

PRIVATE ACTS  
OF  
CHEATHAM COUNTY, TENNESSEE

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REVISED EDITION

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COUNTY TECHNICAL ASSISTANCE SERVICE  
THE UNIVERSITY OF TENNESSEE  
INSTITUTE FOR PUBLIC SERVICE  
NASHVILLE, TENNESSEE

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## PREFACE

County government in Tennessee is a political subdivision of state government. As a political subdivision, county government has only that authority which is delegated to it by the state. In Tennessee, the process of delegation of power from state government to county government is accomplished through legislative action of the general assembly, either through a general (public) act or private act. In the case of the general act, the general assembly grants certain powers which have general application to all or a large number of counties across the state. These general acts are assembled and codified in the Tennessee Code Annotated which is revised and published on an annual basis and is widely available. However, finding individual county legislation (private acts) is not so easy since it is not published in the official code.

The presence of a large body of private legislation in this state is the result of two basic factors. First, although the Tennessee Constitution mentions some county government offices, the provisions of the Tennessee Constitution dealing with county government lack detail, thereby allowing the general assembly wide latitude in county government administration. Secondly, the Tennessee General Assembly has seen fit to enact much of the law relating to county government on an individualized county-by-county approach. The result has been that the 95 counties in Tennessee operate under both general laws and private acts. This body of private legislation is a mass of separate acts, with each applying to only one or a very small group of counties. Since these acts affect counties on an individual basis, they are not included in the Tennessee Code Annotated but rather are published annually in separate volumes.

The result of this past method of publication of private legislation has been the accumulation of a large portion of county law in a cumbersome mass of chronologically arranged volumes which at last count numbered over 120 books. To further complicate matters, the older volumes have not been reprinted, so that there are today only a handful of complete sets of the private acts in existence. Nevertheless, scattered through these hard-to-obtain volumes is the only public record of those laws from which Tennessee counties draw a large portion of their authority to govern and under which they operate daily. Before the County Technical Assistance Service began compilation of the private acts on a county-by-county basis, there was no statewide effort to organize these acts into a body of current law easily accessible for reference by county officials and interested citizens. It is our hope that this volume of The Private Acts of Cheatham County will provide a useful reference for county administration in Cheatham County.

We are indebted to the Cheatham County legislative delegation for its continued support of the County Technical Assistance Service and this compilation.

## HOW TO USE THE PRIVATE ACTS OF CHEATHAM COUNTY

At least three methods can be used to locate a private act contained in this volume. The method used will depend on the amount of information you have at the outset of your research.

First, when you have no information about any specific act but merely a general question as to the law on a given subject, the table of contents can be used to ascertain the pages of this volume pertaining to that particular subject area. The chapter headings found in the table of contents are arranged alphabetically and conform to what the compiler believes to be the most commonly used terms found in county government in Tennessee. You should note, however, that the table of contents is general in nature and is not a word index.

A second method can be used if you already know the year and chapter number of an act in question. The parallel reference table in the back of this volume affords a reference to the pages containing the desired act or acts.

Finally, if you have a copy of the Tennessee Private Acts Index (The Michie Co., Charlottesville, VA, 1984; currently LexisNexis) it can be used as a more complete word index. Upon ascertaining the chapter and year of the private act of interest, the parallel reference table in this volume can be used to locate the private acts.

The private acts currently in effect for the county are reprinted in this volume. When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted. Under topic headings throughout this volume, brief summaries or references are made to general law codified in Tennessee Code Annotated that deals with the particular topic.

The acts that are printed in full in this volume include any subsequent amendments to the act. Although no statement is made regarding whether the amendatory act was ratified, the ratification was checked by the compiler to insure that the amendatory act was approved locally and is in effect.

**This compilation is updated through the 2007 Session of the 105th Tennessee General Assembly.**

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## **CHAPTER I - ADMINISTRATION**

ADMINISTRATION

ASHLAND CITY PORT AUTHORITY

PRIVATE ACTS OF 1977

CHAPTER 70

SECTION 1. That in order to facilitate transportation in the County of Cheatham and Town of Ashland City in the State of Tennessee, and to promote navigation on the Cumberland River, which traverses portions of the said county; to facilitate the movement and transfer of people, goods, and merchandise to, from and through the said county; to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said county, there is hereby established in Cheatham County and Town of Ashland City, Tennessee, a Port Authority, to be known as "The Ashland City Port Authority", "The Cumberland River Port Authority" or "The Ashland City Port Authority Commissioners," for the purposes of (a) acquiring, constructing, operating, and maintaining ports and navigation terminals on the Cumberland River and its tributaries, including docks, wharves, piers, loading and unloading machinery, scales, transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities: (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing, or fabricating plants or other industries which require access to the waters of the Cumberland River and its tributaries in their operation; and (c) acquiring, constructing, operating, and maintaining concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Ashland City Port Authority as hereinafter provided.

SECTION 2. That the development, maintenance, and operation of such facilities are hereby declared to be essentially public and governmental functions. The Powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

SECTION 3. That the Ashland City Port Authority shall consist of the Ashland City Port Authority Commissioners, who shall be five in number, and such subordinate officers and employees as may be selected by said Ashland City Port Authority Commissioners, as hereinafter provided.

SECTION 4. That the said Ashland City Port Authority Commissioners shall have power, and they are hereby authorized:

(a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve within the boundaries of Cheatham County and Town of Ashland City, Tennessee (except not within the present corporate limits of Ashland City without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof, and any and all related facilities, equipment, and appurtenances

necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.

(b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purpose of this act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county or municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said county which, in the judgment of the Port Authority Commissioner, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of the Cumberland River and the navigable channel provided by the Cheatham Dam Reservoir.

(e) To make contracts and execute instruments containing such covenants, terms and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages, and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purpose of this act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.

(g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.

(h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of the Port Authority and the efficient operation of its facilities.

(i) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this act.

SECTION 5. That, except as otherwise expressly provided in this act, the Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration of facilities constructed or acquired pursuant to this act; provided, however, that said Authority may



lease or license lands or facilities under its jurisdiction for operation by private persons or corporations, as provided in Section 4(e) of this act.

SECTION 6. That the Port Authority is hereby authorized and empowered to condemn in the name of the Ashland City Port Authority, any land, easements, or rights-of-ways in Cheatham County that, in the opinion of the Board of Commissioners, are necessary or convenient to carry out the purposes of this act. Title to property so condemned shall be taken by and in the name of the Ashland City Port Authority, and the property shall thereafter be entrusted to said Authority, to accomplish the purposes of this act. Such condemnation proceedings shall be pursuant to and in accordance with Sections 23-1401 through 23-1525, inclusive of the Tennessee Code Annotated, or as the same may be hereafter enacted; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court; provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by the Port Authority taking such property, and upon posting of a bond with the Clerk of the Court in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

SECTION 7. That bonds issued pursuant to this act, and income therefrom, shall be exempt from all state, county, municipal taxation, except inheritance, transfer, and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this act, remains in the County of Cheatham, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person or private corporation.

SECTION 8. That Cheatham County, The Ashland City Port Authority, and the Board of Commissioners shall not be required to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other like instrumentality of the State of Tennessee, or any political subdivision thereof, in order to acquire, construct, purchase, operate, or maintain any of the facilities authorized by this act.

SECTION 9. That neither the Tennessee Public Service Commission nor any other board or commission of like character hereafter created shall have jurisdiction over the Port Authority with respect to the management and control of the facilities authorized by this act, including the establishment of rates, fees, and charges or otherwise.

SECTION 10. That the Board of Commissioners of the Port Authority shall consist of five members. Two of the initial members of the Board of Commissioners of the Port Authority shall be appointed by the Judge of the County Court and approved by a majority vote of the members of the County Court of Cheatham County. An additional two members of the initial Board of Commissioners shall be appointed by the Mayor of Ashland City and approved by a majority vote of the Town of Ashland City, Board of Aldermen. These initial four members shall meet within thirty days of their appointment and shall choose a fifth member of the initial Board of Commissioners by a majority vote. The terms of office shall be as follows:

(a) Two members, one appointed by the County Court and the other appointed by the Mayor and Board of Aldermen shall serve a term to expire one year from the date of their appointment.

(b) Two members, one appointed by the County Court and the other appointed by the Mayor and Board of Aldermen shall serve a term to expire two years from the date of their appointment.

(c) The member selected by the initial four appointed members of the Board of Commissioners shall serve a term to expire three years from the date of his appointment.

The successors in office, for each of the respective five initial members of the Board of Commissioners of the Port Authority whose full terms of office have expired shall be appointed in the same manner as described above, but for regular terms of office of three years each thereafter.

In the event of failure to elect a successor to any member of said board the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member and commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the remaining members of the Board of Commissioners within thirty days of the event.

Any person at least twenty-five years of age who has resided within the boundaries of the county, for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of The Port Authority, except the members of the County Court of Cheatham County and elected officials of the Town of Ashland City shall not be eligible to serve as members of said Board of Commissioners. Any commissioner who ceases to regularly reside within the boundaries of the county shall automatically become ineligible to serve in said office. All Commissioners shall be eligible for reelection, provided they are qualified as herein required.

Before entering upon their duties, all commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, copies of said oath of each commissioner shall be filed with the clerk of the County Court of Cheatham County.

A majority of the commissioners shall constitute a quorum and the commissioners shall set by vote of a majority present at any meeting attended by a quorum, and vacancies among the commissioners shall not affect their power and authority, so long as quorum remains. Within thirty days after their election as herein provided, the commissioners shall hold a meeting to elect a chairman. The commissioners shall hold regular meetings at least once every four months, and at such regular time and place as the commissioners may, by resolution, determine, and may hold such additional meetings, either regular or special, as may be determined by the Board of Commissioners.

Special meetings may be called and held upon such notice and in such manner as the Board of Commissioners may, by resolution, determine. Save as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

The Commissioners shall designate a Secretary and Treasurer, or the same individual as Secretary and Treasurer, and such Secretary and/or Treasurer may or may not be a Commissioner or Commissioners. The Secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of said meetings shall be available for inspection by the public at the office of the Authority, at all reasonable times.

The Board of Commissioners, by resolution shall require the Treasurer or Secretary-Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the Secretary of the State of Tennessee.

The Board of Commissioners, by resolution may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the Board of Commissioners may determine.

All members of the Board of Commissioners shall serve as such without compensation, except such per diem allowance, if any, as may be appropriated by the County Court of Cheatham County and the Town of Ashland City, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the County Court of Cheatham County and/or for the Town of Ashland City.

SECTION 11. That, except as otherwise herein provided, the Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

SECTION 12. That the Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors and other subordinate officers and employees, as may be necessary for the efficient management and operation of The Port Authority, and the operation of the facilities provided for in this act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

SECTION 13. That the County Court of Cheatham County and/or the Town of Ashland City are authorized to appropriate to the Port Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Port Authority Board of Commissioners, or expenses or operation of any of the facilities authorized by this act, and said County Court and/or Town of Ashland City are authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within each said county, sufficient to pay the appropriation made by it to the Port Authority.

SECTION 14. That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this act, shall be paid to the Treasurer of the Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as the Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the Office of the Treasurer.

SECTION 15. That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale,

transfer, lease or other disposition of any land or other facilities, shall be applied and used as follows:

(1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from the sale, transfer, or other disposition of any land or other facilities shall not be used for this purpose.

(2) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes as may be required under any bond indenture or as the Port Authority Commissioners may deem necessary or desirable.

(3) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the purposes of this act. None of such revenue shall go into the general funds of the said county, except as may be directed by the Port Authority Commissioners.

