existing structure, the estimated value of such structure before and after such alteration; and (5) such other information as the Building Commissioner shall prescribe. Upon proper application, duly filed and found to be in compliance with the Sumner County Zoning Resolution, the Building Commissioner shall issue a building permit and shall charge a fee for such service, the fee to be as prescribed by the Sumner County Planning Commission. All sums collected from the fees shall be paid into the General Fund of Sumner County. After issuance of the building permit, the Building Commissioner shall transmit a copy of it to the Sumner County Tax Assessor, provided however, that no new or additional property tax shall be assessed against such premises unless or until the same are completed to the extent that they are habitable or may be put to use.

**SECTION 2.** This Act shall apply to the setting of mobile homes or any other kind of sectional or modular housing units, and the fact that one unit is changed for another on the same site shall not exclude the unit from the provisions of this Act.

**SECTION 3.** This Act shall not apply to the erection, construction, reconstruction, or alteration of buildings or other structures in cities requiring permits for the same nor within official planning regions duly established under Tennessee Code Annotated, Section 13-202 and 13-711 -- 13-713 [now 13-3-102 and 13-7-302 -- 13-7-304], provided copies of such permits are made available to the Building Commissioner at regular monthly intervals.

**SECTION 4.** This Act shall not apply to the erection or construction of barns, silos, sheds, or other similar out-buildings directly associated with agricultural uses of the land.

**SECTION 5.** Sumner County is empowered to enjoin anyone from proceeding with any construction until the terms of this Act are complied with, and the County Attorney shall institute injunctive proceedings upon the request of the Building Commission and the Sumner County Planning Commission.

**SECTION 6.** Public or private utilities shall not furnish any service to any person or persons desiring to erect or have erected, constructed or reconstructed, any building or structure in Sumner County without being presented with a properly executed building permit.

**SECTION 7.** Violations of the provisions of this Act shall be punishable, upon conviction thereof, by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day the violation continues shall be deemed a separate offense.

**SECTION 8.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County on or before the next regular meeting of such court occurring more than thirty (30) days after its approval by the Chief Executive of this state. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court of Sumner County and shall be certified by him to the Secretary of the 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: March 6, 1975.

## County Attorney

### Private Acts of 1973 Chapter 95

**SECTION 1.** There is created the Office of Law Director for Sumner County who shall be elected by the Sumner County Board of County Commissioners for an initial six (6) year term, the initial institution of said term to begin at the regular meeting in September, 1995, or as soon thereafter as possible. At the expiration of this initial term, the term thereafter shall be elected by the Sumner County Board of County Commissioners at intervals of four (4) years.

As amended by: Private Acts of 1984, Chapter 225,  
Private Acts of 1995, Chapter 12.

**SECTION 2.** Pursuant to the terms set forth by the County Commission, the Office of the Law Director shall submit a budget for approval in order to operate the Office of Law Director and provide the necessary legal services to the County. As amended by: Private Acts of 1995, Chapter 12.

**SECTION 3.** It shall be the duty of the Law Director to transact all the legal business of the county, either in court or otherwise, and to advise the county officials upon legal matters effecting their offices, and no officer of the county shall employ any other attorney, unless such other attorney shall be required by the conflicting nature of specific litigation involved, or such other attorney shall be employed at the personal expense of the county officer, or the other attorney shall be specifically authorized and empowered by the Sumner County Board of County Commissioners.

As amended by: Private Acts of 1995, Chapter 12.

**SECTION 4.** Chapter 752 of the Private Acts of 1917, Chapter 451 of the Private Acts of 1931, Chapter 438 of the Private Acts of 1945, and Chapter 226 of the Private Acts of 1965 are repealed.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County on or before December 1, 1973. 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 6.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: May 2, 1973.

**COMPILER'S NOTE:** Private Acts of 1995, Chapter 21 appears to contain the same language as the act above; however, this act has not been certified to the Secretary of State's office.

## County Mayor

### Private Acts of 2004 Chapter 137

**SECTION 1.** Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county executive" in Sumner County shall be redesignated as "county mayor."

As amended by: Private Acts of 2019, Chapter 1.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body 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 as provided in Section 2.

Passed: May 21, 2004.

## Elderly and Child Care Centers

### Public Acts of 1992 Chapter 957

**SECTION 1.** Tennessee Code Annotated, Title 6, Chapter 54, is amended by adding Section 2 through 8 as a new part.

**SECTION 2.** The purpose of this act is to facilitate the operation of a child care center by a municipality. This act shall enable a municipality to establish a child care center and require payment of fees for the privilege of using a child care center.

**SECTION 3.** Definitions. Wherever used in this act, the following terms shall have the following

meanings:

- (1) "Child Care Center" or "Day Care Center" means a facility and all appurtenances by which child care is rendered by an agency operated by a person which receives thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours a day without transfer of custody.
- (2) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of a child care center, preliminary planning to determine the feasibility of a child care center, the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of a child care center, and the inspection and supervision of the construction of a child care center.
- (3) "Municipality" means any county, metropolitan government, or incorporated town or city or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.
- (4) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or county.

**SECTION 3.** The governing body of any municipality may authorize the construction, extension, enlargement, acquisition, improvement or operation of a child care center within or without its corporate boundaries.

**SECTION 4.** Consistent with all requirements of state and federal law that apply to such activities, a child care center may:

- (1) Exercise general regulation over the planning, location, construction, operation and maintenance over a child care center within or without the municipality; and
- (2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this act including the adoption of a system of fees for services.

**SECTION 5.** A municipality constructing, operating, or maintaining a child care center is authorized to establish a child care center user's fee which may be assessed and collected from each user of the child care center. These fees shall be reasonable in amount and used by the municipality for purposes set forth in this act.

**SECTION 6.** A municipal legislative body may finance a child care center under the provisions of the Local Government Public Obligations Act of 1986, as amended which is codified at Tennessee Code Annotated, Title 9, Chapter 21.

**SECTION 7.** The powers conferred by this act are in addition and supplemental to the powers conferred by any other law, charter, or home rule provision.

**SECTION 8.** Nothing herein shall be construed to limit the power or authority of the Department of Human Services with respect to regulation of child care centers of Tennessee. Any ordinance, or regulation adopted or imposed by a municipality shall be consistent with the regulations and oversight by the Tennessee Department of Human Services.

**SECTION 9.** The provisions of this act shall only apply in counties having a population of not less than 103,100 nor more than 103,400 according to the 1990 Federal Census or any subsequent Federal Census.

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

**SECTION 11.** This act shall take effect upon becoming a law, the public welfare requiring it.  
Passed: April 30, 1992.

**COMPILER'S NOTE:** This is a special public act and is not codified in Tennessee Code Annotated.

## Eminent Domain

### Private Acts of 2023 Chapter 19

**SECTION 1.** Eminent domain must not be used in Sumner County to acquire privately owned real property for parks, trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use, unless the privately-owned real property is parallel to, runs directly along the length of, and extends in the same direction as a highway, road, or street, and applies to the following entities with the power to condemn in Tennessee:



- (1) Airport authorities under T.C.A. §§ 42-3-108-42-3-109; 42-3-204;
- (2) County airports under T.C.A. § 42-5-103;
- (3) County controlled access highways under T.C.A. § 54-16-104;
- (4) County electric plants under T.C.A. § 7-52-105;
- (5) County industrial parks under T.C.A. § 13-16-103;
- (6) County levees under T.C.A. § 69-4-105;
- (7) County public transportation systems under T.C.A. § 7-56-106;
- (8) County public works projects under T.C.A. § 9-21-107;
- (9) County railroad systems under T.C.A. § 7-56-207;
- (10) County recreational land under T.C.A. § 11-24-102;
- (11) County roads under T.C.A. §§ 29-17-801 et seq.; 54-10-205;
- (12) County schools under T.C.A. §§ 49-6-2001 et seq.;
- (13) County solid waste sites under T.C.A. § 68-211-919;
- (14) Drainage and levee districts under T.C.A. §§ 29-17-901 et seq.; 69-5-201 et seq.;
- (15) Hospitals under T.C.A. § 29-16-126;
- (16) Housing authorities under T.C.A. §§ 13-20-104; 13-20-108 - 13-20-109; 13-20-212;
- (17) Light, power, and heat companies under T.C.A. § 65-22-101;
- (18) Pipeline companies under T.C.A. § 65-28-101;
- (19) Road improvement districts under T.C.A. § 54-12-152;
- (20) Solid waste authorities under § 68-211-908;
- (21) Utility Districts under T.C.A. § 7-82-305;
- (22) Water and Wastewater Authorities under T.C.A. § 68-221-61 O; and
- (23) Water and Waterworks Companies under T.C.A. § 65-27-101.

**SECTION 2.** This act does not apply upon written agreement between the owner of the real property and a:

- (1) Planned unit development;
- (2) Homeowner's association; or
- (3) Business or related entity.

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

**SECTION 4.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

Passed: May 11, 2023.

## Energy Authority

### Private Acts of 1978 Chapter 227

**SECTION 1.** There is hereby established an energy authority for Sumner County to provide dependable energy supplies for the citizens of the County.

**SECTION 2.** The membership of the authority shall consist of the Sumner County Judge, the County Court Clerk of Sumner County, one (1) member of the Sumner County Court, one (1) resident of Gallatin, one (1) resident of Hendersonville, one (1) resident of Portland, one (1) resident of Westmoreland, one (1) resident of White House, and those members of the Tennessee House of Representatives representing Sumner County, or any part thereof, in the General Assembly. The member representing the county court shall be appointed by the county judge and the members representing the towns and cities of Sumner County shall be appointed by the Mayors of the respective towns and cities. The County Court Clerk of

Sumner County shall serve as secretary of the authority.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County before September 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: March 13, 1978.

## Financial Management System

### Private Acts of 2002 Chapter 113

**SECTION 1.** This act shall be known and may be cited as the Financial Management System of the County of Sumner, Tennessee of 2002".

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

- (1) "Committee" means the county financial management committee;
- (2) "Department" means the finance department;
- (3) "Director" means the director of the finance department; and
- (4) "Local education agency," "LEA," "school system," "public school system," "local school system," "school district," or "local school district" means the Sumner County school system created or authorized by the general assembly of the State of Tennessee.

**SECTION 3. Finance department - General provisions [Exclusion from coverage of Act].**

- (a) (1) There is hereby created a finance department to administer the finances of the county for all funds of the various departments, agencies and boards which are handled by the county trustee.
- (2) The accounting, bank accounts, personnel and salary policies, and other policies of the funds and offices of the clerks of courts, county clerk, register of deeds, sheriff and trustee, which were not subject to the budgeting authority of the county legislative body prior to application of this act, are not subject to the provisions of this act. This act shall not be construed as authority over the fee and commission accounts of other accounts that are not handled by the trustee for offices other than the trustee nor for the trustees fee and commission account. This act shall not be construed as authority over personnel policies or procedures or salaries of the various county offices or departments, except with respect to requiring necessary recordkeeping and reporting needed for performing the payroll functions as prescribed by the finance committee.
- (b) The finance department shall be responsible for purchasing, accounting, budgeting, payroll, cash management and other such financial matters of the county as herein provided.
- (c) All employees, except employees of the LEA, performing the functions of purchasing, payroll, accounting and budgeting in the various operating departments shall be under the supervision of the director of finance, and such salaries, benefits and expenses relating to such personnel shall be budgeted under the finance department, notwithstanding any other law to the contrary. LEA employees performing such functions shall remain under the supervision of the director of schools.
- (d) (1) The department shall establish a system of fiscal management, control, accounting, budgeting, purchasing and cash management as herein provided.
- (2) Such system shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the national council of governmental accounting, and the rules and regulations established by the comptroller of the treasury, commissioner of education and state law.
- (e)(1) Notwithstanding any provision of this act to the contrary, to the extent not prohibited by Tennessee Code Annotated, Title 49, Chapter 2 and Section 5-9-407 or any other provision of general law, the county legislative body may authorize, by two thirds (2/3) majority vote, the LEA or county highway department to perform any of the functions or provisions required under the provisions of this act affecting or related to the LEA or county highway department, respectively. In the event the LEA or county highway department is authorized to perform such functions, the county legislative body shall designate in writing the office of the LEA or county highway department, respectively, that is responsible for compliance with the provisions of this act relative

to the functions assigned and in addition may establish, after allowing the financial management committee to submit recommendations, financial procedures and reporting requirements to include, but not to be limited to, the following:

- (A) Monthly financial reports;
- (B) Approval of the required annual audit contract with a licensed Tennessee certified public accountant and the reports presented in such audit;
- (C) Inspection of records, bank statements and other financial records and
- (D) Approval of the annual budget by the county legislative body prior to the beginning of the fiscal year.

(2) If the LEA or highway department is authorized to perform the functions of this act in accordance with subdivision (1), the county legislative body may by two-thirds (2/3) majority vote withdraw such authorization from the LEA or highway department. Upon voting to withdraw such authority granted to such LEA or highway department as provided under subdivision (2), implementation of the provisions of this act with respect to the LEA or highway department shall begin no later than the beginning of the next fiscal year.

**SECTION 4. Financial management committee – General provisions.**

- (a) A financial management committee is hereby created.
- (b) (1) The committee shall consist of the county executive, supervisor of highways, director of schools, and four (4) members elected by the county legislative body at its regular September session of each year or at any subsequent session.
- (2) The four (4) members shall be members of the county legislative body. If the finance department performs no functions for the highway department or the education department, then the superintendent of highways or the director of schools, respectively, shall not be a member of the committee and the sheriff shall be named to that committee.
- (c) Such committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided herein.
- (d) The director shall be the ex officio secretary of such committee.
- (e) (1) The committee shall establish and approve policies, procedures and regulations in addition to the specific provisions of this act, for implementing a sound and efficient financial system for administering the funds of the county.
- (2) Such system shall include budgeting, accounting, purchasing, payroll, cash management and such other financial matters necessary to an efficient system.

As amended by: Private Acts of 2003, Chapter 26.

**SECTION 5. Special committees – General provisions.**

- (a) The county legislative body may authorize the committee to assume the functions of any or all of the following special committees or the county legislative body may by resolution create:
  - (1) A budget committee;
  - (2) An investment committee; or
  - (3) A purchasing committee.
- (b) The special committees shall be composed of a minimum of five (5) members appointed by the county legislative body. The members of such committees shall be members of the county legislative body.
- (c) The director shall be the ex officio secretary of each such committee.
- (d) The budget committee shall establish and approve policies, forms and documents, procedures, and regulations necessary for the preparation of the annual operating and capital improvement budgets.
- (e) The investment committee shall establish and approve policies and procedures for cash management and investing idle cash funds in various investments as prescribed by law.
- (f) The purchasing committee shall establish and approve policies and procedures for the purchasing of all supplies, equipment or goods for the county.

**SECTION 6. Director – Appointment and compensation.**

- (a)
  - (1) The committee shall recommend the appointment of the director subject to ratification by the county legislative body.
  - (2) The committee may dismiss the director, subject to the approval of the county legislative

body.

(3) The director shall for all purposes be an employee of the county.

(b)

(1) The director shall have a minimum of a bachelor of science degree from an accredited college or university. Such person shall have had at least eighteen (18) quarter hours or equivalent semester hours in accounting.

(2) The committee may select a person not having a bachelor of science degree or having a sufficient number of hours in account; provided, that such person has at least two (2) years of acceptable experience in a related position or an equivalent number of other related courses.

(c) The establishment of the compensation of the director shall be recommended by the committee and approved by the county legislative body.

**SECTION 7. Director – Duties.**

(a) The director shall oversee the operation of the department in the functions established by this act, and shall be responsible for the implementation of the policies of the committee or such special committees established by the county legislative body.

(b) The director shall, among the director's duties, install and maintain a purchasing, payroll, budgeting, accounting and cash financial management system for the county.

(c) The director shall assist other county officials and employees in achieving an efficient financial management system for the county.

(d) The director has the authority to hire personnel for the finance department; provided, that the positions are funded in the annual budget and the personnel so hired meet the written job requirements as recommended by the director and approved by the committee.

(e) The director shall be responsible for ensuring all applicable federal, state and county laws that apply to the finance department are complied with and shall immediately notify the county attorney and the financial management committee of any discrepancies noted.

**SECTION 8. Director – Deputy.**

(a) A person employed by the finance department shall be recommended by the director and approved by the committee to serve as deputy director of finance.

(b)

(1) The person employed for this position shall perform such duties and responsibilities as assigned by the director.

(2) In the absence of the director, the deputy director shall perform the duties of the director necessary to the continued operation of the department, including, but not limited to, the cosigning of warrants, payroll checks and purchase orders.

**SECTION 9. Director – Bond.**

(a) The director shall execute a blanket bond in an amount of not less than fifty thousand dollars (\$50,000) for the faithful performance of the director's duties as director and of the department employees in accordance with the general law for such bonds.

(b) The cost of such bond shall be paid from funds appropriated to the department for such purpose.

(c) The amount of such bond may be increased subject to the approval of the committee, and additional appropriations by the county legislative body.

(d) The bond shall be prepared in accordance with the provisions of Tennessee Code Annotated, Title 8, Part 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

**SECTION 10. Budget – Preparation and committee review.**

(a) The budget committee, in conjunction with the director shall, on or before February 1 of each year, prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary procedures contained in this act.

(b) Each department or office of county government shall submit on request of the budget committee a proposed budget for the succeeding fiscal year and such other budgetary information requested by the director of the budget committee.

(c)

(1) The director shall prepare from the information submitted to such director a consolidated budget document.

(2) Such document shall show by item the amounts estimated by the various departments and

officials to be required for the efficient operation of the county government from the county general fund, the debt service funds, highway funds, school funds and all other funds.

(3) Such document shall show an estimate of the revenues to be received by each of the funds during the next fiscal year and an estimate of the unencumbered fund balance of each of such funds at the beginning of the fiscal year.

(d)

(1) The director shall file the consolidated budget with the budget committee.

(2) The budget committee shall review and present the recommended budget to the members of the county legislative body at least ten (10) days prior to the July meeting.

(3) Such budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year as submitted by each department, office or agency and recommended by the budget committee, and shall conform to the uniform classification of accounts established by the director in accordance with the prescribed state uniform accounting system.

(4) It is expressly provided that the classification of expenditures and receipts of any and all county school funds for any purpose, administered by the county board of education and county superintendent of schools, shall conform to the classification of accounts as prescribed by the commissioner of education.

(5) The budget committee shall fully provide in the budget for all requirements for debt service, interest and bond maturities and for any cash deficit in any fund at the beginning of the fiscal year, and shall propose a tentative tax rate to fund such budget. The budget committee shall fully provide for any courtordered expenses, including, but not limited to, deputies' and assistants' salaries authorized by court order pursuant to Tennessee Code Annotated, Title 8, Part 20. The budget, when adopted, shall appropriate funds to fully comply with such court order. The county legislative body shall adopt any budget amendment necessary to implement the provisions of such court order.

**SECTION 11. Budget – Hearings – Supporting documents – County action.**

(a) (1)

(A) At least ten (10) days before the proposed budget is to be presented to the governing body, the budget committee shall cause to be published in a newspaper of general circulation the proposed annual operating budget.

(B) This budget shall contain a budgetary comparison for the following governmental funds:

(i) General:

(ii) Highway/public works;

(iii) General purpose school fund; and

(iv) Debt service that shall include comparisons of the proposed budget with the current year and the prior year.

(C) The budgetary comparisons shall be by individual fund and shall summarize revenues by local taxes, state of Tennessee, federal government and other sources. Expenditures shall be summarized by salaries and other costs. The budgetary comparison shall also present beginning and ending fund balances and the number of employee positions.

(b) The budget committee shall present the budget to the county legislative body at the regular July meeting each year or at a special session called for this purpose prior to the regular July meeting.

(c) The proposed budget shall be accompanied by a budget message explaining the financial program and outlining the services, work and activities to be financed by the proposed budget and a brief discussion of the means proposed for financing the expenditure program set forth in the budget.

(d) With the proposed budget, the budget committee shall deliver to the county legislative body a budget appropriation resolution and a tax levy resolution.

(e)

(1) The county legislative body may alter or revise the proposed budget except as to provision for debt service requirements and for other expenditures required by law.

(2) The county legislative body shall finally adopt a budget in July.

(f)

(1) After the adoption of the budget, any county department, agency or official shall be entitled to a hearing before the county legislative body to justify any proposed additional

requests or budget estimates.

(2) The director may make quarterly allotments to any department, agency or official seeking a budget hearing in an amount not in excess of that approved in the budget for such quarter.

(3) Upon amendment of the budget, the director shall make a supplemental allotment or impound the funds of any department, agency or official to bring such appropriations in line with the amended budget.

(g) The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the county clerk.

**SECTION 12. Appropriations – Later modifications – Impounding.**

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by the resolution, and no expenditure shall be made or obligation created in excess of such limitation.

(b) Any resolution presented to the county legislative body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by the county legislative body, which provides for an appropriation in addition to those made in the original budget appropriation, shall specifically provide by tax levy sufficient revenues, or designate the source of funds to meet expenditures to be made in consequence of such additional appropriation.

(c)

(1) If at any time during the fiscal year it shall become apparent that the revenues of any of the county's funds, together with its unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the director to impound the appropriations from such fund in such amount as shall be necessary to balance such account. Nevertheless, the impoundment power provided by this section

shall not apply to the funds appropriated to the offices of trustee, county clerk, assessor of property, clerks of courts, register of deeds or sheriff.

(2) Upon the written approval of the committee, such impounded funds shall be released;

**SECTION 13. Expenditures – Minor adjustments.**

(a) The appropriations made by the county legislative body shall constitute authorization for the expenditures contained therein unless otherwise limited by the county legislative body.

(b) Expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated by line item.

(c) The expenditures and encumbrances against the amounts appropriated shall be made only upon an order or authorization issued by the department.

(d) No expenditures made or obligations created in any manner shall be valid or binding against the county except as provided by the provisions of this act.

(e)

(1) The budget committee, with the consent of any official or head of any department or division which may be affected, may make transfers and adjustments within the smallest budgetary itemization of any subdivision.

(2) Any other transfers or adjustments shall be submitted to the budget committee for its recommendation to the county legislative body.

**SECTION 14. Monthly reports.**

(a)

(1) The director shall make a report at the end of each month showing the condition of the budget.

(2) Such report shall show for each item of appropriation, or allotment thereof, the total expenditures for the month and the year to date, the amount of outstanding encumbrances and the amount of the unencumbered balance.

(3) Such report shall also show for each fund an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and the year to date and the unrealized portion of the estimate.

(b) Each department head, elected official and board member shall be furnished copies of monthly reports for their respective departments as soon as the same are available.

(c)

- (1) The most recent of such reports shall be presented by the director at each regular session of the county legislative body.
- (2) At such time, the director shall advise the county legislative body of the condition of the budget, and of any adjustment or reduction of appropriations which should be made, and shall recommend any other action which, in the director's opinion, the county legislative body should take in order that the financial condition of the county is not impaired.

**SECTION 15. Accounting system – Preaudit of invoices, etc.**

- (a) There shall be set up and maintained in the department a system of fiscal procedure, control and centralized accounting which shall be under the administrative control and direction of the director except as provided for in subsection (e) of Section 3. The procedures and records shall be maintained in accordance with provisions of Tennessee Code Annotated, Section 5-21-103©).
- (b)
  - (1) Before any obligation against the county shall be paid or any disbursement warrant or voucher issued, a detailed invoice, receivable copy of the purchase order, or such document indicating receipt of merchandise or service should be approved by the head of an office, department or agency for which the obligation was made and be filed with the director.
  - (2) The director shall establish a system for making a careful preaudit of such invoice, purchase order, or other documents, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable.
  - (3) Disbursement warrants shall be promptly prepared for all such approved obligations by the director, signed in accordance with Tennessee Code Annotated, Section 5-21-116 and mailed or delivered to the payees thereof.

**SECTION 16. Disbursement warrants.**

- (a) All disbursement warrants drawn on the county trustee for the obligations of all county departments, agencies, and officials, including the county executive, shall be signed as provided herein.
- (b)
  - (1) Except as provided for in subsection (e) of Section 3, the disbursement warrants shall be prepared in the finance department, and provided to each department for signing.
  - (2) Upon the signing of such warrant by the finance department, the department head signing the disbursement warrant shall keep one (1) copy for filing in such department.
  - (3) The original and all other copies of such warrant shall be returned to the director for such director's signature as a cosigner and for filing and mailing from the finance department.
  - (4) A duplicate copy of all disbursement warrants, with all original invoices and other supporting documents attached thereto, shall be kept on file in the office of the director.
- (c)
  - (1) In lieu of each department agency or official signing disbursement warrants, the departments may authorize the director to use a signature plate in accordance with the general law and approval by the comptroller of the treasury.
  - (2) If such signature plate is used, it shall be locked in a safe place when not in use and supervised by the person responsible for its safekeeping when in use.
  - (3) A record shall be maintained indicating when the signature plate is used, numbers of the warrants signed, and the person using such plate.

**SECTION 17. Payroll account.**

- (a) The committee shall maintain a special county payroll account at a bank, in which disbursement warrants for the total of each payroll shall be deposited and against which individual net earning checks may be issued to each of the county employees.
- (b) The committee may authorize the issuance of such payroll checks on the signature of the director and, in such event, the depository bank shall be so instructed.

**SECTION 18. Director as purchasing agent.**

- (a) The director or a deputy appointed by the director shall serve as the county purchasing agent

and shall assist the committee in developing policies and procedures for implementing an economical and efficient purchasing system.

(b)

(1) Upon the recommendation of the committee and approval of the county legislative body or as authorized by the county legislative body, a separate purchasing department may be established with a person hired as purchasing agent for the county.

(2) In the event a separate purchasing department is established and a purchasing agent is hired, all duties and responsibilities relative to purchasing shall be removed from the director.

### **SECTION 19. Purchasing System.**

(a) The committee, with the assistance of the purchasing agent, shall establish a purchasing system for the county.

(b) Such system shall provide, among other procedures, the following:

(1) Review of all contracts or purchases for biddable supplies, materials, equipment, and other needs of the county, shall be made by the purchasing agent;

(2) No purchase or contract shall be made when the bid prices exceed the current market price for the same merchandise or service;

(3) Purchases and contracts shall be awarded based on the lowest and best bid;

(4) Specifications development shall be made by the department, agency or official to receive the merchandise, construction or service;

(5) The purchasing agent shall:

(A) Review specifications and changes to allow for maximum competition of prospective bidders;

(B) Prepare formal and informal bids;

(C) Collect sealed bids;

(D) Open bids through a procedure open to the public;

(E) Evaluate, compare and submit bids for approval by the committee, if so deemed by the committee;

(F) Issue purchase orders and contracts; and

(G) Verify receiving the merchandise or service;

(6) The director shall:

(A) Accept requisitions by the department, agency or official, and, if such supplies are not currently on hand, transmit such requisition to the purchasing agent;

(B) Verify budget appropriations before authorizing a purchase;

(C) Approve invoices for payment; and

(D) Pay invoices and obligations of the county as provided herein; and

(7) Emergency purchases, total cost bidding, blanket purchases for small orders, grouping of purchases of the various departments, and other methods for receiving the most competitive price and best bid. Emergency purchases shall be limited to needs arising which are not normally foreseeable. Emergency purchases shall not be permissible if a department or agency fails to properly plan for the need, proper purchasing procedures, and delivery time.

### **SECTION 20. Bidding.**

(a) The committee shall authorize the dollar limitation when formal competitive bids are required but not to exceed the amount as authorized by state law for the highway and education departments or other such amounts as established by law.

(b) Subject to the policies and regulations of the committee, "biddable items" means any need of the county where more than one (1) bidder or contractor in the county's trade area can provide the material or service. Specifications shall not be written to exclude vendors and contractors or limit the bidding to a specific vendor or contractor.

(c) The county shall be liable for the payment of all purchases of supplies, materials, equipment and contractual service made in accordance with the provisions of this act, but shall not be liable for the payment of such purchases made contrary to its provisions unless such item is specifically approved by the committee.

### **SECTION 21. Conflicts of interest.**

(a) The director, purchasing agent, members of the committee, members of the county legislative body, or other officials, employees, or members of the board of education or highway commission shall not be financially interested or have any personal beneficial interest, either directly or



indirectly, in the purchase of any supplies, materials or equipment for the county.

(b) No firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment, shall give or offer nor shall the director or purchasing agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other things of value whatsoever, or any promise, obligation or contract for future reward or compensation.

**SECTION 22. Committee members – Compensation.** The county legislative body shall set the compensation based on the service and time rendered in implementing the provisions of this act for members of the various committees created herein.

**SECTION 23. County employees unaffected.**

(a) Notwithstanding any provision of this act, each department, agency or official shall have the authority to hire personnel and set salaries and to determine the needs for its use, all subject to budget limitations and the availability of funds.

(b) The authority of the committee, director or purchasing agent shall be limited to the provisions of this act and such policies necessary to implement the provisions of this act. They shall not have the authority to veto the hiring and dismissal of personnel of the various county departments, agencies, or officials or set salaries nor determine the needs of such departments.

**SECTION 24. Education department – Withdrawal from system.**

(a) In the event the director or purchasing agent established under this act does not maintain records, follow accounting and budgetary procedures, and submit timely reports and information as prescribed by state law and the commissioner of education, the commissioner of education, after a hearing on the issue of such neglect, shall remove the education department of the county involved from the county financial management system established by this act by notifying in writing the prescribing officer of the county legislative body.

(b) Upon notice from the commissioner of education, the county legislative body shall transfer sufficient funds from the control of the department to provide financial services in the county education department under the supervision of the county director of schools as provided by general law.

(c) State funds may be withheld for failure to provide adequate funds to transfer the responsibilities to the education department.

**SECTION 25. Violations – Penalties.** Any official or employee of the county, or of any institution or agency thereof, who fails or refuses to perform the duties required by this act or who fails or refuses otherwise to conform to the provisions of this act is subject to removal from office or position in accordance with the provisions of Tennessee Code Annotated, Title 8, Chapter 47, if applicable to such official or employee, and if not applicable to such official or employee in such manner as provided by the county legislative body.

**SECTION 26. Implementation of system.**

(a) Upon this act becoming law as provided in Sections 31 and 32, the county legislative body shall appoint members of the committee at the next meeting of such body.

(b) Within thirty (30) days after such appointment, the committee shall meet, elect a chair, and start the process for hiring a director.

(c) The committee shall also develop plans for implementing the financial management system beginning July 1 of the next fiscal year.

(d) In implementing the system, the committee and director shall seek recommendations from the state county audit division, the state department of education, the University of Tennessee's county technical assistance service, and other such organizations.

(e) After an implementation plan has been developed and approved by the committee, a report shall be submitted to the county legislative body by July 1 of the fiscal year in which the system is to be implemented.

(f) The committee shall publish in a local newspaper of county-wide circulation a notice specifying that:

(1) The county has adopted a private act relating to a financial management system and all employees, vendors and contractors must abide by its provisions beginning on a date specified in the notice; and

(2) The act or policies to implement the act will be available on a date specified in the notice and copies may be obtained at that time.

**SECTION 27. Suspension of private or local acts.** Upon ratification by the county legislative body and implementation of this act's provisions, the operation of all private or local acts relative to county finances, budgeting, and purchasing in conflict with this act are suspended until such time as the provisions of this act are revoked as provided in Section 28.

**SECTION 28. Audits.**

(a) All audits whether by the controller's (sic) office, division of county audit, or by private firm as authorized by law shall include a review of, and report on, the state of the finance department's compliance with all applicable federal, state and county laws that apply to the operation of the finance department.

(b) Any adverse findings shall be subject to a ninety (90) day review in which the adverse finding shall be corrected. No controversy arising from the audit shall be considered a Section 25 violation if corrected.

**SECTION 29. Applicability of General Law.** If any provision of this act conflicts with the general law, then general law shall control.

**SECTION 30. Severability.** 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 severable.

**SECTION 31.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of the County of Sumner, Tennessee. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners and certified to the secretary of state.

**SECTION 32.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 31.

Passed: April 3, 2002.

## Private Acts of 2012 Chapter 70

**COMPILER'S NOTE:** Until this act is fully implemented, upon the adoption of a resolution by the County Legislative Body, Chapter 113 of the Private Acts of 2002, as amended by Chapter 26 of the Private Acts of 2003, and any other act amendatory thereto or any other private act relative to the operation of County finances, budgeting, and purchasing remain in effect. The 2002 act is reproduced in full following this act.

**SECTION 1.** This act shall be known and may be cited as the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012." It shall also be referenced as the "2012 Finance Act.'

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

- (1) "Board of Education" means the elected body that governs the County School System;
- (2) "Budget Committee" means the separate committee created for the operation by the County of the annual budget process as well as the monthly expenditure of funds;
- (3) "The Committee" means the 2012 Finance Committee;
- (4) "County" or "Organization" means the county and includes the School System if the School System chooses to join the Organization;
- (5) "Earning records" means detailed records of all time worked, leave taken, and all leave balances maintained on a real-time basis exclusively by a comprehensive time and attendance system, which shall be used by all agencies of the County. This application must be fully integrated into the ERP and automated to the utmost extent technologically possible and shall comply with all wage and hour rules or regulations;
- (6) "Enterprise Resource Planning" or "ERP" means a system which integrates internal and external management information across an entire organization, embracing finance/accounting and all other departmental information and relationships. ERP systems automate this activity with an integrated software application. Its purpose is to facilitate the flow of information between all business functions inside the boundaries of the organization and manage the connections to outside stakeholders;
- (7) "Finance Department" means the County Finance Department;
- (8) "Finance Director" or "County Finance Director" means the Director of the Finance Department;
- (9) "School Finance Director" means the Sumner County School Department employee chosen by the Sumner County School Department to perform functions specified by this act;

- (10) "Policy Subcommittee" means the Policy Subcommittee created pursuant to Section 3(a);
- (11) "Standing Committee" means a committee created by the County Legislative Body that shall continue until the County Legislative Body takes action to abolish such committee;
- (12) "School System" means the County School System created or authorized by the general assembly of the State of Tennessee;
- (13) "Capital asset" means land, improvements to land, easements, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, and all tangible or intangible assets that are used in operations and that have initial useful lives extending beyond the fiscal year;
- (14) "Office Holders" means the County sheriff and all County officials designated as general officers in Section 8-24-102 (a);
- (15) "Purchase" means the purchase, lease, lease-purchase, or contract for procurement of personal property or services or any combination thereof; and
- (16) "State of Tennessee's Division of Local Government Audit" means the State of Tennessee's Division of Local Government Audit or any other State of Tennessee agency subsequently created to perform that division's current functions.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 3.** 2012 Finance Act Committees or Subcommittees. Within sixty (60) days of the passage of this 2012 Finance Act, the following 2012 Finance Act Committees or Subcommittees shall be created:

(a) A five (5) member Policy Subcommittee.

(1) The Policy subcommittee to be composed of five (5) voting members as follows:

- (A) County Executive;
- (B) County Finance Director;
- (C) Chairman of the Financial Management Committee;
- (D) Road Superintendent; and
- (E) One elected county official, chosen annually by the Sumner county officials Association or by majority vote of any subsequent organization that the statutorily and constitutionally elected officials create.

(2) This Policy Subcommittee shall:

- (A) Draft, develop and propose policies, procedures and regulations for the initial implementation of this act;
- (B) Plan and recommend the initial policies and procedures of the enterprise resource planning system;
- (C) Plan and recommend an accounting system in conformity with nationally recognized standards for governmental accounting as approved by the comptroller of the treasury for all funds of the various departments, agencies and boards that are operated through the County Trustee;
- (D) Design and suggest an implementation plan for the implementation of the act;
- (E) Where appropriate, recommend policies and procedures for purchases; and
- (F) After implementation, meet only when necessary to address new matters or necessary changes in policies and procedures for the 2012 Finance Committee created pursuant to subsection (b).

(3) The Policy Subcommittee shall be advised by the legal counsel of the County Legislative Body and the School Board.

(b) A seven (7) member 2012 Finance Committee.

(1) The 2012 Finance Committee shall consist of the County Executive, Supervisor of Highways, Director of Schools, and four (4) members elected by the County Legislative Body at its regular September session of each year or at any subsequent session, provided that the four (4) members elected by the County Legislative Body need not be members of the County Legislative Body.

(2) The 2012 Finance Committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided in this section.

(3) The 2012 Finance Committee shall adopt policies, procedures and regulations for the initial implementation of this act proposed by the Policy Subcommittee.

(4) Upon approval of this 2012 Finance Act, the 2012 Finance Committee shall direct the County Finance Director to implement, carry out and oversee the policies and procedures created pursuant to this act. Such policies and procedures

shall include budgeting, accounting, purchasing, payroll, cash management and such other financial matters necessary for an efficient financial system.

(5) The 2012 Finance Committee shall recommend policies and procedures for cash management and investment of idle cash funds as prescribed by law. Such recommendations shall be approved by majority vote of the County Legislative Body.

(c) A seven (7) member Budget Committee.

(1) The Budget Committee shall consist of seven (7) members of the County Legislative Body elected by the County Legislative Body at its regular September session of each year or at any subsequent session.

(2) The Budget Committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided in this section.

(3) This Budget Committee shall:

(A) Establish and approve policies, forms and documents, procedures and regulations necessary for the preparation of the annual operating and capital improvement budgets;

(B) Study funding requests and recommendations as received from other Standing Committees; consider the fiscal impact of any resolution presented to the Budget Committee; and report its finding to the Legislative Body;

(C) Recommend to the Legislative Body a proposed Tax Rate;

(D) Approve budget transfers; and

(E) Provide general oversight of the County's Self-Insurance activities.

As amended by:

Private Acts of 2019, Chapter 8

**SECTION 4.** Finance Director. The County Executive shall recommend the appointment of the Finance Director subject to ratification by the County Legislative Body.

(1) The County Legislative Body, with a thirty (30) day notice, may dismiss the Finance Director with a 2/3 majority vote, subject to any approved agreements to the contrary.

(2) The Finance Director shall, for all purposes, be an employee of the County.

(3) The Finance Director shall be a Certified Public Accountant with an active license in Tennessee and shall have a minimum of five years of experience with local governments in the field of accounting and/or auditing.

(4) The compensation of the Finance Director shall be established by the County Legislative Body.

**SECTION 5.** Assistant Finance Director.

(a) A person employed by the Finance Department shall be recommended by the Finance Director and approved by the 2012 Finance Committee to serve as the Assistant Finance Director.

(b) The Assistant Finance Director shall have a minimum of a Bachelor of Science or Business Administration degree from an accredited college or university. Such person shall have had at least eighteen (18) quarter hours or equivalent semester hours in accounting.

(c) The person employed for this position shall perform such duties and responsibilities as assigned by the Finance Director.

(d) In the absence of the Finance Director, the Assistant Finance Director shall perform the duties of the Finance Director necessary for the continued operation of the Finance Department.

**SECTION 6.** Director's Bond.

(a) The Finance Director shall execute a blanket bond in an amount of not less than one hundred thousand dollars (\$100,000) for the faithful performance of the Finance Director's and the department employees' duties in accordance with the general law for such bonds.

(b) The cost of such bond shall be paid from funds appropriated to the Finance Department for such purpose.

(c) The amount of such bond may be increased subject to the approval of the 2012 Finance Committee and additional appropriations by the County Legislative Body.

(d) The bond shall be prepared, recorded and transmitted in accordance with state law.

**SECTION 7.** Integrated Financial Management and Enterprise Resource Planning System.

(a) There is hereby created an integrated financial system for the various departments, agencies, and boards that are operated through the County Trustee, which may or may not include the School System, depending upon the decision of the School System to participate as set forth in this Act.

(b) Such system shall include budgeting, accounting, purchasing, payroll, cash management,

human resources, and such other financial matters necessary for an efficient financial system.

(c) Such system shall have:

- (1) A common platform for all enterprise resource planning activities for all departments, agencies, commissions, boards, divisions or offices;
- (2) Real-time operations and complete integration of all related systems and/or subsystems; and
- (3) The accounting system, which shall have real-time access to all documents necessary through the enterprise resource planning system:

- (A) For the annual audit with the State of Tennessee's Division of Local Government Audit or any necessary agreed upon procedures to be performed by a Certified Public Accountant with an active license in Tennessee; procedures will be considered necessary if requested by the State of Tennessee's Division of Local Government Audit;
- (B) For preparation of financial statements in compliance with accounting principles generally accepted in the United States of America;
- (C) To support any amount in the approved budgets;
- (D) To support any item in the fund financial statements;
- (E) To support all necessary documentation for the preparation of Government-Wide Financial Statements;
- (F) To support all capital assets balances and transactions by maintaining records of capital assets of the County in accordance with accounting principles generally accepted in the United States of America;
- (G) All necessary documentation for the proficient accounting of grants; and
- (H) To support any amount necessary for payroll, including taxes and earning records.

(d) The school system Human Resource Department shall be under the control of the Director of Schools but may be integrated into the enterprise resource planning system, if the School System votes to seek integration into the system.

(e) The school system's budgets shall be under the control of the Sumner County School Board, but may be integrated into the enterprise resource planning system, if the School System votes to seek integration into the system.

(f) The enterprise resource planning system provided for in this section shall at all times maintain a comprehensive set of internal controls.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 8. Accounting System.**

(a) By this 2012 Finance Act, there is hereby created an accounting system for all funds of the various departments, agencies, and boards that are operated through the County Trustee, which may include the School System if the School System votes to seek integration into the system.

