



November 23, 2024

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# Chapter X - Law Enforcement

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Dear Reader:

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

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

Sincerely,

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# Chapter X - Law Enforcement

## Offenses

### Fireworks

#### Private Acts of 1947 Chapter 433

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 23,291 and not more than 23,295 inhabitants, according to the Federal Census of 1940, or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

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

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Ten (\$10.00) Dollars and not more than Fifty (\$50.00) Dollars, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment, in the discretion of the Court.

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

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

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

Passed: February 24, 1947.

## Stream Pollution

#### Private Acts of 1943 Chapter 438

**SECTION 1.** That it shall be unlawful for any person, firm, or corporation to throw into, or place in the waters of any river, creek, stream, or course of running water; (or place and leave, or abandon upon the banks thereof in such proximity to such stream or streams as to be carried into said stream or streams during periods of normal high water) any tin cans, bottles, glass, paper, crates or packing cases (either of wood or of fibre board construction) any decayed or decaying animal or vegetable matter, garbage, or raw sewerage.

**SECTION 2.** That any person, firm, or corporation violating any of the provisions of Section 1 hereof shall be subject to a fine of not less than \$5.00 nor more than \$50.00 for each offense; and that the trial of any person, firm, or corporation upon the charge of the violation of any of the provisions of this Act may be had before any magistrate within the County wherein the offense was committed, under the procedure provided for the trial of Small Offenses by the Code of 1932. Provided, however, that in cases of habitual or persistent violations the District Attorney General may, in his discretoin [sic], abate the same as a public nuisance by appropriate proceedings. Provided further, that the Grand Juries of the Counties of this

State shall have inquisitorial powers concerning the violations of this Act.

**SECTION 3.** That this Act shall only apply to Counties in this State having a population of not less than 23,200 persons, nor more than 23,300 persons by the Federal Census of 1940, or any subsequent Federal Census; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 10, 1943.

## Law Enforcement - Historical Notes

### **Sheriff**

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

1. Private Acts of 1823, Chapter 258, authorized Samuel Blair and Peter Bryan, securities of the late William Mitchell, Sheriff of Sevier County to collect for one year all the uncollected taxes the said Mitchell could have collected while he was in office. People who might owe taxes will be permitted to set off any claim they might have had against Mitchell, or they may apply the same as partial payment on the taxes owed. If agreement cannot be reached, a Justice of the Peace shall hear the case and render judgment accordingly, either party being given the right to appeal. All money collected will be divided pro rata between these and other securities of the Sheriff.
2. Private Acts of 1927, Chapter 668, provided that the Sheriff of Sevier County shall receive all the fees of that office which are now provided under the law and, in addition thereto, \$600 per year payable in monthly payments of \$50 out of regular county funds in the hands of the Trustee on warrant from the County Judge. No compensation shall be paid for ex-officio services of the Sheriff, the above being intended to take its place.
3. Private Acts of 1943, Chapter 370, amended Private Acts of 1927, Chapter 668, Section One, by increasing the additional compensation of the Sheriff of Sevier County from \$600 to \$1,800 per year, payable at the rate of \$150 per month.
4. Private Acts of 1959, Chapter 288, amended Private Acts of 1943, Chapter 370, above, in Section One by raising the extra compensation of the Sheriff from \$1,800 to \$3,600 per year, payable at \$300 per month. This Act, according to our information, was never presented to the Quarterly County Court and consequently never became a law.

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