SECTION 16. That except as otherwise herein expressly provided, all contracts of the Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than five hundred dollars (\$500.00), or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than one thousand dollars (\$1,000.00) shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

(1) An emergency arises and requires immediate delivery of the supplies or performance of the service; or

(2) Repair parts, accessories, supplemental equipment or services or required supplies, or services previously furnished or contracted for, in which case such purchase of supplies or procurement of services shall be made in the open market in the manner common among businessmen.

Provided, further, that in comparing bids and in making awards, the Commissioners may consider such features as quality and adaptability of supplies or services, the bidders' financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with the specifications.

Provided, further, that in the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement of bids shall be required, but the Board of Commissioners may employ or select such architects, engineers, attorneys or professional consultants and advisors, as in the judgment of the Commissioners best meet the qualifications for rendering such services.

Provided, further, that after advertisement for bids, as provided in this section, if no acceptable bid is received, the Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or suppliers to secure the construction of

facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction", that is, the Board of Commissioners may employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this act with its own employees.

SECTION 17. That the Port Authority may use any property, right-of-way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or municipality in the State of Tennessee, or the Federal government, provided such governmental agency shall consent to such use.

SECTION 18. That the Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of the Port Authority. The Commissioners may also as the agent of the County of Cheatham and/or the Town of Ashland City sell, transfer, lease, or otherwise dispose of any real property in the custody and control of the Port Authority.

SECTION 19. That the powers, authority and rights conferred by this act shall be in addition and supplemental to, and the limitations imposed by this act shall not affect the powers conferred by any other general, special, or local law.

SECTION 20. That if any clause, sentence, paragraph, section or any part of this act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this act, it being hereby declared to be the legislative intent to have passed the remainder of this act, notwithstanding the part held to be invalid, if any.

SECTION 21. That this act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Cumberland River and its tributaries, the navigable Channel of the Cheatham Dam Reservoir, facilitating the movement and transfer of goods and merchandise to, from, and through the County of Cheatham, encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said county.

SECTION 22. That this act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Cheatham County and by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Ashland City. Its approval or nonapproval shall be proclaimed and countersigned by the Clerk of the Quarterly County Court of Cheatham County and the Recorder for the Town of Ashland City, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

SECTION 23. That for the purpose of approving or rejecting this act as provided in Section 22, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall be effective upon being approved as provided in Section 22.

Passed: April 27, 1977.

## ADMINISTRATION

### BUDGET SYSTEM

Counties in Tennessee may operate their budgeting system under one of the three optional general laws on the subject or under the provisions of private acts or county or metropolitan government charters. The three optional general laws dealing with budgeting are the County Budgeting Law of 1957, the County Financial Management System of 1981 and the Local Option Budgeting Law of 1993. If neither an optional general law nor a private act or county charter has been adopted, the county may have established a budget committee by resolution to serve in an advisory role to the county legislative body. Also see T.C.A. §§ 5-9-401 through 5-9-407, and T.C.A. § 49-2-301 (school budget). Most counties are subject to a general law dealing with the procedure for making budget amendments that is codified at T.C.A. § 5-9-407.

The County Budgeting Law of 1957 is found in title 5, chapter 12 of Tennessee Code Annotated. It is a general law establishing procedures for the preparation and adoption of county budgets for all county funds, activities and agencies. The County Budgeting Law of 1957 is permissive legislation and in order to come under its provisions, counties must adopt a resolution by 2/3 vote of the county legislative body or pass the proposal in a referendum. Section 5-13-111 of Tennessee Code Annotated specifically provides that the 1957 general law does not affect either private acts then in existence or prevent the enactment of private legislation for Tennessee counties creating central accounting systems, the position of budget director, or other budgeting procedures.

The County Financial Management System of 1981 is codified at T.C.A. § 5-21-101 *et seq.* This law provides an optional system and methods of controlling the financial affairs of a county, including budgeting, purchasing, and investment processes. This act is permissive in nature and can be activated by a two-thirds (2/3) vote of the county legislative body, or by a majority vote in a referendum election.

The Local Option Budgeting Law of 1993 is an optional general law located at T.C.A. §§ 5-12-201 through 5-12-217. This law may be adopted by a two-thirds (2/3) vote of the county legislative body. This law may be adopted and used in conjunction with the County Budgeting Law of 1957 or the County Financial Management System of 1981, or used alone. This optional law provides procedures for the formulation, adoption and amendment of an annual budget that includes deadlines for action. If a county legislative body operating under this law fails to adopt a budget by August 15, the portion of the budget prepared by the department of education goes into effect, and similarly, the remainder of the budget as proposed by the county executive or budget committee goes into effect.

ADMINISTRATION

BUILDING CODE

PRIVATE ACTS OF 1971

CHAPTER 71

SECTION 1. Definitions. As used in this Act, the following terms shall have the meanings indicated:

(a) "Governing body." The Quarterly County Court, Board of Commissioners, County Council, or other body in which the general legislative powers of a county are vested.

(b) "Code." Any published compilation of rules which have been prepared by technical trade associations or model code organizations, including but not limited to the regulation of housing and other building construction, electrical wiring and plumbing and gas installations.

SECTION 2. Adoption and Amendment of Code Reference. The governing body of any County having a population of not less than 13,000 nor more than 13,500, according to the United States Census of population of 1970 or any subsequent United States Census of population, may adopt or repeal a resolution which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and sources, without setting forth the provisions of such code in full. At least three copies of such code, portion, or amendment which is incorporated by reference shall be filed in the office of the County Court Clerk and there kept for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed to or complied with unless the required copies of such code, portion, or amendment are filed with the Clerk for a period of ninety (90) days before the adoption of the resolution which incorporates such code, portion, or amendment by reference. No resolution incorporating a code, portion or amendment by reference shall be effective until published in a newspaper having a general circulation in the county.

SECTION 3. Administration. The adopting resolution may also incorporate by reference the administrative provisions of any code, or may include in the adopting resolution any suggested administrative provisions found in a code. Should a code not contain administrative provisions, the administrative provisions of another code may be adopted by reference, or may be adopted and included in the adopting resolution. The powers and duties of enforcing the provisions of any code incorporated by reference may be conferred upon such officials within the existing framework of the county government as the governing body may determine, such as, but not limited to, officials administering zoning and planning regulations of the county.

SECTION 4. Enforcement. The County Attorney or any official vested with the powers of enforcing the provisions of any code incorporated by reference, may, in addition to any other remedies provided by law, institute injunction to prevent the violation of any provisions of such code.

SECTION 5. Penalties. The authority of this act shall not extend to the incorporation by reference of any penalty clause contained in a code. Any person, firm or corporation or agent who shall violate a provision of any code incorporated by reference or fail to comply therewith or with any of the provisions thereof, or violate a detailed statement or plans submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person, firm or corporation or agent shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of a code is committed or continued, and upon conviction for any such violation shall be punished by a fine of not more than fifty dollars (\$50.00).

SECTION 6. Applicability. The provisions of this act shall apply only to the unincorporated area of a county adopting such a code resolution and to those incorporated cities and towns within the county which do not elect, now or hereafter, to adopt their own codes regulating the same subject areas.

SECTION 7. 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 be severable.

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 any county to which it may apply within sixty (60) days after its passage and approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or disapprove, and certified by him to the Secretary of State.

SECTION 9. For the purpose of approving this Act as provided in Section 8, it shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the act shall be effective only upon being approved as provided in Section 8.

Passed: April 14, 1971.



ADMINISTRATION

BUILDING PERMITS

PRIVATE ACTS OF 1971

CHAPTER 73

SECTION 1. Any person or persons desiring to erect or have erected, constructed, or reconstructed, any building or structure in Cheatham County, where the value of such alteration will exceed the sum of one thousand dollars (\$1,000.00), shall first apply to the Assessor of Property for a building permit for such erection, construction, reconstruction, or alteration. The application shall be in a form to be prescribed by the Assessor of Property 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 alteration; (3) the identity of the owner or owners of the premises; (4) the cost of the completed structure of the case of new construction, or in the case of the alteration of an existing structure, the value of such structure before and after such alteration; and (5) such other information as the Assessor of Property shall prescribe.

Upon proper application, duly filed, the County Assessor of Property shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction, or alteration for his tax records. The Assessor of Property may charge a fee of two dollars (\$2.00) for the issuance of such permit, if the County Court so directs. Money so collected shall be paid into the General Fund of Cheatham County by the Assessor of Property.

No new or additional property tax shall be assessed against such premises unless and until the same are completed or at least completed to the extent that they are habitable or may be put to use. However, in the case of the alteration of an existing structure not therefore on the tax books of the County, or against which no property tax has been assessed, the Assessor of Property is not precluded from assessing such structure at its value before such alteration is completed and subsequently increasing the assessment upon completion of such alteration, so as to include the value thereof.

SECTION 2. This Act shall not apply to the erection, construction, reconstruction or alteration of buildings, or other structures in cities requiring permits for the same, providing that copies of such permits are made available to the office of the Assessor of Property.

SECTION 3. Violation 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 twenty-five dollars (\$25.00).

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds vote of the Quarterly County Court of Cheatham County on or before the next regular meeting of such Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

SECTION 5. For the purpose of being approved as provided in Section 4, this Act shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the Act shall be effective only upon being approved as provided in Section 4.

Passed: April 14, 1971.

**COMPILER'S NOTE:** This act can also be found in Chapter 10 of this volume, under Taxation, Assessor of Property.

## ADMINISTRATION

### COUNTY ATTORNEY

The office of county attorney is not a constitutional office nor is it an established office under general law. The office of county attorney may be set up by private act. The county mayor is authorized by T.C.A. § 5-6-112 to employ counsel where there is no county attorney established by private act or county or metropolitan government charter.

The general law at T.C.A. § 49-2-203 authorizes the board of education to employ legal counsel to advise or represent the board. The County Uniform Highway Law authorizes county highway departments subject to this general law (most counties) to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department. T.C.A. § 54-7-110. There may be other private acts which allow other governmental departments to hire attorneys.

## ADMINISTRATION

### COUNTY CLERK

The county clerk, formerly the county court clerk, is a constitutional office as provided by article VII, section I of the Constitution of Tennessee. The county clerk is popularly elected for a term of four years. T.C.A. § 18-6-101. The bond required for county clerks is \$50,000 in counties with a population greater than 15,000 and \$25,000 in counties with a population less than 15,000. T.C.A. § 18-2-201.

Most of the duties of the county clerk are specified in the general law (public acts) codified in Tennessee Code Annotated. The county clerk is the clerk of the county legislative body. The clerk keeps the official record (minutes) of the legislative body. The county clerk is responsible for the issuance of marriage licenses and pawnbrokers' licenses. The county clerk is the collector for a number of local and state taxes including local wheel taxes, local hotel/motel taxes, wholesale beer tax, business taxes and vehicle registration fees. T.C.A. § 18-6-105. The clerk's salary is determined in accordance with T.C.A. § 8-24-102. The basic fee schedule for the county clerk is found at T.C.A. § 8-21-701.

## ADMINISTRATION

### COUNTY LEGISLATIVE BODY

Each county in Tennessee, except those with a metropolitan form of government, has a county legislative body, which is also formally known as the board of county commissioners, or informally known as the county commission.

The county legislative body, or board of county commissioners, is composed of not less than nine (9) nor more than twenty-five (25) members. The board reapportions the county into districts from which county commissioners are elected. These districts must be apportioned on the basis of population so that each commissioner represents substantially the same number of people. No more than three commissioners may be elected from the same district. T.C.A. § 5-1-108.