- (1) There shall be set up and maintained in the office of the Finance Director a system of accounting, set out and described in this section, which shall be managed by and be under the administrative control of the Finance Director.
- (2) The accounting system shall be an integral part of the enterprise resource planning system.
- (3) The Finance Director shall be responsible for the implementation of the policies of the 2012 Finance Committee or such special committees established by the County Legislative Body.
- (4) The accounting system provided for in this section shall conform to accounting principles generally accepted in the United States of America.
- (5) The accounting system shall comply with the rules and regulations established by the Comptroller of the Treasury, the Commissioner of Education and state law.
- (6) The accounting system shall include such records and procedures as may be required to accurately reflect the assets, liabilities, revenues and expenditures of each fund, together with such records, accounts and files as are necessary to record:
  - (A) The transactions relating to revenues, and the revenues for each of its several funds;
  - (B) The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriations;
  - (C) The transactions relating to debt;

- (D) All financial transactions for all grants awarded to the County;
- (E) All necessary documentation to prepare Government-Wide Financial Statements in accordance with accounting principles generally accepted in the United States of America;
- (F) Such other records as may be necessary to facilitate the recording of the adopted budgets and the proper accounting for each item of expenditure; and
- (G) Any and all of the records may be maintained solely in electronic format, unless otherwise prohibited.

(b) This 2012 Finance Act shall not be construed as authority over the fee and commission accounts or the accounts of office holders.

(c) This 2012 Finance Act shall not be construed as authority over personnel policies or procedures or salaries of the various County offices or departments, except with respect to requiring necessary recordkeeping and reporting needed for performing the payroll functions as prescribed by the 2012 Finance Committee.

(d) All employees performing the functions of payroll, accounts payable, cash management, and financial reporting in the various operating departments shall be supervised and managed by the Finance Director notwithstanding any other law to the contrary. All such employees shall be budgeted and paid through the Finance Department. Such necessary changes will be detailed in and made in accordance with the approved implementation plan.

(e) The School System may operate separately from these functions except that such records shall be available for view by the County Finance Department.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 9.** County Finance Director's Accounting Duties. It is the duty of the County Finance Director, through the County's accounting system, to perform the following duties:

(1) General:

- (A) Post and otherwise keep the records of the accounting system;
- (B) Install, with the approval of the Comptroller of the Treasury, a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting and financial reporting respecting all funds, offices, agencies and activities of the County government;
- (C) If integrated with the School System, to consult with the School Finance Director to verify that the classification of all expenditures and revenues of the County school department's funds conform to the appropriate County Uniform Chart of Accounts;
- (D) Set up and maintain an accounting system for recording the transactions of all of the funds, including both proprietary and budgetary accounts, in conformity with accounting principles generally accepted in the United States of America;
- (E) Set up the necessary accounts to properly record the annual budget and each appropriation made by the County Legislative Body; and
- (F) Confirm that all encumbrances, expenditures or other charges against any item of the budget shall be promptly recorded in order that the unencumbered balance of each item of the budget shall be readily ascertainable at all times.

(2) Receipt of funds.

- (A) Except for taxes which are to be collected by the Trustee, the payment of all monies to the County by any collectors authorized by statute or by anyone on account due the County shall be made only by issuance of a receipt or receivable warrant through the Finance Department instructing the Trustee to receive the amount named, for which the Trustee shall issue a receipt.
- (B) The Finance Department's receipt or receivable warrant shall directly post to the County's accounting records.

(3) Disbursement of funds.

- (A) The County shall use a checking system instead of warrants for the disbursement of funds. The checking system shall be installed and maintained by the Finance Director in accordance with the provisions of Section 5-8-210.
- (B) All checks on County funds held by the County Trustee shall be signed by the Finance Director and the following person(s) as indicated:

- (1) Chairman of the Board of Education and the Director of Schools for disbursements from school funds; provided, that if the School System chooses to not be included in the Organization, signature of checks shall be undertaken in a form acceptable by state standards;
- (2) Chief Administrative Officer of the County Highway Department for disbursement from highway funds; and
- (3) County Executive for all other disbursements of County funds.

(C) All signatures required on County checks may be executed by methods other than personal signature if such methods are approved by the person authorized to sign, the 2012 Finance Committee, and the Comptroller of the Treasury.

(D) The Finance Director may cause checks to be signed and or delivered by electronic means, or funds electronically transferred from County bank accounts, upon approval of the 2012 Finance Committee and the Comptroller of the Treasury.

(E) Subject to the availability of funds, the Finance Director shall not refuse to sign checks presented for his or her signature if proper appropriation of funds and documentation for the disbursement has been made in accordance with this act.

(F) The Finance Department shall keep a copy of all checks signed by the Finance Director alone and as co-signer.

(G) Before any obligation shall be paid, a detailed invoice, receivable copy of the purchase order, or such document indicating receipt of merchandise or service and authorization of payment should be approved by the head of an office, department or agency for which the obligation was made and be filed with the Finance Director.

(H) After careful pre-audit of invoices, bills and claims against the County or any of its funds, disbursements shall be prepared.

(I) Expenditures incurred in accordance with authorized appropriations shall be paid promptly in order that the County may obtain the benefit of cash discounts.

(J) Payroll disbursements shall be based upon documentation furnished to the Finance Department and certified by all heads of departments, offices, and agencies of the County for themselves and their employees establishing the employment relationship and all relevant information required by the Finance Director to determine proper payment, withholding of income for taxes and other purposes, benefits, leave status or other information relevant to the County's financial relationship to the employee.

(4) Financial Reporting.

(A) At the end of each month, the Finance Director shall prepare a comprehensive report of all revenues and expenditures of each of its several funds, departments, offices, agencies and activities, all encumbrances against the several appropriations, and the condition of each item of appropriation in the annual budget. Such report shall show:

- (1) For each item of appropriation or allotment thereof, the total expenditures for the month and year to date, the amount of outstanding encumbrances, and the amount of the unencumbered balance; and
- (2) For each fund, an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and year to date, and the unrealized portion of the estimate.

(B) The most recent of such reports shall be available on the County's Web site and/or other electronic media as specified by the 2012 Finance Committee.

(C) Each department head, elected official and board member shall be furnished, in electronic format or by other means specified by the 2012 Finance Committee, copies of monthly reports for the respective departments as soon as the same are available.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 10.** School Finance Director's Accounting Duties. It is the duty of the School Finance Director, through the School System accounting system (or the County, if the School system so chooses), to perform the following duties:

- (a) To verify that all requests for expenditures are appropriately classified based on County's Uniform Chart of Accounts.

- (b) Verify that all transactions have been duly authorized before forwarding them to the Finance Department for recognition in the accounting system.
- (c) Verify that all account classifications are consistent between the budget approved by the Sumner County Board of Education and the operations of said fund.
- (d) Verify that all activities related to each of Sumner County School Department's grants are accurately reported.

As amended by:

Private Acts of 2019, Chapter 8

**SECTION 11. Purchasing Agent.**

- (a) The Finance Director or a deputy appointed by the Finance Director may serve as a purchasing agent for the County and shall assist the Policy Subcommittee in developing policies and procedures for implementing an economical and efficient purchasing system.
- (b) The 2012 Finance Committee shall adopt the policies and procedures for purchasing and acquisitions in the County as provided for in this 2012 Finance Act.
- (c) The School System shall be authorized to perform any purchasing functions which shall aid the County. Said purchases shall be made pursuant to this 2012 Finance Act.
- (d) Notwithstanding subsections (a) through (c) of this section, this 2012 Finance Act shall not serve as authorization to remove any purchasing activities or authority from the School System.

**SECTION 12. Purchasing System.** The purchasing system for the County shall be an integral part of the enterprise resource planning system and shall provide for a set of comprehensive internal controls. These comprehensive internal controls shall ensure the following:

- (1) All purchases shall comply with general law;
- (2) All budgets shall be timely encumbered for all necessary purchases; and
- (3) All necessary documentation shall be electronically maintained on the ERP.

**SECTION 13. Bidding.**

- (a) The dollar limitation, for when formal competitive bids are required, shall be the amount as authorized by state law, for the highway department, education department, or other departments or agencies.
- (b) In accordance with Tennessee Code Annotated, Section 12-3-1001, the County may purchase any authorized item from the Department of General Services without public advertisement or competitive bidding.
- (c) The County may purchase any item authorized by federal law or regulations through the federal General Services Administration (GSA) without public advertisement or competitive bidding.
- (d) The County may cooperatively purchase with any Tennessee county or school system without public advertisement or competitive bidding, if the lead purchasing entity complied with its own purchasing requirements and general state law governing cooperative purchases. Such purchase may be made from the other governmental entity or directly from the bidder or contractor.
- (e) Subject to the policies and regulations of the 2012 Finance Committee, "biddable items" means any need of the County where more than one (1) bidder or contractor can provide the material or service. Specifications shall not be written to exclude vendors and contractors or to limit the bidding to a specific vendor or contractor.
- (f) The County shall be liable for the payment of all purchases of supplies, materials, equipment and contractual services made in accordance with the provisions of this act but shall not be liable for the payment of such purchases made contrary to its provisions.
- (g) The purchasing system may use any exclusion from bidding pursuant to any state statute.

**SECTION 14. Procedures for Budget Preparation.**

- (a) All County budgeting processes, including preparation, shall be integrated into the enterprise resource planning system.
- (b) On or before January 1 of each year, the Budget Committee, in conjunction with the Finance Director, shall prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary procedures contained in this act.
- (c) Except for the County Board of Education, each of the other operating departments, institutions, offices and agencies shall file with the Finance Director, on or before March 1 of each year, a detailed estimate of its requirements for expenditures from the County's funds for the ensuing fiscal year, together with an estimate of any County revenues to be received by such agency, office or department.
- (d) The County Board of Education, after preparing its annual budget as now provided by law, shall file such budget with the Finance Director before June 1 for inclusion in the complete budget document to be presented to the Budget Committee.



(e) The Finance Director, on or before June 30 of each year, shall file a consolidated budget document with the Budget Committee showing an itemized statement of the amounts estimated by the various departments and officials to be

required for the efficient operation of the County government from the County general fund, the debt service funds, the highway funds, the school funds and all other funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and an estimate of the unencumbered balance of each of the funds at the beginning of the fiscal year. The consolidated budget shall be prepared on the basis of accounting required for fund financial statements by accounting principles generally accepted in the United States of America. The budget, as adopted, shall be balanced as to all funds.

(f) Such consolidated operating budget document shall comply with provisions of the County Uniform Chart of Accounts and show, by major categories and line items, the amounts requested by the various departments, offices, agencies and nonprofit organizations for their operations during the ensuing fiscal year from the various County funds. The County Finance Director shall include, within the consolidated operating budget, the amounts necessary to pay principal and interest on any indebtedness of the County. The proposed and revised consolidated operating budget document shall show, at a minimum, the following: actual revenues received during the last audited fiscal year, the actual expenditures during the last audited fiscal year, the actual fund balance in each fund of the County at the end of the last audited fiscal year, the estimated revenues during the current fiscal year, the estimated expenditures during the current fiscal year, the estimated fund balance in each fund of the County at the end of the current fiscal year, the estimated revenues to be received during the ensuing fiscal year, the estimated expenditures during the ensuing fiscal year, and the estimated fund balance in each fund of the County at the end of the ensuing fiscal year.

(g) The consolidated operating budget document shall:

- (1) Not conflict with requirements of state law for funding of the County Department of Education.
- (2) Not conflict with requirements of state law for funding the Highway Department.
- (3) Not decrease the personnel budget for the sheriff's office from that of the current year without the consent of the sheriff according to Section 8-20-120.
- (4) For the County Election Commission, conform to the requirements of Section 2-12-209.
- (5) Shall conform to the requirements of Title 8, Chapter 20.
- (6) Shall fully provide for any court-ordered expenses.

(h) The Budget Committee shall fully provide in the budget for any fund deficit, other than proprietary funds, at the beginning of the fiscal year.

(i) The Budget Committee shall fully provide in the budget for any cash overdraft in any of its proprietary funds at the beginning of the fiscal year.

(j) The Budget Committee shall propose a tentative tax rate to fund the consolidated operating budget.

#### **SECTION 15. Budget Publication and Adoption.**

(a) The Finance Director shall cause the proposed operating budget to be printed in a newspaper of general circulation in the County at least ten (10) days before the proposed budget is to be presented to the County Legislative Body for adoption. The budgetary publication shall contain a comparison based on the proposed operating budget for the ensuing fiscal year as required by Section 14, subsection (f) herein. Such comparison shall contain the proposed operating budget, the current year operating budget, and the prior year operating budget. Such publication must encompass, at a minimum, the General Fund, the Highway/Public Works Fund, the General Purpose School Fund, Debt Service Funds, and any other funds budgeted to receive property tax revenues, if any. The budgetary comparison shall also present estimated beginning and estimated ending fund balances and the number of employee positions budgeted. The budgetary comparisons shall be by individual fund and shall summarize revenues by local taxes, State of Tennessee, federal government and other sources, if any. Expenditures shall be summarized by salaries and other costs. Such publication shall also contain a notice of a public hearing to be conducted by the Budget Committee at which any citizen of the County shall have the right to appear and state such citizen's views on the budget.

(b) Additionally, the Finance Director shall cause a complete listing of proposed expenditures for each nonprofit organization to be printed in a newspaper of general circulation in the County in conjunction with the summary of the proposed operating budget.

(c) The Budget Committee shall present the budget to the County Legislative Body.

(d) With the proposed budget, the Budget Committee shall deliver to the County Legislative Body a

budget appropriation resolution and a tax levy resolution.

(e) The Board of Education has the right to address the County Legislative Body in regard to the board's budget and tax rate proposals.

(f) The County Legislative Body may alter or revise the proposed budget, with the exception of the school budget which shall be accepted or rejected in total, except as to provision for debt service requirements and for other expenditures required by law.

(g) On or before October 1 of each year, the County Legislative Body shall adopt an operating budget, a property tax levy with a rate sufficient with other revenues and fund balances to fully fund the operating budget, and an appropriation resolution. All funds from whatever source derived, including, but not limited to, taxes, county aid funds, federal funds, fees and fines, which are to be used in the operation and programs of the various offices, departments, commissions. Institutions, boards and agencies of County government shall be appropriated to such use by the legislative body.

(h) Before the adoption of the budget, any County department, agency or official shall be entitled to a hearing before the County Legislative Body in order to justify any proposed additional requests or budget estimates.

(i) The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the County Clerk.

**SECTION 16.** Continuing Appropriations.

(a) If the budget, tax rate and appropriation resolutions are not adopted by the County Legislative Body on or before twelve o'clock (12:00) midnight on June 30 for the ensuing fiscal year, all departments and offices of the County may make expenditures according to the budget of that department or office as adopted for the preceding fiscal year, except that such departments and offices are limited to expenditures and obligations based on a monthly allotment from the preceding fiscal year's budget.

(b) The allotment from the preceding fiscal year shall not include any major capital items, unless first approved by the County Legislative Body; however, such exclusion shall not preclude emergency purchases.

**SECTION 17.** Appropriations.

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such County for the fiscal year covered by the resolution, and no expenditure shall be made or obligation created in excess of such limitation.

(b) The appropriations made by the County Legislative Body shall constitute authorization for the expenditures contained therein unless otherwise limited by the County Legislative Body.

(c) Expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated by line item.

(d) The expenditures and encumbrances against the amounts appropriated shall be made only upon an order or authorization issued by the department.

**SECTION 18.** Budget Adjustments, Amendments and Impounding.

(a) The Budget Committee, with the consent of any official, head of any department or division that may be affected, with the exception of the school budget, may make transfers and adjustments within the smallest budgetary itemization of any subdivision.

(b) The School System shall make transfers and adjustments within the smallest budgetary itemization of any subdivision of the school budget as provided in general law.

(c) Any other transfers or adjustments shall be submitted to the Budget Committee for its recommendation to the County Legislative Body.

(d) Any resolution presented to the County Legislative Body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by the County Legislative Body, that provides for an appropriation in addition to those made in the original budget appropriation, shall specifically provide, by tax levy, sufficient revenues or designate the source of funds to meet expenditures to be made in consequence of such additional appropriation.

**SECTION 19.** County Employees Unaffected.

(a) Notwithstanding any provision of this act, each department, agency or official shall have the authority to hire personnel and set salaries and to determine the needs for its use, all subject to budget limitations and the availability of funds.

(b) The authority of any committee or subcommittee created pursuant to this 2012 Finance Act and the Finance Director shall be limited to the provisions of this act and such policies necessary to implement the provisions of this act. They shall not have the authority to veto the hiring and

dismissal of personnel of the various County departments, agencies, or officials or to set salaries or to determine the needs of such departments.

**SECTION 20.** Education Department - Participation with the 2012 Finance Act.

(a) If the School System does not maintain records, follow accounting and budgetary procedures, and submit timely reports and information as prescribed by state law and by the Commissioner of Education, the Commissioner of Education, after a hearing on the issue of such neglect, shall seek to have the County Education Department placed under this 2012 Finance Act by written notification to the presiding officer of the County Legislative Body.

(b) Upon notice from the Commissioner, the County Legislative Body shall transfer sufficient funds from the control of the Finance Department to provide financial services in the County Education Department under the supervision of the School Board, as provided by general law.

(c) State funds may be withheld for failure to provide adequate funds to transfer the responsibilities to the County Education Department.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 21.** Implementation.

(a) The Financial Management Committee shall evaluate the ongoing operation of the implementation of all areas of this Act and shall notify the full County Commission, the School System, all offices, elected officials, and the public when it deems that portions or all of the provisions of this Act are to be fully implemented.

(b) Until that time, the County shall work towards the goal of implementation; however, delays in implementation in no way violate this Act if full implementation is not reached in a timely manner.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 22.** Suspension of Conflicting Laws.

(a) When this act is fully implemented, upon the adoption of a resolution, Chapter 113 of the Private Acts of 2002, as amended by Chapter 26 of the Private Acts of 2003, and any other act amendatory thereto or any other private act relative to the operation of County finances, budgeting, and purchasing in conflict with this act are repealed. Upon the adoption of such resolution for the repeal of such acts, the presiding officer of the County Legislative Body shall certify the action to the secretary of state.

(b) Where any conflict arises between this act and Title 49 or other sections of Tennessee Code Annotated that provide for the duties, responsibilities, and authority of the elected school board members, Title 49 or other sections of Tennessee Code Annotated shall take precedence.

**SECTION 23.** Public Notice. In addition to any other methods for sales of County-owned property authorized by law, Sumner County having adopted the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012," is authorized to conduct a sale of surplus County-owned property on any Internet auction Web site approved by the County Legislative Body.

**SECTION 24.** County Approval.

(a) This Act *and the subsequent amendments thereto* shall have no effect unless it is approved by a two thirds (2/3) vote of the County Legislative Body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County legislative Body of Sumner County and certified to the secretary of state.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 25.** Effectiveness. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 24.

Passed: April 26, 2012.

## Insurance

### Private Acts of 1987 Chapter 83

**SECTION 1.** Sumner County, Tennessee and any of the municipalities located therein are authorized to collectively enter into group insurance arrangements or self insurance arrangements for the purpose of providing the following fringe benefits to their employees: medical, surgical or hospital care benefits, or

benefits in the event of sickness, accident, disability, death or day care centers, or prepaid legal services. Sumner County and any such participating municipality are hereby authorized to join together, as they shall agree, in the creation of a trust or trusts to provide such benefits. The trustee(s) of the said trust(s) are authorized to receive contributions from the county, the municipalities and any employee of the county or municipalities; and further, the trustee(s) shall be authorized and required to discharge their duties solely in the interest of the participants and beneficiaries of the trust(s) and

(1) for the exclusive purpose of:

- (A) providing benefits to participants and their beneficiaries; and
- (B) defraying reasonable expenses of administering the trust;

(2) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

(3) by diversifying any investments of the trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

**SECTION 2.** Annual Audits. The trustee(s) shall prepare and submit to the governing bodies of Sumner County and each municipality participating in the trust(s), a financial statement which shall be audited by a recognized firm of independent certified public accountants.

**SECTION 3.** The trustee(s) shall be empowered to employ consultants, claim's administrators, accountants, attorneys, actuaries and such other personnel as may be necessary to carry out a plan of benefits. The reasonable costs of obtaining such service providers may be borne by the trust(s).

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sumner 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 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: April 23, 1987.

## Port Authority

### Private Acts of 1978 Chapter 226

**COMPILER'S NOTE:** Private Acts of 1977, Chapter 140, was exactly like Private Acts of 1978, Chapter 226, above, but was not ratified by the county legislative body.

**SECTION 1.** There is established a port authority for Sumner County which shall have authority to plan and develop port facilities for Sumner County.

**SECTION 2.** The membership of the authority shall consist of the Sumner County Judge, the County Court Clerk of Sumner County, one (1) member of the Sumner County Court, one (1) resident of Gallatin, one (1) resident of Hendersonville, one (1) resident of Portland, one (1) resident of Westmoreland, one (1) resident of White House, and those members of the Tennessee House of Representatives representing Sumner County, or any part thereof, in the General Assembly. The member representing the County Court shall be appointed by the County Judge and the members representing the towns and cities of Sumner County shall be appointed by the mayors of the respective towns and cities. The County Court Clerk of Sumner County shall serve as secretary of the authority.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County before September 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: March 13, 1978.

## Repeal of Inactive Laws

### Private Acts of 1974 Chapter 369

**SECTION 1.** The following private and public acts or parts of acts applicable solely to Sumner County are

hereby repealed:

Chapter 74 of Acts of 1815, relative to advertising of sale of land in execution by sheriff or ranger; Chapter 65 of Acts of 1817, relative to the office of Attorney General; Chapter 293 of Acts of 1838, relative to incorporation of Gallatin Common School; Chapter 40 of Acts of 1843, relative to the county boundary line Chapter 46 of Acts of 1851, relative to establishment of Tennessee High School Chapter 194 of Acts of 1853, relative to bond issue for subscription to Louisville and Nashville Railroad Company; Chapter 67 of Acts of 1868, relative to authority of county commissioner to issue bonds; Chapter 149 of Acts of 1871, relative to duties of the Attorney General; Chapter 118 of Acts of 1889, relative to county boundary line; Chapter 337 of Acts of 1899, relative to protection of certain game birds for five (5) years; Chapter 239 of Acts of 1901, relative to boundaries of school districts; Chapter 240 of Acts of 1901, relative to protection of certain game birds; Chapter 492 of Acts of 1903, relative to protection of deer; Chapter 564 of Acts of 1903, relative to prohibition of livestock running at large Chapter 584 of Acts of 1911, relative to bond issue to pay for turnpike roads Chapter 8 of Acts of 1913, relative to tax for repair of turnpike; Chapter 135 of Acts of 1915, relative to prohibition of livestock running at large; Chapter 129 of Acts of 1905, relative to bond issues to build turnpike roads; Chapter 504 of Acts of 1907, relative to practice of veterinary medicine Chapter 405 of Acts of 1909, relative to practice of veterinary medicine; Chapter 169 of Acts of 1911, relative to prohibition of livestock running at large; Chapter 446 of Acts of 1919, relative to payment of expenses of assessing property; Chapter 439 of Acts of 1919, relative to bond issue to build courthouse; Chapter 456 of Acts of 1919, relative to compensation of County Assessor; Chapter 706 of Acts of 1923, relative to the hours for holding elections; Chapter 709 of Acts of 1925, relative to additional compensation of sheriff in enforcement of prohibition laws; Chapter 277 of Acts of 1927, relative to compensation of Chancery Court Clerks and Masters; Chapter 332 of Private Acts of 1927, relative to election of members of County Board of Education; Chapter 501 of Acts of 1927, relative to compensation of jurors; Chapter 29 of Public Acts of 1929, relative to office and duties of Assistant Attorney General; Chapter 476 of Private Acts of 1929, relative to bond issue for construction of high school and elementary schools; Chapter 667 of Private Acts of 1929, relative to establishment of college courses in high schools; Chapter 827 of Private Acts of 1929, relative to authority to organize public schools by grades; Chapter 859 of Private Acts of 1929, relative to bond issue for construction of high school and elementary schools; Chapter 339 of Private Acts of 1931, relative to regulation of taking of fish; Chapter 417 of Private Acts of 1931, relative to bond issue to pay for roads, schools and floating indebtedness; Chapter 418 of Private Acts of 1931, relative to bond issue for two (2) school buildings; Chapter 796 of Private Acts of 1931, relative to compensation of Circuit Court Clerk; Chapter 14 of Private Acts of 1933, relative to Board of Jury Commissioners Chapter 117 of Private Acts of 1933, relative to eligibility of teachers by kinship to members of County Board of Education; Chapter 118 of Private Acts of 1933, relative to school districts and members of County Board of Education; Chapter 129 of Private Acts of 1933, relative to term of members of County Board of Education; Chapter 535 of Private Acts of 1933, relative to compensation of jurors and foremen of grand juries; Chapter 649 of Private Acts of 1933, relative to regulation of fishing with artificial bait; Chapter 702 of Private Acts of 1935, relative to practice of veterinary medicine; Chapter 827 of Private Acts of 1935, relative to special tax to repair county jail; Chapter 163 of Private Acts of First Extraordinary Sessions of 1935, relative to bond issue to build courthouse and jail Chapter 143 of Private Acts of 1937, relative to bond issue for indebtedness for school purposes; Chapter 576 of Private Acts of 1937, relative to acquisition of high school property by issuance of warrants; Chapter 662 of Private Acts of 1937, relative to eligibility of teachers by kinship to members of County Board of Education; Chapter 205 of Private Acts of 1939, relative to eligibility of teachers by kinship to members of County Board of Education; Chapter 334 of Private Acts of 1939, relative to bond issue for road rights of way; Chapter 107 of Private Acts of 1941, relative to bond issue for school purposes; Chapter 249 of Private Acts of 1941, relative to bond issue for road rights of way; Chapter 8 of Private Acts of 1943, relative to the compensation of jurors and foremen of grand juries Chapter 112 of Private Acts of 1943, relative to Board of Jury Commissioners Chapter 162 of Private Acts of 1943, relative to regular quarterly sessions of County Court; Chapter 672 of Private Acts of 1947, relative to compensation of Tax Assessor and employment of deputies; Chapter 392 of Private Acts of 1949, relative to compensation for holding general and primary elections; Chapter 254 of Private Acts of 1951, relative to regular quarterly sessions of County Court Chapter 257 of Private Acts of 1951, relative to Board of Jury Commissioners Chapter 55 of Private Acts of 1953, relative to place and hours for voting; Chapter 227 of Private Acts of 1953, relative to preservation and protection of minnows Chapter 332 of Private Acts of 1953, relative to compensation of members of County Court; Chapter 2 of Private Acts of 1955, relative to voting place in Tenth Civil District; Chapter 47 of Private Acts of 1955, relative to Board of Jury Commissioners; Chapter 260 of Private Acts of 1955, relative to compensation of members of County Board of Education; Chapter 402 of Private

Acts of 1957, relative to compensation of members of County Board of Education; Chapter 183 of Private Acts of 1963, relative to wheel or privilege tax on motor vehicles Chapter 2 of Private Acts of 1965, relative to wheel or privilege tax on motor vehicles; Chapter 10 of Private Acts of 1965, relative to compensation of election officials; Chapter 182 of Private Acts of 1965, relative to certain unlawful acts during election hours; Chapter 65 of Private Acts of 1967, relative to the office and duties of the Deputy Attorney General; and Chapter 471 of Private Acts of 1967, relative to restrictions on practice of law by County Judge.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County before September 1, 1974. 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 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 21, 1974.

## Resource Authority

### Private Acts of 1979 Chapter 157

**SECTION 1.** Creation of Authority. A governmental authority to be known as the "Resource Authority in Sumner County, Tennessee" is hereby created and established for and on behalf of Sumner County, Tennessee, and the Cities of Gallatin and Hendersonville, Tennessee, for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating and maintaining solid waste disposal and resource recovery facilities, systems, properties and services as hereinafter provided, selling, donating, conveying, leasing or otherwise disposing of or utilizing energy, energy producing materials, or other materials or commodities resulting therefrom, and undertaking any project or work related thereto or connected therewith. It is hereby determined and declared that the Authority shall be a public and governmental body acting as an instrumentality and agency of said county and said cities and that the powers herein granted are for public and governmental purposes and matters of public necessity.

**SECTION 2.** Definitions. Wherever used in this act unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

"Authority" means the Resource Authority in Sumner County, Tennessee created by this act;

"Bonds" means bonds, notes, interim certificates or other obligations of the Authority issued pursuant to this act;

"Governing body" means the chief legislative body of a municipality, as hereinafter defined.

"Municipality" means any county, incorporated city or town, utility district, school district, power district, sanitary district or other municipal, quasi-municipal or governmental body or political subdivision in this state, and any agency, authority, branch, bureau, commission, corporation, department or instrumentality thereof now or hereafter authorized by law to be created;

"Person" means any individual, firm, partnership, association or corporation, or any combination thereof;

"Solid waste" means garbage, rubbish, refuse and other discarded solid materials, including, without limitation, all waste materials of a solid nature resulting from municipal, residential, industrial, commercial and agricultural operations and from community activities;

"Solid waste disposal facility" means land, rights in land, buildings, facilities and equipment suitable or necessary for collecting, receiving, transferring, placing, confining, compacting, treating or covering solid waste or for processing solid waste by, without limitation, incinerating, composting, separating, grinding, shredding, reducing or otherwise modifying the characteristics or properties thereof, including all property, real and personal, appurtenant thereto or connected with such work;

"Resource recovery facility" means land, right in land, building, facilities and equipment suitable or necessary for the recovery or production of energy or energy producing materials in any form resulting from the controlled processing or disposal of solid waste or the systematic separation, extraction and recovery of recyclable material from solid waste, including facilities or systems for the storage, conversion or transportation thereof;

"Project" means any solid waste disposal facility or resource recovery facility, or any combination thereof; and

"Revenues" means all rents, fees and other charges received by the Authority for use of its

projects, facilities and services including, without limitation, all amounts received for the collection, transportation, disposal or processing of solid waste, the operation of any project, or the sale, storage, distribution or transportation of energy, energy producing materials, or other materials or commodities by the Authority.

**SECTION 3.** Board of Directors. The Authority shall have a Board of Directors in which all powers of the Authority shall be vested and which shall consist of seven (7) directors, all of whom shall be duly qualified electors of and taxpayers in Sumner County. The directors shall serve with such per diem compensation as the Board of Directors may determine by resolution, provided, however, that at no time shall the compensation of any director of the Authority exceed the compensation of any member of the governing body of Sumner County. The directors shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. Two (2) directors of the Authority shall be appointed by the governing body of the City of Hendersonville, two (2) directors shall be appointed by the governing body of the City of Gallatin, and three (3) directors shall be appointed by the governing body of Sumner County. The directors shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first Board of Directors, the directors shall be divided into three (3) groups made up as follows: a first group which shall be comprised of one (1) director appointed by the governing body of the City of Hendersonville, one (1) director appointed by the governing body of the City of Gallatin and one (1) director appointed by the governing body of Sumner County; a second group comprised of one (1) director appointed by the governing body of the City of Hendersonville, one (1) director appointed by the governing body of the City of Gallatin, and one (1) director appointed by the governing body of Sumner County; and a third group comprised of one (1) director appointed by the governing body of Sumner County. All appointments shall be made within thirty (30) days following the effective date of this act and the terms of office of all directors shall commence on the thirtieth day following such effective date. The initial term of directors included in the first group shall be two (2) years; the initial term of the directors included in the second group shall be four (4) years; and the initial term of the director included in the third group shall be six (6) years; and thereafter, the terms of all directors shall be six (6) years; provided that if at the expiration of any term of office of any director a successor thereto shall have not been appointed, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so appointed. Any vacancy in the Board of Directors shall be filled for the unexpired term by the same governing body which filled the position becoming vacant. Any member appointed to the Board of Directors may, for reasonable cause, be removed from his or her office in the same manner and by the same governing body as such member was appointed to the office; provided that such removal shall be preceded by a full hearing before the remaining members of the Board of Directors after adequate notice of such hearing, and a report of such hearing shall be forwarded to such appointing authority. "Reasonable cause" shall include, but shall not be limited to, misconduct in office, failure to perform duties prescribed by this act or other applicable law, or failure to diligently pursue the objectives for which the Authority was created. The directors shall meet and organize as a board and shall elect one of its members as chairman, one as vice-chairman, one as treasurer and one as secretary and such officers shall annually be elected thereafter in like manner. The duties of secretary and treasurer may be performed by the same director. Any action taken by the Board of Directors under the provisions of this act may be authorized by resolution at any regular or special meeting, and any such resolution shall take effect immediately and need not be published or posted. Any meeting held by the Board of Directors shall be open to the public. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The concurring vote of a majority of all the directors shall be necessary for the exercise of any of the powers granted in this act. Any member appointed by the governing body of Sumner County shall be a member of the governing body of Sumner County. Should a Sumner County Director resign, retire or should his term of office as a Commissioner of Sumner County expire or otherwise for any reason his term of office or seat becomes vacant, then his seat as a Director for the Resource Authority shall expire and terminate as of the date of termination as a County Commissioner of Sumner County. The Sumner County governing body shall appoint one (1) of its commissioners to serve the remainder of the unexpired term.

As amended by: Private Acts of 1995, Chapter 20.

**SECTION 4.** Powers of Authority. The Authority shall have the following powers in addition to those specified in other sections of this act, together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To have a seal and to alter the same at pleasure;
3. To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain and operate one or more projects, which projects shall be situated within the boundaries of Sumner County, Tennessee, including all real and personal property, facilities and

appurtenances which the Board of Directors of the Authority may deem necessary in connection therewith and regardless of whether or not any such project shall then be in existence;

4. To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain or otherwise, any and all types of property, whether real, personal or mixed, tangible or intangible and whether or not subject to mortgages, liens, charges or other encumbrances and to hold, sell, lease, exchange, donate or convey any or all of its properties, facilities or services, whenever the Board of Directors of the Authority shall find such action to be in furtherance of the purposes for which the Authority is hereby created;

5. To remove, receive, transport, collect, purchase, transfer or otherwise obtain solid waste for disposal or processing from any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person and to enter into contracts, agreements or other arrangements in connection therewith;

6. To sell, transfer, distribute or otherwise dispose of electricity, steam, or other forms of power or energy or energy producing material or any other material, product or commodity resulting from the operation of any project, facility or service of the Authority to any municipality, the State of Tennessee, the United States of America or any agency thereof, the Tennessee Valley Authority or any person and to enter into contracts, agreements or other arrangements in connection therewith;

7. To make and enter into all contracts, trust instruments, agreements and other instruments with any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person, including, without limitation, bonds and other forms of indebtedness and contracts for the management and operation of any project, facility or service of the Authority or the treatment, processing, storage, transfer or disposal of solid waste;

8. To incur debts, to borrow money, to issue bonds and to provide for the rights of the holders thereof;

9. To pledge all or any part of the revenues and receipts of the Authority to the payment of any indebtedness of the Authority and to make covenants in connection with the issuance of bonds or other indebtedness or to secure the payment thereof;

10. To have control of its projects, facilities and services with the right and duty to establish and charge fees, rentals, rates and other charges for the use of the facilities and services of the Authority or the sale of materials or commodities by the Authority and to collect revenues and receipts therefrom, not inconsistent with the rights of holders of its bonds;

11. To apply for and accept donations, contributions, loans, guaranties, financial assistance, capital grants or gifts from any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person for or in aid of the purposes of the Authority and to enter into agreements in connection therewith;

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

13. To employ and pay compensation to such employees and agents, including attorneys, accountants, engineers, architects and financial advisors, as the Board of Directors shall deem necessary for the business of the Authority;

14. To use in the performance of its functions the officers, agents, employees, services, property, facilities, records, equipment, rights and powers of Sumner County or the Cities of Gallatin and Hendersonville, Tennessee, with the consent of said county or said cities, and subject to such terms and conditions as may be agreed upon; and

15. To exercise all powers expressly given to it and to establish and make rules and regulations not inconsistent with the provisions of this act, deemed expedient for the management of the Authority's affairs.

**SECTION 5.** Power to Condemn Property. The Authority is hereby authorized and empowered to condemn in its own name any land, rights in land, easements or rights of way situated within the territorial limits of Sumner County which, in the judgment of the Board of Directors, are necessary for carrying out the purposes for which the Authority is created and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the Authority. Such power of condemnation may be exercised in the manner prescribed by Chapter 15 of Title 23, Tennessee Code Annotated, or in the manner prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain. Provided, however, the power to condemn as authorized by this section shall not be exercised unless such condemnation be approved by a two-thirds (2/3) vote of the county legislative body of Sumner County.

As amended by: Private Acts of 1980, Chapter 291.

**SECTION 6.** Bonds of the Authority. The Authority shall have the power to issue bonds from time to time



in order to accomplish its purposes. All bonds issued by the Authority shall be payable solely out of and secured by a pledge of all or any portion of the revenues and receipts derived by the Authority as may be designated in the proceedings of the Board of Directors of the Authority under which the bonds shall be authorized to be issued; provided, that notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of such bonds. Such bonds may be executed and delivered by the Authority at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in fully registered form or in bearer form registrable either as to principal or interest or both, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the State of Tennessee, may be subject to redemption, either with or without premium, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the Authority and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the Board of Directors whereunder the bonds shall be authorized to be issued. Any bonds of the Authority may be sold at public or private sale for such price and in the manner and from time to time as may be determined by the Board of Directors of the Authority to be the most advantageous, and the Authority may pay all expenses, premiums and commissions which the Board of Directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge made for any prior issue of bonds. Proceeds of bonds issued by the Authority may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering or extending any project or projects, including the payment of interest on the bonds during construction of any such project and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance and legal expenses incurred in connection with such project and the issuance of the bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a deficiency in the revenues and receipts available for the such payment. Any bonds shall, except as herein otherwise expressly provided, be issued for capital expenditures and none of the proceeds shall be used for operational expenditures or routine maintenance needs. Any bonds or notes of the Authority at any time outstanding may at any time and from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the Board of Directors may deem necessary, but not exceeding the sum of the following: (a) the principal amount of the obligations being refinanced, (b) applicable redemption premiums thereon, (c) unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds, (d) in the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the Board of Directors, or to the date or dates of maturity, whichever shall be determined by the Board of Directors to be the most advantageous or necessary to the Authority, (e) a reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve, (f) if the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced), and (g) expenses, premiums and commissions of the Authority, including bond discount deemed by the Board of Directors to be necessary for the issuance of the refunding bonds. A determination by the Board of Directors that any refinancing is advantageous or necessary to the Authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive. Any such refunding may be effected whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations to be refunded thereby, and regardless of whether or not the obligations to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise. Unless the obligations to be refunded are to be retired at the time of delivery of the refunding bonds, the Board of Directors shall, prior to the issuance of the refunding bonds, cause notice of its intention to issue such bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by publication of an appropriate notice one (1) time in a newspaper having general circulation in Sumner County and, as soon as practicable after the delivery of the refunding

bonds, and whether or not any of the obligations to be refunded are to be called for redemption, shall cause notice of the issuance of the refunding bonds to be given in like manner. If any of the obligations to be refunded are to be called for redemption, the Board of Directors shall cause notice of redemption to be given in a manner required by the proceedings authorizing such outstanding obligations. The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

- (a) To the immediate payment and retirement of the obligations being refunded; or,
- (b) To the extent not required for the immediate payment of the obligations being refunded, then such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any agency or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the State of Tennessee if such certificate shall be secured by a pledge of any of said obligations having an aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificate so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded, but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption. All such bonds, refunding bonds and the interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

**SECTION 7. Security for Payment of Bonds.** The principal of and interest on any bonds issued by the Authority shall be secured by a pledge of such revenues and receipts out of which the same may be made payable. The proceedings under which the bonds are authorized to be issued may contain any agreements and provisions respecting the maintenance of the projects or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any projects, facilities or systems or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the Board of Directors shall deem advisable and not in conflict with the provisions of this act. To the extent provided in the proceedings authorizing any bonds of the Authority, each pledge and agreement made for the benefit or security of any of the bonds of the Authority shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the Authority. In the event of default in such payment or in any agreements of the Authority made as a part of the proceedings under which the bonds were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or any one or more of said remedies, all as provided in the proceedings under which the bonds are issued. The county executive and county clerk are hereby authorized and directed, to the extent which is now or hereafter legally possible, to execute all documents necessary to guarantee or in any other manner to secure the payment of the bond obligations of such Resource Authority, including bond anticipation notes or any other similar obligations of the Authority; provided, however, that the approval of the governing bodies of Sumner County, the city of Gallatin and the city of Hendersonville to such guarantee or security shall have been obtained before the execution of such documents; and provided, further, that if such cities and county are called upon to pay any obligations of the Resource Authority, such cities and county hereby agree that Sumner County shall pay three-sevenths (3/7) of such obligation and the city of Gallatin and the city of Hendersonville shall each pay two-sevenths (2/7) of such obligation. Provided, however, that prior to any meeting where such authorization will be considered by the governing body of the county or either city, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the county or cities if such authorization is given. The approval by the governing bodies as prescribed above shall be by a two-thirds (2/3's) vote of the county legislative body of Sumner County, the city legislative body of Gallatin and the city legislative body of Hendersonville; and such legislative bodies shall also by a two-thirds (2/3's) vote approve the amounts of any bonds and/or notes which may be issued or entered into by the authority. Any bond issue under this Act may be secured by a mortgage or deed of trust covering all or any part of the property, real or personal of the Authority. The requirements for recordation of mortgages and other security instruments in the County Register's office shall be waived in the case of the Authority's execution of such mortgages or security instruments. Any pledging of the credit of Sumner County or guarantees of bond issues by Sumner County shall be for the purpose of incinerating, recycling, separating, selling, reusing, salvaging, reclaiming, disposing, removing, dissolving, composting, landfilling, covering, storing, collecting, compacting, grinding, shredding, transporting, receiving, distributing, transferring, managing, utilizing,

handling, processing, and converting, and/or transforming waste and shall be in accordance with and not contrary to Tennessee Code Annotated, Titles 5 and 6.

As amended by: Private Acts of 1980, Chapter 291,  
Private Acts of 1990, Chapter 165.

**SECTION 8.** Neither Sumner County, the City of Gallatin, the City of Hendersonville, the State of Tennessee, nor any municipality other than the Authority shall, except as may otherwise be authorized by the governing body of any such county, city, state, or other municipality, in any event be liable for the payment of the principal of or interest on any bonds of the Authority or for the performance of any pledge, obligation or agreement of any kind whatsoever which may be undertaken by the Authority and none of the bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of said state, county, cities or any such municipality within the meaning of any constitutional or statutory provision whatsoever.

As amended by: Private Acts of 1980, Chapter 291.

**SECTION 9.** Exemption from Taxation. The Authority is hereby declared to be performing a public function on behalf of Sumner County and the Cities of Gallatin and Hendersonville, Tennessee and to be a public instrumentality of said county and said cities. Accordingly, the Authority and all properties at any time owned by it and the income and revenues therefrom shall be exempt from all taxation in the State of Tennessee. All bonds issued by the Authority and the income therefrom shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes. Also, for purposes of the Securities Law of 1955, compiled as §§ 48-1601 -- 48-1648, Tennessee Code Annotated, and any amendments thereto or substitution therefor, bonds issued by the Authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State of Tennessee.

**SECTION 10.** Authority Non-Profit--Disposition of Earnings. No part of the net earnings of the Authority remaining after payment of its expenses shall enure to the benefit of any person except that, at such times as no bonds of the Authority are outstanding and unpaid and adequate provisions have been made for the full payment of expenses, appropriate reserve accounts and other obligations and contracts of the Authority, any net earnings of the Authority to the extent not necessary for such purposes shall be paid to Sumner County, the City of Gallatin and the City of Hendersonville in such proportions as may be agreed upon among such parties and the Board of Directors. If no agreement has been reached among the parties within sixty (60) days after the commencement of negotiations therefor, the question of the allocation of any available net earnings shall be settled by arbitration in accordance with the laws of the State of Tennessee pertaining to arbitration in effect at the time of submission to the arbitrators. Nothing herein contained shall prevent the Board of Directors from transferring all or any part of the properties of the Authority in accordance with the terms of any contract, agreement or covenant entered into or undertaken by the Authority.

**SECTION 11.** Annual Audits. The Board of Directors shall prepare and submit to the governing bodies of Sumner County, the City of Gallatin and the City of Hendersonville each fiscal year a financial statement which shall be audited by a recognized form of independent certified public accountants.

**SECTION 12.** Powers Not Restricted. Neither this act nor anything herein contained shall be construed as a restriction or a limitation upon any powers which the Authority might otherwise have under any laws of this state, but shall be construed as cumulative of and supplemental to any such powers. No proceeding, notice or approval shall be required with respect to the issuance of any bonds of the Authority or any instrument as security therefore except as provided in this act, any law to the contrary notwithstanding; provided that nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers over properties of the Authority, or to impair any power of any official or agency of said state and its governmental subdivisions which may be otherwise provided by law.

**SECTION 13.** Agreements with Authority Authorized. The State of Tennessee or any municipality therein is hereby authorized, whenever the same shall be found desirable by its governing body, to enter into contracts, agreements or other arrangements with the Authority regarding any project, facility or service of the Authority, including, without limitation, the collection, transfer, storage, transportation, processing or disposal of solid waste or the purchase, sale, lease or other disposition of energy, energy producing materials and other materials, commodities or properties of the Authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof. Any payments to be made to the Authority pursuant to an agreement may be payable from general funds, to the extent permitted by law, or from such limited source as may be agreed upon between the Authority and such entity, and in the case of payments to be made from general funds, the governing body of any municipality having the taxing power may provide for the levy and collection of a direct, annual tax sufficient to make such payments to the Authority when the same become due. Such tax shall be assessed, levied, collected and paid in like manner as other taxes of such municipality and shall be in

addition to all other taxes now or hereafter authorized to be levied by such municipality. Such tax shall not be included within any statutory or other limitation as to rate or amount for such municipality, but shall be excluded therefrom and be in addition thereto and in excess thereof. The governing body of any municipality not having the taxing power shall, upon entering into an agreement with the Authority, make adequate provision for the timely payment of all amounts to be paid to the Authority. No payments shall be construed to be an indebtedness of a municipality within the meaning of any constitutional or statutory provision.

**SECTION 14.** Powers of County and Cities. Sumner County, the City of Gallatin and the City of Hendersonville, Tennessee, shall have all necessary powers in order to further the purposes of this act, including without limitation, the power:

(a) To provide that any funds on hand or to become available to it for solid waste or resource recovery purposes shall be paid directly to the Authority; and

(b) To sell, lease, dedicate, donate or otherwise convey to the Authority any of its interest in any existing solid waste disposal or resource recovery facility or other related property, or grant easements, licenses or other rights or privileges therein to the Authority. The respective governing bodies of said county and cities are authorized to appropriate funds to the Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Authority or the operation of any of the projects, facilities and systems authorized by this act, and said governing bodies are also authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within said county or said cities, sufficient to pay such appropriation to the Authority.

**SECTION 14A.** (a) The City of Gallatin, the City of Hendersonville and any other incorporated municipality in Sumner County, Tennessee, are each authorized to exercise exclusive jurisdiction and exclusive right to control the collection and disposal of solid waste within their boundaries, and in furtherance of the energy and environment objectives of this act and those of Tennessee Code Annotated, Sections 68-31-101, et seq., to take all necessary and proper actions which displace competition with regulation or monopoly public service.

(b) Sumner County is authorized to exercise exclusive jurisdiction and exclusive right to control the collection and disposal of solid waste within that portion of the county's boundaries not located within the corporate limits of a municipality, and in furtherance of the energy and environmental objectives of this chapter, and those of Tennessee Code Annotated, Sections 68- 31-101, et seq., to take all necessary and proper actions which displace competition with regulation or monopoly public service.

(c) The jurisdiction and right to control granted by this section may be exercised by ordinance, resolution, contract, or otherwise; provided that manufacturing firms which hold state permits to dispose of or utilize their own solid wastes on plant property on the effective date of this act shall not be subject to the provisions of this section except by mutual agreement between plant management and the municipality or county.

(d) Each municipality and the county is authorized to establish, levy and collect fees, rates, or charges in connection with the collection, delivery, sale, purchase, or disposal, whether at the site of the resource recovery facility, a landfill, or otherwise, of solid waste.

(e) Any person who willfully violates any of the ordinances or resolutions passed by any of the municipalities or of Sumner County or willfully fails, neglects or refuses to comply with such ordinances or resolutions shall be guilty of a misdemeanor and upon conviction, shall be liable to a fine of not less than fifty dollars (\$50.00) nor more than \$2,500.00 for each violation, within the discretion of the court having jurisdiction over such matter, and each day of continued violation shall constitute a separate offense.

(f) In addition to the penalties provided herein, the municipalities and Sumner County may enforce any ordinances, resolutions or contracts issued or entered into to carry out the provisions of this section by instituting legal proceedings to enjoin the violation of the provisions of this section, in any court of competent jurisdiction, and such court may grant a temporary or permanent injunction restraining the violation hereof.

As amended by: Private Acts of 1986, Chapter 193.

**SECTION 15.** Project Sites, Sumner County, the City of Gallatin or the City of Hendersonville, Tennessee may acquire a project site by gift, purchase, lease or condemnation, and may transfer any project site to the Authority by sale, lease, or gift. Such transfer may be authorized by a resolution of the governing body of said county or said cities without submission of the question to the voters, and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

**SECTION 15A.** Any tax levied by the Authority shall be authorized by a private act enacted by the Tennessee General Assembly. The term "tax" shall not be construed to include any reasonable tipping fees or similar fees which the Authority may impose for services rendered to the County of Sumner, any city therein, or any other person.

As amended by: Private Acts of 1980, Chapter 291.

**SECTION 16.** Liberal Construction. This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of solid waste disposal and encouraging the best utilization and conservation of energy and natural resources.

**SECTION 17.** Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 18.** Local Approval. This act shall have no effect unless approved by a two-thirds (2/3) favorable vote of the governing body of Sumner County and by a two-thirds (2/3) favorable vote of each of the respective governing bodies of the City of Gallatin and the City of Hendersonville, Tennessee. Its approval or disapproval shall in each case be proclaimed by the presiding officer of each governing body and certified by such officer to the Secretary of State.

**SECTION 19.** Effective Date. For the purpose of approving or rejecting the provisions of this act, as provided in Section 18, 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 18.

Passed: May 17, 1979.

## Rock Castle

### Public Acts of 1967 Chapter 257

WHEREAS, General Daniel Smith was a Revolutionary War General, a Tennessee Constitutional Convention Delegate, the first United States Senator from Tennessee and otherwise a leading citizen of Tennessee in its early days of Statehood, and finished construction in 1791 on his residence known as "Rock Castle" in the community of Hendersonville, Sumner County, Tennessee; and WHEREAS, "Rock Castle" is of great historical value to the citizens of Tennessee and our nation; and

WHEREAS, in the interest of the citizens of Tennessee, our nation, future generations, students of history and for the purpose of preserving objects which are monuments to the stalwart men who helped form the glorious history of our fair State, "Rock Castle", the home of General Daniel Smith, should be purchased by the State in order that it may be preserved; now therefore;

**SECTION 1.** There is created a Commission which shall be composed of the following named individuals and residents of Sumner County, Tennessee: Miss Sarah Berry; Martin Curtis, Sr.; Mrs. Neal Chenault, Sr; J. H. Lawson; and Earl Hurt. The members of this Commission shall serve without pay, and shall be subject to removal by the Governor for good cause. Membership on said Commission shall be permanent. In the event of a vacancy by death, resignation, removal from the State or otherwise, the Governor shall, upon the advice and recommendation of the remaining members of the Commission, appoint a successor. The Commission hereby established shall serve in an advisory capacity only to the Tennessee Historical Commission in carrying out the provisions of this Act.

**SECTION 2.** The Tennessee Historical Commission as defined by Section 4-1101 - 4- 1108, Tennessee Code Annotated, is hereby authorized and empowered to use any funds appropriated or available to said Tennessee Historical Commission to purchase and acquire a tract of land in Sumner County, Tennessee, on which is located "Rock Castle", for a sum not to exceed Sixty Thousand Dollars (\$60,000.00), said tract of land being bounded and described as follows:

Land in the 5th Civil District of Sumner County, Tennessee, described as follows: Said property starting at a point in the westerly side of Island Drive at a point 410 feet S. of the northerly margin of Indian Lake Road, S. 0° 07' E. 646 feet along the westerly side of said Island Drive to a point, S. 85° 05' W. 355 feet, S. 1° 0' E. 120 Feet, S. 65° 43' W. 151.9 feet, N. 74° 57' W. 367.7 feet, S. 20° 48' W. 59.8 feet, S. 85° 15' W. 174.6 feet, N. 70° 35' W. 154.7 feet, N. 0° 45' E. 219.3 feet, N. 87° 12' E. 51.3 feet, N. 37° 37' E. 172.5 feet, N. 27° 18' W. 214.2 feet, N. 47° 42' E. 188.8 feet, N. 29° 3' W. 137 feet, N. 80° 49' E. 59.8 feet, to the center line of the driveway into the "Rock Castle" property (which point is 415 feet S. of the N. margin of Indian Lake Road), thence approximately 930 feet more or less easterly to the point of beginning. Said tract of ground containing 18.3 acres more or less.

**SECTION 3.** The Tennessee Historical Commission is authorized to expend any funds appropriated or available to it in the repair, renovation, and restoration of "Rock Castle" and in doing so may seek the advice of the Commission created in Section 1 of this Act.

**SECTION 4.** The said Tennessee Historical Commission is hereby authorized and empowered after the

purchase and acquisition of said land and after the repair, renovation and ;restoration of said "Rock Castle" and the improvement of tract of land, as herein contemplated, to convey the same in trust to the Association for the Preservation of Tennessee Antiquities, a Tennessee Corporation, to hold for the use and benefit of the State of Tennessee and its citizens provided, that the actual custody and control of said property shall be lodged in the Sumner County Chapter of the Association for the Preservation of Tennessee Antiquities, which shall have the right to designate the personnel who shall have actual charge of said premises and shall have the right to promulgate rules and regulation with respect to said premises.

**SECTION 5.** The object for which this trust is created is to permit and encourage the Association for the Preservation of Tennessee Antiquities, and particularly, the Sumner County Chapter thereof, to improve and beautify the said "Rock Castle" in such manner as they deem best and to maintain it in a high state of improvement and repair, and to operate and maintain the grounds improved by the Tennessee Historical Commission for use by the general public. It is a condition of the trust that said property shall revert to said Tennessee Historical Commission to be held by it in trust for the State of Tennessee, if the Association for the Preservation of Tennessee Antiquities fails or refuses to carry out the conditions of this trust.

**SECTION 6.** This Act shall take effect from and after its passage, the public welfare requiring it.  
Passed: May 22, 1967.

COMPILER'S NOTE: This is a Special Public Act and is not printed in the Tennessee Code Annotated.

## Administration - Historical Notes

### **Audit**

The Acts listed below are no longer in effect in Sumner County.

1. Private Acts of 1929, Chapter 828, created an Auditing Commission in Sumner County composed of two members elected by the Quarterly Court at the July term, 1929, and every two years thereafter. The Commission would inspect and audit the records and reports of county departments and offices and report to the Quarterly Court. This Act was repealed by Private Acts of 1949, Chapter 190.
2. Private Acts of 1949, Chapter 190, as amended by Private Acts of 1967, Chapter 43, created an Auditing Commission consisting of two members appointed by the Quarterly Court at the July term and every two years thereafter. The Act names the offices, and officials, which were to be audited and specified the frequency with which it was to be done. The Commission would report to the Quarterly Court at each term. Private Acts of 1929, Chapter 828, above, was expressly repealed and this law substituted. This Act was repealed by Private Acts of 1973, Chapter 103.

### **Cemeteries**

The following acts once applied to Sumner 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 2022, Chapter 49, repealed Private Acts of 1953, Chapter 30, which established a process for the creation of private cemeteries in Sumner County. Going forward, the authority for establishing a process for the creation of private cemeteries in Sumner County will be with the Board of Zoning Appeals and the Planning Commission, and in accordance with state law.

### **County Clerk**

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

1. Acts of 1855-56, Chapter 230, repealed part of an 1853 Act of the general law which required the collector of the railroad tax to deposit the same in a bank in Nashville to the credit of the Sumner County Trustee. The revenue was applied on the payment of bond interest. It was the duty of the County Court Clerk to furnish the collector of the tax statements showing the amount of interest which would be due on the bonds, and the railroad tax collector would apply the money to the payment of interest. The account was settled by the County Court Clerk before January 1 of the year following the collection. The Clerk was required to prepare a book showing records of all collections and payments.
2. Private Acts of 1982, Chapter 232, was an Act which designated the County Clerk of Sumner County as the Clerk of Chancery Court. This Act was rejected and never became operative. This act was later repealed by Private Acts of 1989, Chapter 93.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Sumner 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 1803, Chapter 39, regulated the times for holding the Courts of Pleas and Quarter Sessions in the counties making up the Mero District which were the counties of Jackson, Smith, Wilson, Rutherford, Williamson, Davidson, Robertson, Montgomery, Stewart, Dickson, and Sumner. The court would meet in Sumner County on the third Monday in December, March, June, and September.
2. Acts of 1806 (Ex. Sess.), Chapter 48, rescheduled the court terms for the county courts of the counties in the Mero District but left Sumner County's Court to meet on the second Monday in December, March, June, and September, and provided for the court to remain open for 12 judicial days which was a right not granted to all the courts, this being an exception rather than the rule.
3. Acts of 1807, Chapter 60, required the county court of every county on the second day of each term to determine on what day of the succeeding term the court would transact the county's business, and to direct the clerk of the court to post a notice of the opening date on the courthouse door as well as the day on which the state docket would be called.
4. Acts of 1809, Chapter 93, fixed the schedule of the opening dates for the terms of the Courts of Pleas and Quarter Sessions in most of the state's counties. Sumner County's Court would continue to meet on the second Monday in March, June, September, and December.
5. Acts of 1813, Chapter 134, rearranged the court dates for the County Courts of several counties, including Sumner whose court would hereafter meet on the fourth Monday in February, May, August, and November.
6. Acts of 1817, Chapter 138, changed the opening dates for the terms of the County Court in Sumner County to the third Monday in February, May, August, and November.
7. Acts of 1823, Chapter 252, declared that the County Court of Sumner County would hereafter commence its terms on the second Monday, instead of the third Monday.
8. Acts of 1826 (Ex. Sess.), Chapter 78, was the authority for the Justices of the Peace in the Court of Pleas and Quarter Sessions in Maury, Williamson, Lawrence, Sumner, and Madison Counties, on the first day of the first term of the year, to select three of their number to hold the court for the rest of the year under the same rules as if all were meeting.
9. Acts of 1835-36, Chapter 6, provided for a court in every county made up of Justices of the Peace to meet once each month and hold open until the business of the court was finished. Three of the Justices were a court to hear the probate of wills and related matters but no jury trials were allowed. The County Court had the further responsibility of selecting jurors for the courts and had the power to levy taxes in order to pay them, if necessary.
10. Acts of 1868, Chapter 47, provided that an additional Justice of the Peace would be elected by the qualified voters within the Corporation of Gallatin, Tennessee, who would have offices in that city and the Election Commission of the said County of Sumner was authorized to open and hold an election for that purpose.
11. Private Acts of 1925, Chapter 544, stated that the County Court of Sumner County, identified by the 1920 Federal Census, was authorized, concurrently with the Chancery Court, to permit encroachment upon the corpus, or body, of estates by guardians for minors, lunatics, idiots, and other persons under disability in estates of the value of \$1,000 or less.
12. Private Acts of 1943, Chapter 162, changed the terms of the Quarterly Court of Sumner County to begin on the Thursday following the first Monday in January, April, July and October. This Act was repealed by Private Acts of 1974, Chapter 369.
13. Private Acts of 1949, Chapter 393, fixed the per diem pay of the Justices of the Peace of Sumner County for attendance at the meetings of the Quarterly County Court.
14. Private Acts of 1951, Chapter 254, set the terms of the Quarterly Court of Sumner County to begin on the first Monday in January, April, July, and October. This Act was repealed by Private Acts of 1974, Chapter 369.
15. Private Acts of 1953, Chapter 332, was listed by as applying to Sumner County but does not affect Sumner County. In any event, this law was repealed by Sumner County in Private Acts of 1974, Chapter 369.
16. Private Acts of 1955, Chapter 156, set the per diem for the Sumner County Justices of the Peace at \$10 for each day of attendance at the meetings of the Quarterly County Court and, in addition, the Justices would be paid 10 cents per mile for each mile traveled, one way, between their

homes and the county seat, to be paid out of the regular funds of the county. This Act was rejected by the Sumner County Quarterly Court and therefore never became an effective law.

17. Private Acts of 1957, Chapter 403, also provided for the Justices of the Peace to be paid \$10 for each day's attendance at the sessions of the Quarterly Court and, in addition, ten cents per mile for each mile traveled between their homes and the county seat, one way. This Act was also rejected by the Quarterly Court.
18. Private Acts of 1965, Chapter 9, stated that for each day's attendance at regular, special, or called, meetings of the Quarterly Court, the Justices would be paid \$8, and, in addition, ten cents per mile for each mile traveled from residence to county seat by the nearest practical route. This Act was not approved by the Quarterly Court of Sumner County and failed to become an effective law.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Sumner County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state to be elected by the people for four year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of that Court were assigned to the County Judge who would preside over the sessions of the Quarterly Court. The jurisdiction of the County Court was specifically outlined in the Act. The County Judge would be the accounting officer and general agent of the County, discharging the duties enumerated in this law.
2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1855-56, Chapter 253, above, in its entirety, and restored all Quorum Courts to their former status.
3. Acts of 1859-60, Chapter 148, created the office of County Judge, to be elected to 8 year terms by the people. The first election was to take place on the first Saturday in May under the same rules and laws as other elections were conducted. The Judge was to be learned in the law, sworn, and commissioned as other Judges and Chancellors. The Judge would preside over the Quarterly Court as the Chairman, and the Quarterly Court would perform the duties of the Quorum Court, which was abolished. The Judge was also the accounting officer and general agent of the county being required to perform the duties specified for each. This Act was repealed by Acts of 1877, Chapter 15.
4. Acts of 1868-69, Chapter 40, required the County Judge of Sumner County to perform, in addition to the other duties of the office, all duties formerly discharged by the President of the Board of County Commissioners. The office of President of the Board of County Commissioners was abolished and all laws or parts of laws, in conflict with the provisions of this Act were repealed. This Act was repealed by Acts of 1868-69, Chapter 44, below.
5. Acts of 1868-69, Chapter 44, consolidated the office of Entry Taker and Surveyor in Henderson County, and further repealed everything in the Act which referred to the County Commissioners and the County Judge of Sumner County.
6. Acts of 1869-70, Chapter 6, abolished the Board of County Commissioners in Dyer and Sumner Counties but the office of County Judge was retained in Sumner County.
7. Acts of 1875, Chapter 134, repealed Section 4540 of the Code of Tennessee regarding the compensation allowed for County Judges and provided that the compensation paid to the County Judge would not exceed \$500 annually in Williamson and Sumner County.
8. Acts of 1877, Chapter 15, repealed Sections 2 through 13 of the Acts of 1859-60, Chapter 148, above, and in Section 2 authorized the Justices of the Peace to elect a Chairman out of their number on the first Monday in July, 1878 to serve until January, 1879, and then to elect a Chairman, annually, thereafter. This Act was repealed by Private Acts of 1967-68, Chapter 471.
9. Private Acts of 1967-68, Chapter 471, created the office of County Judge, repealing Acts of 1877, Chapter 15, above. The first Judge would serve until September 1, 1974, and be succeeded by a Judge elected in the August general election, for 8 years. The Judge was to be at least 30 years old and a three year resident of Sumner County. Various powers were granted to the Judge and specific responsibilities were placed the office. All of the terms of this Act were subject to the approval of the people in a referendum election to be held for that purpose. This Act was repealed by Private Acts of 1974, Chapter 369.

### **County Register**



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

1. Private Acts of 1945, Chapter 564, provided that, in Sumner County, any instrument conveying the fee title in real estate must first be submitted to the County Tax Assessor who would note in a book the name of the seller, the name of the buyer, and a description of the tract being transferred by reference to the names of adjoining land owners before being recorded in the County Register's office. No Register could record the instrument until this requirement was met. This Act was repealed by Private Acts of 1967, Chapter 122, published herein.
2. Private Acts of 1967, Chapter 122, provided that, in Sumner County, before any person in Sumner County presented for registration an instrument conveying the fee title in real estate (as distinguished from mortgages and deeds of trust) the person must present the conveyance to the County Tax Assessor who was required to note and list in a well-bound book the name of the seller; the name of the purchaser; the consideration paid; the Civil District of the County; and a description of each tract of land so conveyed by reference to the adjoining landowners. This Act was repealed by Private Acts of 2014, Chapter 59.

### **Junk Yards**

The following private act regarding junkyard control once affected Sumner County, but is no longer operative.

1. Private Acts of 1961, Chapter 302, required the approval of the Quarterly County Court before any new junk yard could be established or existing junkyard could be expanded. The Act also required approval by the governing body of any city or town within three miles of the proposed junkyard and provided other requirements for obtaining such permit. This Act was repealed by Private Acts of 1984, Chapter 223.

### **Purchasing**

The following acts once affected the purchasing procedures of Sumner County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1955, Chapter 379, created a Purchasing Commission for Sumner County made up of the County Judge, the County Court Clerk, and one Justice of the Peace, who would be selected annually by members of the Quarterly Court to serve for one year. This Act did not apply to purchases under \$100 and all items over \$500 were to be secured on a bid basis after being advertised. The Commission would buy for all the departments of government using the forms and blanks as prescribed. This Act was rejected by the Quarterly Court and consequently never became an active law under the provisions of the Home Rule Amendment to the Constitution.
2. Private Acts of 1981, Chapter 21, expressly repealed Private Acts of 1975, Chapter 6, and all its amendments, which collectively constitute the Purchasing Law of Sumner County. This Act was rejected by the Sumner County Legislative Body and consequently never became law.
3. Private Acts of 1996, Chapter 138, repealed Private Acts of 1975, Chapter 6, as amended by Private Acts of 1977, Chapter 83, and Private Acts of 1979, Chapter 55 relative to the purchasing law of Sumner County.

### **General References**

The following private or local acts constitute part of the administrative and political history of Sumner 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 1789, Chapter 29, recited in the preamble that by an act passed at Hillsborough in North Carolina for the relief and benefit of soldiers, all the salt licks, or springs, and 640 acres of adjoining lands remain, and the selling of the same would promote the manufacture of salt. This act appointed Robert Ewing, Joel Rice, David Wilson, Edward Douglas, and Robert Nelson, as Commissioners to sell the salt springs and the land, after they were properly sworn, and bonded. Since some of the licks were not good for making salt, the County Courts of Davidson, Sumner, and Tennessee counties would make a list of those which were good, naming several to be specifically investigated and reported on.
2. Acts of 1789, Chapter 63, recited that the poor people who have been wounded fighting Indians and could not afford medical attention from a Doctor, were to be furnished a doctor and the charges were to be paid out of the regular funds of the county.

3. Acts of 1796, Chapter 25, appointed William Bowen, John Wilson, Isaac Walton, George A. Blackmore, and Hugh Crawford, as Commissioners to make a choice of a place in Sumner County which was convenient, reasonably priced, having a good location and availability of water. Section 2 named Henry Bradford, David Shelby, and Edward Douglass, as trustees to purchase 200 acres of land at the place picked, the title to it being vested in them as Trustees of the town of Cairo. They would lay off the town in lots of ½ acre, or less, after setting aside two acres for a Public Square, sell the lots, take the money and build a courthouse, prison, and stocks on the Square. The Justices could lay a tax, if necessary, to keep the development of the town going. This Act was repealed by the one following.
4. Acts of 1797, Chapter 27, repealed the 1796 Act appointing Commissioners to lay out a town in Sumner County. This statute named James Clendennin, Kasper Mansker, William Edwards, William Bowen, Capt. James Wilson, James Frazier, More Stephenson, William Gillespie, James White, Wetherel Lattimore, and John Morgan as Commissioners to make choice of the most convenient place in Sumner County to purchase land on which to erect a courthouse, prison, and stocks, and to establish a town thereon, having regard for the center of the county. If the Commissioners could not agree, a surveyor could be employed to measure 12½ miles from Mansker's Creek up the road leading to Bledsoe's Creek. Daniel Smith, James Winchester, and Wilson Cage were appointed as Trustees to buy the 200 acres of land, taking title as Trustees of the town of Cairo, and their responsibilities were almost identical to the others.
5. Acts of 1797, Chapter 29, was an Act to frame a certain tract of land into two townships on the property of Thomas Storm, of New York, and his associates. The tract was generally described in the Act. One town was to be called Manningvale, and the other was to be called Falkland, both located in Sumner County.
6. Acts of 1797, Chapter 30, provided for a town to be laid off on the north bluff of the Cumberland River, known as Saunders Bluff in Sumner County, located on the land of Will Saunders. There would be 200 lots of one-half acre, named Bledsoeborough, but two acres must be reserved in the center of the town for the Public Square. The Commissioners named for the task were Tilmon Dixon, William Alexander, Charles Donohoe, Peter Turner, and Henry McKinney.
7. Acts of 1799, Chapter 45, stated that no tobacco would be shipped from Tennessee unless it was packed in hogsheads, or casks, and inspected according to the requirements of this Act and at the places mentioned herein. In Sumner County inspections could be made at Cairo and at James Saunders's place.
8. Acts of 1801, Chapter 5, was an act setting up the regulations for the inspection of tobacco and other commodities which were to be sold openly. In Sumner County the inspection locations mentioned were Cairo, Saunders's Ferry, below the mouth of Drake's Creek, the mouth of Mansker's Creek, the mouth of Station Camp Creek, and at Eccle's, opposite Cairo.
9. Acts of 1801, Chapter 50, stated in the preamble that the Commissioners named in the 1799 Act to select a site for a county town in Sumner County had failed to carry out their mission, and it was essential that the General Assembly take some action to establish permanently where the courts of the county would be held. The public buildings of Sumner County would be established at one of three places lying east of Station Camp Creek, (1) the place known by the name of Dickens, the property of John G. Hamilton, or (2) at the place of James Trousdale, or (3) at the place where David Shelby lived. Samuel Donelson, Shadrach Nye, James Wilson, Charles Donoho, and Major Thomas Murray, were appointed Commissioners to select the best site. After purchasing 40 acres, the Commissioners would lay off a town to be called Gallatin, reserving 1½ acres near the center of the town for a Public Square on which would be built a Courthouse, prison, and stocks. Rules and the procedures to be followed in laying out the town, selling and conveying the lots and building the public institutions were contained in the Act.
10. Acts of 1806 (Ex. Sess.), Chapter 28, required the County Courts of Jefferson, Sumner, and Hawkins Counties to appoint a day on which five Commissioners would be elected for the towns of Dandridge, Gallatin, and Rogersville. The Commissioners, once elected, would appoint a Town Clerk, a Treasurer, and would have the power to levy taxes in accordance with the amounts specified in the act.
11. Acts of 1807, Chapter 19, allowed the Sumner County Court, a majority of the Justices being present, and, if they should deem it proper, to appropriate such sums of money as they might consider sufficient to compensate George Dawson Blackmore for procuring scales and weights for the inspection of tobacco at the town of Cairo, and, when the money was paid, the scales and weights would become the property of the County.
12. Acts of 1809, Chapter 19, added a small area to the City of Gallatin which was contiguous to the

- city on its eastern boundary. All the citizens of the area added would have the same rights and privileges as other residents of the city.
13. Acts of 1815, Chapter 7, was the authority for the Commissioners of Gallatin to sell at a private sale to Joseph Barron, at a fair and reasonable price, part of the north side of the Public Square, not exceeding four feet wide, adjoining and in front of different lots. The Commissioners would execute the deed and collect the money from Barron.
  14. Acts of 1815, Chapter 187, incorporated the towns of Cairo and Gallatin in Sumner County under the same rules and regulations and with the same Charter provisions as were granted to the town of Franklin, in Williamson County.
  15. Acts of 1817, Chapter 107, incorporated Gallatin with a regular Charter under the Mayor-Alderman form of government. The Sheriff was to hold an election on the first Saturday in November, 1818, for the people of the city to elect seven Aldermen to one year terms, who would select one of their own number to be Mayor for the year. Some specific grants of power were enumerated in the act.
  16. Acts of 1819, Chapter 65, changed the name of Elizabeth Cowin, the daughter of Margaret Cowin, of Sumner County, to Elizabeth White, by which name she would thereafter be known.
  17. Acts of 1819, Chapter 119, was the legal authorization for Alfred H. Douglas, Anthony B. Shelby, Samuel Gwinn, Daniel McNally, and Ansel D. Hogg, to draft a lottery scheme to raise a sum not to exceed \$5,000 to build a Masonic Hall in Gallatin by the members of King Solomon's Lodge #6. They were to give bond in double the amount and keep accurate records of all funds raised and spent.
  18. Acts of 1819, Chapter 121, appointed several Notary Public Officials for several different counties, naming William Smith as one for Sumner County.
  19. Local Acts of 1821, Chapter 132, established a town laid out by Thomas Murry on his lands on the north bank of the Cumberland River to be called Murrysville. Murry was granted the authority to build a warehouse near the mouth of his ferry branch and set up a tobacco inspection point there. The County Court of Sumner County would appoint three inspectors to make the examinations of tobacco at this and other warehouses.
  20. Local Acts of 1823, Chapter 97, was the legal authority for Jane Jones, of Sumner County, the wife of William Jones, to have and to hold property by descent, or otherwise, in her own name and as a feme sole. The property so held would be free of the claims of creditors of William Jones, any law to the contrary notwithstanding.
  21. Private Acts of 1826, Chapter 120, permitted Francis Moore, of Sumner County, and Robert C. Davis, of Wilson County, to hawk and peddle their goods, wares, and merchandise in Sumner County, and in Wilson County, without having to pay any license fee, provided they would swear before the County Court Clerk that they would not peddle anyone's goods but their own.
  22. Public Acts of 1831, Chapter 43, required the cashier of the Bank of the State of Tennessee to place to the credit of the counties of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson their respective portions of the \$60,000 set aside for the Internal Improvement of Middle Tennessee. Their shares would be in the proportion of the population of each county to the combined population of all the counties allocated to the Middle Tennessee District.
  23. Private Acts of 1832, Chapter 30, allowed George Crockett, the Bank Agent for Sumner County, in addition to his annual salary, the sum of \$75 for his extra services in refunding the money on lands entered at 12½ cents per acre, and for payments made for improvements between Matthew's and Walker's line.
  24. Private Acts of 1832, Chapter 97, provided that the Internal Improvement Fund belonging to Sumner County and Williamson County as pointed out in Chapter 43, Public Acts of 1831, above, would be paid by the cashier of the Bank of Tennessee to the County Court Clerks of the above counties, and the County Courts of these counties were allowed to dispose of the funds as they considered fit and proper.
  25. Private Acts of 1833, Chapter 81, authorized Thomas Lockhart, of Sumner County, to hawk and peddle in Sumner County without having to buy a license.
  26. Private Acts of 1833, Chapter 122, allowed Sarah Groves, wife of Hiram Groves, both of Sumner County, to possess and enjoy all the rights, privileges, and immunities of a single woman except to marry, including the right to hold real estate and other property in her own name, and none of the property would be subject to the debts owed by her husband, Hiram.

27. Private Acts of 1833, Chapter 219, granted the right to Henry T. Brassell to hawk and peddle goods in Sumner County without having to procure a license.
28. Public Acts of 1835-36, Chapter 11, allowed the Justices of the County Court of each county in the State to appoint two Notaries Public in each county to serve for a four year term.
29. Acts of 1867-68, Chapter 19, established a three member Board of County Commissioners for Sumner County to serve for three years, the first of whom would be appointed by the Governor, and their successors would be elected one each year, according to the rotation set up by the original appointment. The Commissioners, after being sworn and bonded, would hold four sessions each year at Gallatin at the times provided for the Quarterly Court whose powers were vested in the County Commissioners, plus some specific grants of additional powers made to the Commissioners. The Sumner County magistrates were relieved of all their powers and duties as members of the Quarterly Court. The President of the Board would be paid \$500 a year, and the members \$300, payable quarterly out of the regular funds. This Act was repealed generally in 1870, below.
30. Acts of 1867-68, Chapter 67, was the enabling legislation for the County Commissioners of Sumner County to issue bonds for the purpose of paying the debts of the county, the amount of which was never to exceed the amount of debts owing at the time. This act was specifically repealed in Private Acts of 1974, Chapter 369, and by Acts of 1869-70, Chapter 49, below.
31. Acts of 1869-70, Chapter 49, expressly repealed all laws, or parts of laws, and their amendments, which created Boards of County Commissioners in several counties of the State, and all the laws which might have been repealed, or superseded by those laws, were revived and restored to their full force and effect.
32. Acts of 1871, Chapter 58, required the County Surveyor and the Entry Taker to keep their records at the County Seat in an office there.
33. Private Acts of 1919, Chapter 776, was the legislative authority for the Sumner County Court to appropriate up to \$1,000 for the purpose of welcoming and entertaining soldiers and sailors. The Court could pay the money out on the warrant of the chairman of the committee in charge of the program.
34. Private Acts of 1931 (2nd Ex. Sess.), Chapter 103, removed the disabilities of infancy from Gomer T. Latimer, of Sumner County, who could hereafter conduct himself as any other adult citizen.
35. Private Acts of 1935, Chapter 91, removed the minority of Wesley Perry, of the 12th Civil District of Sumner County, conferring hereafter all the privileges of a majority upon him.
36. Private Acts of 1935, Chapter 198, granted to Miss Jennie Wright Wallace, of Sumner County, who was past 20 years of age, all the powers of adulthood.
37. Private Acts of 1935, Chapter 199, relieved Mrs. Anna Mae Durham Miller, of Sumner County, who was then 19 years of age, of all the restrictions of her minority.
38. Private Acts of 1935, Chapter 331, freed Mrs. Ruby King Canida, of Sumner County, from all the limitations of being a minor, and conferred upon her all the powers of an adult.
39. Private Acts of 1935, Chapter 336, removed all the disabilities of being a minor from Albert Bradley, Jr., who was born on September 18, 1916, in Sumner County.
40. Private Acts of 1937, Chapter 35, emancipated Mrs. Ruby Mae Perdue Shaw, born on June 2, 1918, in Sumner County, from the disabilities and restrictions of her minority.
41. Private Acts of 1937 (3rd Ex. Sess.), Chapter 9, removed all the restrictions of being a minor from Glen Durham, age 18 of Sumner County, granting to him all the legal rights of adulthood. Chapter 31, of the same Volume was a duplicate of this Act.
42. Private Acts of 1967-68, Chapter 78, created the office of County Manager for Sumner County to be elected by the people for a 4 year term of office. The salary was fixed at \$12,000 annually, payable monthly. The manager was to maintain an office in the courthouse and could hire a secretary and other staff personnel to enable him to carry out his duties. The manager would have the same duties, authority, powers, and jurisdiction as the County Judge, and the county fiscal and accounting officers. The position of Chairman of the County Court was abolished. The first County Manager would be elected in the election to be held on October 10, 1967, take office on January 8, 1968, and serve until September 1, 1970. This Act was rejected by the Quarterly Court and never became law.
43. Acts of 1967-68, Chapter 211, amended Chapter 78, same session, above, in Section 4 by adding a provision that in the event a vacancy occurred in the office of County Manager, the Quarterly Court of Sumner County would appoint some qualified person to fill the vacancy until a successor

could be duly elected. Since the Quarterly Court failed to ratify the Act which this Act amended, it was unnecessary to act on this law.

44. Private Acts of 1974, Chapter 369, repealed many of the private acts enacted in prior years. This act is published herein as a convenient reference point for our readers.