The county legislative body replaced the quarterly county court as provided in the Public Acts of 1978, Chapter 934, T.C.A. § 5-5-101 et seq. The county commissioners are vested with all the legislative powers and duties formerly vested in justices of the peace, but possess no judicial powers and are not charged with any judicial functions. Under T.C.A. § 36-3-301, members of county legislative bodies may solemnize marriages.

The following acts once applied to the quarterly court or the county legislative body of Cheatham 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 1945, Chapter 42, set the meeting dates of the Quarterly County Court on the second Mondays in January, April, July and October. This is now regulated by general law found in Tennessee Code Annotated 5-5-104.
2. Private Acts of 1947, Chapter 266, set the per diem of Cheatham County Justices of the Peace at \$5.00 plus mileage. This was repealed by Private Acts of 1949, Chapter 815.
3. Private Acts of 1949, Chapter 815, set the salary of Justices of the Peace at \$4.00 per day plus mileage for each regular or special session of the Quarterly County Court.
4. Private Acts of 1955, Chapter 308, set the per diem to be paid Justices of the Peace at \$6.00, with no provision for mileage.
5. Private Acts of 1965, Chapter 88, set the salary to be paid Justices of the Peace at \$15 per day, but this act was repealed by the current law, Private Acts of 1974, Chapter 328.
6. Private Acts of 1974, Chapter 328, set the per diem to be paid Justices of Peace at \$25 and mileage at five cents per mile. Justices of the Peace residing within five miles of the courthouse were not entitled to receive mileage compensation.

## ADMINISTRATION

### COUNTY MAYOR

All counties in Tennessee, except those with a metropolitan form of government, must have an elected county executive who is formally entitled county mayor unless entitled county executive by private act. T.C.A. § 5-6-101. The county mayor serves a four year term.

The county mayor is the chief executive officer of the county and has all of the powers and duties formerly exercised by the county judge except judicial powers. The county mayor serves as a nonvoting, ex officio member of the county legislative body, and the county mayor or a representative of the county mayor serves as a nonvoting member of all committees of the legislative body. T.C.A. § 5-6-106. The county legislative body may elect the county mayor as its chairman. However, the county mayor may refuse to serve as chairman. T.C.A. § 5-5-103. If the county mayor is not elected chairman, then the county mayor may veto legislative resolutions of the county legislative body. T.C.A. § 5-6-107.

Except as otherwise provided by law, the county mayor appoints members of county boards and commissions and county department heads. Such appointees are subject to confirmation by the county legislative body. T.C.A. § 5-6-106(c). It is important to recognize that most boards and department heads are provided for by general law or private act, and this residual appointive power of the county mayor may not be applicable.

The county mayor is authorized to employ one or more clerical assistants as may be necessary for the performance of his or her official duties. The county mayor sets the compensation for these clerical assistants within the amount appropriated for this purpose by the county legislative body. T.C.A. § 5-6-116.

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

1. Acts of 1867-68, Chapter 30, created the office of county executive for Cheatham County, with the first judge to take office on the first Saturday in March, 1868, for a term of eight years. This act was abolished by Acts of 1869-70 (First Session), Chapter 113.
2. Private Acts of 1943, Chapter 69, was an amendment to the act which created the office of Cheatham County Judge, Private Acts of 1939, Chapter 236. This amendatory act provided a certain amount of money for the travel expenses of the county judge, but it was repealed by Private Acts of 1945, Chapter 46.
3. Private Acts of 1939, Chapter 236, as amended by Private Acts of 1977, Chapter 133, created the office of county judge. J. Fred Murff was named to fill the position until a successor was elected in the regular August election in 1940.

## ADMINISTRATION

### COUNTY REGISTER

The office of county register is a constitutional office, established by article VII, section 1 of the Constitution of Tennessee, and is regulated by the general statutes found in Tennessee Code Annotated, title 8, chapter 13; title 10, chapter 7 (public records); title 47, chapter 9 (U.C.C. Secured Transactions); and title 66 (real property and registration of instruments). The salary of the county register is determined in accordance with T.C.A. § 8-24-102.

The principal duty of the county register is the registration of instruments which the law requires to be, or allows to be, filed or recorded. These instruments include, but are not limited to: deeds of conveyance of real estate, powers of attorney, deeds of trust, mortgages, liens, land sale contracts, plats, leases, military discharges, and papers under the Uniform Commercial Code. The purposes of such registrations are also varied. The records of the register's office provide a public record of real property ownership, liens and various other transactions that affect the public interest. The basic fee schedule for the register is found at T.C.A. § 8-21-1001.

## ADMINISTRATION

### COUNTY TRUSTEE

The county trustee is one of the county officers established by article VII, section 1 of the Constitution of Tennessee. The office is regulated by title 8, chapter 11 of Tennessee Code Annotated. Duties of the county trustee regarding the collection of property taxes are codified in Tennessee Code Annotated, title 67, chapter 5. The county trustee is elected by the qualified voters of the county to serve a four year term. T.C.A. § 8-11-101. Upon election the trustee must take the required oath of office and enter into a surety bond. T.C.A. § 8-11-102. For other statutes pertaining to the many duties of the trustee as a fiscal officer, see volume 14 of the combined general index of T.C.A. under "County Trustee". The salary of the county trustee is determined in accordance with T.C.A. § 8-24-102.



ADMINISTRATION

PURCHASING COMMISSION

PRIVATE ACTS OF 1933

CHAPTER 250

SECTION 1. That a Purchasing Commission be, and the same is, hereby created for all counties in this State having a population of not less than 9,020 and not more than 9,030, according to the Federal Census of 1930, or any subsequent Federal Census. Said Purchasing Commission shall be composed of three persons; one member of which shall be the County Judge, or the Chairman of the County Court of said county; one member of which shall be the Director of Accounts and Budgets of said county, who shall be the secretary of said Commission; and the third member of which shall be a qualified citizen of said county, who is a free-holder, who has been a bona fide resident of said county for at least three years prior to his election, and who holds no other public office or position.

As amended by:           Private Acts of 1972, Chapter 317  
                                  Private Acts of 1975, Chapter 15.

SECTION 2. That T. J. Stump is hereby named and appointed as the third member of said Commission, and he shall serve until the first Monday in January, 1934, when his successor shall be elected by the Quarterly County Court of said county, and such successor shall serve for a term of one year, and until his successor shall be elected and qualified. Said third member of said Commission shall be elected by the Quarterly County Court of said county at its January Term each year, for a term of one year.

SECTION 3. That the duties of said Purchasing Committee shall be to buy all supplies, materials, and equipment, required for the proper support and maintenance of any and all departments, institutions and agencies, supported by, or under control of, said county, and to arrange for the purchase or rental of any and all real estate, machinery, and all other supplies where said purchases or rents are to be paid out of any funds belonging to, or under the control of, said county, or any department, institution or agency thereof. Said Commission shall make such purchases by competitive bids under such manner as they may deem best for any bids that they may deem proper for the best interest of the county.

SECTION 4. That said Purchasing Commission may require such security as it may deem proper to accompany the bid or bids, and shall fix security to be given by the bidder, when bids are required. The Commission may reject any and all bids and secure new bids, if for any reason it is deemed for the best interest of the county to do so; and it shall have the power and authority to purchase goods or any other supplies, or to arrange for any rentals deemed necessary, without first advertising for bids on same, when such action is deemed necessary by the Commission.

SECTION 5. That said Purchasing Commission shall meet within thirty days after the passage of this Act and shall organize by the election of one of their number as chairman, and make a survey of the needs of the various departments, institutions and agencies of the county. Said

Commission shall have the power to meet as often as its members deem necessary and advisable, and the duties of their office require. They shall also have the power to prescribe rules and regulations for their own government.

SECTION 6. That the Purchasing Commission shall keep a complete record of all purchases. All of said records will be kept in the files and accounting records which shall remain in the office of the County Judge.

As amended by: Private Acts of 1972, Chapter 317  
Private Acts of 1975, Chapter 15.

SECTION 7. **COMPILER'S NOTE:** Section 7, which required that all meetings and records of the Commission be open to the public and that a report of the Commission's activities be submitted to each meeting of the Quarterly County Court, was deleted by Chapter 317 of the Private Acts of 1972. Private Acts of 1975, Chapter 15, Page 49, also deleted this Section in full, Private Acts of 1972, Chapter 317 not being acted on.

SECTION 8. That the County Judge, or Chairman of the County Court, shall not receive any additional compensation for his services as a member of said Commission; the Director of Accounts and Budgets shall receive as compensation an amount as may be set by the Quarterly County Court for services as Purchasing Agent; the third member thereof shall receive the sum of Fifteen Dollars (\$15.00) per diem for each day's service while actually engaged in performing the work of the Commission. In addition thereto, the actual expenses incurred by the Commission, or any member thereof while acting in conformity with the rules and directions of said Commission, and in the performance of their duties, shall be paid; and all amounts payable under this section shall be paid out of the general county funds of said county, upon the warrant of the County Judge, or the Chairman of the County Court of said county.

As amended by: Private Acts of 1972, Chapter 317  
Private Acts of 1975, Chapter 15.

SECTION 9. That said Purchasing Commission shall make rules and regulations that shall govern the method and procedure for the purchase, delivery and storage of supplies, materials and equipment, for the various departments, institutions and agencies of the county. Such rules and regulations shall, as far as practicable, be uniform, and they shall be either general or limited in their application. They shall include provisions relating to the following:

1. Standardization of forms for estimates, requisitions, orders, contracts, and stores control.
2. Standardization of specifications for the purchase of supplies, materials and equipment.
3. Standardization of quality, grades and brands, to eliminate all unnecessary classes of commodities, or unnecessary grades or brands of the same commodity.
4. Establishment of definite periods for submitting estimates, and requisitions for various supplies, materials and equipment.
5. Submission of proposal for bids, and the receipt of bids for supplies, materials and equipment, and the stimulation of competition relative thereto.

6. Purchase of supplies, materials, and equipment by long or short term contracts, or by contracts or orders made at certain seasons of the year, or by blanket contracts or orders covering the requirements for such supplies, materials and equipment, of one or more using agencies.

7. Contracts for services other than personal services, such as telegraph and telephone services, and fuel, lights, water, and other office services for the several using agencies.

8. Regulations to secure prompt delivery of all supplies to using agencies.

9. Purchase of supplies, materials and equipment, without competition, in cases of emergency requiring immediate action.

10. Use and disposal of the products of county institutions or other agencies.

11. Disposal of obsolete, excess, and unsuitable supplies, materials, and salvage, or the transfer of same to other using agencies.

12. Storage of surplus supplies, materials and equipment not needed for immediate use.

13. Testing of supplies and materials.

14. Hearings on complaints with regard to the quality, grade or brand of goods.

15. Waiver of rules in special cases.

SECTION 10. That hereafter no official or employee of said county shall make any purchase, or contract to purchase, any materials, equipment, or supplies of any kind, except through, or in accordance with the rules and regulation of said Purchasing Commission. And it shall be unlawful for the County Judge, or Chairman of the County Court, or any other official of said county, to issue his warrant upon any fund or funds belonging to said county, or any department, institution or agency thereof, for any purchase or purchases, or for any rents or storage, until a proper requisition for same shall have been filed with said Purchasing Commission, and their written approval thereof obtained.

SECTION 11. That said Commission shall procure the necessary books, requisitions and all other supplies necessary to the carrying out of the purpose of this Act; and such books and supplies shall be paid for upon the warrant of the County Judge, or Chairman of the County Court, of such county, in the same manner as all other purchases are paid.

SECTION 12. That if any section, paragraph, clause, or phrase, of this Act shall be held invalid or unconstitutional, for any reason by any Court or other authority of competent jurisdiction and power, such action shall not affect the remaining portions of said Act, as the same would have been enacted into law had such invalid or unconstitutional part or parts been stricken out or elided therefrom.

SECTION 13. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

SECTION 14. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1933.

## ADMINISTRATION

### PURCHASING

The laws regarding purchasing for county governments are not uniform and several options exist. The county education department has its own purchasing law (T.C.A. § 49-2-203(A)(4)), but this law is superseded in those counties that adopt the statutes of the optional County Financial Management System of 1981. T.C.A. § 5-21-106 et seq. Further, in counties that have adopted the County Purchasing Law of 1957, another optional general law, the county board of education may or may not use the central county purchasing system depending upon the approval of the state commissioner of education. T.C.A. § 5-14-115.

The County Uniform Highway Law, at T.C.A. § 54-7-113, provides a purchasing law for the county highway department when purchasing for the department is not governed by private act or when the county has not adopted either the County Purchasing Law of 1957 or the County Financial Management System of 1981. Nevertheless, even where private acts generally govern the purchases of the county highway department, purchases of less than \$10,000 do not have to be publicly advertised and competitively bid. The purchasing provisions of the County Uniform Highway Law do not apply to Shelby, Davidson, Knox, and Hamilton counties.

Purchases from the general fund are governed by the County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., unless the county operates under a county or metropolitan government charter, or has adopted the County Financial Management System of 1981 or the County Purchasing Law of 1957. Also, this general law does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases over \$10,000 or a lesser amount.

The County Purchasing Law of 1957, found in T.C.A. §§ 5-14-101 through 5-14-116, may be adopted by the voters in a referendum or by a two-thirds (2/3) vote of the county legislative body. This act is one of the three companion Fiscal Control Acts of 1957. Under this act the county executive appoints a purchasing agent subject to the approval of the county legislative body. T.C.A. § 5-14-103. The purchasing agent must be qualified by training and experience to perform the required duties. T.C.A. § 5-14-103.

The person appointed as purchasing agent must have a corporate surety bond of not less than \$10,000 nor more than \$25,000. The salary is not to be in excess of other county officials as prescribed in T.C.A. §§ 8-24-101 and 8-24-102. T.C.A. § 5-14-103(b). The director of accounts and budgets also serves as the purchasing agent in some counties. The primary duties of the purchasing agent are to: (1) purchase all supplies, materials, equipment and contractual services, (2) arrange for rental of all machinery, buildings and equipment, (3) transfer materials, supplies and equipment between county departments, and (4) supervise the central storeroom. T.C.A. § 5-14-105 et seq.

The County Financial Management System of 1981 is found in T.C.A. §§ 5-21-101 through 5-21-129. This law provides for the consolidation and establishment of a financial management system for all county funds operated through the county trustee, including purchasing. The system is similar in scope to the 1957 acts; however, under this act the county operates under one act rather

than three. This system must be approved by a two-thirds (2/3) vote of the county legislative body or a majority of the voters in order to be effective in any county. T.C.A. § 5-21-126.

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103. Unlike the 1957 laws, school funds are managed under this system just like all other county funds. The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

The County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., applies to purchases by authorized officials using county funds, except that it does not apply to purchases from county highway funds, county education funds, or purchases by counties that have adopted the County Purchasing Law of 1957 or the County Financial Management System of 1981. Neither does this act apply in counties operating under a county or metropolitan government charter. Furthermore, the act does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases in excess of \$10,000 or a lesser amount as established by the private act.

Tennessee Code Annotated § 5-14-204 requires that all purchases and leases or lease-purchase agreements made under the County Purchasing Law of 1983 shall be made or entered into only after public advertisement and competitive bidding, except for (1) purchases costing less than \$10,000, (2) goods or services which may not be procured by competitive means because of the existence of a single source or because of a proprietary product, (3) supplies, materials or equipment needed in an emergency situation, subject to reporting requirements of the county legislative body and the county executive, (4) leases or lease-purchase agreements requiring payments of less than \$10,000 per year, and (5) fuel and fuel products purchased in the open market by governmental bodies. County legislative bodies may lower the dollar amount required in this act and may also adopt regulations providing procedures for implementing this act.

Counties with populations over 150,000 are authorized to make purchases under \$10,000 without competitive bids or proposals, but these counties may retain their present competitive bidding requirements or establish different limits by private act or charter provision. T.C.A. § 12-3-1007.

County governments may use pricing discounts obtained by the National Association of Counties (NACo) Purchasing Alliance by considering the NACo price in the same manner as a formal bid or informal quotation under the county's bidding laws. T.C.A. § 12-3-1008. The Tennessee Department of General Services (TDGS) may upon request, purchase supplies and equipment for any county. Counties, without public advertisement and competitive bidding, may purchase under the provisions of contracts or price agreements entered into by TDGS. Also, county governments may purchase goods, except motor vehicles, under federal General Services Administration (GSA) contracts, to the extent permitted by federal law or regulations. T.C.A. § 12-3-1001.

Counties are authorized to distribute and receive bids, proposals and other offers electronically, but are prohibited from requiring small or minority owned businesses to receive or respond electronically. T.C.A. § 12-3-704.



## ADMINISTRATION

### GENERAL REFERENCE

The administration of county government is placed, through a coordination of duties and responsibilities, in various elected or appointed officials, plus various boards, agencies and commissions. For general law on county administration, see Tennessee Code Annotated, title 5 (Counties) and title 8 (Public Officers and Employees). Specific subject headings in the combined general index in volumes 14, 15, and 16 of T.C.A. may be checked for other statutes relating to county administration. These duties are summarized in the Tennessee County Government Handbook, a CTAS publication.

The following private or local acts constitute part of the administrative and political history of Cheatham County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1857-58, Chapter 133, attached Cheatham County to the Clarksville Bank District and provided that Cheatham County was entitled to have one director in the branch bank.
2. Acts of 1857-58, Chapter 171, was an act for the relief of Cheatham County, since the creation act did not give the County Court the authority to levy any taxes in 1856. This act provided that the state treasurer was to pay over certain school monies to Cheatham, while Davidson and Robertson Counties were to pay certain other expenses incurred by Cheatham County in its first year of existence.

This act, Acts of 1857-58, Chapter 171, also provided that the name of the county seat could, by the majority vote of the county court, be changed to Cheathamville.

3. Acts of 1875, Chapter 56, was an early example of the state trying to provide some sort of public assistance for the poor and needy. This act provided that

"Whereas, Great destitution now exists in many of the counties of this State, wherein the helpless poor are now suffering for want, and from the fact the charity of the liberal giver is exhausted, and they are likely to suffer still more unless relieved; and,

"Whereas, the general scarcity of money and provisions, resulting from failure of crops, has put it out of the power of private charity to afford the needed relief, and nothing short of a public charity, by which all are enabled to contribute in proportion to their means; therefore, "the county court in Cheatham, as well as in Stewart, Montgomery, Dickson, Humphreys and Benton Counties, was authorized to borrow money or to issue bonds in order to supply funds to be used for providing for their needy citizens. The provisions of this act were not to extend beyond January 1, 1876.

4. Acts of 1887, Chapter 116, made it the duty of the County Surveyors in Cheatham, Montgomery and Dickson Counties to survey the boundaries of those counties which were south of the Cumberland River. This act also required that they make a map from their surveys and deposit it with their County Court Clerk by the first Monday in October, 1887.



5. Private Acts of 1915, Chapter 603, provided that the county court could by resolution contract with banks for the payment of interest on the monthly balances deposited to the credit of the Cheatham County Trustee.
6. Private Acts of 1919, Chapter 173, gave the Cheatham County Court the power to fix the amount of commutation money to be paid by men who were by law required to work the roads in Cheatham County. This sum could be set at an amount not less than \$1 per day nor more than \$2.50 per day.
7. Private Acts of 1971, Chapter 103, attempted to place a midnight to 5:00 A.M. curfew on all minors in Cheatham County, who were not accompanied by a parent, guardian or similar adult charged with responsibility for them. This act never became operative law, since it failed to win local ratification.
8. Private Acts of 1975, Chapter 15, Page 49, made the same amendments to Private Acts of 1933, Chapter 250, as Private Acts of 1972, Chapter 317, did, except that the per diem rate of pay was increased from \$5 to \$15 for the third member of the Purchasing Commission and the limitation of 20 days in each year was removed. Private Acts of 1972, Chapter 317, was not acted on by local authorities and never really took effect. Hence, it was necessary that the amendments be reenacted.
9. Private Acts of 1980, Chapter 326, amended Private Acts of 1968, Chapter 132, the Ashland City Charter to increase the salary of the Mayor to \$400 per month and of the Council to \$25 per meeting, plus a change was made in Section 16 of the Charter. This Act was approved by the Legislative Body of Ashland City on May 13, 1980.
10. Private Acts of 1981, Chapter 134, approved locally on June 9, 1981, amended Private Acts of 1968, Chapter 132, the Charter of Ashland City, by raising the amount which could be purchased without bid from \$50 to \$100.

## **CHAPTER II - ANIMALS AND FISH**

ANIMALS - FISH

COON DOG TRAINING

PRIVATE ACTS OF 1955

CHAPTER 301

SECTION 1. That a training period for coon dogs of the 30 days next preceding the lawful season for hunting and taking coons shall be permitted in all counties of Tennessee having a population of not less than 9,166 and not more than 9,168.

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 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 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: March 10, 1955.

ANIMALS - FISH

DOG LAW

PRIVATE ACTS OF 1921

CHAPTER 866

SECTION 1. That any person or persons owning, controlling or harboring any dog or dogs that shall chase, maim, worry or kill any sheep, goats, hogs, cattle or other animals, shall be absolutely liable for all damages caused or done by his or their dog, or dogs, and such claim for damages may be enforced as any other claim for damages is enforced in this State. A lien is also hereby declared to exist on any dog or dogs that shall chase, worry, maim or kill any sheep, goats, hogs, cattle or other animal and in favor of the owner of such animal so chased, worried, maimed or killed for all damages sustained; and such lien may be forced by attachment or judgment and execution.

SECTION 2. That any dog that is known to have chased, worried, maimed or killed any sheep, goats, hogs, cattle or other animals unless accompanied by his master, or some other person having reasonable control over him, is hereby declared to be a public nuisance, and may be killed by any person without civil or criminal liabilities therefor; and any person who shall own, keep, or harbor any dog after he knows that such dog has chased, worried, maimed, or killed any sheep, goats, hogs, cattle or other animal, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars and not more than fifty dollars, by any Court having competent jurisdiction thereof.

SECTION 3. That it is hereby declared a misdemeanor for any person owning, controlling or harboring any female dog to permit such female dog to run at large during any period of rutting or when in heat, after he knows such dog to be in heat, and upon conviction thereof shall be fined not less than Ten Dollars and not more than Fifty Dollars by any Court having competent jurisdiction thereof.

SECTION 4. That if any clause, section or part of this Act shall be declared unconstitutional or unauthorized by law, by any court, such decision shall not effect the remaining clauses, sections and parts of this Act, but same shall remain in full force and effect.

SECTION 5. That this Act shall apply to and within all counties of the State of Tennessee which, according to the Federal Census of 1920 of any subsequent Federal Census, have a population of not less than 10,000 inhabitants and not more than 10,070 inhabitants, also a population of not less than 6,200 inhabitants and not more than 6,225 inhabitants.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1921.