## Chapter II - Animals and Fish

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

1. Acts of 1897, Chapter 157, made it unlawful in the counties of Sumner, Tipton, Anderson, Rutherford, and Williamson to catch, kill, injure, or pursue, any quail, partridge, prairie chicken, grouse, or pheasant for a period of two years next following the passage of this act. It was further unlawful to destroy or purchase the eggs of the above cited birds. Violators were guilty of a misdemeanor. Fines for violators ran from \$2.00 to \$25 for each offense.
2. Acts of 1899, Chapter 337, declared that anyone in Sumner, Trousdale, and Robertson Counties who caught, killed, injured, or pursued any quail, partridge, grouse, or pheasant, for five years after the passage of the Act was guilty of a misdemeanor and could be fined up to \$25, or placed in jail for up to 30 days, or both. It was lawful to hunt quail with a gun from November 1 to January 1 of each year but not upon the enclosed lands of another without written permission from the owner, or occupant. It was also illegal to disturb the nests, or eggs, of these birds, or to sell and ship them from the county. This act was repealed by Private Acts of 1974, Chapter 369.
3. Acts of 1901, Chapter 240, made it illegal to catch, hunt, trap, capture, kill, sell, or offer to sell, buy, or offer to buy, any dove, grouse, or pheasant, in Sumner County for a period of five years after passage of the act, except that doves could be hunted and killed during the months of August through November of each year. Fines ranged from \$10 to \$25 for offenders. This Act was repealed by Private Acts of 1974, Chapter 369.
4. Acts of 1903, Chapter 347, required all persons with female dogs over three months old to register them with the Circuit Court Clerk and prevent them from running at large. The Circuit Court Clerk would keep a book of information on these dogs, and the Clerk was to obtain a supply of metal clips to be fastened to the collars of the dogs which were registered. The owner of the dog paid a fee of \$3.00. Failure to comply was a misdemeanor.
5. Acts of 1903, Chapter 492, made it illegal to hunt or chase deer with dogs, or to shoot, or kill, maim, or wound deer in Sumner County for a period of five years from the passage of the act. Offenders could be fined from \$25 to \$50 for each offense. This Act was repealed by Private Acts of 1974, Chapter 369.
6. Acts of 1903, Chapter 564, declared that, in Sumner County, identified by the 1900 Federal Census figures, it was unlawful for livestock to run at large, and any person who, negligently, willfully, or knowingly, permitted such stock to run at large was guilty of a misdemeanor and could be fined from \$2.00 to \$5.00 for each act. Any damage wrought by the trespassing animals would be a lien on the animals which could also be taken up and cared for by the person damaged and the cost of doing so would also be a lien on the animals. This act was repealed by Private Acts of 1974, Chapter 369.
7. Private Acts of 1907, Chapter 504, amended Acts of 1905, Chapter 76, which regulated the practice of veterinary medicine in the State to extend its provisions to cover the people of Sumner County, identified by the 1900 Federal Census. This act was repealed by Private Acts of 1974, Chapter 369.
8. Private Acts of 1909, Chapter 405, required those who practiced veterinary medicine and surgery, with less than three years experience, to apply to the State Board of Examiners for a license. Regulations for holding tests and grading papers were included, for which proper records were to be kept. The license was to be recorded in the office of the County Court Clerk of the county where the practice was to take place. Anyone practicing without a license could be fined as in misdemeanor cases. This Act was repealed by Private Acts of 1974, Chapter 369.
9. Private Acts of 1911, Chapter 169, made it unlawful for cattle, horses, mules, hogs, sheep, and

- goats to run at large in Sumner County, identified by the 1910 Federal Census, and any person negligently, willfully, or knowingly permitting the same to occur was guilty of a misdemeanor and could be fined from \$2 to \$5 for each offending act. Any damage done constituted a lien on the animals as well as the cost of their care and keeping. Nothing in this act was to be construed as relieving the railroads of any liability. This Act was repealed by Private Acts of 1974, Chapter 369.
10. Private Acts of 1913 (Ex. Sess.), Chapter 32, declared it illegal in Sumner County, identified by use of the 1910 Federal Census figures, to shoot, kill, or injure, by any means whatsoever, any quail, partridge, or dove, except within the times mentioned in the act. Migratory birds could be killed at any time. It was also illegal to gig, shoot, spear, or kill by or with the use of dynamite, or other explosives, or to catch with one's hands or by grappling or with any seine, or wing net, any fish in any running stream, or river, in the county. However, seines not over 10 feet long could be used to obtain bait fish.
  11. Private Acts of 1915, Chapter 135, amended Acts of 1903, Chapter 564, by making the population figures quoted conform to the 1910 Census, and by adding a provision to Section 2 which gave the Grand Juries of the county inquisitorial powers under the law and made it the duty of the Circuit and Criminal Judges to charge this act to the Grand Juries. This act was repealed by Private Acts of 1974, Chapter 369.
  12. Private Acts of 1917, Chapter 552, amended Public Acts of 1915, Chapter 152, the State Game and Fish Law in Section 45, by adding a provision that the taking of fish of the sucker family by means of grab hooks, or by bow and arrow, would not be unlawful in Sumner County.
  13. Private Acts of 1927, Chapter 10, stated that every person in Sumner County, identified by use of the 1920 Federal Census figures, would be required to give to the Tax Assessor a record of each dog, more than six months old, being kept by him or her for which \$1 was to be paid for each male, or spayed female, and \$3.00 for each female (unspayed) more than six months old. Licenses were to be renewed every year, violators being subject to fines from \$10 to \$50 for each offense. All revenue derived hereunder would be placed in the "Sheep Fund". It was unlawful to allow dogs to run at large and any owner of sheep which were killed, or injured, by dogs might, by following the procedure outlined in the act, be compensated for the loss out of the "Sheep Fund".
  14. Private Acts of 1927, Chapter 333, amended Private Acts of 1927, Chapter 10, above, in Section 12 by reducing the time in which the owner of sheep injured, or killed, by dogs must report the same to the Trustee from 5 days to 48 hours; in Section 14 by requiring the owners to place metal tags on dogs and keep them on their collars all the time; and in Section 17 by providing that each person owning from one to eleven dogs pay \$10 instead of \$1.00 tax, and any one owning over eleven dogs and a kennel would pay \$30 per year.
  15. Private Acts of 1929, Chapter 59, expressly repealed Private Acts of 1927, Chapter 10, as amended.
  16. Private Acts of 1931, Chapter 339, made it lawful in Sumner County, identified by use of the 1930 Federal Census figures, at all times, to catch, take, or capture, fish, in any stream, river, or pond, with rod and line, or trot line, but it was unlawful to do the same with artificial flies, minnows, or any other type of artificial lure between the 15th day of April and the first day of July. It was likewise against the law to have in one's possession any seine other than a minnow seine, no longer than 10 feet and with meshes no less than ¼ inch. Fines for violators ranged from \$25 to \$100. This act was repealed by Private Acts of 1974, Chapter 369.
  17. Private Acts of 1933, Chapter 649, legalized in Sumner County, identified by use of the 1930 Federal Census figures, fishing for both game and non-game fish with hook, rod and line, or trot line, using natural bait, in any month, or season, of the year, in any of the rivers, streams, or ponds, but it would not be lawful to take, catch, or capture, fish with an artificial fly, minnow, or any other type of artificial lure between April 1 and June 1 of each year. Fines ranged from \$25 to \$100. This act was repealed by Private Acts of 1974, Chapter 369.
  18. Private Acts of 1935, Chapter 702, allowed any person who was heretofore engaged in the practice of veterinary medicine, with or without a license, for a period of 15 years next preceding the passage of the act to continue to practice, provided they obtained a certificate of good moral character from the County Court Clerk and filed the same with the State Board of Veterinary Examiners. This bill only applied to Sumner and Robertson Counties. This act was repealed by Private Acts of 1974, Chapter 369.
  19. Private Acts of 1937, Chapter 196, made it legal in Sumner County to hunt, trap, and kill, any fur-bearing animals, including foxes, and to sell their pelts between November 15 and the following February 15.

20. Private Acts of 1953, Chapter 227, declared it to be unlawful for any person in Sumner County to catch, or possess, minnows for the purpose of sale if they were taken from the streams of the county. More than 150 in one's possession, if caught in the county, was a misdemeanor, punishable by fines up to \$25. This Act was repealed by Private Acts of 1974, Chapter 369.
21. Private Acts of 1953, Chapter 453, made it lawful to kill, or catch, foxes at any time or season of the year in Sumner County, but the act would not authorize the shooting of foxes while being chased by dogs. This act was repealed by Public Acts of 1976, Chapter 272.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Courthouse**

1. Private Acts of 1919, Chapter 439, authorized the Quarterly Court of Sumner County to issue up to \$100,000 in bonds, at an interest rate not to exceed five percent (5%), and for a maturity period of no longer than 30 years, which would be used to buy land and erect a courthouse thereon in the City of Gallatin. This Act was repealed by Private Acts of 1974, Chapter 369.
2. Private Acts of 1935 (Ex. Sess.), Chapter 163, was the enabling Act for the Quarterly Court of Sumner County to issue up to \$150,000 in bonds at an interest rate of four percent (4%), or less, and for a maturity period not to exceed 30 years, to buy land, and to erect and furnish a courthouse in Gallatin, and to build a jail. The bonds were to be general obligation bonds requiring a specific tax levy issued in conformity with the conditions of the specific law. The Quarterly Court could select three of its members who, with the Chairman of the Court, would be a Committee to supervise the incidentals of the project. This Act was repealed by Private Acts of 1974, Chapter 369.

#### **Debts**

1. Acts of 1867-68, Chapter 67, allowed the Board of County Commissioners to issue coupon bonds to fund the indebtedness of the county, but the amount of bonds could not exceed the amount of debts, the same to be payable at the times and in the manner specified by the Board of County Commissioners.
2. Acts of 1868-69, Chapter 10, repealed the Section of the Act above which permitted the Board of County Commissioners to issue coupon bonds to pay the debts of the county. This Act allowed the Commissioners to issue six percent (6%), or less, bonds to meet the indebtedness of the county, but the amount was limited to \$20,000, and imposed other conditions prior to the issue.
3. Private Acts of 1929, Chapter 452, was the legal authority for the Sumner County Quarterly Court to issue up to \$50,000 in bonds, at an interest rate of five percent (5%), or less, and to mature within 29 years from the date of issue, to pay off the outstanding debts of the county. All the details essential to valid bond issue legislation were present and a tax levy was required.
4. Private Acts of 1931, Chapter 417, allowed the Quarterly Court of Sumner County to issue up to \$50,000 in six percent (6%), 10 year bonds, the proceeds of which would be used to pay debts incurred in the acquisition of rights-of-way, school property, and for all other county purposes, which were due and owing. All the essential details were incorporated in the Act, a tax levy to amortize was mandatory, and the bonds were declared to be tax exempt. This Act was repealed by Private Acts of 1974, Chapter 369.

#### **Hospitals**

1. Private Acts of 1949, Chapter 873, permitted the Quarterly Court of Sumner County, subject to the approval by the people in a referendum vote, to issue up to \$300,000, in bonds, at an interest rate not to exceed four percent (4%), and for a maturity period no longer than 30 years, to purchase property, and to construct, furnish, equip, operate, and maintain a public hospital. The required details and the mandatory tax levy were incorporated.
2. Private Acts of 1957, Chapter 32, was an enabling Act for the Quarterly Court of the County to issue \$50,000 in bonds to fund the County Hospital. The county court was authorized to levy an additional tax up to twenty cents (\$.20) per \$100 property valuation. The text of this Act is

published in the Section on Health in this publication.

### **Railroads**

1. Acts of 1853-54, Chapter 194, required the County Court of Sumner County to issue \$300,000 in bonds, to buy the stock of the Louisville and Nashville Railroad, provided the people approved the issue in a referendum. The interest rate could not exceed six percent (6%), nor could the maturity period be less than ten (10) nor more than thirty (30) years. All the details for the disposition of proceeds and the collection of taxes to be levied for the purpose of repaying the bonds were contained in the Act. This Act was repealed by Private Acts of 1974, Chapter 369.
2. Acts of 1865, Chapter 25, recited in the preamble that Sumner County had voted to subscribe to \$300,000 in stock in the Louisville and Nashville Railroad and has issued bonds for that purpose at six percent (6%) interest, scheduled to be paid on June 1, 1854, 1855, and 1865, all of which was properly delivered to the Railroad. This Act authorized the County Judge of Sumner County to advertise in a newspaper a request to the holders of the bonds to file them and the amount owing on them in his office whereupon he would exchange the bonds for stock and cancel the same, and pay the interest on the bonds, or the dividends on the stock, as the case might be.

### **Roads**

1. Acts of 1905, Chapter 129, permitted Sumner County to purchase any turnpike road within the county which would then become free public roads but the county would not assume any of the obligations and liabilities of the company from which the turnpike was purchased. For this purpose the county could issue up to \$100,000 in five percent (5%), thirty (30) year, bonds, in accordance with the terms and conditions stated in the Act. The county was required to levy a tax not to exceed twenty cents (\$.20) per \$100 property valuation. The court was to appoint three turnpike commissioners to be in charge of the program. The provisions of the Act were subject to the approval of the people in a referendum vote. This Act was repealed by Private Acts of 1974, Chapter 369.
2. Private Acts of 1911, Chapter 584, amended Acts of 1905, Chapter 129, above, in Section 4 by increasing the amount of bonds permitted to be sold to \$200,000 at interest of four and one-half percent (4½%), or less, to mature within thirty (30) years of the issue. Section 5 repeated the authority to levy the tax to amortize the bonds up to twenty cents (\$.20) per \$100. Section 8 was changed to permit the referendum vote to be for the increased amount of \$200,000. This act was repealed by Private Acts of 1974, Chapter 369.
3. Private Acts of 1939, Chapter 334, was the enabling Act for the Quarterly Court to issue up to \$75,000 in four percent (4%), twenty (20) year, bonds to pay for certain rights of way for roads which had been acquired or were to be acquired. All the details for these tax exempt bonds were included in the Act. This Act was repealed by Private Acts of 1974, Chapter 369.
4. Private Acts of 1941, Chapter 249, was the legal authority for the Quarterly court of Sumner County to issue up to \$150,000 in bonds, at an interest rate of four percent (4%), or less, to mature within twenty-five (25) years of the date of issue, to acquire rights of way for the roads of the county. All the essential details of a valid bond issue were incorporated in the Act. This Act was repealed by Private Acts of 1974, Chapter 369.
5. Private Acts of 1949, Chapter 394, permitted the Quarterly Court of Sumner County to issue up to \$150,000 in four percent (4%), twenty-five (25) year bonds, to pay for rights of way, already acquired, or to be acquired, which would be issued in conformity with the details specified in the Act. The tax levy to pay off the bonds was required.
6. Private Acts of 1953, Chapter 54, was the legislative authority for the Quarterly Court of Sumner County to issue up to \$200,000 in bonds at four percent (4%), or less, interest, and to mature over a schedule no longer than twenty-five (25) years from the date of issue, to pay for rights of way already acquired, or to be acquired. The bonds were general obligation bonds to be issued as detailed in the Act and to be repaid by a mandatory tax levy as long as any of them were outstanding.

### **Schools**

1. Private Acts of 1929, Chapter 476, allowed the Quarterly Court of Sumner County to issue up to \$200,000 in bonds to erect, furnish, and equip a high school building, or buildings, upon property belonging to the county located just outside the city limits of Gallatin, known as the Sumner Training School property, and to erect an elementary school on East Main Street in Gallatin on the old Howard Female College property. The maximum interest rate allowed was six percent (6%), and the length of the maturity period could not exceed thirty (30) years. All other essential details were contained in the act. This Act was repealed by Private Acts of 1974, Chapter 369.



2. Private Acts of 1929, Chapter 859, amended Chapter 476, above, by increasing the amount to be devoted to the construction of the elementary school from \$40,000 to \$50,000, and by reducing the amount allocated to the high school from \$100,000 to \$90,000. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Private Acts of 1931, Chapter 418, was enabling legislation which allowed the Sumner County Quarterly Court to issue up to \$15,000 in six percent (6%), five (5) year, bonds with which to construct two school buildings, one at Westmoreland for \$10,000, and one at White House for \$5,000. All essential details, including a mandatory tax levy, were present in the Act. The program would be supervised by a committee to be appointed by the Court. This Act was repealed by Private Acts of 1974, Chapter 369.
4. Private Acts of 1937, Chapter 143, permitted the Quarterly Court of Sumner County to issue and sell up to \$20,000 in negotiable bonds, at an interest rate not over five percent (5%), on a maturity schedule no longer than twenty (20) years, to pay the outstanding debts due on teacher's salaries, for the years 1931-32 and 1933-34, and to pay any other school debts which needed to be paid. This Act was repealed by Private Acts of 1974, Chapter 369.
5. Private Acts of 1941, Chapter 107, was the legal authority for the Sumner County Quarterly Court to issue and sell up to \$200,000 in coupon bonds, at an interest rate of four percent (4%), or less, to mature over a period no longer than thirty (30) years, to purchase sites for schools, to erect, furnish and equip the same, and repair existing buildings. All the details were contained in the Act. This Act was repealed by Private Acts of 1974, Chapter 369.
6. Private Acts of 1949, Chapter 395, was the legal authority for the Quarterly Court of Sumner County to issue and sell up to \$250,000 in bonds to purchase property for school purposes, sites for school buildings, and to erect, furnish, equip, and repair schools. Interest allowed could not exceed four percent (4%) nor could the maturity period extend beyond twentyfive (25) years from the date of issue. The details of the issue and requirements for the tax levy were included in the act.

## Chapter IV - Boundaries

### Creation of the County

### Acts of 1786 Chapter 32

WHEREAS from the extent of the County of Davidson, it renders it very inconvenient and troublesome to many of the inhabitants thereof to attend the courts, general elections, and other public meetings appointed therein: That from and after the passing of this act, the said county of Davidson, be divided by a line beginning where the county line crosses the west fork of Stones' River, down the same to the junction with the main Stones' River thence a direct line to the mouth of Drakin Lick Creek, thence down Cumberland River to the mouth of Kaspus Creek, thence up the said creek to the head of the War-Trace Fork, thence a northwardly course to the Virginia line, at a point that will leave Red River, old station, one mile to the east; and all that part of Davidson that lies to the west of said line shall continue and remain the county of Davidson; and all that part of the said county of Davidson that lies east of the said dividing line, shall thenceforth be erected into a new and distinct county by the name of Sumner. And for the due administration of Justice: That the Court for the said county of Sumner, shall be held constantly by the Justices thereof on the second Mondays of January, April, July, and October in every year; and the Justices for the said county of Sumner are hereby authorized and empowered to hold the first court in the same at the house of John Hamilton, all subsequent court for the said county on the days above appointed for holding the courts therein, at any place to which the said Justices shall from court to court adjourn themselves, until a court house shall be built for the said county of Sumner, and then all causes, matters, and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Sumner, shall be held by commission to the Justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are or shall be prescribed for other courts held for the several counties in this state.

### Change of Boundary Lines

### Private Acts of 1798 Chapter 10

**SECTION 1.** That from and after the passing of this act, the bounds of Davidson County shall be as follows, viz: beginning on the south bank of the Cumberland river opposite the mouth of Sycamore creek, runs south to the Indian boundary line, thence eastwardly with said Indian boundary line to the main west fork of Stones' river, thence down the middle of said fork to the old continental line, continued down said fork with the boundary line of said county heretofore established by law, and continuing with the bounds described heretofore to the beginning.

**SECTION 2.** That from and after the passage of this act the bounds of Sumner county shall be as follows: beginning on the Kentucky state line where Robertson county stakes the same, runs eastwardly with said state line to where the Indian boundary line strikes the same; thence a southwestwardly course with said Indian boundary to the main west fork of Stones' river; thence down said fork with Davidson county line and continuing with said county line and Robertson county line established by law heretofore to the beginning.

Passed: December 29, 1798.

## Acts of 1799 Chapter 2

**COMPILER'S NOTE:** The following paragraphs of this act have been omitted, as they do not apply to Sumner County: paragraph 3, 14, 16, 18, 19 and 20.

That the county of Sumner shall be reduced to constitutional limits, to wit; Six hundred and twenty five square miles, exclusive of such part of Cumberland river as shall be contained therein, and shall be bounded on the west by a line beginning upon the south bank of the said river, at low water mark, immediately opposite the mouth of Mansker's creek, thence directly across the river to the mouth of said creek and up the same with the line of the county of Davidson to the line of the county of Robertson, and with that line to the northern boundary of the state; on the south, by the south bank of said river Cumberland according to its meanders; on the north by the northern boundary of the state; and on the east by a north and south line extended from the northern boundary of the state, to the said south bank of the river Cumberland. That Wallace Harris and Edward Guinn, are hereby appointed with power to both or either to ascertain by actual survey, the eastern boundary of the said county, from the northern boundary of the state to the south bank of Cumberland river, and mark it, also to extend and mark a north and south line through the said county, from the said northern boundary to Cumberland river, so as to leave as near as may be, one moiety of the said county to the west, and the other moiety to the east of said line, for which service they shall be paid by the county, each two dollars per day, and each chain carrier and marker by them employed, one dollar per day.

That an act, entitled an act, to repeal an act, entitled An act appointing commissioners and trustees, the former to fix on a place in the county of Sumner, and the latter to purchase lands, erect a court house prison and stocks, and establish a town thereon," passed at Knoxville in the year one-thousand seven hundred and ninety-six, and for other purposes therein mentioned, be and the same is hereby repealed.

That David Shelby, David Beard, Senior James Crier, Edward Guinn, and Captain James Wilson, son of John Wilson, be, and are hereby appointed commissioners, who, or a majority of them, shall have full power and authority to purchase sixty acres of land, situate within one mile and an half of the north and south line dividing as before directed, the said county into two moieties, on some part of which shall be erected the court house, prison, and stocks of the said county, on the best terms on which it can be obtained, and to take a deed or deeds of conveyance for the same in their own names as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them and their successors in office, a complete title for the uses in this act expressed. And the said commissioners shall, by a majority, have full power to elect any suitable person or persons to fill any vacancies that may happen in their own body, by death, resignation, or otherwise.

That the said commissioners, or a majority of them, shall as soon as may be after purchasing and obtaining a title to sixty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Rutherford, for county purposes, reserving two acres near the centre thereof, on which shall be erected the court house, prison and stocks of the said county, which two acres in the plan of the said town shall be denominated the public square.

That the said commissioners be, and they are hereby authorized to sell the lots of the said town at public sale at a credit of six months, giving thirty days previous notice of such sale, by advertisement, at four or more of the most public places in the said county, taking bond, with sufficient security, for the payment of the purchase money to themselves and their successors in office. And the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance, in fee simple, for the same, to the purchasers, which shall be good and valid in law, to all intents and purposes.

That the money arising from the sales of the aforesaid lots, shall by the said commissioners be applied to

the building of the court house, prison and stocks; and they are authorized to contract with a suitable person or persons to erect the same: and the court house to contain convenient rooms for the juries, and the prison to consist of two rooms at least.

That the monies already appropriated by the county of Sumner, for the purpose aforesaid, shall be paid into the hands of the said commissioners, and be by them, or a majority of them, applied in paying for the lands purchased; and the overplus shall be an additional fund to that arising from the sale of the lots, to defray the expenses of erecting and [compleating] the court house, prison and stocks.

That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of the said county, when demanded; and if the monies already appropriated, shall not be sufficient to defray the expenses of the sixty acres of land, and erecting of the court house, prison, and stocks, the court shall have full power, by a county tax to make up the deficiency: Provided, that two thirds of the acting justices be present when the taxes are laid; and provided also, that the said tax shall not exceed six and a fourth cents on every white poll between the age of twenty one and fifty years, a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years; a tax not exceeding one dollar on each stud horse kept for the purpose of covering mares, and a tax not exceeding six and a fourth cents on each hundred acres of land in any one year, which shall be collected in the same manner, and by the same persons as public taxes are; and the monies arising from the said taxes shall be paid by the collector thereof, first deducting the same per centum for collection as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners or a majority of them, to be applied to the purposes aforesaid.

That the aforesaid commissioner shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act. That the said commissioners, when the buildings are [compleated], shall lay before the court of the said county, a fair and just statement of the costs and expenses of said purchase and buildings, together with their receipts, and shall be allowed a reasonable compensation for their services by the said court; Provided that two thirds of the acting justices of said county be present when such allowance is made.

That it shall and may be lawful for the sheriff of Sumner county to collect the taxes for the year one thousand seven hundred and ninety nine, and all arrearages of taxes for every and any preceding year, in the same manner, and with as full authority, as if this act has not been passed; and Sumner county shall be liable to the payment of every demand that any of the citizens of Wilson or Smith counties, heretofore a part of the said county, may legally have for services rendered the said county, in the same manner as if this act had never been passed.

That elections for members to the General Assembly, the Governor and members of Congress, shall be held at the court houses of the counties of Smith and Wilson, on the days on which elections for such purposes are authorized to be held, and the sheriffs of those counties shall meet the sheriff of Sumner county, at the court house of said county, on the succeeding Monday, and with him examine the respective polls of election for the three counties, heretofore the county of Sumner, and declare the persons duly elected members to the General Assembly, and give certificates accordingly to the persons duly elected; and it shall be the duty of the said sheriff to transmit a statement of the poll of election for Governor and member of Congress to the Speaker of the Senate, in the same manner as directed by law, as the duty of sheriffs of counties heretofore established.

Passed: October 26, 1799.

## Private Acts of 1832 Chapter 55

That the road as now established and known by the name of the Lexington and Kentucky road, running between the counties of Robertson and Sumner, be, and the same is hereby taken, held and deemed the true dividing line between said counties, said dividing line commencing at a point in said road near Thomas Collins where the old line as heretofore established, intersects said road, running thence with said road to the Kentucky line.

Passed: October 16, 1832.

## Acts of 1870 Chapter 27

**COMPILER'S NOTE:** Sections 3, 7, 8, 9, 10, 11, 13, 14 and 15 of this Act did not apply to Sumner County and are not included herein.

**SECTION 1.** That a new county be, and the same is hereby established, out of fractions of the territory composing the counties of Sumner, Macon, Smith and Wilson, around the town of Hartsville, to be called

"Trousdale," in honor of Governor Wm. Trousdale.

**SECTION 2.** That said county of Trousdale shall be bounded as follows, to wit: Beginning on the north bank of Cumberland River, near the house of Dr. James Alexander, in Smith County; running thence in a northeasterly direction on an arc ten miles from Carthage to a stake on the Hartsville and Carthage turnpike, near the house of Mrs. Bradley; thence north 45 degrees east to Mou's Hill; thence with the meanderings of said hill to a stake in the Macon county line near Raglan's; thence with said line some ten miles to where said line crosses the middle fork of Goose Creek, near Ephraim Parsley's; thence with the meanderings of said creek to the mouth of the west branch of the middle fork; thence up said branch with its meanders to James Barnley's, at the mouth of "Love Hollow:" thence due west to the Macon county line; thence with said west boundary line southward to a mulberry tree, the southwest corner of Macon County; thence on a continuation of the south boundary line of Macon County, due west to where said line intersects the east fork of Bledsoe's Creek, near George Brown's; thence south to the Cumberland River, crossing the Gallatin and Hartsville turnpike ten miles from Gallatin, between Hallum's shop and the old toll-gate; thence up said river with its meanders, to David Jackson's in Wilson County; thence eastward on an arc eleven miles from Lebanon, to Cumberland River at the mouth of Everett's branch; thence up the river with its meanders to McDonald's warehouse; thence eastwardly on an arc eleven miles from Lebanon, near Fred Terry's and Whitson's, to a point in the Smith county line between James Calhoun's house and Henry Ward's; thence on an arc ten miles from Carthage, to the beginning.

**SECTION 4.** That it shall be the duty of said Commissioners to designate three voting places in the Sumner fraction, one in the Macon fraction, four in the Smith fraction, and two in the Wilson fraction; and shall give ten days' notice by written or printed circulars, posted in five or more public places in each fraction taken from the respective counties of Sumner, Macon, Smith and Wilson, that an election will be held in which all persons entitled to vote for members of the General Assembly who have resided in the fraction proposed to be stricken off for six months immediately preceding said election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county, shall have on his ticket the words "New County," and those desiring to vote against the new county, shall have on their tickets "Old County," and if, upon the counting of all the votes cast at said election in that part of each of the counties of Sumner, Macon, Smith and Wilson proposed to be taken off to form said county of Trousdale, it shall appear that two-thirds of the qualified voters in each of the parts so taken off vote in favor of being attached to the new county, then that part shall be a part of the county of Trousdale, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State; Provided, however, that if there should not be a two-thirds vote in the Wilson county fraction in favor of said new county, the fractions of Sumner, Macon and Smith shall constitute the county of Trousdale. Provided, the consent of two-thirds of the qualified voters residing in the part so taken off has been legally given.

**SECTION 5.** That said Commissioners shall appoint Judges and Clerks to hold said election, and also some suitable person as an officer in each place designated in each fraction, who shall have all the powers and perform all the duties imposed by law upon other officers holding elections under the laws of this State, and who shall, after the polls are closed and the vote counted, make out and certify the result and return the same with a copy of the poll books to the Chairman of said Board of Commissioners, who shall, when the returns are all received, in the presence of the said Board proceed to compare the vote and certify the result; and the election therein provided for shall be held on the same day in each of said fractions, and if, for any cause, the election as herein provided shall not be held in any of said fractions on the day appointed, said Board shall provide for another election as herein provided in such fraction.

**SECTION 6.** That said Commissioners shall have power, and it shall be their duty to mark the boundary lines of said county of Trousdale, guided by the marks and bearings set forth in the second section of this act before the election provided in the fourth section of this act, and it shall be their duty to divide the said county in such number of civil districts as the convenience of the inhabitants may require (but in no event shall there be less than ten civil districts in said county) designating the boundaries of and giving the place of holding in said districts, and they shall perform such other duties as may be necessary to carry out the provisions of this act.

**SECTION 12.** That it shall be the duty of the Tax Collectors of Sumner, Macon, Smith and Wilson Counties, to pay over to the Trustee of Trousdale County, when elected and qualified, that portion of the county tax of said counties which has been collected by said Tax Collectors within the boundaries of Trousdale County for 1870, and the said Trustee's receipt shall be a voucher to said Tax Collectors on settlement with the Trustees of their respective counties.

**SECTION 16.** That the fractions taken from the Counties of Sumner, Smith, Macon and Wilson, to form the County of Trousdale, shall continue liable for their pro rata of all debts contracted by their respective counties prior to their separation, and be entitled to their proportion of any stock or credit belonging to such old counties; and this act shall take effect from and after its passage, the public welfare requiring it.

Passed: June 21, 1870.

## Private Acts of 1905 Chapter 196

**SECTION 1.** That the line between the Counties of Macon and Sumner be, and the same is hereby, so changed as to include the residences of J. Y. Williams, J. M. Henson, W. M. Henson, J. B. Garrett, W. R. Duffy, George Vance, Jim Woodard, and John Hawkins, and the Widow Taylor in Sumner County. Said line to run as follows: Beginning at a rock near Berry Williams' house in the Sumner and Macon County line, running thence east about 130 poles to J. T. Williams' corner; thence north about 150 poles to a beech, Amy Jumper's corner; thence east about 75 poles to a stake; thence northeast with John Garrett's and W. R. Duffy's line to George Vance's northeast corner; thence west about 175 poles back to the Macon and Sumner County line.

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

Passed: April 5, 1905.

## Private Acts of 1929 Chapter 707

**SECTION 1.** That the county line between Sumner and Trousdale Counties be changed and established as follows: Beginning at a point in the mouth of Canoe Branch where it empties into Cumberland River near Canoe Branch Ferry, and at low water mark, thence in a northerly direction with the southwest margin of the Public Road running from the River at Canoe Branch Ferry to the Castillian Springs and Hunters Point Road to a point where said road intersects with the Castillian Springs and Hunters Point Road, thence eastwardly with the Southern margin of said road about one-fourth mile to an old Oak Stump in the present county line between said Counties, said line as above designated detaches from Sumner County and attaches to Trousdale County the property of Callie Cunningham and perhaps others.

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

Passed: April 11, 1929.

## Private Acts of 1949 Chapter 729

**SECTION 1.** That the present location of U. S. Highway No. 31-W is hereby declared to be the line between the counties of Sumner and Robertson in this State, beginning where the same intersects the north boundary line of this state and running southwardly with said highway to the point where said counties no longer border thereon. All lands to the west of said highway shall be in Robertson County and all lands to the east thereof shall lie in Sumner County. Provided, however, that such lands as shall be transferred from one county to the other by this Act shall be liable for taxation for the purpose of paying any outstanding bond issues for which they would have been liable had they not been transferred from one county to another.

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

Passed: April 11, 1949.

## Private Acts of 1969 Chapter 297

**SECTION 1.** That a certain County forty-foot roadway, or right of way, located in the First Civil District of Sumner County, Tennessee, is hereby detached from Sumner County and the same is hereby attached to and shall become a part of Trousdale County. Said County road is known as the Canoe Branch road, and it begins at the present Sumner County boundary line at the Ed Brozier property line, and extends in a westerly and northwesterly direction for a distance of approximately .55 miles, more or less. The above-described road and forty-foot roadway easement shall become a part of the Trousdale County road system and the same shall be under the jurisdiction and supervision of the Trousdale County Highway Department and the same shall likewise be maintained and repaired by the Trousdale County Highway Department.

**SECTION 2.** That this Act shall have no effect unless the same shall be approved by a two-thirds (2/3) vote of both the Quarterly County Courts of Sumner County and Trousdale County, and its approval or non-approval shall be proclaimed by the presiding officer of each of said bodies having jurisdiction to approve or the reverse, and the same shall be certified by them to the Secretary of State.

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

Passed: March 13, 1961.

## Boundaries - Historical Notes

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

1. Acts of 1843-44, Chapter 40, established the dividing line between Sumner and Robertson County beginning at the blackjack corner, of the Kentucky line, and running south with the center of the Nashville and Kentucky turnpike road, as far south as the old Kentucky Road. This Act was repealed by Private Acts of 1974, Chapter 369.
2. Acts of 1853-54, Chapter 181, transferred the dwelling house of George H. Carter out of Macon County and into Sumner County.
3. Acts of 1889, Chapter 118, moved all the lands of Green Williams which were lying partly in Sumner County, and partly in Trousdale County, out of Sumner County and into Trousdale County. Trousdale County was required to order the County Surveyor to run, establish, and mark the line of Trousdale County so as to include all of Green Williams' property within it. This Act was repealed by Private Acts of 1974, Chapter 369.

## Chapter V - Court System

### Circuit Court

#### Baliff

### Private Acts of 1941 Chapter 350

**SECTION 1.** That the Judge of the Circuit Court in all Counties of the State having a population of not less than 32,718, nor more than 32,720, according to the Federal Census of 1940, and/or any subsequent Federal Census, shall be authorized to appoint some suitable person as Bailiff or Court Officer to attend and wait upon the Circuit Court of said County and the Jurors at all regular and special terms of said Court.

**SECTION 2.** That the said Bailiff or Court Officer shall serve at the will and under the direction of the Circuit Judge as to all of his duties and shall receive as compensation for his services such amount as shall be determined by the Quarterly County Court for each day he waits upon the Court during a regular or special term thereof, which compensation shall be paid out of the Treasury of the County in which he serves upon the warrant of the person authorized to disburse County funds, and such payment to be made at the end of each regular or special term during which said officer serves.

As amended by: Private Acts of 1943, Chapter 232,  
Private Acts of 1965, Chapter 8.

**SECTION 3.** That all laws and parts of laws in conflict with this Act 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: February 13, 1941.

### Criminal Court

### Public Acts of 1972 Chapter 442

**COMPILER'S NOTE:** The effect of the Public Acts of 1984, Chapter 931, now T.C.A. § 16-2- 506, on this Act is unclear. This Act may have been superseded, but is included in this compilation since certain provisions may remain operative in Sumner County, which is now the eighteenth judicial district.

**SECTION 1.** A separate criminal court for the Ninth Judicial Circuit in Tennessee, with criminal jurisdiction only, is hereby created composed of the counties of Robertson and Sumner.

**SECTION 2.** Nothing in this act shall be construed to affect the Ninth Judicial Circuit for civil cases, it being the intent of this act to create a new criminal court jurisdiction only in the counties herein provided and not to interfere with the civil jurisdiction of the court in the Ninth Judicial Circuit, including the two (2) counties herein named, as now constituted by law.

**SECTION 3.** [Amended T.C.A. § 16-219 which was repealed by the Public Acts of 1984, Chapter 931.]

**SECTION 4.** [Amended T.C.A. § 16-220 which was repealed by the Public Acts of 1984, Chapter 931.]

**SECTION 5.** All criminal cases, excepting those which have heretofore been heard and taken under

advisement, now pending in the counties of Robertson and Sumner, shall be transferred to the new criminal court and tried by the court herein created, and all bonds shall be taken and all process heretofore or hereafter issued shall be hereby made returnable to the courts at the times and places fixed for the holding of same in the foregoing provisions.

**SECTION 6.** The judge of the new criminal judicial circuit is hereby authorized to employ a secretary, at a salary authorized by the Executive Secretary of the Supreme Court, to be paid in equal monthly installments out of the Treasury of the State of Tennessee. The name of such person, together with his or her address, shall be certified by said judge to the Executive Secretary of the Supreme Court.

**SECTION 7.** The Governor shall immediately and upon the passage of this act, appoint a judge for this new criminal circuit, who shall be learned in the law, not less than thirty (30) years of age, and who shall hold such office until September 1, 1972, and until a successor is elected and qualified; and at the August election in 1972 there shall be elected by the qualified voters of Robertson and Sumner counties a judge of said criminal circuit who shall hold his office until September 1, 1974, and until his successor is elected and qualified, and at the August election 1974 and thereafter, every eight (8) years, a judge for said circuit shall be elected by the qualified voters. Such judge shall receive the same salary and emoluments, payable in like manner, and shall have the same powers as other criminal judges of this state, and may interchange with any of the circuit or criminal judges or chancellors of this state.

**SECTION 8.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: February 9, 1972.

## Public Defender

### Public Acts of 1973 Chapter 168

**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 created the office of Public Defender in the counties of this state having a population of not less than 56,100, and not more than 56,125, according to the Federal Census of 1970, or any subsequent federal census.

**SECTION 2.** Immediately upon the passage of this Act in all counties of this state having a population of not less than 56,100 and not more than 56,125, according to the Federal Census of 1970, or any subsequent federal census, the Quarterly County Court, at its next regular meeting, shall elect a Public Defender who shall be a person licensed to practice law and who shall hold said office for a term of two (2) years, or until a general law shall provide for a Public Defender System in all counties of this state. The Public Defender shall be elected by a majority of the members of the Quarterly County Court. The Public Defender shall take office upon the approval of this Act by the Quarterly County Court as provided by law and his successor shall be elected in the same manner each two (2) years thereafter.

**SECTION 3.** The Public Defender shall be required to appear and defend, without expense, and to represent generally, all persons who are without means to employ counsel, and who have been charged with the commission of a misdemeanor, or an offense in the General Sessions Court of said counties, for which a conviction of the same would, or might, result in said person, or persons, being punished by imprisonment in the County Workhouse. Said Public Defender shall further prosecute or appeal to a higher court, or courts, on behalf of such persons, who have been convicted as aforesaid, where, in his opinion, there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modification of the judgment or conviction. Said Public Defender shall further represent and defend those persons who have been found to be indigent and are before the General Sessions Court of said counties for preliminary hearings and charged with the commission of a felony. Said Public Defender shall advise and counsel such persons as to their rights concerning said preliminary hearing and inform them of the nature of said proceedings which might result in an indictment therefrom; however, in no event shall the Public Defender represent any such person other than in the General Sessions Court of such counties, other provisions having been established by law to provide for adequate representation for such persons charged with the commission of a felony.

**SECTION 4.** (a) The Public Defender shall receive a salary of FOUR THOUSAND EIGHT HUNDRED (\$4,800.00) DOLLARS per annum, payable in equal monthly installments, to be paid by the County in which he is elected, in the same manner as other county offices are paid; (b) the Quarterly County Court shall increase said compensation and expenses of said office in such amounts, and at such times, as it deems appropriate, by a majority vote of said Quarterly County Court; (c) He shall take and file the

required oath of office, (d) every person who shall be appointed a Public Defender shall be a citizen and resident of the county in which he is appointed; (3) the Public Defender shall be allowed to continue his private practice of law, both civil and criminal; however, said Public Defender shall appear and be present at such times and places as shall be required to carry out his duties as defined herein.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it may apply on or before December 1, 1973. 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 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 upon being approved as provided in Section 5.

Passed: May 2, 1973.

## General Sessions Court

### Private Acts of 1949 Chapter 481

**SECTION 1.** That there is hereby created and established a Court in and for Sumner County, Tennessee, which shall be designated "Court of General Sessions of Sumner County, Tennessee." Said county shall provide a Court Room at Gallatin, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general county funds of said county. The regular place for holding said Court shall be at the Court Room provided for said Court in Gallatin, Tennessee, but said Court may be held, in the discretion of the Judge thereof, at any other place or places in Sumner County, Tennessee, at such times and places as the Judge may designate.

**SECTION 2.** That said Court of General Sessions is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of said county are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said county elected for any district may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil process on any cause of action heretofore triable by a Justice of the Peace, such warrants and process to be returnable to and triable by said Court of General Sessions. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court, or in the performance of the rites of matrimony, or to administer oaths is in no wise affected by this Act.

**SECTION 3.** That the Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery and Circuit Courts to grant fiats for writs of injunction, attachments and other such actions in which fiats are necessary.

**SECTION 4.** That before any civil case shall be tried or judgment rendered in said Court the plaintiff shall secure the costs by executing a cost bond, with good security, in the sum of Twenty-five (\$25.00) Dollars, or by making a cash cost deposit of not less than One Dollar and Fifty Cents (\$1.50) nor more than Twenty-five (\$25.00) Dollars, or shall take the oath prescribed for poor persons, and on motion the Court may in his discretion increase the amount of such bond or deposit.

**SECTION 5.** That the rules of pleading and practice, forms of writs and process and stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace; provided, however, that the Court of General Sessions for Sumner County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Circuit Court of Sumner County, where such appeal shall be tried by a Judge or such Court without a jury, and without indictment or presentment. That it shall be the mandatory duty of the Judges of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his



peers, such Courts may proceed to hear and determine such case as is provided in Section 1 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant \_\_\_\_\_ pleads  
 \_\_\_\_\_ guilty to the offense of \_\_\_\_\_ and waives his  
 right to be tried only by indictment or presentment preferred by a Grand Jury,  
 and likewise waives trial by a jury of his peers. \_\_\_\_\_

**SECTION 6.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court, and the attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace. The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other offices, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

**SECTION 7.** That separate dockets be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner.

**SECTION 8.** That there shall be one Judge for said Court, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior courts of Tennessee; and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

**SECTION 9.** That the compensation of said Judge shall be Eighteen Thousand Seven Hundred (\$18,700.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the general funds of the county, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge shall give all his working time to the duties of his office, except that he may act as Judge of the City Court of Gallatin, Tennessee, under any contract made by the said city with the County of Sumner.

As amended by: Private Acts of 1974, Chapter 306.

**COMPILER'S NOTE:** Section 9 of this Act has been superseded, although not expressly repealed by Private Acts of 1982, Chapter 236, Section 17, printed in this volume.

**SECTION 10.** That J. W. Murrey, Senior, of Gallatin, Tennessee is hereby appointed the first Judge of said Court, who shall serve until the first day of September, 1950, and until his successor has been elected and qualified. His successor shall be elected by qualified voters of the county at the election for judicial and other civil officers on the first Thursday of August, 1950, and shall hold said office from the first day of September, 1950, until the first day of September, 1958, or until his successor is qualified. His successor shall be elected every eight years at such election for the term provided by law for Judges of inferior courts.

**SECTION 11.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, or act as Judge, a majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such a Judge, and when elected he shall take the same oath and have the same authority as a regular Judge to hold the Court and perform the duties of such Judge for the occasion.

**SECTION 12.** That in the case of a vacancy in the office of such Judge for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

**SECTION 13.** That the Clerk of the Circuit Court and Criminal Courts of said county shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Sumner County." The fees, commissions and emoluments of said Court of General Sessions shall be the same as such fees would have been if the process, subpoenas, executions and all other papers had been issued by Justices of the Peace, and the same shall accrue to and be paid to the Clerk of said Court when such papers are actually issued by said Clerk. Provided, however, that when such papers shall have been issued by a Justice of the Peace of Sumner County, Tennessee, the fees, as provided by law, shall accrue to and be paid to such Justices of the Peace of Sumner County, Tennessee,

who actually issued such papers, process, etc. The Clerk of said Court and his deputies shall have concurrent authority with the Judge thereof to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer.

As amended by: Private Acts of 1949, Chapter 857.

**SECTION 14.** That the Sheriff of said county, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior courts. Provided, however, that no Sheriff, Deputy Sheriff, or Constable shall be entitled to any fees merely for opening and closing said Court, or for waiting upon said Court as Court Officer. But the Judge of said Court may select or appoint any of such officers that may be in attendance to wait upon said Court without any further compensation for such services.

**SECTION 15.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said county to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 16.** That all of the official dockets, records and papers in cases which are undisposed of or pending in the offices of Justices of the Peace of said county at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said county in cases which have been completed shall be turned over to said county, as provided by law.

**SECTION 17.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Court of Justices of the Peace of said county as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgments on the dockets of said Justices of the Peace, and certify as to any such judgments or records, as such Justices of the Peace could do but for this Act.