## ANIMALS - FISH

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the Tennessee Code Annotated.

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

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 County. They are included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1897, Chapter 296, allowed any Cheatham County resident to catch fish for home consumption in any county stream, by any means except poison or explosive, without a license.
2. Acts of 1901, Chapter 447, was an act to protect ruffed grouse, prairie chickens and pheasants, providing that none could be hunted before November 15, 1908 and after that date, the open season would only be between November 15th and January 15 of each year.
3. Private Acts of 1913, Chapter 273, authorized an election to determine the will of the Cheatham County voters in regard to a stock or fence law.
4. Private Acts of 1915, Chapter 342, was the first stock law for Cheatham County. This act made it unlawful to let livestock run at large, with the owner of such wandering livestock being liable for any damages they might cause, but this law did contain a provision that unfenced land could be used for summer grange, as long as the livestock remained under the care of a herdsman.
5. Private Acts of 1917, Chapter 264, permitted the catching of non-game fish in Cheatham County by means of grab hooks.
6. Private Acts of 1917, Chapter 823, was the next stock law for Cheatham County. This act makes it illegal for horses, mules, donkeys, cattle, sheep, goats, and swine to roam at large, with their owners being subject to a \$10 fine plus liability for all damages caused. This act also contained a proviso allowing summer grange under the care of a herdsman, and it also provided that landowners could pen up trespassing stock but had to feed and water such stock.
7. Private Acts of 1919, Chapter 481, authorized an election within thirty days from the passage of the act to determine the will of the voters on a fence law for Cheatham County.

8. Private Acts of 1921, Chapter 149, was an act to protect deer in Cheatham County. This act set the open season, beginning in 1922, from December 20th to December 31st of each year; with the killing of deer at any other time strictly forbidden.
9. Private Acts of 1921, Chapter 405, exempted Cheatham County from the general dog law of the state of Tennessee.
10. Private Acts of 1921, Chapter 476, made it lawful to fish at any season for game fish in Cheatham County, except between May 1st and June 15th of each year. This act also allowed the catching of non-game fish at any season, as long as such fish were not caught by means of seining, shooting, poisoning, or explosives.
11. Private Acts of 1925, Chapter 613, was apparently enacted in an effort to subdue an overly-large population of the rabbits "commonly called cotton-tail." This act declared them to be game and set the open season on them from November 25th to February 1st of each year.
12. Private Acts of 1925, Chapter 614, made it unlawful to take, kill, wound, or chase deer, with any violation of this act punishable by a fine of at least \$50. This act was repealed by Private Acts of 1929, Chapter 177.
13. Private Acts of 1933, Chapter 292, made it lawful to take, catch or kill white sucker fish and red horse fish by means of grab hooks, at any time or season, in the waters of Cheatham County.
14. Private Acts of 1933, Chapter 379, made it unlawful to take, wound, kill, hunt, or chase deer in Cheatham County at any time, and this act gave the grand jury inquisitorial powers to investigate possible violations of this act.
15. Private Acts of 1935, Chapter 501, was another effort to conserve the deer population of Cheatham County. This act made it unlawful to kill, capture, or wound deer by any means, except a gun fired from the shoulder. This act outlawed dogs in the hunting of deer and also outlawed the killing of dogs entirely. Bucks could be killed, by the method specified above, provided that he had two or more spikes on each antler.

## **CHAPTER III - BOND ISSUES**

## BOND ISSUES

Bond issues have been authorized by private legislation, but general law now has provisions covering bond issues needed by counties. Most of the private legislation authorizing counties to issue bonds, or to borrow money on short term notes, contained similar provisions. Generally, these common provisions concerned limitations on the rate of interest to be paid, the maximum number of years for the maturity period, and an additional tax levy for general obligation bonds, the proceeds of which were placed in a sinking fund and used to amortize the bonds and interest over the specified maturity period.

For many years the authority of counties to issue bonds was contained in many different chapters of Tennessee Code Annotated. Recently, the authority to issue bonds and notes has been consolidated in the Local Government Public Obligations Act of 1986, T.C.A. § 9-21-101 et seq. However, the older authority to issue bonds for school purposes remains in title 49, chapter 3 of Tennessee Code Annotated.

A listing of the acts which authorized various bond issues for Cheatham County is included below for reference purposes, although these acts are no longer current.

### BUILDINGS

1. Private Acts of 1915, Chapter 153, authorized a bond issue of \$25,000, the proceeds from which were to be used to repair the Cheatham County Courthouse. These bonds were to mature in not more than twenty years, with a maximum annual interest rate of 6%.
2. Private Acts of 1935, Chapter 598, was a bond issue of \$6,000, with a maturity date within thirty years at a maximum annual interest rate of 6%. The money from the sake of these bonds was to be used for building and equipping a county jail.
3. Private Acts of 1935 (Ex. Sess.), Chapter 56, provided for a bond issue of \$10,000 maximum interest rate of 6% per annum, with a maturity date within thirty years. This act apparently was supplemental to the bond issue authorized in the regular session of 1935, since the proceeds from this bond sale were to be used for building a county jail and jailor's residence.

### DEBTS

1. Public Acts of 1895, Chapter 48, authorized Cheatham County to issue bonds for the purpose of funding its indebtedness.
2. Private Acts of 1941, Chapter 242, validated a bond issue by the Cheatham County Court of \$35,000 dated January 1, 1941 and maturing by January 1, 1959 at an annual interest rate of 3%. This bond issue was to be used for retiring outstanding county indebtedness.

### REFUNDING

1. Acts of 1903, Chapter 218, authorized Cheatham County to have a bond issue of not more than \$50,000, with a maximum interest rate of 6% and a maturity date to be set by the county court. These bonds were to be used for paying Cheatham's subscription for \$50,000 of capital stock in the Nashville and Clarksville Railroad.



2. Private Acts of 1923, Chapter 499, provided for a bond issue of \$60,000, to be used for refunding the outstanding balance of the original \$50,000 bond issue in payment of Cheatham County's stock in the Nashville and Clarksville Railroad. These bonds were to mature in not more than twenty years with a maximum interest rate of 6%.
3. Private Acts of 1929, Chapter 724, authorized a \$100,000 bond issue to be used for refunding outstanding bridge warrants and other outstanding warrants of Cheatham County. These bonds had a maximum interest rate of 5½% and were to mature by 1959.

#### ROADS

1. Acts of 1891, Chapter 241, authorized Cheatham County to issue bonds in the amount of \$10,000, by majority vote of the quarterly county court, to be used to build bridges over streams crossing public highways. These bonds were to mature within ten years and were to bear interest at an annual rate of not more than 6%.
2. Private Acts of 1907, Chapter 420, provided for a bond issue, subject to approval by the Cheatham County voters, of \$200,000, maximum interest rate of 6% per annum and a maturity date within thirty years. These bonds were to be sold in order to provide funds for constructing public roads in Cheatham County and this act also provided for the appointment of a five- member road commission, appointed by the quarterly county court, for a term of two years, to oversee the expenditure of the bond sale and to supervise the construction and improvements of the roads in Cheatham County. This act was amended by Acts of 1909, Chapter 75, to correct an error in Section 9, where Washington County had been printed rather than Cheatham County.

#### SCHOOLS

1. Private Acts of 1917, Chapter 376, authorized a \$10,000 bond issue to be used to build a county high school, located in Ashland City. These bonds were to mature within twenty years, with a maximum annual interest rate of 6%.
2. Private Acts of 1941, Chapter 321, provided for the issuance of Cheatham County bonds in the amount of \$25,000, to fund the purchase of school buses for the county school system. These bonds had an interest rate of 4% annually, with a maturity date within thirty years from the date of their issuance.

## **CHAPTER IV - BOUNDARIES**

BOUNDARIES

CREATION

ACTS OF 1855-56

CHAPTER 122

SECTION 1. That a new County shall be established, to be known and distinguished by the name of Cheatham, to be composed of parts of the Counties of Davidson, Robertson, Montgomery, and Dickson; beginning at a point in a line dividing the Counties of Robertson and Montgomery, eleven miles north of the mouth of Harpeth River, the above point being on James W. Moody's plantation, a southwest direction from his dwelling; running thence west, two and a half miles, to a post oak and black gum, marked with the letters, M.C.; thence south, forty degrees west, crossing the stage road leading from Nashville to Clarksville, at two miles, two hundred and four poles, and crossing Cumberland River, in all six and one-half miles, to the south bank of said river; thence up the said river, with its meanders, to the mouth of Barton's Creek; thence up said Creek, with its meanders, to the mouth of the Barren Fork of said creek; thence up said creek, with its meanders, to the road leading from Clarksville to Charlotte, by the road; thence a due south course four and three-quarters miles, to a point in the Dickson County line; thence east with said line one mile, to a large dead red oak, and pointers one-half mile north of the Family Forge; thence south seventy-two degrees, east crossing said Barton's Creek at one hundred and twenty poles, and the road leading from said forge to Weakley's Ferry, at one mile and one hundred and twenty poles, and the road leading from said ferry to Cumberland Furnace, at three miles and ninety poles, and crossing Johnson's Creek, at five miles and sixty-eight poles, continued, in all seven miles, to three hickories on the east side of a hill; thence south forty-seven degrees, east crossing the road leading from Charlotte to the mouth of Harpeth River, at ninety-eight poles, and crossing said Harpeth River, at one mile, one hundred and twenty poles, and again at two miles and eighty poles, and again at three miles, one hundred and four poles, about ten poles above the mouth of Mann's Creek; thence south, from the mouth of Mann's Creek; thence south, from the mouth of Mann's Creek with the Davidson County line, seven and a half miles to the Charlotte turnpike; thence east, with the pike, ten miles to a stake; thence north, in a direct line until it intersects the original line of Cumberland County heretofore established, of which this is in lieu; thence north twenty-one degrees, east crossing Big Marrow-bone, at five miles and sixty-eight poles, continued, in all, six miles to a chestnut and poplar east of the north fork of said creek, thence north, five degrees, west crossing the stage road from Nashville to Clarksville, at two miles and eleven poles, and the road by the Pinnacle Bluff, on Sycamore Creek, at three miles, one hundred and fifty-one poles and continued, in all, five miles and sixty-eight poles, to a beech on the south bank of Sycamore Creek; thence down said creek, with its meanders, to the mouth of Hollis' Mill Creek; thence up said creek one hundred and forty poles, to the mouth of Jackson's Branch; thence up said branch three-quarters of a mile to a sugar-tree and hickory standing at the mouth of Edward Smith Church's Spring Branch; thence north seventy-three and one-half degrees, west two miles and thirty-four poles, to a small black walnut and red oak standing on the east side of the road leading from Springfield to the mouth of Harpeth; thence a direct course in a point one-half mile east of the point of beginning; thence west to the beginning.

SECTION 2. That, for the due administration of justice, the different courts to be holden, in said County of Cheatham shall be holden at Sycamore Mills, in the County of Cheatham, until

the seat of justice for said County shall be located, and a suitable house erected for that purpose. The County Court in the intermediate time, shall have full power to adjourn to such other place in said County, as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice, whenever, in their judgment, the necessary arrangements are made; and all writs and other precepts returnable to either place, shall, and may be, returned to the place where said courts may have been moved by the County Court aforesaid; and the said courts to be holden in and for said County of Cheatham shall be under the same rules, regulations, and restrictions, and shall have, hold, and exercise, and possess the same powers and jurisdictions, as are possessed by said courts in other counties in this State.