**SECTION 18.** That the General Assembly expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 19.** That this Act shall take effect on July 1, 1949, and not until then, except that after the passage of this Act prior to July 1, 1949, said county shall make provision for a Court Room and otherwise as provided in Section 1 hereof, but such Judge and Clerk of said Court shall not take the oath of office or be entitled to any salary until July 1, 1949, the public welfare requiring it.

Passed: April 1, 1949.

## Division II

### Private Acts of 1982 Chapter 236

**SECTION 1.** DESIGNATION. There is hereby designated a "Division I, Court of General Sessions of Sumner County, Tennessee," which shall consist of the presently-existing General Sessions Court of Sumner County, Tennessee, as established by Chapter 481 of the Private Acts of 1949 and all other Acts amendatory thereto.

**SECTION 2.** CREATION. There is hereby created and established another court in and for Sumner County, Tennessee, which shall be designated "Division II, Court of General Sessions of Sumner County, Tennessee".

**SECTION 3.** JURISDICTION. The Division I, Court of General Sessions of Sumner County, Tennessee, shall retain the jurisdiction previously conferred thereon, with the exception that the jurisdiction bestowed on said Court by Chapter 298 of the Private Acts of 1974 is hereby divested. The Division II, Court of General Sessions of Sumner County, Tennessee, as herein created, is hereby vested and shall have as its primary function jurisdiction over all matters over which jurisdiction is now or shall hereafter be vested in the juvenile courts by the General Laws of the State of Tennessee including, but not limited to, the jurisdiction as is now vested in the County Court of Sumner County, Tennessee, by the General Laws in the State of Tennessee and its judicial powers vested in the County Judge of Sumner County, Tennessee, by Private Acts and by Tennessee Code Annotated Title 30, Chapters 1 through 20, inclusive; Tennessee Code Annotated Title 31, Chapters 1 through 8, inclusive; Tennessee Code Annotated Title 32, Chapters 1 through 5, inclusive; Tennessee Code Annotated Title 34, Chapters 1 through 11, inclusive; Tennessee

Code Annotated Title 35, Chapters 1 through 11, inclusive; Tennessee Code Annotated Title 37, Chapters 1 through 17, inclusive; and Chapter 92 of the Private Acts of 1961 as amended by Chapter 306 of the Private Acts of 1974, all to the extent that under such laws the jurisdiction thereunder was vested heretofore in any juvenile court or any county court or any court exercising the jurisdiction thereof; and in addition to the jurisdiction and powers conferred above, is hereby vested and shall have concurrent jurisdiction with the Circuit Court and Chancery Court in this County over domestic matters and shall have the powers vested in the Circuit Judge and Chancellor by the General Laws of the State of Tennessee over domestic matters including, but not limited to, Tennessee Code Annotated Title 36, Chapters 1 through 13, inclusive. The Division II, Court of General Sessions, when exercising the jurisdiction conferred upon the General Sessions court shall be designated "Division II, General Sessions Court of Sumner County, Tennessee". When exercising the other jurisdiction herein, it shall be designated as the "Family Court of Sumner County, Tennessee".

As amended by: Private Acts of 1989, Chapter 93.

**SECTION 4. DIVESTURE OF JUDICIAL POWERS.** The office of County Judge of Sumner county, Tennessee, is hereby divested of any and all judicial powers that may heretofore have been granted by any former Private Acts; and to the extent thereof, such former Act is repealed. The office of Juvenile Court Referee, to the extent given jurisdictional authority under Chapter 298 of the Private Acts of 1974, is hereby divested of any and all judicial powers given thereunder.

**SECTION 5. REPEAL OF PRIVATE ACTS.** The office of Juvenile Court Referee, as established by Chapter 298 of the Private Acts of 1974, is hereby abolished; and said Act, under which such position was created, is hereby repealed. Chapter 92 of the Private Acts of 1961, as amended by Chapter 306 of the Private Acts of 1974, which together provide for the establishment of the juvenile court, to the extent that either may be inconsistent herewith, is repealed, except that the compensation provisions contained herein shall remain in effect through August 31, 1982.

**SECTION 6. CLERKS OF THE COURTS.** The Circuit Court Clerk of Sumner County, Tennessee, shall be the Clerk of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, to the extent that such Courts perform all the powers, duties and functions associated with juvenile and domestic matters and shall maintain such Minute Books and other records as may be required by law. The Clerks, when performing their duties, shall charge all fees and shall be entitled to receive such fees and charges as shall be fixed from time to time for said County by the General Laws of the State of Tennessee. All such fees, when collected, shall be fully accounted for and disbursed as fees and charges as is similarly done by the other courts operating and functioning in Sumner County, Tennessee. The Clerks, when performing their duties, shall be empowered to designate, from time to time, one or more persons employed by them as Deputy Clerks for the Courts herein created.

As amended by: Private Acts of 1989, Chapter 93.

**SECTION 7. CONCURRENT JURISDICTION.** The Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, and the Judges thereof, are hereby vested with and shall have interchangeable jurisdiction with one another for any and all civil cases, suits or actions provided that such Judge shall, at the time, hold such qualifications as are required of judges to hear specific matters.

**SECTION 8. JUDICIAL AUTHORITY.** The Judges of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, shall have all authority and jurisdiction to punish for contempt, to issue extraordinary writs and processes as now or shall hereinafter be exercised by any judge or chancellor or any Circuit and General Sessions Court of the State of Tennessee or such authority as may be granted under those laws specified in Section 3 herein and such other laws as may be presently or hereafter enacted granting power to the Courts herein created.

**SECTION 9. APPEALS.** Appeals from the Division I and Division II Courts of General Sessions of Sumner County, Tennessee, shall be to the Circuit Court of Sumner County, Tennessee, or such other court or such other appellate court of the State of Tennessee as may be provided from time to time by the General Laws of the State of Tennessee.

**SECTION 10. QUALIFICATIONS AND ELECTION OF JUDGE.** There shall be one judge for the Division II, Court of General Sessions of Sumner County, Tennessee, herein created who shall be duly licensed to practice law within the State of Tennessee, and who shall be at least thirty (30) years of age at the time of his election or appointment, and who shall otherwise have all the qualifications and shall have the same term as provided by the Constitution of the State of Tennessee for inferior court judges, and who shall take the same oath as shall be required for other judges of the State of Tennessee. The position which is to be filled in accordance with the terms hereof shall be a full time position, and the person so elected shall not be permitted to have an outside practice of law. At the biennial election held in August, 1982, there shall be elected a judge for the Division II, Court of General Sessions, Sumner County, Tennessee, for a term of eight (8) years beginning on September 1, 1982, next and held at such biennial elections each eight (8) years thereafter.

**SECTION 11. TEMPORARY INABILITY TO PRESIDE.** If the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, as created, shall fail to attend or cannot preside in any pending case, or for any other reason shall not be able to hold court, he may designate in writing some person otherwise qualified to hold such court in his place and stead; or in default thereof, a majority of the attorneys then present may elect one of their number who has the qualifications of such Judge; and when such person shall have been appointed or so elected, he shall take the same oath and have the same authority as the said Judge to hold said court and perform all the duties of said occasion. In addition thereto, the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, and the Judge of the Division I, Court of General Sessions of Sumner County, Tennessee, shall be empowered from time to time to interchange one from the other to hold such respective courts provided that such Judge sitting in interchange shall, at that time, hold such qualifications as are required of a judge to hear the specific matter on that occasion.

**SECTION 12. VACANCY IN OFFICE.** In case of a vacancy for any cause in the office of the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, the same shall be filled by an election and appointment of the Sumner County Board of Commissioners of some person otherwise qualified to fill such vacancy; and such person so elected and appointed by the County Commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

**SECTION 13. COURT OF RECORD.** The Division II, Court of General Sessions of Sumner County, Tennessee, herein created, shall when required by law be treated and considered as a Court of Record and such Court shall be in continuous session without the intervention of any term or terms, it being provided herein that such court shall be held by the judge thereof at such time and during such period as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

**SECTION 14. PRACTICE AND PROCEDURE.** The Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, shall from time to time be authorized and empowered to adopt rules of practice and procedure for the Court provided that they are not inconsistent with the substantive and procedural laws and rules of the State of Tennessee relative to the matters of the jurisdiction of the Court created hereby or that they shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the Court herein created.

**SECTION 15. APPROPRIATIONS FOR OPERATION.** The Sumner County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created; and, to the extent necessary, the Judge, the Clerks and such other personnel, as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. The County of Sumner initially, upon creation of this Court, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Gallatin, Tennessee, the necessary furnishings and supplies and equipment for the proper operation and maintenance of said Court and pay for same out of the County general funds. The regular place for holding said Court shall be in the courtroom provided in Gallatin, Tennessee, but at the discretion of the Judge thereof, said Court may be held in any other place or places and at such time and places as the Judge may designate.

**SECTION 16.** Each July 1, the judges of the Sumner County General Sessions Court shall select among themselves a presiding judge. The presiding judge shall be authorized and empowered to set the Courts' dockets, hire personnel associated with the Court, and shall be in charge of the general administration of the Court. The presiding judge of the Sumner County General Sessions Courts shall, from time to time, be authorized and empowered to adopt rules of practice and procedure for the Court. Provided, that they are not inconsistent with: (a) The substantive and procedural laws and rules of the state of Tennessee relative to the matters of the jurisdiction of the Court; or (b) Such rules as may be, from time to time, promulgated by any superior court having supervisory jurisdiction over the Court herein created. The judges of the Sumner County General Sessions Court shall be empowered, from time to time, to interchange with each other and hold court in any Division.

As amended by: Private Acts of 2014, Chapter 40.

**SECTION 17. COMPENSATION OF JUDGES.** The compensation of the Judges of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, shall, as of September 1, 1982, be calculated as follows: Each Judge shall receive seventy percent (70%) of the compensation afforded to Circuit Court Judges under the provisions of Tennessee Code Annotated, Section 8-23-103 (e), said salaries to increase proportionately with the increases provided the Circuit judges under the aforesaid Section. Upon the appointment and election of a qualified person to be the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, by the Sumner County Board of Commissioners, said Judge shall, until said September 1, 1982, receive the same monthly compensation as does the Judge of the Division I, Court of General Sessions of Sumner County, Tennessee.

**SECTION 18. UNFINISHED AND PENDING MATTERS.** All unfinished and pending matters in the court or courts exercising probate or juvenile court jurisdiction shall be transferred to the Division II, Court of General Sessions of Sumner County, Tennessee, at the close of business on the date preceding the day this Act becomes effective. On such date, all official books, records and other documents pertaining to any matter within the jurisdiction of said court shall hereby be delivered to such court.

**SECTION 19. PROVISIONS SEVERABLE.** Every provision of this Act is declared to be severable and should any portion of the same be held inconsistent or invalid for any reason, the same shall not affect the remainder of this Act, it being the intent herein that such unconstitutionally-declared portions shall be deleted and that the General Assembly would have enacted this Act with such unconstitutional or invalid portions deleted therefrom.

**SECTION 20. APPROVAL OF COUNTY COMMISSION.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the members of the Sumner County Board of Commissioners on or before July 9, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the board and certified by him to the Secretary of State.

**SECTION 21. EFFECTIVE DATE FOR THE PURPOSE OF APPROVING OR REJECTING THE PROVISIONS OF THIS ACT.** 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 20.

Passed: February 25, 1982.

## Division III

### Private Acts of 2014 Chapter 40

**COMPILER'S NOTE:** Although the caption of Private Acts of 2014, Chapter 40, stated that this act amended Private Acts of 1949, Chapter 481 (reproduced above), which created the Court of General Sessions of Sumner County, there was no amendatory language in the act itself and it is reproduced herein as a separate act.

**SECTION 1.** Effective September 1, 2014, there is created and established an additional Division of the Court of General Sessions of Sumner County, which shall be designated "Division III, Court of General Sessions of Sumner County", and there is created the position of General Sessions Judge to serve as Judge of Division III.

**SECTION 2.** The Judge for Division III of the Sumner County General Sessions Court shall have all the qualifications and shall be paid the same compensation as prescribed for judges in Divisions I and II.

**SECTION 3.** Upon the position of Judge for Division III being approved and created as provided in Section 11, the Sumner County Board of County Commissioners shall appoint, on or after September 1, 2014, but no later than September 1, 2015, a person to serve as the Judge of Division III until the next regular biennial election in August.

**SECTION 4.** At the next regular biennial election in August, a person shall be elected by the qualified voters of Sumner County to serve as Judge for Division III. The Judge of Division III shall take office on September 1, following the election and shall serve for the remainder of the unexpired term. Thereafter, the Judge of Division III shall be elected for a full eight (8) year term.

**SECTION 5.** In case of a vacancy, for any cause, in the office of the Judge of Division III, the Sumner County Board of Commissioners shall appoint a person qualified to fill such vacancy; and such person so appointed by the county commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

**SECTION 6.** The jurisdiction of Division III of the General Sessions Court of Sumner County, shall be coextensive with, and the same as, the jurisdiction of Divisions I and II of such court. Such jurisdiction shall consist of all civil and criminal jurisdiction prescribed by general law for judges of general sessions and as set forth in Chapter 481 of the Private Acts of 1949, as amended by Chapter 236 of the Private Acts of 1982.

**SECTION 7.** The person acting as clerk for Division I and Division II of the Sumner County General Sessions Court shall also act as clerk for Division III created by this act.

**SECTION 8.** Chapter 236 of the Private Acts of 1982, and all acts amendatory thereto, is amended by deleting Section 16 in its entirety and substituting instead the following: Each July 1, the judges of the Sumner County General Sessions Court shall select among themselves a presiding judge. The presiding

judge shall be authorized and empowered to set the Courts' dockets, hire personnel associated with the Court, and shall be in charge of the general administration of the Court. The presiding judge of the Sumner County General Sessions Courts shall, from time to time, be authorized and empowered to adopt rules of practice and procedure for the Court. Provided, that they are not inconsistent with:

- (a) The substantive and procedural laws and rules of the state of Tennessee relative to the matters of the jurisdiction of the Court; or
- (b) Such rules as may be, from time to time, promulgated by any superior court having supervisory jurisdiction over the Court herein created. The judges of the Sumner County General Sessions Court shall be empowered, from time to time, to interchange with each other and hold court in any Division.

**SECTION 9.** Sumner County shall provide all funding necessary for the establishment and operation of Division III of the Sumner County General Sessions Court created by this act, including a courtroom and office space for the court and one (1) person to serve as secretary to the Division III Judge. Sumner County shall also fund one (1) additional assistant district attorney position and one (1) additional assistant public defender position and if necessary, a prorata cost for additional office space for such assistants.

**SECTION 10.** The Sumner County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the Court herein created; and, to the extent necessary, the Judges of the various Divisions, the Clerks, and such other personnel as may, from time to time, be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Initially, Sumner County, upon creation of this Court, and thereafter from time to time, as may be necessary, shall appropriate the required space to provide a courtroom in Gallatin, Tennessee, the necessary furnishings, supplies, and equipment for the proper operation and maintenance of the Court. These expenses shall be paid out of the County General Funds. The regular place for holding the Court shall be in the courtroom provided in Gallatin, Tennessee.

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sumner County by September 1, 2014. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Sumner County and certified by that officer to the Secretary of State.

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

Passed: March 27, 2014.

## Juvenile Jurisdiction

### Private Acts of 1961 Chapter 92

**COMPILER'S NOTE:** This Act was repealed by Private Acts of 1982, Chapter 236, insofar as it is in conflict with that Act.

**SECTION 1.** That Chapter 481, Private Acts of 1949 be amended so that the General Sessions Court in Sumner County, Tennessee, shall be the Juvenile Court of said County with all the jurisdiction, powers, duties and authority vested by law in the Juvenile Courts of this State and to divest from the County Judge of said county all jurisdiction in juvenile cases.

**SECTION 2.** That Chapter 481, Private Acts of 1949 be amended so that the General Sessions Judge for his services as Juvenile Judge be paid \$3,800.00 per year in twelve equal monthly installments from the County Treasury.

As amended by: Private Acts of 1974, Chapter 306

The purpose of this amendment is to clearly provide that compensation of the General Sessions and Juvenile Judge for the General Sessions and Juvenile Court of Sumner County shall be Three Thousand Eight Hundred (\$3,800.00) Dollars per year for services rendered as Juvenile Court Judge and Eighteen Thousand Seven Hundred (\$18,700.00) Dollars per year for services rendered as General Sessions Court Judge, or a total compensation of Twenty-two Thousand Five Hundred (\$22,500.00) Dollars per year, beginning September 1, 1974.

As amended by: Private Acts of 1974, Chapter 306

**SECTION 3.** That Chapter 481, Private Acts of 1949 be amended so that the Circuit Court Clerk in said county shall be the Clerk of the Juvenile Court and perform all the powers, duties, and functions in that

Court now performed by the County Court Clerk who shall have no further authority or responsibility in matters of the Juvenile Court.

**SECTION 4.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

**SECTION 5.** That this Act shall be of no force and effect until it shall have been approved by a two-thirds (2/3) majority of the Quarterly County Court of Sumner County, Tennessee.

**SECTION 6.** That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: February 15, 1961.

## Safety Program

### Private Acts of 1987 Chapter 96

**SECTION 1.** There is hereby created in Sumner County, a General Sessions Court, Division I, Court Administered Safety Program. The Court Administered Safety Program shall include but not be limited to a traffic school and a DUI school.

**SECTION 2.** The Judge of the General Sessions Court, Division I, is authorized and empowered to oversee the administration of the Court Administered Safety Program. There shall be established such financial accounts as are necessary to administer this program. Complete books and records of all fees received and all expenditures made shall be kept monthly.

**SECTION 3.** There is established a fee of ten dollars (\$10.00) for persons to enroll in the traffic school. With respect to the DUI school, there is established an enrollment fee of fifty dollars (\$50.00). Fees shall be collected by the Director of the Court Administered Safety Program and paid directly to the County General Fund within the time provided by statute. All persons receiving or handling funds under this Section shall be properly bonded. Such fees may be increased by resolution of this county commission.

**SECTION 4.** The minimum requirements for Director of the Court Administered Safety Program shall be as follows:

- (a) A degree in social services or other related field with five (5) years experience in chemical dependency, treatment and aftercare;
- (b) Experience in training and in management;
- (c) Proven ability to work with court, probation and criminal justice systems; and
- (d) Effective communication skills

**SECTION 5.** A budget for the Court Administered Safety Program shall be compiled annually and submitted to the Budget and Finance Committee and the County Commission for approval at the appropriate time.

**SECTION 6.** All funds collected pursuant to this act shall be allocated to the Court Administered Safety Program and may only be expended for purposes reasonably related to the effectuation of this act.

**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.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sumner County before October 1, 1987. Its approval or nonapproval shall be proclaimed by the presiding officer of the 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: April 29, 1987.

## Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Sumner County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1792, Chapter 1, divided the area which was later to become the State of Tennessee, then a part of North Carolina, into three Districts for the trial of all causes, both civil and criminal, and for the procurement of jurors, in the proper manner, when necessary. These Districts were the District of Washington, the District of Hamilton, and the District of Mero.
2. Acts of 1799, Chapter 40, apportioned the number of jurors which each county in the Mero District would furnish to the Courts of the District. Davidson County would provide ten (10) jurors; Sumner, seven (7); Smith, four (4); Wilson, four (4); Robertson, five (5); Montgomery, five (5); and Williamson, five (5).
3. Acts of 1803, Chapter 73, fixed the number of jurors each county was obligated to send to the District Courts in the Mero District. Sumner County was required to furnish six (6) Jurors.
4. Acts of 1806, Chapter 24, returned Wilson County to the Mero District and fixed the number of jurors to be furnished by each county. Davidson County would supply twelve (12) jurors; Sumner County, eight (8) jurors; Wilson County, six (6) jurors; Williamson County, eight (8) jurors, and Rutherford County, five (5) jurors.
5. Acts of 1817, Chapter 128, made it lawful for the Justices of twenty-one (21) counties, including Sumner, to levy a tax on the taxable property of the county to compensate the juries attending the Courts of these counties.
6. Private Acts of 1819, Chapter 62, was the legal authority for the counties of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury to appoint thirty-seven (37) jurors for each county to attend the Circuit Courts and the County Courts. When selected, the jurors were bound to attend. If more jurors should be needed for any reason, the Judge was permitted to select them from the bystanders.
7. Acts of 1824, Chapter 14, provided that the Supreme Court of Tennessee should have two (2) additional Judges who would be elected by the joint ballot of both Houses of the General Assembly. Terms of the Supreme Court would be held only at Knoxville, Nashville, and Jackson from that date forward.
8. Acts of 1835-36, Chapter 3, enacted after the adoption of the 1835 Constitution of the State, set up a three (3) Judge Supreme Court, one from each of the major divisions of the State, who would be appointed by the General Assembly. The Court would hold at least one session each year in each Grand Division of the State, at Knoxville, Nashville, and Jackson. Sumner, and twenty-three (23) other counties, made up the Middle Division of Tennessee.
9. Private Acts of 1927, Chapter 501, stated that in Sumner County, identified by use of the 1920 Federal Census, every regular juror would be entitled to receive \$3 per day for each day's attendance as a juror and such mileage as might be permitted under the law. This Act was repealed by Private Acts of 1974, Chapter 369.
10. Private Acts of 1933, Chapter 14, created a three (3) member Board of Jury Commissioners for Sumner County, identified by use of the 1930 Federal Census, who were required to be freeholders, residents for at least two (2) years, and not a state, county, or city official. The Board was appointed by the Circuit Court Judge for one year terms, and any vacancy filled would be for the unexpired portion. At least three (3) weeks prior to the opening of the Court term, the Board would meet to select at least 750 and no more than 1250 names of honorable citizens from the Civil Districts who would be eligible to serve as jurors. Each name chosen would be placed in alphabetical order on a list in a well bound book furnished by the Clerk and the entire list would be certified by the Commissioners. The names would also be placed on a card which would be put in a box, locked and sealed, and opened only in the presence of the Board or Court. The Board would meet at least two (2) weeks prior to every Court term and have a child under ten (10) years of age draw the number of names specified in an order from the judge who would be the jurors for the upcoming term of Court. Ten (10) days prior to the opening of Court the list selected by the child would be given to the Sheriff who would summon those whose names appeared thereon. No one could be excused except by the judge. Arrangements were also made to call up special panels of jurors and to supply more to venires which were exhausted by challenge or otherwise. Compensation was \$3 per day for the jurors. This Act was repealed by the one below and by Private Acts of 1974, Chapter 369.
11. Private Acts of 1933, Chapter 535, provided that every regular juror in Sumner County would be



entitled to \$2 per day for each days attendance as a juror and would be paid such mileage as provided by law. Section 2 stated that each Foreman of the Grand Jury would be paid \$3 per day. This Act was repealed by Private Acts of 1974, Chapter 369.

12. Private Acts of 1943, Chapter 8, provided that every regular juror, including Grand Jurors, petit jurors, extra and pick-up jurors would receive \$3 per day and mileage, or ferrriage, as provided by law. Section 2 fixed the compensation of the Foreman of the Grand Jury at \$4 per day for each day's attendance. This Act was repealed by Private Acts of 1974, Chapter 369.
13. Private Acts of 1943, Chapter 112, expressly repealed Private Acts of 1933, Chapter 14, above. This Act was repealed by Private Acts of 1974, Chapter 369.
14. Private Acts of 1951, Chapter 257, was a new Act for a Board of Jury Commissioners for Sumner County. The three (3) members of the Board were required to be residents of the county who were not state, county, or city officials. The Circuit Judge, the County Judge, and the Chancellor of the Chancery Court would each appoint one member. Terms were for two years. Members could not have a suit pending and seek the appointment. Vacancies would be filled by the Judge making the original appointment. The members would select a Chairman and retire to a room in the Courthouse to discharge their duties. The Board would select at least 750 names as prospective jurors, would have the names typed on a 1" x 3" piece of paper and include the Civil District of the persons residence. The names were placed in the jury box, furnished by the Clerk, when the names were chosen. Fourteen (14) days, or more, before the opening of Court, the Clerk would open the box in the presence of the Court, or the County Judge and Sheriff, and a child, ten (10) years old, or younger, would select thirty-seven (37) names from the box to serve as jurors for that term. The Sheriff would summon them for duty. Provisions were incorporated for exhausted panels and for special venire. No trial judge could excuse the jurors from service, but conditions were set up for purging the lists at intervals when the need should arise. This Act was repealed by Private Acts of 1974, Chapter 369.
15. Private Acts of 1955, Chapter 47, amended Private Acts of 1951, Chapter 257, above, Section 6, by inserting a provision which stated that twelve (12) names be drawn and a foreman appointed by the court under general law, would constitute the Grand Jury. This Act deleted the provision that the presiding Judge would appoint the Foreman of the Grand Jury. This Act was repealed by Private Acts of 1974, Chapter 369.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Sumner 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. Acts of 1822, Chapter 13, stated that the Chancery Courts of Tennessee would be held by one of the Justices of the Supreme Court at the present places of holding the Supreme Court at least once each year. The Equity Courts would be held at Rogersville on the first Monday in November, at Knoxville, on the third Monday of November, at Charlotte on the fourth Monday in December, at Sparta, on the second Monday in December, at Nashville on the fourth Monday in January and at Columbia on the second Monday in January, each term to continue for two weeks unless the docket was completed sooner.
2. Acts of 1824, Chapter 14, required that the Judges of the Supreme Court make the arrangements among themselves to hold the Chancery Courts of the State at least twice each year at the places listed in the Act, which were Greenville, Rogersville, Kingston, McMinnville, Franklin, Columbia, Charlotte, Jackson, and at Carthage for the counties of Overton, Fentress, Jackson, Smith, Sumner, and Wilson, on the third Monday in May and November.
3. Public Acts of 1827, Chapter 79, divided the State into two Chancery Divisions, the Eastern, which had the courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the Western which embraced the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
4. Public Acts of 1827, Chapter 88, provided that the Justices of the Supreme Court would hold Chancery Court twice each year at Greenville, Rogersville, Kingston, McMinnville, and at Carthage for the counties of Overton, Jackson, Fentress, Smith, Sumner, and Wilson, on the third Monday in January and July.
5. Public Acts of 1832, Chapter 19, changed the terms of the Chancery Court for several of the counties in the Eastern District but the Court at Carthage would continue to open on the third Monday in January and July.
6. Acts of 1832, Chapter 21, changed the terms of the Chancery Court at Carthage to the second

Monday in January and July.

7. Public Acts of 1835-36, Chapter 4, enacted after the adoption of the 1835 Constitution, separated the State into three Chancery Divisions which were further divided into Districts. Three Chancellors would be appointed by the joint ballot of the General Assembly to preside over the Courts instead of the Supreme Court Justices. These Chancellors would hold Court at least twice each year. Robertson and Sumner County were the 14th District of the Middle Division, whose Court would be held in Gallatin on the second Monday in April and October but suits originating in Robertson County may be filed at Clarksville or at Gallatin.
8. Acts of 1837-38, Chapter 116, changed Court terms for several of the Courts of Equity in the Eastern and Middle Division of the State but no change was made in Sumner County.
9. Acts of 1851-52, Chapter 353, rescheduled the term of the Chancery Court for Sumner County. After the next April term, Chancery Court would be held on the first Monday in October and April of each year.
10. Acts of 1853-54, Chapter 55, set the Chancery Court terms for several of the counties changing Sumner County's Court at Gallatin to the second Monday in March and September.
11. Acts of 1857-58, Chapter 88, was a complete revision of the lower equity judicial system of the State. Sumner County was assigned to the Fourth Division along with the counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Bedford, Lincoln, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford. The court terms for Sumner County would begin in Gallatin on the second Monday in April and September.
12. Private Acts of 1859-60, Chapter 14, created the Seventh Chancery Division of Tennessee allocating to it the counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith, and Stewart. The elected Chancellor would also have the jurisdiction of a Circuit Judge and would hold the Circuit Court of Sumner County on the first Monday of September and second Monday in March. The Chancellor for the new Division would be elected at the next general election.
13. Acts of 1868-69, Chapter 18, provided that the Chancery Court of the Seventh Chancery Division and the Circuit Court of Sumner County would be held at the time and places designated. The Chancery Court at Gallatin would hereafter commence its terms on the third Monday in March and on the first Monday in September of each year.
14. Acts of 1870, Chapter 32, organized the State into twelve Chancery Districts. The Sixth District was made up of the counties of Wilson, Sumner, Robertson, Montgomery, Stewart, Cheatham, and Trousdale.
15. Acts of 1870, Chapter 47, scheduled the opening dates for the terms of the Chancery Court in every county in the State. In Sumner County, the Chancery Court would begin its terms on the fourth Monday in April and September.
16. Acts of 1873, Chapter 12, rescheduled the terms of the Chancery Courts in the Sixth Chancery Division which contained the counties of Houston, Cheatham, Stewart, Trousdale, Robertson, Wilson, Montgomery, and Sumner. The Chancery Court for Sumner County would start its terms on the first Monday in June and the third Monday in December.
17. Acts of 1877, Chapter 47, rearranged the opening dates of the Chancery Court terms in the 6th Chancery Division. The Chancery Court at Gallatin would start on the first Monday in January and June.
18. Acts of 1879, Chapter 36, changed some of the Chancery Court terms in the Sixth Chancery Division but did not change Sumner County.
19. Acts of 1883, Chapter 21, reset the terms of the Chancery Court in the counties of the Sixth Chancery Division. The Division contained the counties of Trousdale, Stewart, Houston, Montgomery, Wilson, Cheatham, Robertson, and Sumner whose Chancery Court would meet at Gallatin on the second Monday in December and the first Monday in June.
20. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower Court System of the State. Eleven (11) Chancery Divisions were formed and the 8th Chancery Division was composed of the counties of Sumner, Robertson, Montgomery, Wilson, Stewart, Houston, Cheatham, Humphreys, and Trousdale where the Sumner County Courts would convene on the first Monday in June and December in Gallatin. This Act, and nearly every other organizational and jurisdictional Act, was part of the litigation in the case of *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
21. Acts of 1899, Chapter 427, completely revised the lower judicial system of Tennessee dividing the State into ten (10) Chancery Divisions. The 6th Chancery Division had in it the counties of

Sumner, Robertson, Cheatham, Montgomery, Stewart, Houston, Dickson, Humphreys, Hickman, and Wilson. Chancery Court in Gallatin would start on the first Monday in May and the second Monday in November.

22. Acts of 1905, Chapter 286, revised the schedule of Chancery Court terms in the 6th Chancery Division which retained the counties assigned to it by the 1899 Act above. The Court schedule in Sumner County began on the first Monday in May and the second Monday in November.
23. Private Acts of 1919, Chapter 455, again changed the schedule of Chancery Court terms in the 6th Chancery Division but Sumner County retained the schedule of the first Monday in May and the second Monday in November.
24. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a total revision of the lower court structure of the State. This Act was the last Act of this nature appearing in the volumes of private acts. Later Acts became a part of the Tennessee Code Annotated. Fourteen Chancery Divisions were organized in the State. The 6th Division contained the counties of Montgomery, Robertson, Hickman, Cheatham, Stewart, Houston, Dickson, Humphreys, Wilson, and Sumner where the Court terms would begin on the first Monday in May and the second Monday in November.
25. Public Acts of 1941, Chapter 27, altered and increased the number of Chancery Court terms for the counties of the 6th Chancery Division by amending Section 159 of the Tennessee Code. Sumner County's Court terms would begin, in Gallatin, on the first Monday in February, April, June, August, October, and December.

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

The reference list below contains acts which once applied to the clerk and master in Sumner County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1857-58, Chapter 82, made it the duty of the Secretary of State to furnish the Clerks and Masters of Chancery Courts with the reports of the Supreme Court.
2. Private Acts of 1927, Chapter 277, stated that in Sumner County, identified by the use of the 1920 Federal Census figures, the Clerk and Master of the Chancery Court would be paid \$1,800 annually, provided a sworn, itemized statement was filed each quarter with the County Judge, or Chairman, showing all the fees collected by the office. If the fees did not equal the salary, the County must pay the difference to the Clerk and Master. This Act was repealed by Private Acts of 1974, Chapter 369.

### **Circuit Court**

The following acts were once applicable to the circuit court of Sumner County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1786, Chapter 32, which created Sumner County provided that the Courts would be held at the home of James Hamilton until better arrangements could be made. The Court had the authority to adjourn to any other place in the county which was more convenient.
2. Acts of 1806, Chapter 19, divided the Mero District into three separate Districts. Robertson District had the counties of Dickson, Montgomery, Stewart, and Robertson for which two Superior Courts would be held in Clarksville on the first Monday in June and December. The Winchester District was made up of the counties of Jackson, Smith, and Wilson and, for the next four years, or until changed by the General Assembly, would hold its two Superior Court meetings at Carthage on the third Monday of April and October. The remainder of the counties, Davidson, Sumner, Williamson, and Rutherford, would constitute the Mero District which would continue court terms as before.
3. Acts of 1809 (1st Sess.), Chapter 49, formed five (5) Judicial Circuits in the State. The Third Circuit contained the counties of Smith, Warren, Franklin, Sumner, Overton, White, and Jackson. Courts would be held in all circuits twice each year by the five Circuit Judges, appointed by joint ballot of the General Assembly and commissioned by the Governor. The Judges would appoint a Clerk for the Courts in their Circuit. In Sumner County the Circuit Court terms would begin on the second Monday in April and October.
4. Acts of 1812, Chapter 68, rearranged the terms of the Circuit Courts in several of the counties. Sumner County's Circuit Court would start its terms on the second Monday in March and September of each year.
5. Acts of 1815, Chapter 139, reset the terms of the Circuit Court in Sumner County for the first Monday in April and October in each and every year requiring all process and bonds to be made to

conform.

6. Acts of 1817, Chapter 65, created the Sixth Judicial Circuit assigning to it the counties of Lincoln, Giles, Maury, Bedford, and Lawrence. The remainder of the Fourth Judicial Circuit, from which these counties were taken, plus Sumner County would constitute the Fourth Circuit. This Act was repealed by Private Acts of 1974, Chapter 369.
7. Acts of 1817, Chapter 138, rescheduled the terms of the Circuit Courts in the Third, Fourth, Fifth, and Sixth Judicial Circuits. Courts would open in Sumner County on the Second Monday in March and September for two weeks or until the docket was completed.
8. Acts of 1835-36, Chapter 5, was enacted after the adoption of the 1835 Constitution and established the Circuit Courts of Tennessee in eleven (11) Judicial Circuits. Courts would meet for three terms a year instead of two. The Sixth Judicial Circuit was composed of the counties of Williamson, Davidson, and Sumner where the Circuit Court would convene in Gallatin on the first Monday of February, June, and October.
9. Acts of 1853-54, Chapter 52, provided that the Counties of Sumner, Davidson, Rutherford, and Montgomery would elect a Judge to hold the Circuit Court of Sumner County at the times appointed by law and the same Judge would hold the criminal courts of the other three Counties. Davidson, Sumner and Williamson Counties would elect an attorney-general to attend the Circuit Court of Sumner County and the Criminal Court of Davidson County. This Act was repealed by the one following.
10. Acts of 1853-54, Chapter 59, repealed those Sections of Chapter 52, above, concerning the Circuit and Criminal Courts of the counties mentioned.
11. Acts of 1855-56, Chapter 158, stated that the Circuit Court of Sumner County, now being held by the Judge of the Sixth Judicial Circuit, was transferred and would thereafter be held by the Judge of the Criminal Court Circuit composed of the Counties of Rutherford, Montgomery, and Davidson.
12. Public Acts of 1857-58, Chapter 98, completely reorganized the system of Circuit Courts in the State into sixteen (16) Judicial Circuits. The Ninth Judicial Circuit comprised the Counties of Davidson, Williamson, and Sumner, whose Circuit Court terms would begin on the third Monday of February, June, and October, and the Judge of the Criminal Court at Nashville would hold the Circuit Court of Sumner County.
13. Private Acts of 1859-60, Chapter 14, which established the Seventh Chancery Division in Tennessee, also gave the Chancellor the powers of a circuit judge and the responsibility of holding the Circuit Court of Sumner County which would meet on the fourth Monday in February, June, and October.
14. Acts of 1868, Chapter 45, stated that the Circuit Court of Sumner County would be presided over by the Chancellor of that Division as provided by law and causes carried to the Supreme Court from the Circuit Court of Sumner County would be docketed and heard with the business of the Sixth Judicial Circuit. The terms of the Circuit Court in Sumner County would begin on the third Monday in February, June, and October.
15. Acts of 1868-69, Chapter 18, provided that the Circuit Court for Sumner County would be held at Gallatin on the fourth Monday in February, the third Monday in June, and the second Monday in November of each year.
16. Acts of 1870, Chapter 31, reorganized all the Circuit Courts of the State into fifteen (15) regular, and one special, judicial circuits. The Tenth Circuit was made up of the Counties of Robertson, Montgomery, Stewart, Cheatham, Dickson, Humphreys, and Sumner.
17. Acts of 1870, Chapter 46, scheduled the terms of the Circuit Courts for every county in the State. Sumner County began its terms of Circuit Court on the fourth Monday in February, June and October.
18. Acts of 1871, Chapter 149, amended the Act establishing the Law Court of Nashville so that the Judge of the Law Court in Nashville would hold the Circuit Court of Sumner County at the times fixed by law which were the first Monday in January, May, and September. Section 4 provided that the Attorney-General of the Tenth Judicial Circuit would continue to attend the Circuit Court of Sumner County. This Act was repealed by Private Acts of 1974, Chapter 369.
19. Acts of 1877, Chapter 166, provided that the Judge of the Circuit Court of the Tenth Judicial Circuit would hold the Circuit Court of Sumner County in the same manner as prior to the assignment of it to the Judge of the Law Court at Nashville.
20. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system of the State. Fourteen (14) regular and one special Judicial Circuits were established. The Tenth Judicial

Circuit contained the counties of Sumner, Robertson, Montgomery (civil cases only), Stewart, Houston, Dickson, and Humphreys. Court would begin, in Gallatin, in Sumner County on the fourth Monday in February, June and October.

21. Acts of 1887, Chapter 14, amended Acts of 1885 (Ex. Sess.), Chapter 20, so that the Circuit Court of Sumner County would meet on the third Monday in February, June, and October, with the requirement that all outstanding bonds and process be made to conform to the changes.
22. Acts of 1889, Chapter 152, changed the time for holding the June term of the Circuit Court of Sumner County from the third Monday to the fourth Monday, all process being conformed accordingly.
23. Acts of 1899, Chapter 427, in its complete reorganization of the lower court system of the state, divided the Circuit Courts into fourteen (14) Judicial Circuits. The Ninth Circuit contained the counties of Robertson, Montgomery, Stewart, Houston, Humphreys, Cheatham, Dickson, and Sumner where the Circuit Court would commence its terms on the second Monday in February, June, and October.
24. Acts of 1903, Chapter 29, reset the terms of the Circuit Courts in the counties of the Ninth Judicial Circuit which were Robertson, Cheatham, Montgomery, Houston, Stewart, Dickson, Humphreys, and Sumner. Circuit Court in Sumner County would begin its term on the second Monday in January, the third Monday in May, and the second Monday in September at Gallatin.
25. Acts of 1909, Chapter 329, rearranged the terms of some of the Circuit Courts in the Ninth Judicial Circuit but the Sumner County Circuit Court continued to meet on the second Monday in January and September, and the third Monday in May.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower court system of Tennessee. This was the last Act on the State Courts appearing in the volumes of Private Acts. Twenty (20) Judicial Circuits were formed. The Ninth Judicial Circuit was composed of the counties of Robertson, Montgomery (civil cases only), Stewart, Houston, Dickson, Humphreys, and Sumner County. In Sumner County the Circuit Court continued to meet on the second Monday in January and September, and the third Monday in May.
27. Public Acts of 1953, Chapter 2, changed the opening dates of the Sumner County Circuit Court to the second Monday in January, May, and September.

#### **Circuit Court - Baliff**

The following acts once affected, or were thought to affect, the office of Bailiff in Sumner County.

1. Private Acts of 1943, Chapter 232, amended Private Acts of 1941, Chapter 350, Section 2, by increasing the compensation of the Bailiff of the Circuit Court from \$3 to \$4 per day.
2. Private Acts of 1953, Chapter 8, is listed in some works of this type as affecting the Bailiff of the Sumner County Circuit Court but this is in error. This Act relates to a public building in Lewis County.

#### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Sumner County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1857-58, Chapter 82, was the authority for the Secretary of State to furnish the Clerk of the Circuit Court of Sumner County with the reports of the Supreme Court from the first volume of Yerger's Reports. The Comptroller was authorized to pay any charges involved.
2. Acts of 1903, Chapter 255, set up a schedule of annual salaries for Circuit Court Clerks based upon the population of the county in which the Clerk was serving. According to population figures, the Circuit Court Clerk of Sumner County would have been paid \$1,000 annually under the Act. The Clerk was required to file an annual, sworn, itemized statement with the County Judge, or Chairman, showing the amount of fees collected by the office during the year. If the fees were less than the salary, the County would supply the difference but, if the fees exceeded the salary, the Clerk could retain the surplus.
3. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, by making the salary of the Circuit Court Clerk of Sumner County reach \$1,500 annually.
4. Private Acts of 1925, Chapter 532, increased the annual salary of the Sumner County Circuit Court Clerk to \$1,800 annually and required the County Judge to supplement the fees of the office up to that amount if the fees were not sufficient. The Clerk was required to file a sworn, itemized

statement of the fees collected with the County Judge, or Chairman, on the first Monday in September of each year.

5. Private Acts of 1931, Chapter 796, provided that the Circuit Court Clerk of Sumner County, identified by the 1930 Federal Census, would be paid the sum of \$600 a year as supplemental salary, which would be in addition to all the fees allowed to the said Clerk. This Act was repealed by Private Acts of 1974, Chapter 369.

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

The following acts once affecting Sumner County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 13, stated that a qualified, suitable, and competent person would be appointed in the manner directed by law and the Constitution as the Attorney-General for the District of Winchester, Robertson, and Mero, as well as for the Districts of Washington and Hamilton.
2. Acts of 1817, Chapter 65, set up ten (10) Solicitorial Districts in Tennessee and assigned the counties of Davidson, Williamson, and Sumner to the Seventh Solicitorial District. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Acts of 1835-36, Chapter 28, enacted immediately after the 1835 Constitution was adopted, made each Solicitorial District coincide with each Judicial Circuit having criminal jurisdiction.
4. Acts of 1867-68, Chapter 45, incorporated Sumner County into the Solicitorial District of the Sixth Judicial Circuit and the Attorney-General for that district would attend the Circuit Court of Sumner County and discharge the duties appertaining to that office.
5. Acts of 1868-69, Chapter 15, appeared to repeal the 1868 Act, above, Chapter 45, which assigned Sumner County to the Attorney General of the Sixth Judicial Circuit but careful study of the Act reveals that it repealed only Section 9 which related to Franklin County.
6. Acts of 1871, Chapter 149, provided that the Attorney-General of the Tenth Judicial Circuit would continue to attend the Circuit Court of Sumner County. This Act was repealed by Private Acts of 1974, Chapter 369.
7. Public Acts of 1929, Chapter 29, created the position of Assistant Attorney General for the Circuit to be appointed by the Attorney General. This Act was repealed by Private Acts of 1974, Chapter 369.
8. Public Acts of 1963, Chapter 358, Public Acts of 1972, Chapter 489, and Public Acts of 1973, Chapter 74, were special Public Acts not codified in the Tennessee Code Annotated. These Acts added two assistant district attorneys and a criminal investigator's position for the Ninth Judicial Circuit (Sumner and Robertson Counties). These Acts were superseded by Public Acts of 1984, Chapter 931 (T.C.A. 16-2-506 and 16-2-508), which placed Sumner County in the Eighteenth Judicial District and established the number of assistant district attorneys and criminal investigators for that Judicial District.
9. Public Acts of 1967, Chapter 65, was the authority for the Attorney General of Sumner County to appoint a deputy whose duties would be to investigate and take statements of witnesses in felony cases, to be a criminal investigator, and perform such other duties as the Attorney General might direct. The deputy, or officer, would make a \$5,000 bond and would be paid as determined by the Quarterly Court. This Act was repealed by Private Acts of 1974, Chapter 369.

### **General Sessions Court**

The following acts once affected the general sessions court of Sumner County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1957, Chapter 203, amended Private Acts of 1949, Chapter 481, by extending the jurisdiction of the General Sessions Court to include probate and juvenile matters with the County Court Clerk acting as Clerk in probate cases and the Circuit Court Clerk being designated as the Clerk in juvenile cases. Section 9 was changed by inserting a new Section requiring the General Sessions Judge to be learned in the law, and to devote his full time to the Court, being denied the right to practice law in other Courts. After September 1, 1958, the annual salary of the Judge would be \$7,500. An election would be called for the people to ratify the terms of this Act. This Act was rejected and never became effective.

2. Private Acts of 1961, Chapter 92, amended Private Acts of 1949, Chapter 481, by giving juvenile jurisdiction to the General Sessions Court, and Judge, and making the Circuit Court Clerk the Clerk of the Court. This Act was repealed by Private Acts of 1982, Chapter 236, insofar as it was in conflict with that Act.
3. Private Acts of 1965, Chapter 187, would have amended Private Acts of 1949, Chapter 481, by adding a new Section 3-A, which vested the Judge of the General Sessions Court with concurrent jurisdiction to try, hear, determine, and enforce cases arising under Chapter 10, Title 36 T.C.A., called the Reciprocal Enforcement of Support Act. This Act was rejected by the Quarterly Court and never became an effective law.
4. Private Acts of 1971, Chapter 184, created the position of Bailiff for the Court of General Sessions and the Juvenile Court of Sumner County who was vested with the same powers and authority as a regular, or special deputy. The duties of the position were enumerated and provision given to the Quarterly Court to fix the pay of the position. This Act was disapproved by the Quarterly Court and never took effect.
5. Private Acts of 1972, Chapter 355, amended Private Acts of 1949, Chapter 481, Section 13, by rewriting that Section to provide that a Clerk for the General Sessions Court would be elected by the Quarterly Court at its regular April, 1972, Session who would hold the office until his successor was elected. All records of this Court would be transferred as soon as possible. This Act was never acted on and therefore never became an effective law.
6. Private Acts of 1974, Chapter 297, amended Private Acts of 1949, Chapter 481, as amended, be deleting Section 8, and adding a new section which said there would be one Judge of the General Sessions Court and, in addition to the qualifications established by Article 6, Section 4, of the State Constitution, the Judge must be learned in the law which would be evidenced by a license to practice law in the Courts of this State. The Act would not be effective unless approved by a majority of the voters in a referendum which was required by the Act to be held. This Act was rejected and never became an active law.
7. Private Acts of 1974, Chapter 298, created the office of Juvenile Court Referee in Sumner County. This Act was repealed by the Private Acts of 1982, Chapter 236.
8. Private Acts of 1974, Chapter 306, amended Private Acts of 1949, Chapter 481, Section 9, be deleting \$3,600, and inserting \$18,700. Section 2 of Chapter 92, Private Acts of 1961 was amended by striking \$1,800 and inserting \$3,800 as the compensation for being the Juvenile Judge. This Act was repealed by Private Acts of 1982, Chapter 236, insofar as it is inconsistent with that Act.
9. Private Acts of 1982, Chapter 218, amended Private Acts of 1949, Chapter 481, as amended, to increase the compensation of the judge of General Sessions Court. This Act was rejected or disapproved and did not become law.
10. Private Acts of 2002, Chapter 111, created an additional general sessions court to be designated as Division III and provided for a judge to serve such court. This act did not receive local approval and never became law.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 2005 Chapter 24

**SECTION 1.** Chapter 663 of the Private Acts of 1937; Chapter 72 of the Private Acts of 1987, Chapter 135 of the Private Acts of 1996, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Sumner County shall be divided into eleven (11) school districts of substantially equal population, which shall be established by resolution of the county legislative body from time to time.

**SECTION 3.** The Sumner County Board of Education (the "Board") shall consist of eleven (11) members, with one member of the Board being elected by the qualified voters in each school district, on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half the members of the Board shall expire, with the odd-numbered districts expiring at the same time and the even-numbered districts expiring at the same time. Persons elected in the regular August general election shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 4.** In order to transition from six (6) members to the eleven (11) members provided for in this act, all incumbent Board members shall remain on the Board until the expiration of their current terms. To establish staggered four (4) year terms, beginning with the August 2006 elections the Board shall be elected as follows: At the August 2006 general election, one (1) Board member shall be elected from each of Districts 1, 3, 5, 7, 9 and 11 to four (4) year terms, and one (1) Board member shall be elected from each of Districts 4 and 10 to two (2) year terms. Thereafter, Board members shall be elected to four (4) year terms as the term of each respective Board member expires.

**SECTION 5.** The Sumner County Board of Education shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated, except as may be otherwise provided herein.

**SECTION 6.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application and to that end the provisions of this act are declared to be severable.

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

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

Passed: March 24, 2005.

## White House School

### Private Acts of 1951 Chapter 556

WHEREAS, the unincorporated town of Whitehouse is located upon the line between Sumner and Robertson Counties, a part of such town being in each county; and, WHEREAS, the school building for said town is located in Sumner County but the school authorities of such county permit children residing in Robertson County to attend thereat; and, WHEREAS, it is only proper that receiving such advantages that Robertson County shall contribute toward the maintenance, upkeep and construction of said school; NOW THEREFORE,

**SECTION 1.** That Robertson County acting through its County Board of Education, is hereby authorized to expend, in conjunction with the County Board of Education for Sumner County, such sums as it deems proper, from the school funds belonging to Robertson County, such expenditure to be made for such additions, repairs and reconstruction of said school building and equipping the same as the two Boards by contract may mutually agree upon.

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

Passed: March 13, 1951.

## Education/Schools - Historical Notes

### Board of Education

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

1. Private Acts of 1927, Chapter 332, provided for election by the people for members of the County Board of Education in Sumner County, starting at the August, 1928, election, and every two years thereafter. Terms were staggered so that two members would be up for election every two years. This Act was repealed by Private Acts of 1974, Chapter 369.
2. Private Acts of 1929, Chapter 667, authorized the Board of Education of Sumner County, with the approval of the Quarterly Court, to establish a two year University or College in one or more of the high schools of the county, and to provide for the operation and maintenance of the same. The curriculum would be comparable to others and the Board would arrange to admit pupils from other counties under whatever conditions they decided. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Private Acts of 1929, Chapter 827, was the enabling legislation for the Board of Education of Sumner County to organize the school systems into elementary schools, grades one through eight, junior high schools, grades seven, eight, and nine, and four year high schools, grades ten



through twelve. Some portions of the curriculum required in each classification were expressly set up, and the conditions of employment, qualifications, and salary of some of the teachers are enumerated. This act was repealed by Private Acts of 1974, Chapter 369.

4. Private Acts of 1933, Chapter 117, specified that in Sumner County, no person would be eligible to teach in any of the public schools of the county who was related within the third degree to any member of the Board of Education by blood, or marriage, but any teacher who was affected by this Act could finish out the current term. Any violation of the above would constitute a misdemeanor. This Act was repealed by both Private Acts of 1937, Chapter 662 and Private Acts of 1974, Chapter 369.
5. Private Acts of 1933, Chapter 118, divided Sumner County into five school districts which were made up of whole civil districts. One member of the Board of Education would be elected by the people of each school district. Such person was to be a resident of the district, meet the qualifications specified, and not be a member of the Quarterly Court, or a county official. The Chairman of the County Court and the Superintendent of Schools were ex-officio members of the Board with no vote. Staggered terms were provided for the members initially. This Act was repealed by Private Acts of 1974, Chapter 369.
6. Private Acts of 1933, Chapter 129, provided that the terms of office for all members of the County Board of Education of Sumner County would expire on May 1, 1933. This Act was repealed by Private Acts of 1974, Chapter 369.
7. Private Acts of 1937, Chapter 576, was the legal authority for the Board of Education of Sumner County, with the approval of the Quarterly Court, to purchase the interest of the City of Westmoreland in high school property located in that city, for which the Quarterly Court could issue its interest bearing warrants. This Act was repealed by Private Acts of 1974, Chapter 369.
8. Private Acts of 1937, Chapter 662, repealed Private Acts of 1933, Chapter 117, above, and was in turn repealed by Private Acts of 1974, Chapter 369.
9. Private Acts of 1939, Chapter 205, provided that no person would be eligible to teach or act in a supervisory capacity in the Sumner County School System who was related by blood, or marriage within the third degree, according to the civil law, to any member of the Board of Education, but anyone affected would be allowed to complete their employment contracts. This Act was repealed by Private Acts of 1974, Chapter 369.
10. Private Acts of 1955, Chapter 260, provided that the members of the Board of Education in Sumner County would be compensated at the rate of \$10 per day for each meeting attended. The Chairman of the Board would be paid \$25 per month. This Act was rejected by the Quarterly Court and never became a law, and was repealed by Private Acts of 1974, Chapter 369.
11. Private Acts of 1957, Chapter 402, established a per diem rate of \$10 per day, and a mileage allowance for each member of the Sumner County Board of Education. The Chairman of the Board would be paid \$30 a month, plus mileage. This act was not approved by the Quarterly Court of Sumner County and never became law. This Act was repealed by Private Acts of 1974, Chapter 369.
12. Private Acts of 2005, Chapter 24, repealed Private Acts of 1937; Private Acts of 1987, Chapter 72 and Private Acts of 1996, Chapter 135.

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

The following private acts are no longer in effect regarding the superintendent of education:

1. Private Acts of 1923, Chapter 707, as amended by Private Acts of 1947, Chapter 740, provided for a popularly elected County Superintendent of Public Instruction to serve a term of two years.

### **General Reference**

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

1. Acts of 1806, Chapter 8, established the County Academies for every county then existing in the State. In Sumner County, the Act incorporated James Winchester, David Shelby, Edward Douglas, Henry Bradford, and William Montgomery, as the Trustees of Trans Montania Academy, who would exercise such specific powers as were granted to them and those powers implied by and incidental

- to the charters of corporate institutions. See Carrick Academy v. Clark, 112 Tenn. 702, 80 S.W. 64 (1904).
2. Acts of 1807, Chapter 56, appointed Trustees for several of the County academies in the State, including Thomas Donnell and Joseph Hodge for Trans Montania Academy in Sumner County.
  3. Acts of 1811, Chapter 29, added more Trustees to several of the State's Academies. The Act named John Shelby, Richard King, William Hodge, George Gillespie, and James Douglas, as additional Trustees for Trans Montania Academy in Sumner County.
  4. Acts of 1815, Chapter 50, appointed George Crockett, William Hall, William White, John H. Bowen, Samuel K. Blythe, and D. B. Shelby, as added Trustees for Trans Montania Academy in Sumner County.
  5. Acts of 1817, Chapter 97, appointed Trustees for several of the County Academies in the State. Section 2 nominated Thomas Anderson, William Hadley, and Dr. James Barry, as Trustees for Trans Montania Academy in Sumner County, to replace certain other Trustees.
  6. Acts of 1819, Chapter 162, appointed General James Winchester, Thomas Isaacs, William Gage, George Roberts, General William Hall, and William Smith, as Com-missioners, to draft and publish a lottery scheme to fund a Lancasterian School house in or near the town of Cairo in Sumner County.
  7. Acts of 1822, Chapter 182, incorporated the patrons of the Cairo Academy in Sumner County who had made available a building in that vicinity for the education of the young people. The Sheriff would hold an election on the last Saturday in December to elect seven Trustees to serve the Academy for one year.
  8. Acts of 1827, Chapter 174, named Hardy M. Cryer, John J. White, Alfred H. Douglas, Joseph Robb, Peter H. Martin, Elijah Bodder, Elmore Douglas, Robert M. Boyers, and George Elliott, as additional Trustees for the Board of Trans Montania Academy in Sumner County.
  9. Acts of 1837-38, Chapter 71, incorporated the stockholders and Trustees of the Sumner County Female Academy at Gallatin, The Act mentions Thomas A. Baber, James A. Blackmore, Joel Parrish, R. H. May, Elijah Boddie, J. W. Baldrige, and William Edwards, as Trustees. Rules to govern the operational features of the academy and its internal discipline were incorporated in the Act.
  10. Acts of 1837-38, Chapter 293, was the corporate legislation for the Gallatin Common School. The Act contained some rules and by-laws for the government of the corporation and named John J. White, Peter H. Martin, William Trousdale, Samuel R. Anderson, H. R. Vaughn, James L. McKain, and Robert M. Boyer, as incorporators. This Act was repealed by Private Acts of 1974, Chapter 369.
  11. Acts of 1843-44, Chapter 39, changed the name of Wirt Seminary to Wirt College, and incorporated the same for a succession of fifty years. T. M. Patterson, C. B. Patterson, and W. K. Patterson were the faculty of the school and were authorized to confer the proper degrees upon their successful students.
  12. Acts of 1847-48, Chapter 6, recited that Isaac Franklin had created a trust in his will for his Fairview property to be used for a school. This legislation incorporated the Isaac Franklin Institute. This property, according to the Act, would be free of taxation forever as long as it was being used for school purposes.
  13. Acts of 1849-50, Chapter 86, incorporated the Bledsoe Female Academy and the Hartsville Male Academy in Sumner County, to be managed and operated like other schools of a similar nature. The first Board was composed of Joseph S. Dyer, A. M. Debow, Thomas Stalker, R. M. Potts, M. Duffy, John Hutchins, and E. T. Seay.
  14. Acts of 1851-52, Chapter 46, established a high school in Gallatin to be called the Tennessee High School, which would be under the supervision of the synod of Tennessee. Alfred H. Dashiell, Absalom Thompson, Benjamin F. Mitchell, Alexander N. Cunningham, John M. Bright, Robert Hardin, Robert Fearn, John H. Turley and others were named as incorporators. Vacancies were to be filled by the remaining members of the Board. The synod would replace four Trustees at its annual meeting each year. Certain grants of special powers were set out in the Act. This Act was repealed by Private Acts of 1974, Chapter 369.
  15. Acts of 1851-52, Chapter 258, incorporated J. Harlin, D. Chenault, S. Lauderdale, R. Hall, J. Hibbett, and G. Winchester, as the Trustees of Rural Academy in Sumner County with the accepted rules and regulations being applied to the school including those for student discipline.

16. Acts of 1853-54, Chapter 64, expressly repealed Acts of 1847, Chapter 6, above, which declared Fairview, a property in Sumner County to be tax exempt, and restored the property to the tax rolls.
17. Acts of 1853-54, Chapter 269, incorporated, for 99 years, Joseph Harlan, Y. A. Douglas, Richard Allen, Joseph Miller, Samuel Dye, John Henry, Noel Winston, Daniel Donaldson, Albert Franklin, George Terry, and all others who might become subscribers to the Agricultural and Mechanical Association of Sumner County. Suitable rules, regulations, and by-laws would be adopted.
18. Acts of 1855-56, Chapter 186, incorporated the Hartsville Female Institute and providing a seven (7) member Board to manage and operate it. The Act named James H. Lauderdale, E. T. Seay, S. W. Leseur, R. M. Potts, J. G. Bledsoe, E. P. Gifford, and Thomas Stalker, as incorporators.
19. Acts of 1857-58, Chapter 117, organized and incorporated Station Camp Academy in Sumner County for a succession of fifty years. John F. Cage, J. G. Webb, A. C. Franklin, R. B. Douglas, and J. A. Vaughn, were cited as incorporators.
20. Acts of 1867-68, Chapter 53, incorporated William Dodd, James Peacock, Lee H. Alley, James F. Lauck, R. F. Strother, William S. Munday, John W. Head, Thompson McKinney, J. B. Hobdy, J. H. Needles, I. N. Phillips, George E. Dismukes, and their associates, as the Sumner County Agricultural and Mechanical Association of Gallatin, with a capital stock of \$25,000 authorized.
21. Acts of 1868-69, Chapter 65, named H. B. Bonde, J. C. Rodemer, C. C. Cantrell, M. S. Elkin, B. W. Hall, M. J. Lucas, and William R. Tompkins, as Board of Trustees for the Masonic Male High School of Gallatin, which would be under the control of the King Solomon Lodge #94, Free and Accepted Masons.
22. Acts of 1901, Chapter 239, created a school district from the described portions of Sumner and Robertson Counties, which would be known as the White House School District. The Superintendent would appoint two Directors from residents of the District and the Superintendent of Robertson County would appoint one Director. The Trustees of each County would apportion funds according to the ratio of school children in the district to school children in the county. This Act was repealed by Private Acts of 1974, Chapter 369.
23. Public Acts of 1907, Chapter 236, set up Boards of Education in every county of the State, abolished the office of District Directors of the schools and substituted a District Board of Advisors for them. The County Courts would establish five (5) or fewer school districts in the county from each of which a member of the Board of Education would be elected for two year terms. Members would be initially appointed by the County Court to serve until others could be elected. The Superintendent of Schools would act as the Secretary to the Board. The duties of the Chairman of the Board, the Secretary, and the members were generally specified. The three members of the District Advisory Board were also elected for two year terms to perform the responsibilities outlined in the Act. This Act was part of the litigation in *Whitthorne v. Turner*, 155 Tenn. 303, 293 S.W. 147 (1927).
24. Private Acts of 1961, Chapter 53, divided Sumner County into seven school districts composed of whole civil districts. Starting in the general August election of 1962, a member of the Board of Education would be elected from each one of the districts as prescribed, and then the elections were staggered but the terms would all be for six years. The Chairman of the County Court and the Superintendent were made ex-officio members of the Board without vote, or compensation. Vacancies would be filled by the remaining members of the Board. This Act would have repealed Private Acts of 1937, Chapter 663, but was rejected by the Sumner County Quarterly Court and never became a law.
25. Private Acts of 1979, Chapter 173, made it illegal for any student in any county school to engage in smoking any tobacco product in any county owned school building or on any school property during official school hours or on any county owned school bus while being transported thereon. This Act was rejected by the Sumner County Legislative Body and never became law.

## Chapter VII - Elections

### Civil Districts

### Private Acts of 1953 Chapter 346

**SECTION 1.** That the present boundary of the Third Civil District of Sumner County, Tennessee, be

changed so as to be as follows:

Beginning at the mouth of Station Camp Creek at the Cumberland River; thence with said creek to the mouth of East Station Camp Creek and up same to where East Tennessee Gas Line crosses; thence with gas line to Gus Langford's west boundary and continuing with Langford's line, south to the Hartsville Pike and with said Pike to the Hartsville and Scottsville line of the Louisville and Nashville Railroad right-of-way; thence in a southeasterly direction to the Cairo Road at the Albright Lane; thence with the Cairo Road to the Albright branch and down said branch to the Cumberland River; thence down the river to the beginning.

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

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

Passed: April 1, 1953.

## Private Acts of 1955 Chapter 3

**SECTION 1.** That the present boundary line between the 9th and 10th Civil Districts of Sumner County, Tennessee, be changed so as to be as follows:

"Beginning at a point where the East Tennessee gas line crosses Dobbins Pike; thence with said pipe line northwesterly to the Louisville and Nashville Railroad; thence northerly with said Railroad to the present 14th District boundary line."

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Sumner County on or before the next regular meeting of said Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or nonapproval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: January 10, 1955

## Districts - Reapportionment

### Private Acts of 1911 Chapter 554

**SECTION 1.** That a new civil district be, and the same is, hereby created in Sumner County, composed of territory now comprised in the Twelfth and Thirteenth Civil Districts of said county, and bounded as follows: Beginning at Monroe Cline's at the Cairo road, where it crosses the State line between Kentucky and Tennessee, running south with said road by Dyer Durbane's to the Sugar Grove road; thence east with Sugar Grove road about 400 yards; thence south with the Cairo road by Ike Rippy's, Herchell Laws', Lon Colbert's, and Andy Mandrell's to Dutch Creek at Esq. George Troutt, Sr.'s old place; thence up the creek about 400 yards to the mouth of what is known as Allen Graves' branch; thence southward up said branch by W. C. Stone's to the Pondville and Westmoreland road; thence east with said road about 400 yards to George Key's corner; thence southward with the road to Thomas M. Graves'; thence with crest of ridge by Bluford Mayhew's to the Eleventh District line; thence westwardly with the Eleventh District line to the Fourteenth District line; thence northwardly with the Fourteenth District line to the Thirteenth District line; thence northwardly with the Thirteenth District line to A. G. Sarver's; thence northward with the road running from said Sarvers to Nubia; thence with road running from Nubia to Newroe road, leaving Mrs. Julia Griffin on the east; thence westward with Newroe road to where it intersects with Brackin Town and Newroe road at Owen Riggs'; thence north with Newroe and Brackin Town road to the Kentucky line at Sneaksville; thence eastward with Kentucky line to the beginning. Said district to be known as the Seventeenth or Fairfield Civil District of Sumner County.

**SECTION 2.** That there shall be no election held for officers in said district until the regular August election in 1912; but that the officers now serving in the Twelfth and Thirteenth Districts respectively shall continue to have jurisdiction over the territory embraced in this district until said election.

**SECTION 3.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Passed: July 4, 1911

**COMPILER'S NOTE:** The reader should note that "Civil Districts" and "County Commissioner Districts" are not the same. Civil Districts are not required to conform to certain population limitations as are county commissioner districts. Civil districts are now used for record purposes, not electoral purposes. T.C.A. §

5-1-112.

## Private Acts of 1923 Chapter 591

**SECTION 1.** That the district line between the Third and Ninth and Tenth Civil Districts of counties of the State having a population of not more than 27,710 nor less than 27,705 according to the Federal Census of 1920 or any subsequent Federal Census, be and the same is hereby changed as follows: Beginning at a point in the north boundary line of the corporation of the Town of Gallatin, where the same crosses the Louisville and Nashville R.R.; thence north with the east line of the right-of-way of said railroad to the northwest corner of R.A. Culbreath's land; thence east with his line to the Dobbins Pike; thence north with the Dobbins Pike to W. H. Denny's northwest corner; thence east with Denny's line to his northeast corner; thence south with J. W. Langford's line to A. W. Wakefield's northeast corner; thence south with Wakefield's line to his southeast corner; thence west to corporation line near R. S. Chambers' southeast corner, detaching from the Ninth District and placing within the jurisdiction of the Third District the property of J. T. Durham, Dr. Homer Reese, Mrs. Barnett, Chenault Brothers and R. A. Culbreath, and from the Tenth District the property of W. H. Denny, J. W. Langford, A. W. Wakefield and others.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: March 29, 1923.

## Elections - Historical Notes

### Districts - Reapportionment

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

1. Acts of 1835-36, Chapter 1, required both houses of the General Assembly, by joint Resolution, to appoint five (5) suitable people, as Commissioners, in each County to lay off the county into Districts of convenient size regarding both land area and population. The number of Districts would depend on the population of the County, as each County with 3,000 qualified voters would be divided into twenty-five (25) Districts. Resolution #3 accomplished this task for the State and named Daniel Montgomery, Thomas Anderson, William Hall, Meredith Hodges, and Jonothan Davis, for Sumner County.
2. Acts of 1868-69, Chapter 61, provided that the town of Gallatin, in Sumner County, would be a new Twentieth Civil District for Sumner County and parts of the Fifth, Sixth, Eleventh, and Twelfth Civil Districts could be included therein.
3. Private Acts of 1911, Chapter 515, changed the lines between the First Civil District and the Eleventh Civil District of Sumner County.
4. Private Acts of 1953, Chapter 322, established five voting precincts in the Third Civil District of Sumner County. Voting precincts are now determined by the county election commission according to general law.

### Elections

The following is a listing of acts for Sumner County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1796, Chapter 4, named the electors from each County who would vote in the selection of a President and Vice-President of the United States. Kasper Mansker, Edward Douglas, and John Hogan, were designated as the electors from Sumner County. The convening of the electors from the Mero District would take place in Nashville.
2. Acts of 1796, Chapter 10, divided Tennessee into two separate sections, the Holston Section, which was composed of the Washington and Hamilton Districts and the Cumberland Section, which consisted of the Mero District. Each of these Districts would elect a Representative to the United States Legislature, the election taking place on the first Thursday in August, 1796.
3. Acts of 1798, Chapter 16, established twelve (12) Senatorial Districts and twenty-four (24) Representative Districts in the General Assembly of the State of Tennessee according to its Constitution. The Mero District was awarded four (4) Senators and eight (8) Representatives of which Sumner County would elect one (1) Senator and three (3) of the Representatives.
4. Acts of 1799, Chapter 46, provided that three (3) Presidential electors would be chosen from the State, one each from the Washington, Hamilton, and Mero Districts. The Act named the people in

- each County who would meet to choose an Elector. In Sumner County the duty was given to George Smith, Samuel Donelson, and Edward Douglas.
5. Acts of 1803, Chapter 24, fixed the number of Presidential Electors to be selected in the State at five (5). The Fourth District contained the counties of Jackson, Smith, Wilson, and Sumner who would elect one Elector jointly. The votes from this District would be counted at Bledsoeborough in Smith County on the Monday following the election.
  6. Acts of 1803, Chapter 79, determined that the State would send three (3) Representatives to the Congress of the United States, one each from the Districts of Washington, Hamilton, and Mero.
  7. Acts of 1805, Chapter 64, stated that the enumeration of citizens which was required by a former public act had been completed and the results reported to the General Assembly. The State would have thirteen (13) Senatorial Districts of which Sumner and Wilson Counties made up one and would elect one State Senator between them counting the polls at Gallatin. Of the twenty-six (26) Representatives in the House, Sumner County would elect two.
  8. Acts of 1807, Chapter 58, provided for a separate election to be held at the home of William Harper in the east end of Sumner County for all authorized county elections, state elections, and national elections. A separate election would also be held at the home of Joshua Rice, Esq.
  9. Acts of 1807, Chapter 74, established five (5) Districts for the Electors of the President and the Vice-President of the United States. The Fourth District contained the counties of Smith, Jackson, Overton, White, Sumner, Wilson, Warren, and Franklin. Votes would be tabulated at Carthage.
  10. Acts of 1812, Chapter 5, increased the number of Presidential Electoral Districts in the State to eight (8) from five (5). The Fifth District was made up of the counties of Smith, Wilson, and Sumner, which would elect one Elector together. Votes would be counted and recorded at Cairo in Sumner County.
  11. Acts of 1812, Chapter 27, established six (6) U. S. Congressional Districts in Tennessee, doubling Tennessee's representation in Washington. The Fourth Congressional District was composed of the counties of Smith, Sumner, Wilson, and Jackson.
  12. Acts of 1812, Chapter 57, increased the membership of the General Assembly of Tennessee to twenty (20) Senators and forty (40) Representatives. Sumner County would elect one Senator and one Representative who would represent them.
  13. Acts of 1815, Chapter 31, organized Tennessee into eight (8) U. S. Electoral Districts for the election of the President of the United States.
  14. Acts of 1819, Chapter 5, set up a separate precinct election which would be held at the home of John Sarver in Sumner County for all State, County, and national elections.
  15. Acts of 1819, Chapter 69, divided the State into twenty (20) Senatorial and forty (40) Representative Districts. Sumner County would elect one Senator and one Representative alone.
  16. Public Acts of 1822, Chapter 1, established eight (8) U. S. Congressional Districts in the State. Smith County, Sumner County, and Wilson County composed the Fifth District.
  17. Public Acts of 1823, Chapter 47, formed eleven (11) Presidential Electoral Districts in Tennessee, assigning the counties of Smith, Sumner, and Wilson to the Sixth Electoral District.
  18. Acts of 1824, Chapter 1, was identical to the 1823 Act above, except that this Act specified that the votes be counted and recorded at Hartsville in Sumner County.
  19. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly to twenty (20) Senators and forty (40) Representatives. Smith County and Sumner County made up one Senatorial District while Sumner County and Rutherford County would each elect two Representatives.
  20. Public Acts of 1827, Chapter 17, established eleven (11) Presidential Electoral Districts but left Smith County, Sumner County, and Wilson County in the Sixth District.
  21. Acts of 1832, Chapter 4, divided Tennessee into thirteen (13) U. S. Congressional Districts. The Sixth Congressional District included the counties of Jackson, Smith, and Sumner.
  22. Acts of 1832, Chapter 9, set up fifteen (15) Electoral Districts for the President and Vice- President's elections. Sumner County and Davidson County were the Eighth U. S. Congressional District.
  23. Acts of 1833, Chapter 71, provided that Smith County and Sumner County would constitute one of the twenty (20) State Senatorial Districts and that Sumner County would elect one of the forty (40) Representatives alone. Polls would be counted at Hartsville in Sumner County in the Senate

- election.
24. Acts of 1833, Chapter 76, stated that a Constitutional Convention of sixty (60) members would be called, whose delegates would be elected on the first Thursday and Friday in March, and those selected would meet in Nashville on the third Monday in May to revise, amend, alter the present State Constitution, or form a new one. Smith and Sumner Counties would compose a District and jointly elect three (3) delegates.
  25. Acts of 1835-36, Chapter 39, enacted subsequent to the adoption of the 1835 Constitution, formed fifteen (15) Presidential Electoral Districts in Tennessee. Sumner County and Davidson County formed the Eighth District.
  26. Acts of 1839-40, Chapter 79, shifted the responsibility for selecting Electors for the President and Vice-President to the General Assembly who would pick one Elector from each of the Congressional Districts in Tennessee.
  27. Acts of 1842 (Ex. Sess.), Chapter 1, divided the State into twenty-five (25) Senatorial Districts and fifty (50) Representative Districts for the General Assembly. The counties of Smith and Sumner comprised one of the Senatorial Districts and Sumner County, alone, would elect two Representatives.
  28. Acts of 1842 (Ex. Sess.), Chapter 7, established eleven (11) U. S. Congressional Districts in the State, also assigned Smith, Davidson, and Sumner Counties to the Eighth Congressional District.
  29. Acts of 1847-48, Chapter 152, removed the place of holding the elections in the Sixteenth Civil District of Sumner County from the house of William Holdey to Daniel Perdue's school house in the said District.
  30. Acts of 1851-52, Chapter 196, formed ten (10) U. S. Congressional Districts in the State. The Fifth District contained the counties of Sumner, Wilson, Rutherford, Cannon, and Williamson.
  31. Acts of 1851-52, Chapter 197, apportioned the State for representation in the General Assembly. Sumner County would elect one Representative alone and share another with Smith and Macon Counties. Smith and Sumner Counties constituted one Senatorial District. All polls would be counted and recorded at Hartsville.
  32. Acts of 1865, Chapter 34, set up eight (8) U. S. Congressional Districts in Tennessee. The Fifth District contained the counties of Williamson, Davidson, Wilson, Sumner, Robertson, and Cheatham.
  33. Acts of 1869-70, Chapter 105, authorized a referendum to be held on the proposed calling of a Constitutional Convention which would amend, revise, or form a new Constitution for the State. The ballots would be simply a "For" or "Against" proposition. There would be seventyfive (75) delegates to the convention and each county would have the same number of delegates as it had Senators and Representatives in the General Assembly. The delegates elected would convene in Nashville on the second Monday in January, 1870.
  34. Acts of 1871, Chapter 146, apportioned the representation in the Tennessee General Assembly based on the 1870 Census. Sumner County would elect one Representative alone, and be a part of the Ninth State Senatorial District with the counties of Macon, Smith, Clay, Trousdale, and Jackson.
  35. Acts of 1872 (Ex. Sess.), Chapter 7, divided Tennessee into nine (9) U. S. Congressional Districts, based on the 1870 Census. The Fifth District was made up of the Counties of Robertson, Cheatham, Davidson, Sumner, Wilson, Trousdale, and DeKalb.
  36. Acts of 1873, Chapter 27, increased the number of U. S. Congressional Districts in Tennessee from nine (9) to ten (10) and reassigned counties accordingly. The Fourth U. S. Congressional District included the counties of Fentress, Overton, Putnam, Jackson, Clay, Macon, Smith, Trousdale, Wilson, Robertson, and Sumner.
  37. Acts of 1881 (Ex. Sess.), Chapter 5, established the number of State Senators at thirtythree (33) and the number of Representatives at ninety-nine (99).
  38. Acts of 1881 (Ex. Sess.) Chapter 6, apportioned the State Senatorial and Representative Districts. Sumner County elected one Representative alone and another with Trousdale and Smith Counties. The counties of Trousdale, Sumner, and Robertson composed the Twelfth Senatorial District.
  39. Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten (10) U. S. Congressional Districts. The Fourth Congressional District was made up of the counties of Sumner, Wilson, Macon, Trousdale, Smith, DeKalb, Clay, Jackson, Putnam, Overton, Fentress, and Pickett.
  40. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the state according to the 1890 Census.

Sumner County would have one Representative alone and share a Representative with Trousdale and Wilson Counties. The 14th State Senatorial District contained the counties of Macon, Sumner, and Trousdale.

41. Acts of 1901, Chapter 109, formed ten (10) U. S. Congressional Districts in the State. The Fourth District included the counties of Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland, and Rhea.
42. Acts of 1901, Chapter 122, was the last reapportionment of the General Assembly for more than sixty years. The Fourteenth Senatorial District included the counties of Sumner, Trousdale, and Macon. Sumner County was to elect one Representative alone and another with Trousdale and Macon Counties.
43. Private Acts of 1923, Chapter 706, amended Acts of 1859-60, Chapter 75, to provide for opening of polling places at 9:00 a.m. and closing at 6:00 p.m. This Act was repealed by Private Acts of 1974, Chapter 369.
44. Private Acts of 1939, Chapter 213, provided an additional voting precinct in Sumner County, to be called the City Hall Precinct of the Third Civil District.
45. Private Acts of 1949, Chapter 392, gave the Quarterly Court of Sumner County the authority to regulate and fix the compensation of persons holding the general and primary elections, except County primaries. This Act was repealed by Private Acts of 1974, Chapter 369.
46. Private Acts of 1953, Chapter 55, was the authority for the Quarterly Court of Sumner County to designate the places and the hours of each voting place in the county for all general and primary elections. This Act was repealed by Private Acts of 1974, Chapter 369.
47. Private Acts of 1955, Chapter 2, changed the voting place which was formerly at Phosphate in the Tenth Civil District to the Union Hill School House in the same District. The Act was repealed by Private Acts of 1974, Chapter 369.
48. Private Acts of 1965, Chapter 10, provided that any person who served as an election official in any election in Sumner County would be paid \$8 per day for their services. This Act was repealed by Private Acts of 1974, Chapter 369.
49. Private Acts of 1965, Chapter 182, made it unlawful in Sumner County for any person to distribute cards, handbills, placards, or any other vote soliciting matter, or to loiter about the polls to solicit votes, within 1,000 feet of any polling place during the hours of any election. This Act was repealed by Private Acts of 1974, Chapter 369.

## Chaper VIII - Health

### Hospitals

#### Private Acts of 1957 Chapter 32

**SECTION 1.** That a non-profit Hospital District, to be known as the Sumner County General Hospital District, is hereby created and established for and in behalf of Sumner County, Tennessee.

**SECTION 2.** That said Hospital District shall comprise and consist of the following described tract or parcel of land, together with all buildings and other improvements thereon and all appurtenance thereunto belonging, located in the Third (3rd) Civil District of Sumner County, Tennessee, and more particularly described as follows:

A tract or parcel of land beginning at a concrete monument on the west right of way line of the TVA access road to the Gallatin Steam Plant, said monument being 75.0 feet south of the centerline of Hartsville Pike (Tenn. Highway 25), and thence, south 10 degrees 10 feet west 432.29 feet along the TVA access road west right of way to a concrete monument, said monument also being a reference point for the tangent to spiral point of the centerline and being 50.0 feet west of said point; thence, along the TVA access road west right of way, said right of way line being parallel to and 50.0 feet west of the centerline of the TVA access road, said centerline being described as a 300 foot cubic apiral for a 2 degrees 30 feet curve to the left, 309.7 feet to a concrete monument at the intersection of the north right of way of a 40 ft. unnamed street, this curving line having a chord of 309.67 feet in length on a bearing of south 8 degrees 51 feet west, said chord including an arc of a 2 degrees 30 feet curve to the left; thence, south 86 degrees 36 feet west 480.53 feet along the north right of way of the 40 ft. street to a concrete monument; thence, north 5 degrees 36 feet east 693.09 feet to a concrete monument; thence, north 3 degrees 58 feet east



200.00 feet to a concrete monument in the south right of way of Hartsville Pike (Tenn. State Highway 25); thence, south 79 degrees 50 feet east 470.39 feet along the south right of way of Hartsville Pike to a concrete monument; thence, south 51 degrees 55 feet east 75.05 feet to the point of beginning containing 9.546 acres, more or less. Being the same property vested in Georgia Ramsey, Willie Ramsey, Leila Maie Ramsey Robertson, Sallie Ramsey North, Maude Ramsey Whiteside, and Effie Ramsey Sullivan, being the sole and only heirs at law of W. A. Ramsey, deceased, who died intestate in Sumner County, Tennessee, in February, 1923, and being the same property conveyed to W. A. Ramsey by deed from Jennie L. Donelson and husband, J. B. Donelson, dated October 6, 1905, and recorded in Deed Book 55, Page 171, in the Register's Office of Sumner County, Tennessee.

**SECTION 3.** That said Hospital District shall be operated and controlled by a Commission composed of a Chairman and five (5) members, the members to be elected in the manner and for the terms hereinafter provided. The County Judge of Sumner County shall be ex-officio, a member of and the Chairman of the Sumner County Hospital Commission. The members of the Commission shall be paid the same per diem and mileage for attendance at regular meetings of the Commission as is paid to members of the Quarterly County Court of Sumner County for attendance on sessions of said Court, not to exceed twelve meetings and shall receive Five (\$5.00) Dollars for attendance on other meetings for each meeting on the Commission.

**SECTION 4.** That members of said Sumner County Hospital Commission shall be citizens of Sumner County, Tennessee. No person shall be a member of the Board if he is (1) an employee of the Board, (2) a physician, or registered nurse, (3) the holder of a full time remunerative position in the County Government or a position with the Tennessee Department of Health, or Department of Public Welfare, or the U. S. Public Health Service provided, however, that the above limitation with respect to anyone holding a remunerative position in the County Government shall not apply to Justices of the Peace of Sumner County, Tennessee, so long as no more than one (1) Justice of the Peace is a member of the Sumner County Hospital Commission at any time; that the initial members of the Sumner County Hospital Commission shall be elected by the Quarterly County Court at its October, 1957, term, as follows: A commissioner to serve a term of one year; a commissioner to serve a term of two years; a commissioner to serve a term for three years; a commissioner to serve a term of four years; and a commissioner to serve a term of five years; and thereafter, at the expiration of a term of a commissioner, the Quarterly County Court of Sumner County at its October term shall elect a successor for a term of five years. The terms of the initial member shall begin on November 1, 1957, and the terms of succeeding members shall begin on the 1st day of November, immediately following election.