SECTION 3. That all officers, civil and military, in said County shall continue to hold their offices, and exercise all the powers and functions thereof, until others shall have been elected under the provisions of the Constitution and law made in pursuance thereof; and it shall be the duty of the County Court of Cheatham County, at their first term, to appoint some suitable person to open and hold elections in each civil district in said County, on the 15th day of May, 1856, for the purpose of electing County officers; which election shall, in all respects, be conducted agreeably to the existing laws regulating elections in other Counties in this State. The officers so elected shall have the same jurisdiction, powers, and emoluments that the County officers are entitled to under the existing laws; and the said County of Cheatham shall be placed on an equal footing, possess equal powers and privileges, in all respects, as other Counties in this State: Provided, nothing in this act contained shall be so construed as to prevent the Counties of Davidson, Robertson, Montgomery, and Dickson from having, holding, and exercising jurisdiction over the territory composing the said County of Cheatham, and the citizens thereof, in as full and ample a manner as they now have, until the election of County officers: Provided also, that nothing in this act contained shall be so construed as to prevent the Counties of Davidson, Robertson, Montgomery, and Dickson from entering up judgments, or the Sheriffs of said Counties from selling under such judgments, any lands within said County of Cheatham, for taxes, costs, or charges, for the present or any preceding year; nor to prevent the Sheriff of either of said Counties from collecting from the citizens of said County of Cheatham any taxes due for the present or any preceding year.

SECTION 4. That the citizens of the County of Cheatham, in all elections for Governor, for Members of Congress, and for Members of the General Assembly, shall vote with the Counties from which they may have been stricken off, until the next apportionment of Members of the General Assembly, agreeably to the Constitution.

SECTION 5. That B.F. Binkley, of the County of Davidson, Henry Frey and Wiley Woodard, of the County of Robertson, Pleasant Ragwell, of the County of Montgomery, and Benjamin C. Robertson, of the County of Dickson, be, and they are hereby, appointed Commissioners, a majority of whom are hereby authorized to act; who shall, on or before the 21st of April, 1856, proceed to fix on a suitable and eligible site for the seat of justice, and for the County Town within three miles of the centre; at which site the said Commissioners shall procure, by purchase or otherwise, at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warranty, and the said Commissioners shall name the County Town, and report all the proceedings relative to and concerning said County, to the County Court of said County; and it is hereby made the duty of the Clerk to record the same.

SECTION 6. That it shall be the duty of the County Court of said County to appoint five Commissioners, to whom the Commissioners appointed by this act shall convey the land acquired for the use of the County aforesaid; on which it shall be the duty of said Commissioners appointed

by the County Court, to cause a town to be laid off, with as many streets, and of such width as they may deem necessary, reserving at least three acres for a public square, and a lot sufficient for building a public jail; and the said town, when so laid off, shall be known by such name as may have been given to it by said Commissioners herein appointed.

SECTION 7. That the Commissioners of said County shall sell lots of said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers printed in this State, and shall take bond, with good and sufficient security, for the purchase money, payable to themselves and their successors in office, and shall make title in fee simple, as Commissioners, to the respective purchasers thereof.

SECTION 8. That the proceeds of the sales of said lots shall be a fund in the hands of said Commissioners for defraying the expenses incurred in the purchase of said tract of land, on which the County Seat is located, and also for defraying the expenses of erecting the public buildings.

SECTION 9. That said Commissioners shall superintend the building of the courthouse and jail, and other necessary buildings, and shall let out such buildings as the County Court in said County shall order to be built, upon such terms and conditions, as the said Court shall direct, and shall take bond, with sufficient security, from the person or persons to whom the same is let, payable to them and their successors in office, for double the sum for which the said buildings were undertaken to be built, conditioned for the faithful performance of his or their contracts.

SECTION 10. That said Commissioners, before they enter upon the duty of their office assigned to them by this act, shall take an oath or affirmation, that they will truly and faithfully execute and perform the different duties by this act enjoined, according to the best of their judgment, and, moreover, shall enter into bonds, with approved security, payable to the Chairman of the County Court of Cheatham County, and his successors in office, in the sum of ten thousand dollars, conditioned for the true and faithful performance of the duty enjoined upon them by this act; which bond shall be deposited in the Clerk's office of said County, and shall not be so construed as to make one of the Commissioners security for another.

SECTION 11. That said Commissioners shall keep a fair and regular statement of all moneys by them received and expended; which statement, when required, shall, from time to time, be laid before the County Court; but said Commissioners shall not be called on more than once in each and every year; and when all the public buildings are completed, the said Commissioners shall, by order of the County Court, pay over all surplus money in their hands to the County Trustee, for County purposes, and they shall be allowed by the County Court a reasonable compensation for their services.

SECTION 12. That the Commissioners first appointed by this act shall each receive the sum of three dollars for their services for each and every day they may be absent from home, and necessarily employed in performing the duties required by them in this act, to be paid by said County of Cheatham of any moneys in the Treasury not otherwise appropriated.

SECTION 13. That John M. Joslin, of the County of Davidson, be, and he is hereby, appointed to run and plainly mark the dividing line between the Counties of Davidson and Cheatham; between the Counties of Montgomery and Cheatham; between the Counties of Dickson and Cheatham; and he shall ascertain the number of square miles within the limits of said new County, in accordance with the boundaries as set forth in the first section of this act; and he shall

further ascertain whether the line, or any one of them approach within twelve miles of the County Seats of the old Counties from which said new County is taken, and report the same to the Governor; and he shall have full power to employ chain-carriers, who shall receive a reasonable compensation for their services, to be paid by the said County of Cheatham; and the said John M. Joslin shall receive the sum of four dollars per day for each day he may be necessarily employed in the business required by this act, to be paid by the said County of Cheatham.

SECTION 14. That the County of Cheatham be, and the same is hereby, attached to the Seventh Judicial Circuit; and the courts thereof shall be held by the Judge of said circuit on the \_\_\_\_\_ Monday in \_\_\_\_\_, in each and every year, at L.A. Perdue's, in said County of Cheatham, until the seat of justice for said County is established by the Commissioners appointed by this act, and the erection of a courthouse for the same.

SECTION 15. That the suitors in said County of Cheatham may file their bills in the Chancery Court at Clarksville, in the County of Montgomery, in Charlotte, in the County of Dickson, or at Nashville, in the County of Davidson, at their discretion.

SECTION 16. That all appeals, writs of error, and appeals in the nature of writs of error, from the Circuit Courts of said County of Cheatham, shall be taken to the Supreme Court, to be held for the Middle Division at Nashville; that the County Court of said County shall be holden on the first Monday in March next, under the same rules, regulations, and restrictions, as the County Courts of other Counties are held.

SECTION 17. That the County of Cheatham shall form one regiment, and said regiment, in all its relations to the militia of this State, shall assume the place of the 160th Regiment, and shall be attached to the 14th Brigade; that the field officers, or officers included in said County of Cheatham, shall meet at the house of John J. Hinton, in said County, on the first Saturday in May next, and divide said regiment into battalions and companies, and provide for electing all officers in said regiment, in the manner pointed out by law.

SECTION 18. That, on the first Saturday in April, 1856, it is hereby made the duty of the Sheriffs of Robertson, Davidson, Montgomery, and Dickson Counties, by themselves and deputies, to open and hold elections for the purpose of receiving the votes of the qualified voters residing in each fraction taken from the several Counties to form the said County of Cheatham; at which election the polls shall be opened at ten o'clock, A.M., and close at 4 o'clock, P.M.; and no person shall vote at said election unless he has resided in the fractions in which he offers to vote, six months immediately preceding the day of said election; and those who wish to vote for the new County, shall put "Cheatham" on their tickets, and those against shall put the words, "Old County" on their tickets; and no vote shall be counted unless the above word or words be upon it; and should any person vote at either of said elections, not being a qualified voter, or residing in the fraction of which he may vote, such offender, on conviction thereof, shall forfeit and pay the sum of twenty-five dollars, to be recovered before any tribunal having cognizance thereof.

SECTION 19. That the election for that fraction which is taken off of Davidson, shall be held at the houses of John Hooper and James M. Lee; for that fraction taken from Robertson, shall be held at Hudgins' Tan Yard; for that fraction taken from Montgomery, at the houses of John H. Atkins' Store and Littleton Perdue; and for that fraction taken from Dickson, shall be held at the house of John J. Hinton.

SECTION 20. That immediately after the elections, the Sheriffs of Davidson, Robertson, Montgomery, and Dickson, shall make returns to the Governor, of a full statement of all the votes, both for and against the establishment of said County of Cheatham; and, if it shall appear that a majority of the qualified voters, voting in each fraction taken from old Counties, to form said new County; and, if it shall further appear, by the report of the said John M. Joslin, that there are within the limits of said new County, three hundred and fifty square miles, and that the lines of said new County as designated in the first section of this act, do not run nearer than twelve miles to the County Seat of the old Counties from which said County of Cheatham is taken; and, if it shall further appear from the returns of said Sheriff, that there is a constitutional number of qualified voters in said County of Cheatham; then the Governor shall forthwith issue his proclamation, setting forth that said County of Cheatham has become a constitutional County; and the same shall be immediately organized, in conformity with this act: Provided, that, after a survey of Dickson, it shall be found that there will still remain to Dickson County her full constitutional territory of 625 square miles.

SECTION 21. That the act passed 3d January, 1844, establishing the County of Cumberland be, and the same is hereby repealed.

SECTION 22. That it shall be lawful for the surveyor to depart from the original line; provided, he does not approach nearer than twelve miles of each County Seat.

SECTION 23. That the County line between the Counties of DeKalb and Warren, be so changed as to embrace the residence and premises of John Martin, Jr., in DeKalb County.

SECTION 24. That there be a new civil district constituted in the County of McNairy, known as the 16th district, with the following boundary: Beginning on the south line of the 12th district, at Hardin O'Neal's, running thence to Hampton's the south-west corner of the 12th district; thence, west to the Purdy and Jack's Creek Road; thence, north, along the Jack's Creek Road, to John Plunk's, on said road; thence, along said road to the Henderson line, to John P. Moses's; thence, south, to A. K. German's; thence, south, to John Canaday's' thence south, to Miles Davis's; thence to Hardin O'Neal's; with election precinct at James Malone's.

SECTION 25. That the County line between Monroe and Polk, be so changed as to include all the premises and lands of Burgis Witt in the County of Monroe.

SECTION 26. That the act to establish the County of Cheatham, be so amended as that the lines of said County, shall be altered as follows, viz: With the proper degrees, so as to strike the mouth of Barton's Creek, in all six miles, and so as not to approach Clarksville at any point nearer than twelve miles; thence, up the east fork of said Barton's Creek one mile, with its meanders; thence, south so as not to approach Clarksville nearer than twelve miles; thence south, with the proper degrees east, so as to keep a distance of twelve miles from Charlotte, in all six miles; thence south, with the proper degrees east, so as not to approach said County Seat of Dickson County, nearer than twelve miles, four miles to the County line of Dickson, near the mouth of Mana's Creek; thence south, nine miles, to the Charlotte Turnpike near or at Ben Anderson's; thence east, with the meanders of said Charlotte Pike, ten and one-half miles, so as to run north, in a direct line until it intersects the original line of Cumberland County, heretofore established--of which this is in lieu; thence north twenty-one degrees, east four miles to Marrow-bond Creek.

SECTION 27. That this act shall take effect from and after its passage.

Passed: February 28, 1853.

**COMPILER'S NOTE:** Article X, Section 4 of the Constitution of Tennessee declares the County of Cheatham, as established by the legislature, to be a constitutional county.