As amended by:

Private Acts of 1957, Chapter 404

Private Acts of 1975, Chapter 10

**SECTION 5.** That said Commission shall hold regular meetings monthly on a date which it shall establish. The Commission shall be vested with full, absolute and complete authority and responsibility for the operation, management, conduct, and control of the business and affairs of the Hospital District herein created; such operation, management, conduct and control, however, shall not be inconsistent with existing contractual obligations of said county. Said authority and responsibility shall include, but it shall not be limited, the establishment, promulgation, and enforcement of the rules, regulations and policies of the District, the upkeep and maintenance of all property, the administration of all financial affairs of the District, the execution of all contracts, agreements, and other instruments, and the employment, compensation, discharge and supervision of all personnel. The Commission to have the authority to purchase real estate with the approval of the Quarterly County Court; to sell, with the approval and authorization of the Quarterly County Court any portion of the real estate which the District owns and which is considered surplus to its needs in the performance of its mission; and to execute deeds therefor, when authorized so to do by the Quarterly County Court; and otherwise to act for and in behalf of Sumner County, Tennessee, in the discharge of its mission as set forth in Section 6, of this Act as follows:

**SECTION 6.** That the mission of the Hospital District shall be to manage the property of the hospital district, and to provide hospital service of the highest quality consistent with generally recognized standards of hospital service, and with the physical facilities provided and with the limitations imposed by the Budget. Such services shall be rendered, on the approval of the hospital administrator, to any person who makes satisfactory financial arrangements for his service and who is certified for entrance by a practicing physician; and to any person regardless of financial arrangements, if (1) in the opinion of the physicians of the hospital, the physical well being of the person is seriously and eminently endangered by delay in providing the service, or (2) it is determined after due investigative procedure of the board of commissioners or its delegated representatives that such person is without means whatsoever to pay for such services

As amended by:

Private Acts of 1977, Chapter 95

**SECTION 7.** That within thirty (30) days after the election of the initial Sumner County Hospital Commission, said Commission shall meet on call by the County Judge and elect a Secretary from among

its members who shall serve for a term of one year, and shall elect a Vice- Chairman who shall serve in the place and stead of the Chairman when the Chairman may be absent from any meeting and who shall also serve for a term of one year. Thereafter annually at the first meeting in November said Commission shall elect a Secretary and a Vice-Chairman; provided, that the Hospital Administrator may be elected Secretary of the Commission. Said Hospital Commission shall keep complete, permanent and public records and minutes reflecting all business and transactions of the Commission.

**SECTION 8.** That a Commissioner whose term has expired shall continue to serve until his successor shall have been elected in the manner herein provided. In the event of the death or resignation of a Commissioner prior to the expiration of his term, his successor shall be elected for the unexpired term in the same manner as the deceased or retiring Commissioner was elected, such election being for the remainder of the unexpired term.

As amended by: Private Acts of 1975, Chapter 10

**SECTION 9.** That the Sumner County Hospital Commission shall have authority to employ and fix the compensation of a Hospital Administrator, whose duties and responsibilities shall be determined and prescribed by the Hospital Commission.

**SECTION 10.** That said Hospital Commission shall annually prepare and submit for review to the Quarterly County Court, a budget reflecting in detail all estimated receipts and disbursements of the Hospital District.

As amended by: Private Acts of 1975, Chapter 10

**SECTION 11.** That the Hospital Commission shall prepare and submit to the Quarterly County Court semi-annually, a complete financial statement and report, which, among other things shall reflect a comparison of actual receipts and disbursements as of the dates of such financial statements.

As amended by: Private Acts of 1975, Chapter 10

**SECTION 12.** (That the Quarterly County Court of Sumner County, Tennessee, is hereby authorized to appropriate to the Hospital District from the General Funds of the county such sums as may be required to commence the operation of said District, including all sums heretofore budgeted therein for Hospital purposes and also the sum of Fifty Thousand (\$50,000) Dollars derived from the sale of Hospital Bonds, to commence the operation of said District.) Thereafter to appropriate such sums collected from the levy of taxes for Hospital purposes as may be required in the operation and maintenance of said District; and Sumner County is authorized and empowered, also to levy a tax for this purpose.

As amended by: Private Acts of 1975, Chapter 10

**SECTION 13.** That the sums appropriated to the Hospital District, and the fund derived from the tax for this purpose shall be kept by the County Trustee in a special account and fund designated "Hospital Maintenance Fund," and shall be paid out only upon warrant or voucher signed by the Chairman and by the Secretary of the Sumner County Hospital Commission.

**SECTION 14.** That nothing in this Act shall impair, reduce or change the authority of the present Sumner County Hospital Building Committee in the construction, completion and equipping of hospital facilities within the Hospital District hereinbefore described or appurtenant thereto.

**SECTION 15.** That if any section or part of section of this Act proves to be invalid or unconstitutional, the same shall be held to invalidate or impair the validity, force or effect of any other section or part of this Act, unless it clearly appears that such other section or part of section is wholly or necessarily dependent for its operation upon the section or part of section held to be unconstitutional or invalid.

**SECTION 16.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any County to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

**SECTION 17.** Tha (sic) this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 8, 1957.

## Chapter IX - Highways and Roads

### Cemetary Access Road Maintenance Act of 1993

#### Public Acts of 1993 Chapter 352

**SECTION 1.** This act shall be known and may be cited as the "Cemetery Access Road Maintenance Act of 1993".

**SECTION 2.** The General Assembly finds and declares that: Many public cemeteries are accessible only by means of ingress and egress over private roads. Many landowners have cheerfully allowed ingress and egress to such cemeteries over private roads or easements that cross their land. Many landowners cannot maintain such roads to make such ingress and egress accessible to visitors to the cemetery. As a matter of public policy, counties should be able to provide maintenance for such roads to provide ingress and egress for its citizens without having to accept the private roads as public, undertake condemnation proceedings or take the roads by offers of dedication. With the permission of the landowner in question, counties should be allowed to provide minimal maintenance for such access roads without the liability associated with a public road.

**SECTION 3.** As used in this act, unless the context clearly requires otherwise: (1) "Cemetery" means a place for the burial of human remains which offers plots for sale to the public at large and in which lots have actually been utilized for human burial. Family cemeteries and cemeteries owned, operated or run by a religious organization are specifically excluded.

(2) "Access Road" means a private or non-public road which the owner of the land has allowed the public at large to use freely to gain access to a public cemetery.

(3) "Road Maintenance" or "Maintenance" means road work by the county to enable the access road to be minimally passable in order that the public at large may have ingress and egress to the cemetery.

(4) "Permission" means any written permission or authorization given by the owners of a particular parcel of land which shall allow the road maintenance by the county to take place on or about the access road.

**SECTION 4.** (a) Notwithstanding the provisions of any other law to the contrary, county highway departments, upon approval of their county legislative bodies, may use county vehicles, equipment or supplies to provide minimal maintenance to non-public access roads to provide ingress and egress to public cemeteries.

(b) Such approval shall be obtained pursuant to the following procedures:

(1) Any person may ask the county executive to approach the owner of a parcel of land to seek permission for the county to maintain a private access road;

(2) If written permission is granted, the county executive shall present such request to the county legislative body for approval;

(3) The county legislative body must approve such request by a three-fourths (3/4) majority.

(c) Approval by a county legislative body to provide minimal maintenance for an access road does not make such road a public road, does not act as a condemnation or taking of the land, nor is a dedication of the road made.

(d) Authorization or approval to maintain an access road may be withdrawn by a three-fourths (3/4) majority vote of the county legislative body with no less than ten (10) days notice to the original party seeking such maintenance and the owner of the parcel of land and by notice in a newspaper of general circulation in the county.

(e) Upon withdrawal of maintenance, no party may claim damages for such withdrawal and no further duty exists on the part of the county with regard to such access road.

**SECTION 5.** Once permission is granted by a landowner for the county to conduct road maintenance on a non-public access road to a public cemetery, such landowner waives any claim for inverse condemnation, condemnation, injury, damage or any action based upon such road maintenance by the county.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) majority vote of the county legislative body of any county have a population of not less than one hundred three thousand one hundred (103,100) nor more than one hundred three thousand four hundred (103,400), according to the 1990 Federal Census or any subsequent Federal Census. 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 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 provision of this act are declared to be severable.

**SECTION 8.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: May 5, 1993.

**COMPILER'S NOTE:** This is a special public act and is not codified in Tennessee Code Annotated.

# Division and Transfer of Certain Property

## Private Acts of 1996 Chapter 150

**SECTION 1.** The division and transfer of property to Sumner County for the construction of a public road shall not require a plat if the easement for the private road was contained in a recorded deed prior to January 1, 1987.

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

**SECTION 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 21, 1996.

## Road Law

### Private Acts of 1933 Chapter 338

**SECTION 1.** That the provisions of this Act shall apply to all counties of this State having a population of not less than 28,620 and nor more than 28,630, according to the Federal Census of 1930, and/or any subsequent Federal Census, and that where the word "County" is used herein it shall apply to all such counties in this State.

**SECTION 2.** That where the word "road" or "roads" is used in this Act, it shall include all the public roads, pikes, bridges, culverts and highways in said counties, unless otherwise limited by the context.

**SECTION 3.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 4.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 5.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 6.** [Deleted in its entirety by Private Acts of 1937, Chapter 37.]

**SECTION 7.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 8.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 9.** That the County Court shall, on the first Monday in July of each year, levy for road purposes an ad valorem tax on all taxable property in the county, outside of the incorporated towns, which levy shall not be more than forty cents (40¢) on each One Hundred Dollars of property, and the funds so derived shall be known as the General Road Fund. And the County Court may also on said date levy for bridge purposes a further ad valorem tax on all taxable property in the county of not more than twenty cents (20¢), the same to be known as the Bridge Fund. Such taxes shall be collected by the County Trustee, and held and disbursed by him as herein provided. The Trustee shall keep a separate account of each of said funds.

As amended by: Private Acts of 1963, Chapter 62

**SECTION 10.** That the County Superintendent of Roads shall be elected by the qualified voters of said counties, for a term of four years, and until his successor is elected and qualified: Said County Superintendent of Roads shall be elected at the regular August election in 1934, and every four years thereafter, and his term of office shall begin on the first Monday in January following such election; provided, however, that all vacancies in the office of County Superintendent of Roads in said counties shall be filled by an election by the Quarterly County Court, and provided, further, that J. E. Gillespie, who was elected by the people of Sumner County at the regular election in August, 1932, for a term of two years, and who was duly

qualified on the First Monday in January, 1933, shall hold office in Sumner County until the First Monday in January, 1935, or until the election and qualification of his successor.

As amended by: Private Acts of 1937, Chapter 344

**SECTION 11.** That the salary of the County Superintendent of Roads shall be that salary set by the general laws of the State of Tennessee for county officials as set forth in Section 8- 2403 of the Tennessee Code Annotated and all acts amendatory thereto.

As amended by: Private Acts of 1957, Chapter 401

Private Acts of 1963, Chapter 62

Private Acts of 1967-68, Chapter 463  
Private Acts of 1974, Chapter 307

**SECTION 12.** That the county superintendent of roads shall be a person of good moral character and shall be a high school graduate or, alternatively, shall possess a general equivalency diploma (GED).  
As amended by:

Private Acts of 1986, Chapter 147

**SECTION 13.** That the Superintendent, before entering upon the duties of his office, shall enter into a good and solvent bond in the sum of Ten Thousand (\$10,000.00) Dollars, conditioned that he will faithfully perform the duties of his office and well and truly account for all funds and property coming into his hands as such Superintendent.

**SECTION 14.** That the County Judge, the Superintendent of Roads, one resident freeholder and citizen of the county, and five (5) members of the County Court elected by said Court as the Road Committee of the County Court shall constitute the County Highway Commission, hereinafter called the Commission, who shall have general charge of the expenditure of all of the road and bridge funds of the county, and of the gasoline funds received from the State for road purposes in the county, and all other funds that may be received for that purpose from other sources, and shall also have charge of the working of the county prisoners, and shall have charge of all the roads in the county, classified by the commission as pikes and county roads not maintained by the State, all the road tools and machinery, and the maintenance, repairing, constructing, building, erecting, opening, changing, closing and altering of all such roads in the county; and to this end, the Commission may make any arrangements and provide any means which in its discretion may best carry out its purpose.

As amended by:

Private Acts of 1941, Chapter 532

Private Acts of 1974, Chapter 307

**SECTION 15.** That the members of said Commission other than the County Judge, the Superintendent of Roads and the five (5) members of the Road Committee of the County Court, shall be elected by the Quarterly County Court at the regular January term every two years, and shall hold office for a term of two years and until his successor is elected and qualified, who, in addition to his services as a member of the Commission, shall serve as Secretary of said Commission and shall receive compensation for his services as set by the County Court. The minutes, reports, contracts and other records of the Commission shall be kept in a well bound book provided for that purpose, and shall be preserved as a part of the public records of the County, and be kept in the office of the County Court of the County and open at all times for inspection by the public. It shall be the duty of the Commission to meet at the courthouse of the county at least once every thirty (30) days for the transaction of any and all business that may come before the Commission relative to the roads and bridges of the county.

As amended by:

Private Acts of 1959, Chapter 156

Private Acts of 1974, Chapter 307

**SECTION 16.** That the Superintendent shall be the active agent through whom the Commission exercises the powers and duties conferred upon it, he shall sign all warrants for the payment of the road funds, when countersigned by the County Chairman, shall be paid by the County Trustee. He shall make and submit to each term of the Quarterly County Court a report showing the expenditure of all funds and all work done by him, and contracts entered into by him, and the condition and needs of all roads, bridges and culverts in the county. He shall appoint Deputy Superintendents, subject to the approval of the Commission, who shall have immediate charge and supervision of the work on the roads, bridges and culverts of the county to which they are assigned and who shall be responsible to the Superintendent and subject to his control and for whom he shall be responsible. The Commission shall determine the number of Deputy Superintendents to be appointed, such number to be governed by the necessity of the matter, and shall fix the compensation to be paid such Deputy Superintendents, and the compensation need not be the same in all cases.

**SECTION 17.** It shall be the duty of the Superintendent to have all roads under the jurisdiction of the Highway Commission worked as often as possible, and shall, insofar as the means at his command will permit, make all repairs on said road, culverts and bridges when needed.

As amended by:

Private Acts of 1941, Chapter 532

**SECTION 18.** [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

**SECTION 19.** That the Commission shall post at the end of each bridge in the county its capacity, and it is hereby made a misdemeanor for any one to haul a load across any bridge in the county greater than the capacity of the bridge, as designated at the end thereof by the said Commission, and it is hereby made the duty of the Superintendent of Roads, and his deputies and overseers to pursue parties offending under this law. For each violation of said provision, a penalty of Twenty (\$20.00) Dollars shall be enforced, same to be paid to the County Trustee, and shall form a part of the bridge fund of the county; and, provided, further, that any person or persons doing or causing any damage to any bridge or culvert in violation of this provision shall be liable to the county for the damage so caused or done by him or them.

The Commission is also empowered to prohibit the passage of heavy loads over the roads of the county in wet weather and the Superintendent shall see to the enforcement of any regulations that said Commission may make in this regard. For a violation of the regulation of the Commissioners on this subject the penalty shall be a fine of Twenty (\$20.00) Dollars, which shall constitute a part of the road funds of the county. The Superintendent is hereby empowered, whenever the same may appear to be reasonably necessary in building or making any repairs on any of the roads in the county, to regulate or prohibit the use and travel thereon during the period of such building or repairing; and to that end he and his deputies and employees are hereby authorized and it is made their duty to arrest any person willfully offending against said order, and the offending person shall be guilty of a misdemeanor.

**SECTION 20.** That the Commission shall have the power upon application of ten freeholders, citizens and legally qualified voters of the county, to open, change, close or restore the public roads within the county, or the same may be changed, opened, closed or restored upon the initiative of the Commission whenever the public welfare requires it and in either event the following procedure shall be carried into effect; within ten days after the application shall have been filed, the Commission, through its Superintendent, shall notify the first person named in the petition of the date at which the Commission, or the Superintendent, his or their legally authorized representative or representatives will be present at the beginning point mentioned in the petition to act on the application, five days' notice having been given of the time and the beginning point to the land owner, or land owners, affected by the proposed change or changes. If any land owner or land owners affected by the proposed change is a non-resident, then there shall be given ten days' written notice to his Agent or Attorney, residing in the county, or ten days written notice served upon such non-resident land owner at his last known place of residence by registered mail, or by publication in a weekly paper in the county for three consecutive issues next following the notice to the petitioners, or by circulars posted at the court house door, one on the owner's property and one in some other public place in the county.

**SECTION 21.** That the necessary right of way for any road newly located, changed or relocated, may be procured by the Commission by direct purchase, bargain or barter, or by gift or contribution of the owner, or by the right of eminent domain to be exercised as hereinafter provided, and deeds for the right of way shall be taken in the name of the County. The Commission shall consider the whole matter and make such orders opening, changing, closing or restoring to the public the proposed road as it may deem for the best interest of the public, and shall appropriate a sufficient amount of the general road funds of the district where the change, opening, closing or restoring is located, to pay the damages to the land owners affected by such change and all expenses incident thereto. Any land owner affected by such action may appeal to the next term of the Circuit Court, provided such owner perfect his appeal within ten days from the decision of the Commission by giving bond as in cases of appeal from the judgment of the County Court; which appeal shall not in any way prevent or delay the Commission from carrying into effect its plan or impede the progress of the work.

**SECTION 22.** That the Commission shall have the right to acquire for the county for road purposes any gravel beds, rock quarries or other road material or land needed for road purposes, either by gift, bargain, barter, contribution or by exercising the right of eminent domain.

**SECTION 23.** That the right of eminent domain shall be exercised by the Commission as follows:

The Superintendent shall give notice, in the name of the County, in the manner prescribed by law to the owner or owners of the property sought to be taken, of the time and place of condemnation and the description of the property sought to be condemned; at the time and place designed, the Superintendent shall appoint one man, the owner or owners another, and these two shall elect a third, all of whom shall be disinterested freeholders, and the three selected shall appraise the property so condemned, and shall view and determine what compensation, if any, shall be paid to the owner of the same, and upon the tender of the amount of same, or a warrant therefor by the Superintendent, the Commission shall have the right to enter upon and take immediate possession of the property condemned. In case the owner or owners refuse to appoint and appraise, the Superintendent shall appoint two, who shall select a third, and their appraisal shall be as binding as though the owner had exercised his right as herein provided to name one. Provided, an appeal shall lie from the award of the appraisers to the Circuit Court as is provided by law for appeals from the award of a jury of view in condemnation cases, and provided further that such appeal shall not interfere with the immediate possession and use of the property by the Commission.

**SECTION 24.** That from and after the passage of this Act, any person owning property which abuts upon any public highway in this County who intends to construct any approach from his property to any highway is required to give notice to some member of the Commission of his intention and he shall, at his own expense, construct said approach in accordance with such plans and specifications and with such material as may be required by the Superintendent; and, provided, further, that any approach hereafter constructed, not in conformity with the foregoing provision shall be deemed and treated as a nuisance and abated as such at the cost of the abutting landowner. It shall also be the duty of abutting land owners, at

their own expense, to keep the approaches from their property to the public highways in safe and good repair, so as not to interfere with the free and full flow of water in the ditches along the roadways.

**SECTION 25.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 26.** That each Section hereof shall be and constitute a separate Act, and that if any part thereof be declared unconstitutional, the remainder which is constitutional shall remain in full force and effect.

**SECTION 27.** That the Grand Jury shall have inquisitorial powers over the violations of this Act, and it shall be the duty of the Circuit Judge to call the attention of the Grand Jury to their duties with respect to violations of said Act.

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

Passed: April 6, 1933.

## Traffic Signals

### Private Acts of 1953 Chapter 29

**SECTION 1.** That the Quarterly County Court of Sumner County, Tennessee is authorized to install, maintain and operate traffic signal lights at congested intersections of State and County highways, provided, however, that no installation shall be made other than at places located outside of the city limits of incorporated cities or towns in Sumner County, and, provided, that no installation shall be made on State Highways, except by permission of the Department of Highways and Public Works of the State of Tennessee.

**SECTION 2.** That the expense of the installation, maintenance, and operation of such traffic signal lights, when approved as above provided, shall be charged against the general funds of the County, and such traffic signal lighting system shall be under the jurisdiction of the Quarterly County Court of Sumner County, Tennessee.

**SECTION 3.** That the Quarterly County Court may, in its discretion, pay all or a part of the expense incident to the installation of traffic signal lights heretofore erected in said county, outside of incorporated cities or towns, out of the general funds of the County.

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

Passed: February 21, 1953.

## Highways and Roads - Historical Notes

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

1. Acts of 1787, Chapter 25, of the Acts of North Carolina, levied a tax to build roads in Sumner County but the amount of the tax was not legible.
2. Acts of 1795, Chapter 5, permitted the Commissioners who were previously authorized to sell salt licks and springs and the lands adjoining them to take the steps necessary to collect all these funds and then to pay the same into the hands of James White, James Winchester, Stockley Donelson, David Campbell, William Cocke, and Robert Hayes, who were all appointed as a Board of Commissioners to run and clear out a good and sufficient wagon road from South West Point in Hamilton District to Bledsoe's Lick in the Mero District.
3. Acts of 1821, Chapter 6, required the County Courts of all counties to index and classify the roads in their respective counties according to their width and surfacing materials. Penalties were provided for those who obstructed roads and who failed to abide by the terms of this Act.
4. Private Acts of 1829, Chapter 232, incorporated Thomas Martin, William White, Robert Weakley, Josiah F. Williams, Elijah Boddie, Robert M. Boyers, James Saunders, Isaac Walton, and Daniel Montgomery, along with others, as the Gallatin Turnpike Company, to lay off and construct a turnpike road from Nashville by way of Gallatin to the Kentucky State line at the most eligible point in the direction of Glasgow, Kentucky. Details of the corporate management and a schedule of tolls which could be charged were included in the Act.
5. Acts of 1837-38, Chapter 101, was the Act incorporating the Gallatin, Carthage, and Hartsville

Turnpike Company to build a road linking the three cities. Named among the incorporators were William Hall, Charles Morgan, Alfred B. Wynne, John Branham, Robert M. Boyers, James A. Blackmore, David Vance, William May, William Edwards, Joel Parrish, Willis Bush, Patrick Duffy, James Patterson, Humphrey Bate, Charles White, William Read, Francis Duffy, Z. G. Goodall, A. G. Donoho, Golman Donoho, Moses Lawson, William L. Alexander, Jesse Hayne, Scirus Hart, David Burford, William Lauderdale, Robert M. Potts, Dr. A. M. Debone, John Wells, William Martin, Dr. Brooks, John Bradley, Robert Allen, Richard Alexander, Joseph Allen, A. W. Overton, John Stephens, John G. Parks, William Hart, Timothy Martin and David C. Crenshaw.

6. Acts of 1837-38, Chapter 292, incorporated the stockholders and Trustees of the Gallatin and Cumberland Turnpike Company. Robert King, James Y. Blythe, William Edwards, Robert M. Boyers, Benjamin Howard, William Trousdale, James Blackmore, and Thomas Anderson were named as Commissioners to open books and sell stock at \$25 per share in the city of Gallatin. The road would go from Gallatin to a convenient point on the Cumberland River where a warehouse would be built.
7. Acts of 1843-44, Chapter 51, appointed Boling Hembry, Joel Parish, James S. Blackmore, David W. Mentloe, Joseph Hurlan, A. R. Wynn, Michael D. Stener, Francis Duffy, Solomon Debow, James H. Vaughn, Frederick Mitchell, Timothy Watson, Robert Allen, Albert G. Donoho, David Burford, William Alexander, Elijah Haney, A. W. Overton, Martin W. Stone, and Adam Ferguson, to sell stock and keep the books to construct a turnpike from Gallatin to Carthage, by way of Castilian Springs, Hartsville, and Dixon's Springs.
8. Acts of 1843-44, Chapter 84, appointed Commissioners to sell stock with which to build a road from Gallatin to the top of the Ridge in the direction of Scottsville, Kentucky, by way of Y. N. Douglass' place, which would be called the Gallatin and Cumberland Turnpike. The Company would have all the rights and privileges of other turnpike companies. The Act listed James Wallace, John Wallace, Y. N. Douglass, William Walton, Carson Dobbins, George Elliott, Jr., John J. White, Levi Donnel, S. R. Anderson, and Daniel Saffarans as Commissioners.
9. Acts of 1847-48, Chapter 27, changed the name of the Gallatin and Cumberland Turnpike Company to the Gallatin and Ridge Turnpike Company. An extension of two years was granted to complete the road.
10. Acts of 1847-48, Chapter 188, named Daniel Montgomery, George E. Dismukes, William Shaw, Robert Taylor, Daniel Nye, and Bennet E. Douglass as Commissioners, to sell stock in the Longhollow Turnpike Company to build a road starting at the Nashville and Kentucky Turnpike Road where the old upper Nashville Road intersected, running through the Longhollow to Station Camp Creek in Sumner County, at Rawlings old place. The road would be at least twenty (20) feet wide and graded, started within a year, and finished within four years.
11. Acts of 1847-48, Chapter 188, incorporated Thomas C. Douglass, Edmond Green, William E. Douglass, Isaac Baker, Sr., James N. Lucas, John Baker, Nicholas Stone, H. B. Vaughan, and Harris Odom as the Ridge Branch Turnpike Company which was obligated to construct a road in Sumner County starting at Gallatin and Ridge Turnpike Road leading from Gallatin past James Douglass' to the Ridge, a distance of about four miles.
12. Acts of 1849-50, Chapter 118, nominated Thomas Stratton, Lorenzo Watkins, B. B. Brown, Robert Elkton, Lewis T. White, Willie J. Douglass, V. S. Collier, and Robert Douglass, as Commissioners to build a turnpike road commencing at West Station Camp Creek, near Rawlings old place, to run east to within one-half mile of Gallatin, where it would intersect the Red River Turnpike.
13. Acts of 1849-50, Chapter 235, named Joseph Robb, John Askew, John O. Higgason, Hugh Coly, Stephen Stone, John Vaughan, John Chambers, and Alexander Williams as Commissioners who would sell stock to construct a turnpike from Cairo to Gallatin in Sumner County.
14. Acts of 1851-52, Chapter 228, repealed the Act which prohibited Davidson County from discontinuing, or closing, that part of the Whites Creek to Gallatin Turnpike which was located in Davidson County.
15. Acts of 1853-54, Chapter 104, required the Governor of Tennessee, upon application of the President of the Company, to issue six bonds of the State of Tennessee in the amount of \$1,000 each to the President and Directors of the Carthage and Hartsville Turnpike Company. The Company was required to repay the bonds with interest, and, should it fail to do so, the State Commissioner of Roads could force the sale of the turnpike to repay.
16. Acts of 1853-54, Chapter 261, named Joseph C. Guild, William H. Crutcher, John Gourley, Daniel Escue, Mitchell R. Moore, Edward B. Smith, Eli Odom, Jesse Harper, D. P. Bullock, Samuel Gorley,



- and John W. Head, all of Sumner County, and Isaac G. Coles, of Wilson County, as Commissioners to raise \$20,000 in stock to build a road from Gallatin to Cole's Ferry on the Cumberland River.
17. Acts of 1853-54, Chapter 262, incorporated Richard Hall, Reuben Brown, Abner Dickinson, John Wilkes, Francis Yourie, William Stovall, \_\_\_\_\_ Rickman, John Henry, Samuel Adams, Lewis Mills, \_\_\_\_\_ Tucker, Ephraim Bursley, and others, as the Sumner and Moscow Turnpike Company.
  18. Acts of 1855-56, Chapter 194, authorized the Gallatin Turnpike Company to move the seventh toll gate on the road going from Nashville, the same being the first toll gate above the town of Gallatin, and place it nearer to, or further from the town of Gallatin but it could not be placed closer than one mile from the Court House in that city.
  19. Acts of 1855-56, Chapter 196, amended an 1854 Act so as to require the Carthage and Hartsville Turnpike Company to pay the interest on the bonds which were authorized by that Act, after they were issued by the Governor. If they failed to have the road completed by the end of the time allotted to them, the Company would continue as a corporation until the road was finished.
  20. Private Acts of 1857-58, Chapter 70, gave the Gallatin and Coles Ferry Turnpike Company an extra four years to complete their road and named A. H. Halbert as an additional Commissioner for the road.
  21. Private Acts of 1861, Chapter 22, amended the Act creating the corporation of the Gallatin and Coles Ferry Turnpike Company so as to give the Company the authority to erect one toll gate for every five (5) miles of road and to place them at such points as the Company deemed proper but so as not to have them within four (4) miles of each other.
  22. Private Acts of 1867-68, Chapter 106, incorporated Joseph Wallace, William S. Munday, Greenberry Dobbins, James F. Lauck, T. McKinley, James Peacock, and Jacob H. Rees, as the Gallatin and Ridge Turnpike Company with all the rights and privileges and subject to the same restrictions as were granted to the Gallatin and Cumberland Turnpike Company in 1838.
  23. Acts of 1868-69, Chapter 53, appointed J. C. Rodemer, Major W. J. Mundy, H. Bennett, Esq., Judge J. F. Lauck, William Dodd, Colonel H. R. Wynne, E. S. Payne, S. W. Leseur, James A. Andrews, E. T. Seay, Captain F. H. Duffy, H. C. Ellis, and H. McNeely, as Commissioners to establish a railroad communication between Gallatin and Hartsville. The County Court could submit a referendum to the people on whether the County should buy stock in the railroad or not, and how much.
  24. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County court would select one Road Commissioner for a two year term from each Civil District which were called Road Districts for the purposes of this Act. The Commissioner would be in charge of all roads, bridges, road hands, tools, and materials used in his area, and would be compensated at the rate of \$1 per day but for no more than ten (10) days each year. The County Court would fix the number of days road hands would be compelled to work and fix the price on one day's labor. The County Court could also levy a road tax of two cents per \$100 for each day of labor for the road hands. Road Commissioners would name and supervise the Road Overseers in their Districts who would be the immediate supervisors of their section of road, would work the same number of compulsory days and be paid up to \$6 per year for the days worked over that number. All males outside of the cities between the ages of twenty-one (21) and forty-five (45) were required to work on the roads. The Commissioners would hear and dispose of the petitions to open, close, or change a road, would classify and index the roads in their Districts and would see to it that the roads in their district met the basic specifications established in the Act. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
  25. Acts of 1903, Chapter 242, amended Section 3 of the 1901 Act, above, by inserting a provision that one-half of the labor and one-half of the money paid in commutation of labor, and one-half of the road funds raised by taxation may be devoted to the repair, construction, and upkeep of the roads in the District from whence it all came.
  26. Acts of 1903, Chapter 249, amended Acts of 1901, Chapter 136, above, in Section 1, by giving the Grand Jury of Sumner County the inquisitorial powers to investigate certain offenses defined in the Act. Section 4 was amended by requiring that presentments be made against any Road Overseer who failed to perform as required by the Act, and Section 12 was changed to make any contractor failing to perform his contract, or failing to do his duty in the road programs was also guilty of a misdemeanor and subject to prosecution and fines.
  27. Acts of 1903, Chapter 530, amended three sections of Acts of 1901, Chapter 136, above, and

- made the Act, as amended, applicable to Sumner County.
28. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, by adding a provision that any person living in a Civil District who refused to serve as a Road Commissioner was guilty of a misdemeanor, and, that the Commissioners would be paid for their services such sums as the County Court might set, not to exceed \$40 for each Civil District. All the suits filed would be prosecuted in the name of the County Trustee and all the money collected would be paid over to the Trustee.
  29. Private Acts of 1907, Chapter 373, provided that the Sumner County Quarterly Court would select one person, skilled in road building, from each Road District of the County, who would be Road Commissioners until January, 1908, when one would be picked to serve for two years. The Commissioner would be in charge of all roads, bridges, and overseers in the District. They would be sworn, bonded, would not be office holders of any kind, and would be guilty of a misdemeanor if they refused to accept the appointment. The County Court would fix the number of days to be worked on the roads between five and eight, with two days credit being given for each day a wagon and team was furnished for road work. The County Court could levy a four cent tax per \$100 property valuation for each day of compulsory labor for road hands, 2/3 of which must be spent in the District from whence it came and the balance could be spent in all the districts. Commissioners, who would appoint the Road Overseers, would work the required number of days as other male citizens, and then be paid \$1 a day, up to \$6, for each day worked over that. All males living outside cities, between the age of eighteen (18) and fifty (50) were required to work on the roads or pay \$1 for each day missed. The Commissioners would dispose of petitions to open, close, or change the roads. The County Court could levy a road tax up to twenty cents (20¢) per \$100 property valuation. All prior laws in conflict with this Act were repealed. This Act was repealed in Item 31, below.
  30. Private Acts of 1909, Chapter 573, amended Private Acts of 1907, Chapter 373, above, in Section 2 by adding a requirement that a worker would also be furnished with a wagon and team in order for the owner to be credited with two days as the number of days worked. The authority was given to the Road Commissioner to compel a worker who had a wagon and team to use them on the roads whenever the Road Overseer deemed it necessary.
  31. Private Acts of 1911, Chapter 582, repealed Private Acts of 1907, Chapter 373, above, and became the new Road Law for Sumner County. A Road Commissioner would be appointed in each Civil District by the County Court for a term of two years, who would be sworn to office, bonded, and in charge of all the roads, bridges, and culverts in that District. The compensation could not exceed \$40 per year and failure to serve was a misdemeanor as well as neglect of duty. The County Court would assign road hands to Districts, fix the number of days for them to work which could not be less than five nor more than eight, and could compel the owners of wagons and teams to furnish them for road work, counting two days for one when they were worked. The Court had the power to levy a special road tax of four cents (4¢) per \$100 of property valuation for each day assessed to labor, 2/3 of which would be spent in the District of origin and 1/3 would go into the general road fund. The Road Commissioners appointed the Road Overseers for the road sections in their areas who would serve one year. Overseers would work the required number of days free as others did and be paid \$1 per day, up to \$6 per year, for the extra days. All males in the county residing outside of cities, between the ages of eighteen (18) and fifty (50) would contribute the labor specified or pay \$1 for each day missed. The Commissioners would index and classify the roads into four classes as prescribed, make annual reports of activities to the County Court, and dispose of petitions to open, close, or change roads. The authority to levy a special road tax not to exceed twenty cents (20¢) per \$100 was granted, and contracts to work roads could be awarded if the procedures in the Act were strictly followed.
  32. Private Acts of 1911, Chapter 632, stated that, in Sumner County, identified by population, any person, firm or corporation, owning turnpikes and roads, whether chartered or not, under general, or special acts, were authorized to charge and collect tolls for travel by automobile of one seat a charge of ten cents, two seats, a charge of fifteen cents, and more than two seats, a charge of twenty cents, all to be imposed on each trip, coming or going. Quarterly, half yearly, and yearly rates, which were somewhat less, were also prescribed.
  33. Private Acts of 1915, Chapter 323, amended Private Acts of 1911, Chapter 582, Section 1, above, by giving discretion to the County Court to appoint a Road Commissioner for each road district or to allow the Justice of the Peace to perform these duties. All taxes paid in by public service corporations for road purposes could be used on pike roads. Acts of 1905, Chapter 129, Section 7, was repealed.
  34. Private Acts of 1917, Chapter 586, stated that all males in Sumner County between the ages of

- eighteen (18) and fifty (50) would be subject to road duty, but they would only work on roads on which they lived or the nearest one to them. Provisions for notice of work were incorporated and penalties were imposed for failure to work the day required by law. The fee for not working on the roads was seventy-five cents (75¢) per day. Owners of wagons and teams were compelled to furnish them for road work when directed to do so, but for only one-half of the number of days road hands were working. Owners of teams could commute by paying \$1 a day for the labor, and \$1.50 a day for the wagon and team. County Court would set the days at no less than five (5) nor more than ten (10), and could levy a road tax of four cents (4¢) per \$100 for each day the road hands were required to work. The County Court would select a Road Superintendent to serve two (2) year terms, who could be removed for cause. The Superintendent would be sworn, bonded, and would draw an annual salary of \$1,200. A Board of Highway Commissioners was provided, to include the County Judge, or Chairman, the Road Superintendent, and three (3) citizens of the County, who would be in general charge of the highway program. The three (3) citizens would be elected by popular vote. The Commission was required to divide the County into Road Sections, causing adequate maps to be made of each one.
35. Private Acts of 1919, Chapter 434, was the new Road Law for Sumner County and repealed all conflicting Acts. All males residing outside cities were required to work within the Civil District of their residence, when notified. The number of ten-hour work days was specified by the County Court. Residents would pay a fee of \$2 if they did not work. Failure to comply was also a misdemeanor for which fines could be levied. Owners of wagons and teams would furnish them for road work but for only half the time otherwise required. The owners could commute by paying \$1 per day for each horse, or mule, \$1 per day for each wagon, \$3 per day for each wagon and team of two horses. All of the above fees could be enforced by attachment and garnishment. The County Court would choose a Road Superintendent to serve for two (2) years, and fix the salary. The Superintendent was to be an engineer, skilled in road work. The County Judge, or Chairman, the Superintendent of Roads, and three (3) citizens, elected to two (2) year terms would compose the Highway Commission. The Commission would meet at least once every thirty (30) days in the Courthouse. The Superintendent was required to make accurate maps of the road system, appoint the overseers in the Districts and perform any other duties assigned to him.
  36. Private Acts of 1921, Chapter 497, contained a general repealing clause only but was clearly a new road law for the county. In Sumner County, identified by population, all males residing outside cities between the ages of eighteen (18) and fifty (50) would work on the roads in the Civil District in which they resided as they were required to do in the preceding Acts except the work day was eight (8) hours instead of ten (10). The laborer's commutation fee, the regulation and fees for the owners of wagons and teams, the number of work days to be decided by the County Court all remained as they were in prior road laws. The composition of the Highway Commission and their pay remained as in previous Acts but the County Court could appoint subordinate District Commissioners, who would have charge of the roads in the District and appoint the Road Overseers. The Commission was empowered to limit loads on bridges.
  37. Private Acts of 1921, Chapter 731, is listed in the Index as being applicable to Sumner County, but the Act it amends is Private Acts of 1917, Chapter 743, which applied only to Dyer County. This is an apparent error in citation.
  38. Private Acts of 1921, Chapter 958, amended Private Acts of 1921, Chapter 497, above, by striking Section 3 of that Act and adding a provision that the Superintendent, to be elected by the County Court to supervise the roads, would be a man of good moral character, who was skilled in road construction, maintenance and repair, and was in every way fully competent to perform all the duties of the position of Superintendent as required.
  39. Private Acts of 1923, Chapter 614, amended Private Acts of 1921, Chapter 497, by adding a provision which made it the duty of the Road Commissioners to keep all the public roads open and free from gates, fences, and other obstructions. The Commission was granted the power to remove obstructions at the expense of the party creating the same. Any person who willfully obstructed the public highways was guilty of a misdemeanor.
  40. Private Acts of 1927, Chapter 492, amended Private Acts of 1921, Chapter 497, above, by striking Section 6 in its entirety. Section 6 related to the furnishing of wagons and teams by their owners for work on the roads.
  41. Private Acts of 1927, Chapter 500, declared that in Sumner County, the County Superintendent of Roads would be elected by the qualified voters of the county for a two (2) year term. The first election would be at the regular August election in 1928, and every two years thereafter. All vacancies would be filled by the Quarterly County Court. The salary of the Road Superintendent would be fixed by the County Court but would not exceed \$3,500 per annum.

42. Private Acts of 1929, Chapter 76, repealed Private Acts of 1927, Chapter 492.
43. Private Acts of 1929, Chapter 692, was a new Road Law for Sumner County repealing prior conflicting Acts. All males between the ages of eighteen (18) and fifty (50), residing outside cities, were required to work on the County roads the number of days fixed by the County Court. Failure to work on the roads could result in a forfeiture of \$7.50 and a payment of \$1.50 for each day not worked. The owners of wagons and teams, were required to furnish the wagons, teams, and a driver or pay the stipulated fees. The County Court could levy a special road tax of six cents (6¢) per \$100 property valuation. The Road Superintendent would be elected by the people at the general August election and take office in January following. J. W. Boles would serve as Superintendent until January, 1931, when his elected successor would assume office. The Chairman of the County Court, the Road Superintendent, and three (3) resident citizens would comprise the Highway Commission. The Act named R. C. Harris, F. H. Dunklin, and G. I. Brown, as the citizens who would serve on the Highway Commission which would meet at least once each thirty (30) days at the Courthouse. The Commission would be in general charge of all the road work in the County. The County Court would appoint District Commissioners in each District to perform the duties specified in the Act. The District Commissioners were authorized to appoint Road Overseers for the sections of roads in their Districts. The allowable weights for all bridges would be posted at the site of the bridge.
44. Private Acts of 1967-68, Chapter 214, which was not acted on by the Quarterly Court according to our information, provided that all roads laid off and constructed in Sumner County would have rights of way of no less than fifty (50) feet wide, and traveled portions of the roads would be no less than forty (40) feet in width from the ditch on one side to the ditch on the other side.
45. Private Acts of 1967, Chapter 215, regarding the salary of the road superintendent in Sumner County has been superseded by general law (T.C.A. § 8-24-102).

## Chapter X - Law Enforcement

### Sheriff

### Civil Service Commission

### Private Acts of 2000 Chapter 12

**SECTION 1.** (a) There is created a Sumner County Sheriff's Department civil service commission (the "commission"). The commission will consist of five members. Two members shall be appointed by the County Legislative Body of Sumner County. Two members shall be selected by a majority vote of the classified employees of the Sumner County Sheriff's Department. The fifth member shall be selected by the Sumner County sheriff. (b) Commission members shall be at least twenty-one (21) years of age and shall have been a resident of Sumner County for at least four (4) years. Commission members shall serve for a term of two (2) years except for the initial term of office for the following: one (1) of the commission members appointed by the County Legislative Body shall serve a three (3) year term; one (1) of the commission members elected by the classified employees of the sheriff's department shall serve a three (3) year term; and the commission member appointed by the sheriff shall serve a one (1) year term. (c) Each commission member shall have equal power, and a majority vote of the commission members is necessary to authorize any commission action or decision. Three (3) commission members shall constitute a quorum for the transaction of business. No commission member shall be an employee of Sumner County or hold any other elected or appointed position in any governing body or organized political party or be a member of the immediate family of any employee of the sheriff's department. "Immediate family" shall mean the following: spouse, children, or lineal descendants (parents, brothers, sisters, grandparents), aunts or uncles. Any vacancy in the commission shall immediately be filled for the remainder of the unexpired term in the same manner as the position was originally filled.

**SECTION 2.** Each commission member shall receive compensation as prescribed by the Sumner County Legislative Body. Each commission member shall be reimbursed for his or her necessary and reasonable expenses incurred in the discharge of official duties. The County Legislative Body of Sumner County shall make adequate financial provisions including stenographic services for the commission in the performance of its duties. The commission shall meet and conduct business on an "as needed" basis.

**SECTION 3.** The commission shall elect a chairperson who shall preside over all meetings, a vice-chairperson to serve in the absence of the chairperson, and a secretary. The secretary shall keep

complete and accurate records of all proceedings held by the commission in a minute book to be provided for this purpose. The secretary shall likewise keep a complete and accurate record of employment lists as provided in Section 5. Upon request, the sheriff will provide a sheriff's department employee to assist the commission secretary with clerical duties.

**SECTION 4.** All full-time employees of the sheriff's department, holding a classified position, as provided in Section 7, on the payroll of the sheriff's department on the effective date of this act shall be covered by the provisions of this act except as noted, and shall not be required to take an examination to continue in their present classified positions.

**SECTION 5.** (a) (1) After the effective date of this act, any person seeking employment with the sheriff's department for any classified position as hereinafter defined, with the exception noted below, shall first be examined and declared qualified by the commission.

(2) The examinations may be written or practical and shall be prepared by the commission on advice of the sheriff, and shall be comprehensive examinations related to the respective fields that they cover. The commission shall regularly hold competitive examinations for classified positions. Such examinations shall be offered annually to any applicant and more often as necessary. The commission shall cause notices to appear not less than thirty (30) days prior to the date set for such examinations. The notices shall contain a brief statement of classified positions for which examinations will be held, a brief statement of the subjects upon which the applicants will be examined, the time and place of the examinations and the duties required by such classified positions. The commission shall prepare a list of the persons declared qualified for each classified position, in the order of their excellence as determined by the examinations. If a vacancy occurs in a classified position, and upon request of the sheriff, the commission shall certify to the sheriff the names of the five (5) persons at the top of the list qualified for such vacancy. The sheriff may select any one (1) of the top five (5) persons for the classified position. The names of all rejected applicants shall be reinstated at the top of the qualified list for such classified position. (3) On February 1st of each year, a new classified position list shall be established by examination and any applicant shall take such examination before he or she can be eligible for listing as an applicant for a classified position. This paragraph applies regardless whether a person was listed on a former classified position list.

(b) (1) After the effective date of this act, any classified employee seeking advancement or promotion with the sheriff's department for any classified position as hereinafter defined shall first be examined and declared qualified by the commission.

(2) The examinations may be written or practical and shall be prepared by the commission on advice of the sheriff, and shall be comprehensive examinations related to the respective fields that they cover. The commission shall regularly hold competitive examinations for advancements and promotions.

(3) Such examinations shall be offered annually to any qualified classified employee and more often as necessary. The commission shall cause notices to appear not less than thirty (30) days prior to the date set for such examinations. The notices shall contain a brief statement of classified positions for which examinations will be held, a brief statement of the subjects upon which the applicants will be examined, the time and place of the examinations and the duties required by such classified positions. The commission shall prepare a list of the persons declared qualified for each classified position, in the order of their excellence as determined by the examinations. If a vacancy occurs in a classified position, and upon request of the sheriff, the commission shall certify to the sheriff the names of the three (3) persons at the top of the list qualified for such vacancy. The sheriff may select any one (1) of the top three (3) persons for the classified position and the names of all rejected applicants shall be reinstated at the top of the qualified list for such classified position.

**SECTION 6.** (a) No person holding any classified position of employment shall be discharged from the service of the sheriff's department or demoted except for just cause. "Just cause" is defined as failure to follow the policies and procedures of Sumner County, Tennessee, the Sumner County Sheriff's Department, and all state and federal laws, rules and regulations. It is expressly intended that engaging in any political activity or refusing to engage in any political activity shall not be just cause for discharge, suspension or demotion of any employee holding a classified position.

(b) All persons discharged or demoted shall have the right to be heard by the commission in his or her own defense, in person or by counsel, and the action of the sheriff in discharging or demoting such person shall be subject to the approval or disapproval of the commission. If the commission approves the discharge or demotion, the decision shall be final. If such discharge or demotion is disapproved the employee shall be reinstated to such position with full pay and rights from the day

of discharge or demotion. The sheriff shall have the authority to suspend any classified position holder in the sheriff's department for a period not exceeding one (1) consecutive fifteen (15) day period without approval of the commission; provided, where the suspension exceeds a consecutive three (3) day period the classified position holder shall have the right to request an appeal and review by the commission. Written request for hearing must be made within five (5) business days from date of discharge, demotion or suspension.

(c) Any person holding a classified position in the sheriff's department may be reduced in rank for just cause, but such action shall likewise be subject to the approval or disapproval of the commission upon appeal duly perfected as provided above.

(d) None of the provisions of this section shall apply to any classified position during the first twelve (12) months of employment. Such period is hereby declared to be a probationary period and such employee shall be for every purpose an "at will" employee.

(e) None of the provisions of this section shall apply to prevent the discharge of the holder of a classified position who was employed as the result of the resignation of the holder of a classified position to enter the armed forces, but upon the return of such holder from the armed forces, the holder of the position with the least seniority may be discharged, in which case such holder would revert to the classified position list.

**SECTION 7.** (a) The following positions within the sheriff's department are hereby declared to be classified positions within the meaning of this act provided the positions are fulltime permanent positions: lieutenant, sergeant, deputy, detective/investigator, deputized clerical, office staff, communication officer, corrections officer, warrants officer, court officer, juvenile detention officer and cook.

(b) The sheriff may create additional classifications and positions after the Sumner County Legislative Body approves permanent funding to extend the classified positions. The sheriff's administrative assistant/secretary, chief deputy, jail administrator, majors, and captains positions are not classified herein and as unclassified positions are not covered by the provisions of this act. The employees holding such positions are "at will" employees and serve at the pleasure of the sheriff.

**SECTION 8.** It shall be the duty of the commission to begin and conduct all civil suits that may be necessary for the proper enforcement of this act and of the rules of the commission and to defend all civil suits that may be brought against the commission. The commission shall be represented in such suits by the county attorney except in cases in which the county attorney may be an interested party. In such event, with permission of the Sumner County Legislative Body, the commission may employ special counsel, and the expense shall be borne by the county.

**SECTION 9.** In any investigation conducted by the commission, the commission shall have the power to subpoena and require the attendance of witnesses and the production by them of books, documents, computer records and audio or video recordings of any kind pertinent to the investigation and to administer oaths to such witnesses.

**SECTION 10.** Any person who obstructs or deceives any person in respect to his or her rights under this act, makes a false report or certificate, or bribe, or attempts to bribe any employee or member of the commission or in any other way fraudulently conducts his or herself to gain favor for any person or persons, shall be punishable by a civil penalty of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).

**SECTION 11.** Immediate reports in writing shall be given to the commission by the sheriff of all occurrences that affect the status of classified positions or the performance of duties of all persons holding classified positions.

**SECTION 12.** The work day for the employees of the sheriff's department shall meet the requirements of the Federal Fair Labor Standards Act.

**SECTION 13.** All members of the sheriff's department shall be entitled to retirement benefits as provided to other county employees.

**SECTION 14.** The sheriff shall designate the specific days that employees shall receive as paid holidays. Such holidays shall not be less than the number of holidays provided to county employees.

**SECTION 15.** Each member of the sheriff's department shall be entitled to benefits provided to other county employees; provided, that the County Legislative Body retains the absolute right to terminate or amend any plan of benefits.

**SECTION 16.** (a) It is the policy of the sheriff's department to promote classified employee efficiency, health and morale through periodic interruption from one's duties. Paid vacation leave is provided based on length of service as follows:

- (1) Five (5) paid vacation days off per year after an employee has completed one (1) year of service.

- (2) Ten (10) paid vacation days off per year after the employee has completed two (2) consecutive years of service.
- (3) Fifteen (15) paid vacation days off per year after the employee has completed five (5) consecutive years of service.

(b) Annual leave may be used only at time approved in advance by the employee's supervisors and the sheriff.

(c) Accrued annual leave may be used for maternity leave.

**SECTION 17.** (a) A classified employee of the sheriff's department shall receive full pay during incapacity of his or herself or a minor child under eighteen (18) years of age residing in the home caused by illness, sickness or injury, for medical, dental or optical diagnosis and treatment or other similar needs subject to accrued sick leave time and approval of the employee's supervisor and/or the sheriff.

(b) Sick leave time may be taken in one (1) hour increments.

(c) Serious illness of the spouse, mother, father or child of a classified employee may be considered by the sheriff on a case-by-case basis for use of paid sick leave.

(d) Each permanent full-time employee shall accrue sick leave at the rate of one(1) work day per month with no maximum accumulation.

(e) Sick leave benefits shall commence on the first day of such absence and shall continue for as long as sick leave credit remains.

(f) To prevent abuse of sick leave privilege, supervisors are required to satisfy themselves that the employee is genuinely ill before sick leave is paid.

(g) The sheriff may require a doctor's certificate for any used sick leave, and any absence in excess of three (3) work days shall require a doctor's certificate to return to work, unless, in the opinion of the immediate supervisor, no such action is deemed appropriate.

(h) Any accumulated sick leave, in the event of approved retirement, shall be awarded toward employees' retirement as prescribed by county and state statutes.

(i) Accrued sick leave may be used as maternity leave.

(j) Each day deducted from an employee's sick leave accumulation shall be for a regular work day and shall not include holidays and scheduled off days.

**SECTION 18.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Sumner County. Its approval or non-approval shall be proclaimed by the presiding officer of the County Legislative Body and certified by him to the Secretary of State.

**SECTION 19.** 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 18.

Passed: April 6, 2000.

## Law Enforcement - Historical Notes

### Militia

Those acts once affecting Sumner County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1803, Chapter 1, constituted an early and complete military code for the local armed forces of the State, including within it a Table of Organization and the regulations appertaining to all phases of military functions. Sumner County's militia was designated the 15th Regiment joining similar units of the counties of Smith, Wilson, and Jackson to form the Fourth Brigade. The annual muster and drill would occur in Sumner County on the third Thursday in October of each year.
2. Acts of 1807, Chapter 20, permitted the County Court of Sumner County to allow David Dement at his own expense to take down the jail standing on the Public Square in Gallatin, provided Dement gave bond before doing so. The Court could likewise allow John Chapman to take down the stray-pen standing on the Public Square, provided that he, too, made sufficient and proper bond.
3. Acts of 1809, Chapter 89, was a lengthy amendment to the militia law but no portion was found which directly affected Sumner County.
4. Acts of 1815, Chapter 119, was a new statewide military code of laws for Tennessee. The Table of Organization established all of the county units then existing in Tennessee. Sumner County had two units which were designated as the 15th and 43rd Regiments respectively. Sumner County, Smith County, and Jackson County were joined to compose the Fourth Brigade which was a part of the Second Division.

5. Acts of 1819, Chapter 68, revised and amended many parts of the State's Militia Law. Sumner County retained its 15th and 43rd Regiments. The 15th Regiment would call and hold its annual Regimental muster and drill on the second Saturday in September and the 43rd Regiment would do the same on the third Saturday of the same month. The remainder of this long and involved law addressed itself to the details of organization, operation, logistics, and discipline of the entire military structure of the State.
6. Acts of 1825, Chapter 69, declared that free men and indentured servants between the ages of eighteen (18) and forty-five (45) would constitute the State Militia. Some few exceptions were mentioned. Sumner had the 15th, 43rd, and 77th Regiments, all assigned to the Fourth Brigade in the Second Division. The 15th Regiment would muster on the second Saturday in September, the 43rd Regiment on the third Saturday in the same month, and the 77th Regiment was scheduled to meet for their annual drill and inspections on the third Thursday in September. Many other changes were made to the military system primarily of a technical, or organizational nature.
7. Public Acts of 1835-36, Chapter 21, was a reorganization of the whole state militia law and units. Sumner's Regiments were numbered as the 54th, 55th, and 56th. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three (3) Sergeants, three (3) corporals, and no less than forty-five (45) privates.
8. Acts of 1837-38, Chapter 156, scheduled county drills and musters for every county militia unit in Tennessee. Sumner County would convene and drill its units on the first Friday and Saturday in September. Sumner and Robertson Counties' units made up the Fourteenth Brigade.
9. Acts of 1839-40, Chapter 56, limited membership in the Militia of the State to white, male, inhabitants between the ages of eighteen (18) and forty-five (45), with some exceptions specified. The Organizational Table did not make any changes in the regiments of Sumner County, which remained in the Fourteenth Brigade as they were formerly scheduled.

### **Offenses**

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

1. Private Acts of 1955, Chapter 259, made it unlawful for any person, firm or corporation to possess, store, use, manufacture, transport, or sell pyrotechnics, as defined in the Act, in Sumner County, identified by the 1950 Federal Census. Any article falling within the definition was declared contraband and was subject to confiscation by the proper authorities. Transporting was not illegal when there was a bill of lading to areas outside of Sumner County. This law did not to apply to public displays which were properly authorized. This Act was rejected by the Quarterly Court of Sumner County and never became an active law.

### **Sheriff**

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

1. Acts of 1797, Chapter 16, authorized the Sheriff of Sumner County to collect the state taxes from the people residing in the area of Robertson County which was, until just prior to that time, a part of Sumner County.
2. Acts of 1815, Chapter 74, required the Sheriff of Sumner County to advertise all sales of land being sold under execution in some public paper printed in Nashville. The Ranger of the County would also advertise the sale of the strays coming into his hands in some public newspaper in Nashville. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Private Acts of 1823, Chapter 186, declared it lawful for the Sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington Counties to appoint one deputy each in addition to the number now allowed by law. Each of the Sheriffs of the counties named could have three (3) Deputies. This act was repealed by Private Acts of 1978, Chapter 166 and also by Private Acts of 1978, Chapter 248.
4. Private Acts of 1826, Chapter 38, was the legal authority for the Treasurer of West Tennessee to allow Alfred H. Douglas, the late Sheriff of Sumner County, a credit of \$22.64 when it appeared to the Treasurer that he was entitled to the credit.
5. Private Acts of 1919, Chapter 458, named the Sheriff of Sumner County, identified by the 1910 Federal Census, as the Chief Probation Officer of the Juvenile Court. The County Court could fix the compensation for this position at no less than \$300 and no more than \$800 annually which



would be paid out of the regular and general funds of the County.

6. Private Acts of 1925, Chapter 709, was the authority for the Quarterly County Court of Sumner County to appropriate and pay to the Sheriff additional compensation for the Sheriff, his Deputies, and for other peace officers in the enforcement of prohibition laws. This Act was repealed by Private Acts of 1974, Chapter 369.

## Chaper XI - Taxation

### Adequate Facilities Tax

#### Private Acts of 1999 Chapter 57

WHEREAS, Sumner County, Tennessee, has been one of the fastest growing counties in the State for the past ten years, having been impacted by the rapid growth in the standard metropolitan area of Nashville; and WHEREAS, anticipated continued growth from the expansion of Nashville is expected to accelerate; and WHEREAS, this growth is anticipated to stimulate commercial, office, industrial and warehouse development in Sumner County as well as the incorporated cities of Gallatin, Hendersonville, Millersville, Mitchellville, Portland, Westmoreland and White House, all lying within Sumner County; and WHEREAS, the projected non-residential development and the availability of jobs is anticipated to stimulate a significant demand for new dwelling units in Sumner County; and WHEREAS, current projections show that:

- (1) County population will be 147,700 persons in the year 2010, an increase of more than forty-three percent (43%) from 1990 to 2010; there will be a demand for approximately 15,000 additional dwelling units between 1990 and 2010; and new residential and non-residential development will consume additional acreage in Sumner County;
- (2) Projected growth and land use development will cause a demand for county provided capital facilities (schools) in an amount well in excess of \$20 million over the next four (4) years alone; and
- (3) The county's present revenue-raising authority is limited and relies heavily on intergovernmental transfers which are not subject to county control and on property taxes, which would impose the costs of new growth on existing residents rather than on new residents and businesses creating the demand for the additional expenditures; and

WHEREAS, Sumner County is committed to both present and future county residents to maintaining a level of public facilities and services commensurate with those presently provided and WHEREAS, Sumner County is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of the county; and WHEREAS, the county's present population employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development; and WHEREAS, the continued expansion of the Nashville metropolitan area represents both an extraordinary economic opportunity for the State of Tennessee as well as a potential economic burden on the existing residents of Sumner County; and WHEREAS, due to these unique circumstances, it is necessary and appropriate that Sumner County be given authorization to extend its taxing power to enable the county to impose a fair and reasonable share of the costs of public facilities necessitated by new development on that development so as not to create an unfair and inequitable burden on existing county residents; and WHEREAS, there is precedent in the State of Tennessee for such additional tax measures to impose costs on those who benefit from improvements and where the result would otherwise be to impose an unfair burden on existing residents; and WHEREAS, the most logical and effective mechanism to accomplish the intended result would be the imposition of a new privilege tax on new development in Sumner County and to use the revenues from such tax to provide the needed public facilities in those areas of Sumner County that would generally be required due to the growth in that area; now, therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**SECTION 1.** This act shall be known and cited as the "Sumner County Adequate Facilities Tax".

**SECTION 2.** As used in this act, unless a different meaning appears from the context:

- (a) "Board of Construction Appeals" means the board established in Sumner County pursuant to the requirements of the Southern Standard Building Code Congress.
- (b) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home. This will not pertain to buildings used for agriculture purposes.

- (c) "Building Permit" means a permit for development issued in Sumner County, whether by the county or by any city therein.
- (d) "Capital Improvement Program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.
- (e) "Certificate of Occupancy" means a license issued for occupancy of a building or structure in Sumner County, whether by the county or by any city therein.
- (f) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which provides, adds to or increases the floor area of a residential use or industrial use.
- (g) "Dwelling Unit" means a room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.
- (h) "Floor Area" for residential developments means the total of the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space, or designed to be finished into heated and/or air-conditioned living space at a future date.
- (i) "General Plan" means the official statement of the planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Tennessee Code Annotated, Sections 13-3-301, 13-3-302, and 13-4-102. For purposes of this act only, a general plan may consist solely of the land development plan element which sets out a plan or scheme of future land usage.
- (j) "Governing Body" means the Board of County Commissioners of Sumner County, Tennessee.
- (k) "Industrial" means the development of any property for use by any person in a business classified as industrial under the United States Government Standard Industrial Classification Manual.
- (l) "Major Street or Road Plan" means the plan adopted by the planning commission, pursuant to Tennessee Code Annotated, Sections 13-3-402 and 13-4-302, showing, among other things, "the general location, character, and extent of public ways (and) the removal, relocation, extension, Widening, narrowing, vacating, abandonment or change of use of existing public ways...".
- (m) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.
- (n) "Place of Worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, that a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are intended to be leased, rented or used by persons who do not have tax-exempt status.
- (o) "Public Buildings" means a building owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including, but not necessarily limited to counties, cities, school districts and special districts, or the federal government or any agency thereof.
- (p) "Public Facility or Facilities" means a physical improvement undertaken by the county or city, including, but not limited to, the following: roads and bridges, parks and recreational facilities, jails and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other governmental capital improvements benefiting the citizens of the county and/or city(ies).
- (q) "Residential" means the development of any property for a dwelling unit or units.
- (r) "Subdivision Regulations" means the regulations adopted by the Sumner County Regional Planning Commission on August 2, 1989, as amended, pursuant to State Statutory authorization, by which the county regulates the subdivision of land.
- (s) "Zoning Resolution" means the resolution adopted by the governing body pursuant to State Statutory authorization on July 9, 1973, as amended, by which the county regulates the zoning, use and development of property.

**SECTION 3.** It is the intent and purpose of this act to impose a tax on new development in Sumner County payable at the time of issuance of a building permit so as to ensure and require that the persons responsible for the new development share in the burdens of growth by paying their fair share for the cost of new and expanded public facilities made necessary by such development.

**SECTION 4.** Engaging in the act of development within Sumner County, except as provided in Section 6

herein, is declared to be a privilege upon which Sumner County may levy a tax at a rate set forth in Section 7.

**SECTION 5.** The governing body may, by resolution, adopt administrative guidelines, procedures, regulations and forms necessary to properly implement, administer and enforce the provisions of this act.

**SECTION 6.** This act shall not apply to development of:

- (a) Public buildings;
- (b) Places of worship;
- (c) Barns or outbuildings used for agricultural purposes;
- (d) Replacement structures for previously existing structures destroyed by fire or other disaster;
- (e) A structure owned by a nonprofit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code; or
- (f) Additions to an existing single-family dwelling.

**SECTION 7.**

(a) There is hereby imposed a tax on new development equal in an amount of seventy cents (\$.70) per gross square foot of floor area of new residential development. The amount of such tax shall be approved by not less than a two-thirds (2/3) vote of the Legislative Body of Sumner County.

(b) There is hereby imposed a tax on new development equal in an amount of forty cents (\$.40) per gross square foot of floor area of new industrial development. The amount of such tax shall be approved by not less than a two-thirds (2/3) vote of the Legislative Body of Sumner County.

**SECTION 8.** Proceeds from the tax levied herein shall be applied to capital projects and/or the related debt service for new school construction for projects situated generally in the areas of growth due to the construction of dwelling units in such areas.

**SECTION 9.** The tax established in this act shall be collected at the time of application for a building permit for development as herein defined by a county official duly authorized only by the county executive. If the building permit is issued by the county, the county building official or other responsible official shall receive payment in full in cash or other negotiable instrument as specified by resolution of the county and as approved by the county attorney. If the building permit is issued by one of the incorporated cities of Sumner County, the city shall, before issuance of the building permit, require evidence by a valid certificate executed by the county building inspector that the full amount of the tax due the county has been paid. The issuance of a building permit by any city official, without certificate from the county that the tax has been paid, shall render the city liable to the county for the sum or sums that would have been collected by the county had the certificate of tax paid been required by the city.

**SECTION 10.** The authority to impose this privilege tax on new development in Sumner County is in addition to all other authority to impose taxes, fees, assessment, or other revenue-raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any other authorized tax, fee assessment or charge, shall not be deemed to constitute double taxation.

**SECTION 11.** Any person aggrieved by the decision of the county building official or other responsible official concerning any aspect of this act may obtain review of the official's decision in the following manner:

(a) By payment of the disputed amount to Sumner County and by notifying the official that the payment is made under protest.

(b) By requesting an appeal of the decision of the official in written form within ten (10) days of the protest and payment. Appeals shall be heard by the Sumner County Board of Construction Appeals. Hearing shall be scheduled within forty-five (45) days of the written request for appeal. The Board of Construction Appeals shall act as a quasi-judicial body whose purpose is to determine the intent of this act, its applicability to the appellant, and to rule upon the interpretation of the official. The board will not be bound by formal rules of evidence applicable to the various courts of the State. Hearings before the board shall proceed as follows:

- (1) The county building official shall explain his ruling and the reason for his ruling.
- (2) The appellant shall explain his reasons for protesting the ruling.
- (3) The board may request further information from any county official, including, but not limited to, the county executive, county commissioners, or the committee members, the county attorney, or the county planning staff. The board will not have the power of subpoena.
- (4) The board will deliberate and render a decision by a majority vote. Decisions will be reduced to writing and copies shall be sent to all parties and shall become a part of the

minutes of the board. Decisions of the Board of Construction Appeals shall be final, except that either the county building official or the person aggrieved may seek review of the board's action by certiorari and supersedeas to the Chancery Court of Sumner County, Tennessee, provided that an application to the court is made within sixty (60) days of the written decision of the board.

**SECTION 12.** The provisions of this act shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to Sumner County. This act shall be deemed to create an additional and alternative method for Sumner County to impose and collect taxes for the purpose of providing public facilities.

**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 (2/3) vote of the County Legislative Body of Sumner County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the County Legislative Body and certified by such 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, it shall become effective as provided in Section 14.

Passed: May 24, 1999.

## Hotel/Motel Tax

### Private Acts of 1985 Chapter 7

**SECTION 1.** For the purposes of this Act, unless the context requires otherwise, the following terms shall have the meanings indicated:

- (a) "Person" means any individual, firm, partnership, joint-venture, association, social club, fraternal organization, joint-stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, includes any hotel, inn, tourist camp, tourist court, motel, camping facility, campground, trailer park or any place in which rooms, lodgings, accommodations or spaces are furnished transients for consideration.
- (c) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "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.
- (e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deductions therefrom whatsoever. Noting in this definition shall be construed to imply that consideration is charged to or received from any person, entity or the like.
- (f) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.
- (g) "Tax collection official" mean the county clerk.

**SECTION 2.** A privilege tax is hereby levied in Sumner County upon the privilege of occupancy in any hotel of each transient, in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set annually before the July term of the county legislative body. Such tax is a privilege upon the transient occupying the room or space and shall be paid by the transient.

**SECTION 3.** The tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county. When a person has maintained occupancy for thirty (30) continuous days, he shall receive from the operator refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to Sumner County.

**SECTION 4.**

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms or campground space to the county clerk not later than the twentieth (20th) day of each month next

following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, during or after occupancy, as may be the custom of the operator. The obligation to the county entitled to such tax shall be that of the operator.

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

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

**SECTION 6.** Taxes collected by an operator which are not remitted to the county clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of eight percent (8%) per annum, and in addition for a penalty on such taxes of one percent (1%) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50). Any fine levied herein shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the county clerk.

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

**SECTION 8.** In administering and enforcing the provisions of this Act, the tax collection official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in the Tennessee Code Annotated, Section 67-1-911, it being the intent of this Act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this Act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707 (a) and (b) with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by him under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, and suit for recovery shall be brought against such tax collection official.

**SECTION 9.** The proceeds of the tax levied herein shall be appropriated in the annual budget by the county commission in the following manner: The first three hundred fifty thousand dollars (\$350,000) of the proceeds of the tax levied and collected each fiscal year shall be appropriated and distributed to the Sumner County Board of Tourism. Any amounts collected over and above that amount shall be appropriated and expended at the discretion of the county commission through its normal committee process and voting. In the event that less than three hundred fifty thousand dollars (\$350,000) is collected in any fiscal year, then only the amount of taxes levied and collected in that fiscal year shall be appropriated to the Board of Tourism for that fiscal year.

As amended by: Private Acts of 2010, Chapter 69.

**SECTION 10.** The tax collected by the county clerk shall be remitted by him to the county trustee for distribution in accordance with the terms of this Act and the laws of the state of Tennessee.

**SECTION 11.** The privilege tax levied by this Act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

**SECTION 12.** If any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional, it shall not affect the remainder of this Act notwithstanding the part held to be invalid, if any, and to that end the provisions of this Act are declared severable.

**SECTION 13.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Sumner County and certified by him to the Secretary of State.

**SECTION 14.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 13.

Passed: February 25, 1985.

# Litigation Tax

## Private Acts of 1981 Chapter 140

**SECTION 1.** Chapter 64 of the Private Acts of 1967 and Chapter 188 of the Private Acts of 1980 are hereby repealed.

**SECTION 2.** A litigation tax of seventeen and 50/100 dollars (\$17.50) shall be taxed as part of the cost in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of Sumner County.

As amended by: Private Acts of 1986, Chapter 189.

**SECTION 3.** The clerks of the said courts shall collect the litigation tax and pay the money into the courthouse and jail maintenance fund, for the specific use of courthouse and jail maintenance, repairs and improvements. Provided, however, any money in such fund in excess of the amount required for adequate courthouse and jail maintenance, repairs, and improvements may be appropriated by the Sumner County legislative body to meet other governmental needs of Sumner County.

**SECTION 4.** All expenditures made from these revenues shall be made by the County Executive upon the authorization of the Sumner County legislative body.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Sumner County legislative body on or before October 1, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and shall be certified by him to the Secretary of State.

**SECTION 6.** This Act shall take effect upon its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 5.

Passed: May 13, 1981.

# Wheel Tax

## Private Acts of 1965 Chapter 22

**SECTION 1.** That for the privilege of using the public roads and highways, except State maintained roads, in Counties of this State having a population of not less than 36,200 nor more than 36,250 as determined by the Federal Population Census of 1960, or any subsequent Federal Population Census, there is levied upon motor-driven vehicles and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, motorcycles, motor-driven bicycles and scooters, and except all motor-driven vehicles owned by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of such Counties, which tax shall be in addition to all other taxes, and shall be in the amount of Five Dollars (\$5.00) for each such motor-driven vehicle. This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which lives within, or usually stays within, or who operates such a motor-driven vehicle on, over, or upon the streets, roads, or highways of said County or Counties, State maintained roads excluded, for a period of as many as thirty (30) days, during any year hereafter, beginning April 1st and ending the last day of the next succeeding March. The tax levied by this Act shall not apply to vehicles owned by persons who are full-time military personnel in any branch of the military service of the United States. While such vehicle owners are in full-time military service, such owners are required to file an affidavit with the County Court Clerk stating their name, rank, serial number and duty station in order to qualify for such exemption. Upon discharge from military service, such persons shall have thirty (30) days to comply with the requirements of this Act. It shall be and is hereby declared a misdemeanor and punishable as such for any owner of a vehicle to operate any motor-driven vehicle over the streets, roads, or highways of such Counties, State-maintained roads excluded, without the payment of the tax herein provided having been made as herein required, prior to such operation thereof. Provided further that nothing in this Act shall be construed as permitting and authorizing the levy of and the collection of a tax against non-residents of the Counties to which this Act applies and to owners of such vehicles using the streets, roads, and highways of such Counties, who live or reside without the bounds of said Counties, but who do not come within the provisions of this Act, and within a reasonable construction of the provisions hereof.

As amended by: Private Acts of 1975, Chapter 65.

**SECTION 2.** That the tax herein levied shall be paid to and collected by the County Court Clerk of Counties to which this Act is applicable, who shall collect this tax at the same time he collects the State

privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this State. No Clerk in Counties to which this Act applies shall issue to a resident of such County, a State license for the operation of a motor-driven vehicle taxable hereunder, unless, at the same time, such owner shall purchase the license and pay the privilege tax levied hereunder, for the operation of each of his motor-driven vehicles under the provisions of this Act. A decal or emblem issued by the clerk shall be displayed by affixing the decal or emblem to the lower righthand side of the windshield of the motor-driven vehicle for which the same was issued. The design of the decal or emblem shall be determined by the Clerk and the expense incident to the purchase thereof as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein and hereby incumbent upon the Clerk shall be paid from the general funds of the County. The privilege tax or wheel tax herein and hereby levied, when paid together with full, complete, and explicit performance of and compliance with all provisions of this Act, by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid, and on the windshield of which the decal or emblem has been affixed as herein provided, to operate this vehicle over the streets, roads and highways of the County from April 1st of each year to the next succeeding March 31st. When a motor-driven vehicle becomes taxable under the terms and provisions of this Act, at a later date than April 1st of each year, the same proportionate reduction shall be made as to the cost of the privilege tax or wheel tax, or the amount to be paid into the hands of the Clerk therefor, as is now made in the issuance of the privilege tax payable to the State of Tennessee and collected by the Clerk, under the provisions of the general laws of this State. For his services in collecting the aforesaid tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, he shall be entitled to a fee of 15 cents, and this fee shall be paid by and collected from the owner or person purchasing the privilege tax. The Clerk will faithfully account for, make proper reports of, and pay over to the Trustee of the County at monthly intervals, all funds paid to and received by him for the aforesaid privilege tax, or wheel tax. It shall be and is hereby declared a misdemeanor and punishable as such for any motordriven vehicle, taxable hereunder, to be driven or impelled over or upon the streets, roads, or highways of the Counties to which this Act is applicable, State-maintained roads excluded, without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof. In the event any motor-driven vehicle for which the privilege tax or wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable, or is destroyed or damaged to the extent that this motor-driven vehicle can no longer be operated as such, and the owner ceased to operate same on the public streets, roads, or highways of said County, or in the event the owner transfers the title to the motor-driven vehicle, and completely removes therefrom and destroys the emblem or decal issued and placed thereon or affixed thereto, and the owner makes proper application for the issuance of a duplicate decal or emblem to be used by him on the same or on another motor-driven vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that this owner is entitled to the issuance of such a duplicate decal or emblem, and the owner pays into the hands of the Clerk the sum of 50 cents and a 15 cent Clerk's fee therefor, the Clerk will then issue to such owner a duplicate receipt, cancelling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the windshield of the motor-driven vehicle for which it is issued, as hereinabove provided, and this shall entitle the owner to drive the vehicle on the streets, roads and highways of such County until the next following March 31st. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced or is destroyed under the provisions of this Act, and is therefor illegible and unusable by the owner, upon proper application made by the owner and filed with the Clerk, showing such circumstances and facts to be true, then the Clerk, upon receipt from the owner of 50 cents and a 15 cent Clerk's fee, may issue and deliver to the owner, a duplicate decal or emblem. The clerk shall be required to retain copies of receipts issued pursuant to the provision of this act for a period of one (1) year following the completion of an audit of the clerk's office for the year in which such receipt was issued. After the expiration of such period, the clerk shall be authorized to dispose of such receipts in any manner in which the clerk may deem appropriate.

As amended by: Private Acts of 1974, Chapter 299.

**SECTION 3.** That the proceeds of the tax herein imposed, when collected in the hands of the County Trustee, shall be deposited in the general road fund of the County and shall be used exclusively for County road purposes, including raising the salaries of the employees who work on the County roads.

**SECTION 4.** That it is the intent of the General Assembly of the State of Tennessee, that this Act be construed as a measure providing for additional revenue for the Counties affected.

**SECTION 5.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of any County to which it may apply at a special meeting held not more than thirty (30) days after its approval by the Chief Executive of the State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

**SECTION 6.** That any person violating the provisions of this Act, or of any part thereof, shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

**SECTION 7.** That the tax levied under this Chapter shall be collected for the tax year beginning April 1st, 1965 and for every year thereafter and the County Court Clerk shall collect this tax at the same time he collects the State privilege tax levied upon the operation of a motordriven vehicle for the year 1965 and each succeeding year. This Act shall take effect from and after its passage, the public welfare requiring it. Adopted: February 10, 1965.

## 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 Sumner County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 446, was the authority for the County Court of Sumner County to appropriate up to \$600 out of the regular County funds to hire a Deputy Tax Assessor. This Act was repealed by Private Acts of 1974, Chapter 369.
2. Private Acts of 1919, Chapter 456, authorized the Sumner County Court to fix the compensation of the Tax Assessor. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Private Acts of 1947, Chapter 672, allowed the County Court to fix the salary of the Tax Assessor which would not exceed \$4,000 per year. The entire salary would not be paid until the Assessor had made up the assessments for the year and filed them with the County Court Clerk. The Assessor was authorized, subject to the approval of the County Court, to employ such help as was necessary to conduct his office efficiently at salaries which would be determined by the Quarterly Court. This Act was repealed by Private Acts of 1974, Chapter 369.

### **Taxation**

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

1. Acts of 1796 (July Sess.), Chapter 2, levied a series of taxes on property according to the schedule contained in the Act but Section 2 of the Act declared that the counties of Davidson, Montgomery, Sumner, Robertson, Washington, and Hawkins were exempt from the terms of this law.
2. Acts of 1797, Chapter 16, stated that the Sheriff of Sumner County had full power and authority to collect State taxes due in all that part of Robertson County which had been a part of Sumner County. Henceforth, the owner of lands divided by a county line would pay taxes to the county in which his home and improvements were located.
3. Acts of 1813, Chapter 131, was enabling legislation for the County Court of Sumner County to levy a tax yearly for the purpose of building a jail and stocks for the benefit of the county. The taxes would be collected and paid over to the Trustee in the normal and accepted manner. The court would appoint three Commissioners to contract with a suitable person to erect the same. The County Court would fill any vacancies.
4. Private Acts of 1831, Chapter 187, exempted Joseph Dwyer, of Gallatin, in Sumner County, from the payment of a tax for retailing merchandise in the County from April 17, 1830, until the present time and the County Court Clerk would not be held accountable for the amount of the tax herein released.
5. Acts of 1870, Chapter 50, authorized the counties and cities in the State to impose taxes for county and municipal purposes in the following manner, (1) that all taxable property would be taxed according to its value upon the principles established in regard to State taxation, and (2) that the credit of no county, or city, would be given, or loaned, to any person, firm or corporation except upon the consent of a majority of the Quarterly Court, or the Mayor and City Council, and, further, upon an election in which three-fourths of the voters approve the same. Twenty-six counties, including Sumner, exempted themselves from the three-fourths approval requirement in the election for the next ten year, substituting a simple majority approval instead.
6. Private Acts of 1913 (Ex. Sess.), Chapter 8, was the legal authority for the County Court of Sumner County to levy a tax not to exceed eight cents (8¢) per \$100 property valuation for



the purpose of raising a fund to keep macadamized roads in good repair. Said funds would be kept separate and apart from other funds and used only for that purpose. The County Court was authorized to issue interest bearing notes at no greater interest rate than six percent (6%), and for

no longer than two (2) years. This Act was repealed by Private Acts of 1974, Chapter 369.

7. Private Acts of 1931, Chapter 223, created the office of Delinquent Poll Tax Collector in counties having a population of no less than 22,193, and no more than 30,000. The Collector would be appointed by the County Judge, or Chairman, for a two (2) year term. All poll taxes not paid by May 1, 1931 and by March 1, each year thereafter would be declared delinquent, listed by the Trustee, and turned over to the Delinquent Poll Tax Collector who would issue distress warrants on the authority of the list. The Collector would use only those receipt books furnished to him by the Trustee, examine payrolls and other records, summon witnesses, and conduct hearings. It was a misdemeanor to fail to pay the poll tax, and penalties could be added to the amount due.
8. Private Acts of 1931, Chapter 518, amended Chapter 223, above, by making all poll taxes delinquent which were not paid by May 1, 1931, and by March 1 of each year following. The Collector was required to add to the list anyone whom he knew to be delinquent from other sources or his own knowledge.
9. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223, as amended, in its entirety.
10. Private Acts of 1935, Chapter 827, which was repealed by Private Acts of 1974, Chapter 369, allowed the Quarterly Court of Sumner County to levy a special tax to repair and improve the county jail, which tax would not be less than two cents (2¢), nor more than ten cents (10¢), per \$100 property valuation.
11. Private Acts of 1963, Chapter 183, levied a tax of \$3 on motor driven vehicles, except tractors, motorcycles, motor bicycles, and scooters, for the privilege of using the public highways, except State maintained roads. Chapter 183 was repealed by Private Acts of 1974, Chapter 369.
12. Private Acts of 1965, Chapter 2, established in Sumner County a privilege tax on motor vehicles, except on farm tractors, self-propelled farm machines, motorcycles, motor driven bicycles and scooters and government owned vehicles, which tax would be five dollars (\$5) per vehicle and be in addition to all other taxes. All who operated such vehicles on the roads of Sumner County for thirty (30) days were liable for the payment of the tax. The County Court Clerk would collect the tax and issue decals. The Trustee would deposit the funds to the credit of the general road funds. This Act was rejected by the Quarterly Court and was also repealed by Private Acts of 1974, Chapter 369.
13. Private Acts of 1967-68, Chapter 64, levied a litigation tax of two dollars (\$2) as part of the cost in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of Sumner County. This Act was repealed by Private Acts of 1981, Chapter 140.
14. Private Acts of 1980, Chapter 188, amended Private Acts of 1967-68, Chapter 64, above, to authorize the judge to suspend the litigation tax if other court costs were suspended. This Act was repealed by Private Acts of 1981, Chapter 140.

## Chapter XII - Utility Districts

### New Deal Utility District

### Public Acts of 1965 Chapter 83

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

**SECTION 1.** That the New Deal Utility District of Sumner County, Tennessee, created by decree of the County Court of Sumner County, Tennessee, pursuant to the provisions of Sections 6-2601, to 6-2636, inclusive, of Tennessee Code Annotated, is hereby authorized to sell and convey to The White House Utility District of Robertson and Sumner Counties, Tennessee, created by decree of the County Court of Sumner County, Tennessee, pursuant to the provisions of said Sections 6-2601 to 6-2636, inclusive, all or any portion of its complete waterworks system, including any related facilities, and to execute and deliver to said The White House Utility District such deeds, bills of sale and other documents as shall be considered desirable by

the parties; provided, that prior to or concurrent with such sale, said New Deal Utility District shall retire all of its then outstanding indebtedness.

**SECTION 2.** That the territory assigned to the New Deal Utility District of Sumner County, Tennessee, shall become a part of the White House Utility District of Robertson and Sumner Counties, Tennessee, upon the consummation of the sale of the New Deal System to White House Utility District.

**SECTION 3.** That all liability on notes and any other liability which the New Deal utility District might have shall be assumed by the White House Utility District from and after the date on which it acquires all or any part of the New Deal System, it having been ascertained that the White House Utility District has consented to assume said liability.

**SECTION 4.** That the Board of Commissioners of the White House Utility District remain the Board of Commissioners of the enlarged White House Utility District.

**SECTION 5.** That if any portion of this Act shall be held to be unconstitutional a severability clause is added so that such invalidity or unconstitutionality shall not affect or impair other parts of this Act unless it clearly appears that such other parts are wholly and necessarily dependent upon the part or parts held to be invalid or unconstitutional, it being the legislative intent in enacting this Act that each section, subsection, paragraph, sentence or part thereof be enacted separately and independently of each other.

**SECTION 6.** That all laws or parts thereof in conflict herewith be to the extent of such conflict hereby repealed.

**SECTION 7.** That this Act will take effect from and upon its passage, the public welfare requiring it.

Passed: February 23, 1965.

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