## BOUNDARIES

ACTS OF 1873

CHAPTER 69

SECTION 1. That the line between the Counties of Polk and McMinn, be so changed as to include in the County of McMinn the lands of M. L. Phillips, known as the "Phillips Ferry Farm," said changed line to begin at the Phillips Ferry, on the north bank of the Hiwassee river; thence up the river with the lines of said Phillips' lands, in Polk County, to the main stock road, which is the present line between said two Counties, so as to include all of said farm in the County of McMinn; Provided, that nothing in this Act shall be so construed as to reduce Polk County below its constitutional limits, nor bring the line, thus designated, nearer the Court House of Polk County than eleven miles.

SECTION 2. That all of that part of Dickson County east of Harpeth river below Point Rock Bluff be attached to Cheatham county, and all that part of Cheatham county west of Harpeth river below Point Rock Bluff be attached to the county of Dickson, so as to make Harpeth river the line between said counties, below the point where the line crosses said river at the bluff aforesaid.

SECTION 3. That the line between the Counties of Hawkins and Hamblen be so changed as to include the lands of Daniel Reed in the County of Hamblen.

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

Passed: March 21, 1873.

BOUNDARIES

ACTS OF 1881

CHAPTER 60

SECTION 1. That the line between the counties of Cheatham and Robertson, and between Cheatham and Montgomery, be changed as follows: Beginning where the line of Cheatham and Robertson counties strikes the east boundary line of A. D. Cage's five hundred acre tract, thence north with his line to his northeast corner, thence west  $1\frac{1}{2}^{\circ}$  north with his line to the Montgomery county line, and on to his northwest corner, thence south  $3^{\circ}$  west to the Cheatham county line.

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

Passed: April 4, 1881.

BOUNDARIES

ACTS OF 1887

CHAPTER 75

WHEREAS, A controversy has arisen between the counties of Montgomery and Cheatham as to the proper boundary line between said counties north of the Cumberland River; therefore,

SECTION 1. That said line shall begin at the mouth of Barton's Creek, on Cumberland River, and run north forty-six degrees east about seven and one-half miles to the corner in the Robertson County line, designated in the act creating the county of Cheatham as the J. N. Moody corner (except as hereinafter provided), leaving the lands and residences of D. Burton, J. T. Burton, H. M. McCormac, Nat. Sanders, the old Person's place, Z. T. Jennet, E. L. Williams, N. S. Stack, and J. E. Cage (residence place), in Montgomery County, and the lands and residences of D. S. Mayor, W. K. Hollis, E. M. Gupton, J. G. Balthrop, W. C. Hunter, L. J. Hunter, W. W. Fry, and J. F. Stack in Cheatham County.

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

Passed: March 3rd, 1887.

BOUNDARIES

ACTS OF 1887

CHAPTER 105

SECTION 1. That the county line between the counties of Dickson and Cheatham be changed as follows, to-wit: Beginning at Paint Rock Bluff, where the Dickson County line leaves the river; thence up the river with its meanders, to the mouth of Trace Creek; thence up said creek to the Dickson and Cheatham County line, so as to include what is known as the Horse Shoe in Dickson County, and all that part of Dickson County east of Harpeth River above Paint Rock Bluff, be and is, attached to Cheatham County.

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

Passed: March 11th, 1887.

BOUNDARIES

ACTS OF 1893

CHAPTER 119

SECTION 1. That the county line between the counties of Dickson and Cheatham be changed as follows, to wit: Beginning at Paint Rock Bluff where the Dickson County line leaves the river; thence up the river, with the meanders, to the mouth of Trace Creek; thence up said creek to the Dickson and Cheatham County line, so as to include in Dickson County what is known as the "Horseshoe."

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

Passed: February 1, 1893.

BOUNDARIES

PRIVATE ACTS OF 1915

CHAPTER 526

SECTION 1. That the line between the counties of Dickson and Cheatham, be and the same is hereby changed by taking a small strip off the county of Cheatham and adding the same to the county of Dickson, as shown by the plat accompanying this Act, described as follows:

Beginning at the intersection of the present pike with the old mouth of Harpeth and Charlotte road, which is about one-half mile west of the mouth of Harpeth, runs with the eastern and southern edge of the right of way of the said new pike, 8500 feet to where it intersects the Dickson line; thence north with the Dickson line 1980 feet to the old mouth of Harpeth road; thence with said road to the beginning, containing one-fourth square miles.

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

Passed: May 15, 1915.

## BOUNDARIES

### PRIVATE ACTS OF 1945

#### CHAPTER 436

SECTION 1. That the line between the Counties of Dickson and Cheatham be, and the same is, hereby changed by taking four tracts of land known as Tracts Numbers 2, 3, 4, and 5, of the Gleaves land, now owned by J. K. Simpkins, out of the County of Dickson and adding the same to the County of Cheatham, and in order to accomplish this change that a portion of the boundary line between said two counties be as follows: Beginning at a stake in Harpeth River, the present boundary line between said two counties, corner of Lot Number 1. of the Gleaves land, now owned by W. H. Lewis; thence with said Lewis line S. 48½ degrees W. 64 poles to a stake, elm pointers, thence S. 70¼ degrees W. 183 poles to a stake, beech and black oak pointers, another corner of said Tract Number 1. of the Gleaves land and in the present line between said two counties.

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

Passed: February 27, 1945.

## BOUNDARIES

### PRIVATE ACTS OF 1949

#### CHAPTER 274

SECTION 1. That the line between the Counties of Robertson and Cheatham be, and the same is hereby changed by taking a certain tract of land containing 25.5 acres, now owned by J. T. Winters, out of the County of Robertson and adding same to the County of Cheatham, and in order to accomplish this change that a portion of the boundary line between said two counties be as follows: Beginning at a stake in J. T. Winter's line, corner to W. H. Balthrop and G. W. Stack, thence with said Winters' line north  $2\frac{1}{2}$  degrees east 68.7 poles to a stone and white oak pointer, corner to W. L. Balthrop; thence north  $2\frac{1}{2}$  degrees east 5 poles to a stone, corner to C. M. Maxey in W. L. Balthrop's line; thence north 88 degrees west 23 poles to a stone in C. M. Maxey's line; thence south 2 degrees west 72 poles to a hickory and in the present line between said two counties.

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

Passed: February 23, 1949.



BOUNDARIES

PUBLIC ACTS OF 1974

CHAPTER 760\*

SECTION 1. The line between the counties of Davidson and Cheatham be, and the same is, hereby changed by detaching from the County of Davidson and attaching to the county of Cheatham all of the hereinafter described territory:

Three tracts or parcels of land now lying in the 13th Civil District of Davidson County, adjacent to and just east of the line between the Counties of Davidson and Cheatham, and more particularly described as follows:

"BEGINNING at an iron pin at the northwest intersection of State Highway No. 12, and Bull Run Road; thence with the margin of said Highway, North 72 degrees 07 feet 38 inches West 55 feet to an iron pin; thence North 17 degrees 52 feet 22 inches East 34 feet to an iron pin; thence North 72 degrees 07 feet 38 inches West 725 feet to an iron pin; thence South 17 degrees 52 feet 22 inches West 10 feet to an iron pin; thence North 72 degrees 07 feet 38 inches West 260 feet to an iron pin; thence South 17 degrees 52 feet 22 inches West 24 feet to an iron pin; thence North 72 degrees 07 feet 38 inches West 250.42 feet to an iron pin; thence leaving said Highway right-of-way, North 3 degrees 56 feet 11 inches East 4581.84 feet to an iron pin; thence South 65 degrees 22 feet 13 inches East 104.95 feet to a 36 inch tan oak; thence South 33 degrees 02 feet 46 inches East 259.59 feet to a 14 inch oak; thence South 36 degrees 10 feet 51 inches East 690.90 feet to a 14 inch oak; thence South 32 degrees 45 feet 03 inches East 95.52 feet to an 18 inch oak; thence South 22 degrees 10 feet 37 inches East 2617.86 feet to a 46 inch oak; thence South 26 degrees 53 feet 37 inches East 594.16 feet to an iron pin in the westerly margin of Bull Run Road; thence with the same as follows: southerly around a curve, 129.45 feet to an iron pin; thence South 5 degrees 13 feet 43 inches West 387.30 feet to an iron pin at the beginning of a curve; thence around said curve southwesterly 202.72 feet to a point; thence South 55 degrees 15 feet 26 inches West 229.37 feet to an iron pin at the beginning of a curve; thence around said curve, southerly 164.90 feet to an iron pin; thence South 15 degrees 40 feet 29 inches West 499.55 feet to the point of beginning, containing 157.92 acres, more or less.

"TRACT II: BEGINNING at an iron pin in the southerly margin of the Railroad Right of Way, at the northeast corner of the Guy M. Owen property; thence along his line and along a fence, South 9 degrees 57 feet 10 inches West 960 feet to an iron pin in the northerly boundary of the USA Tract No. G-706-2 of the Cheatham Lock & Dam Project; thence with the same North 84 degrees 32 feet 50 inches West 1180.57 feet to an iron pin; thence along said Dam Property and along a fence North 5 degrees 24 feet 16 inches East 396.79 feet to a point; thence South 75 degrees 05 feet 44 inches East 850 feet to an iron pin; thence South 38 degrees 54 feet 16 inches East 150 feet to an iron pin; thence North 51 degrees 05 feet 44 inches West 210 feet to an iron pin; thence North 32 degrees 54 feet 15 inches East 577.70 feet to an iron pin in the southerly right of way of the Railroad; thence with the same, South 72 degrees 07 feet 38 inches East 249.81 feet to the point of beginning, containing 13.43 acres, more or less.

"TRACT III: BEGINNING at an iron pin in the southerly boundary of the Railroad right of way, at the corner of the property conveyed to USA for Cheatham Lock and Dam Project, being Tract No. G-706-1; thence with said Dam Property, South 54 degrees 54 feet 16 inches West 355 feet to an iron pin; thence North 50 degrees 05 feet 44 inches West 440 feet to an iron pin; thence North 80 degrees 04 feet 27 inches West 184.04 feet to a 12 inch hackberry; thence North 13 degrees 14 feet 59 inches East 164.90 feet to an iron pin in the southerly boundary of the Railroad right of way; thence with the same, South 72 degrees 07 feet 38 inches East 477.50 feet to an iron pin; thence South 17 degrees 59 feet 57 inches West 20 feet to an iron pin; thence South 70 degrees 07 feet 38 inches East 340.19 feet to the point of beginning, containing 38 inches East 340.19 feet to the point of beginning, containing 3.36 acres, more or less."

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

Passed: March 28, 1974.

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

BOUNDARIES

PUBLIC ACTS OF 1977

CHAPTER 293\*

SECTION 1. The boundary line between Davidson County and Cheatham County is hereby changed by detaching from the county of Davidson and attaching to the county of Cheatham all of the hereinafter described territory:

Being a tract or parcel of land now lying in the twelfth (12th) Civil District of Davidson County adjacent to and just east of the line between the counties of Davidson and Cheatham, and more particularly described as follows:

BEGINNING at an iron pin in the southerly line of the Peabody College property where it intersects with the present line between the counties of Davidson and Cheatham; thence with the southerly line of the Peabody College line, South 83° 30' East 918.2 feet to a point in the center of the Harpeth River; thence with the meanders of said river in a southerly and westerly direction 2480 feet to the present line between the counties of Davidson and Cheatham; thence North 1650 feet to the beginning, containing 38 acres, more or less.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 12, 1977.

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

## BOUNDARIES

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Cheatham County.

1. Acts of 1877, Chapter 61, changed the boundary between Montgomery and Cheatham Counties, to place the property and residence of John M. Duke in Cheatham County. This act also provided that within two months from the time of its passage, Mr. Duke was to have a survey of his land made and file the plats with the Register's office in Cheatham County.
2. Acts of 1877, Chapter 110, changed the line between Davidson and Cheatham Counties, placing in Davidson the lands of J. D. Walkup, N. P. Sneed, J. P. Newson and A. J. Newson.
3. Acts of 1879, Chapter 13, placed the lands and home of J. W. Simpkins in Cheatham County, out of Dickson County.
4. Acts of 1879, Chapter 137, changed the boundary between Davidson and Cheatham to place all that portion of Dr. B. G. Hampton's home tract which was on the Cumberland River in Davidson County.
5. Acts of 1885, Chapter 144, changed the line between Cheatham and Robertson Counties, placing all the lands of John Watts in Robertson County.
6. Acts of 1907, Chapter 387, placed the farm of George Simmons in Davidson County, out of Cheatham County.

## **CHAPTER V - COURT SYSTEM**

## COURT SYSTEM

### BOARD OF JURY COMMISSIONERS - JURORS

All private acts creating county boards of jury commissioners were repealed by § 22-2-201 of Tennessee Code Annotated, except in Davidson, Knox and Hamilton counties. The general statutes dealing with jurors and juries can be found in T.C.A. title 22. County boards of jury commissioners are described in T.C.A. § 22-2-201, and the qualifications of a juror are listed in T.C.A. § 22-1-101.

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

1. Private Acts of 1937, Chapter 196, provided for the appointment of a Grand jury clerk.
2. Private Acts of 1947, Chapter 275, amended Private Acts of 1917, Chapter 427, which had established a Board of Jury Commissioners for Williamson County, to make its provisions applicable to Cheatham County. This is apparently the only private act to set up a Board of Jury Commissioners in Cheatham.
3. Private Acts of 1949, Chapter 816, set the per diem compensation of jurors at \$3. This is now regulated by general law found in T.C.A. 22-4-101, et seq.

## COURT SYSTEM

### CHANCERY COURT

The chancery courts are the traditional trial level equity courts in Tennessee. Equity law deals with matters not traditionally addressed by the common law (case law) of the law courts or the statutory law. Equity acts when a traditional law court remedy is not adequate to reach a just result. In Tennessee, chancery courts have exclusive jurisdiction over some matters that are traditionally considered to be equity cases, but the statutory law has given chancery courts concurrent jurisdiction with the circuit courts over most civil cases.

Cheatham County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 23rd judicial district. The general law on chancery courts is found in title 16, chapter 11 of Tennessee Code Annotated, and title 17 applies to judges and chancellors.

The following acts form an outline of the development of equity jurisdiction in Cheatham 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. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1857-58, Chapter 82, provided that bills of chancery were to be filed in the Chancery Court at Springfield in the County of Robertson.
2. Acts of 1857-58, Chapter 93, established a chancery court at Ashland City and provided that Cheatham County was to constitute a separate chancery district.
3. Acts of 1871, Chapter 5, changed the time for holding chancery court sessions from the third Mondays in April and October to the second Mondays in May and November. This act was repealed by Public Acts of 1873, Chapter 12.
4. Acts of 1895, Chapter 66, set the time for holding chancery court on the third Mondays in April and September.
5. Acts of 1903, Chapter 277, provided that chancery court in Cheatham County was to be held on the Tuesday after the first Monday in April and October.
6. Private Acts of 1919, Chapter 455, was apparently intended to clarify the meeting date of Chancery Court since it also provided that chancery court in Cheatham County was to be held on the Tuesday after the first Monday in April and October.

## COURT SYSTEM

### CHANCERY COURT

#### CLERK AND MASTER

The office of clerk and master of the chancery court is covered by title 18, chapter 5 of Tennessee Code Annotated and mentioned in article VI, section 13 of the Constitution of Tennessee, which provides that the clerk and master will be appointed by the chancellor. The salary of the clerk and master is determined in accordance with T.C.A. § 8-24-102.

The basic fee schedule for clerks of court, including the clerk and master, is found at T.C.A. § 8-21-401. Tennessee Code Annotated § 16-16-203 provides the authority for the clerks and masters who are serving as the clerks of probate courts to accomplish a variety of clerical and judicial acts involving the probate of wills and the administration of estates.

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

1. Private Acts of 1911, Chapter 296, set the salary of the clerk and master at \$550 per year.
2. Private Acts of 1927, Chapter 254, set the salary of the clerk and master at \$1,000 per year and provided that any fees collected by that office, over and above the salary amount, could be retained by the clerk and master.



## COURT SYSTEM

### CIRCUIT COURT

The circuit court is the traditional trial level “law” court (as opposed to equity court) with broad civil and criminal law jurisdiction. Traditionally, the circuit courts (the “law” courts) applied the common law (case law) and the statutory law. The circuit courts continue to act as law courts, but Tennessee’s statutory law has given the circuit courts concurrent jurisdiction with the chancery courts in most civil matters. Circuit courts exercise criminal law jurisdiction as well as civil law jurisdiction in most counties in Tennessee, but in some counties a separate criminal court has been established.

Cheatham County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 23rd judicial district. Title 16, chapter 10 of Tennessee Code Annotated contains the general law applicable to the circuit court. Judges and chancellors are covered by title 17 of Tennessee Code Annotated.

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

1. Acts of 1857-58, Chapter 1, provided that circuit court in Cheatham County was to be held at Sycamore Mills until the courthouse could be completed, on the third Mondays in February, June and October.
2. Public Acts of 1857-58, Chapter 98, provided that Circuit Court in Cheatham County would be held on the third Mondays of February, June and October. Public Acts of 1869-70 (2nd Sess.), Chapter 46, amended this act.
3. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the State into Chancery Districts. The Sixth District was comprised of Wilson, Sumner, Robertson, Montgomery, Stewart, Trousdale and Cheatham Counties.
4. Public Acts of 1869-70 (2nd Sess.) Chapter 47, set the time for the Chancery Courts. Cheatham County would meet on the Third Mondays of April and October.
5. Public Acts of 1877, Chapter 47, changed the time for holding Chancery Court in Cheatham County to the third Monday in March and third Monday in October. This act was amended by Public Acts of 1879, Chapter 36, Public Acts of 1883, Chapter 21 and Public Acts of 1883, Chapter 224.
6. Acts of 1885 (Ex. Sess.) Chapter 20, divided the state into Judicial Circuits and Chancery Divisions. Cheatham County was in the Seventh Judicial Circuit and Eighth Chancery Division.
7. Public Acts of 1889, Chapter 14, changed the time for holding Circuit Courts of the Seventh Judicial Circuit. This act was amended by Public Acts of 1891, Chapter 140 and Public Acts of 1899, Chapter 409.

8. Acts of 1891 (Ex. Sess.) Chapter 20, established the Nineteenth Judicial Circuit (of which Cheatham County was a part of) and fixed the times for holding court. This act was repealed by Public Acts of 1899, Chapter 154.
9. Acts of 1895, Chapter 173, provided that circuit court was to be held on the third Mondays in February, June and October.
10. Public Acts of 1899, Chapter 427, changed the time for holding Circuit Court in Cheatham County to the second Monday in January, May and September. This act was amended by Public Acts of 1913 (1st Ex. Sess.), Chapter 2.
11. Acts of 1901, Chapter 463, detached Cheatham County from the Seventh Judicial Circuit and placed it in the Eighteenth Judicial Circuit, with court to be held on the fourth Mondays in January, May and September.
12. Acts of 1903, Chapter 29, placed Cheatham in the Ninth Judicial Circuit and set the time for holding circuit court on the third Mondays in February, June and October.
13. Acts of 1905, Chapter 286, set the time for holding Chancery Courts in the Sixth Division of Tennessee. Chancery court in Cheatham County would meet on the first Tuesdays after the first Mondays in April and October.
14. Acts of 1909, Chapter 329, was identical to the 1903 act, placing Cheatham in the Ninth Judicial Circuit and setting the time for holding court on the third Mondays in February, June and October.
15. Acts of 1919, Chapter 813, established the Seventeenth Judicial Circuit and fixed the times for holding court. This act was amended by Public Acts of 1931 (2nd Ex. Sess.) Chapter 38, and Public Acts of 1947, Chapter 230.
16. Public Acts of 1957, Chapter 95, provided for the establishment of the Twenty-first Judicial Circuit.
17. Public Acts of 1971, Chapter 277, provided for a secretary to the judge of the Twenty-first Judicial Circuit and set the compensation for the position. This act was amended by Public Acts of 1976, Chapter 655, and Public Acts of 1978, Chapter 800.
18. Public Acts of 1976, Chapter 655, created an additional office of Circuit Judge for the Twenty-first Judicial Circuit.
19. Public Acts of 1976, Chapter 655, created the office for an additional circuit judge in the Twenty-first Judicial Circuit. Cheatham County is now in the Twenty-third Judicial District, according to T.C.A. 16-2-506, which also stipulates the number of judges, assistant district attorneys general and investigators for the district.

## COURT SYSTEM

### CIRCUIT COURT

#### CLERK

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is determined in accordance with T.C.A. § 8-24-102.

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

1. Private Acts of 1911, Chapter 304, set the salary of the Circuit Court Clerk at \$700 annually. Private Acts of 1919, Chapter 165, increased the Clerk's salary to \$800. This act was repealed by Private Acts of 1927, Chapter 721.
2. Private Acts of 1927, Chapter 351, raised this annual salary to \$1,000, but this act was repealed by Private Acts of 1947, Chapter 277.

## COURT SYSTEM

### CRIMINAL COURT

In some counties of Tennessee, a separate criminal court has been established which has the criminal law jurisdiction of the circuit courts. The criminal court has appellate jurisdiction over criminal law matters decided in the general sessions courts.

The criminal court of Cheatham County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 23rd judicial district.

For the general law pertaining to criminal courts, see title 16, chapter 10 of Tennessee Code Annotated. For the general law pertaining to criminal court clerks, see title 18, chapter 4 of Tennessee Code Annotated.

COURT SYSTEM

DISTRICT ATTORNEY GENERAL

ASSISTANTS AND CRIMINAL INVESTIGATORS

The office of district attorney general, including assistant district attorneys and criminal investigators, is covered by title 8, chapter 7 of Tennessee Code Annotated. Section 16-2-506 of T.C.A. establishes the judicial districts of the trial courts and establishes the number of assistant district attorneys general and criminal investigators in each judicial district. According to T.C.A. § 16-2-506, Cheatham County is in the 23rd judicial district. Secretarial assistance to district attorneys is authorized, but subject to the approval of the executive director of the district attorneys general conference, the comptroller of the treasury, and the commissioner of finance and administration. T.C.A. § 8-26-101(2)(G) - (1)(K).

The following acts once affecting Cheatham County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1971, Chapter 56, created the office of Assistant District Attorney General for the Twenty-First Judicial Circuit.
2. Public Acts of 1972, Chapter 781, created an additional office of Assistant District Attorney General for the Twenty-First Judicial Circuit.
3. Public Acts of 1974, Chapter 527, created an additional office of Assistant District Attorney General for the Twenty-First Judicial Circuit.
4. Public Acts of 1976, Chapter 519, created an additional office of full-time Assistant District Attorney General for the Twenty-First Judicial Circuit.

## COURT SYSTEM

### GENERAL SESSIONS COURT

The general statutes on courts of general sessions are found in title 16, chapter 15 of Tennessee Code Annotated. The purpose of this general law is to create a statewide system of general sessions courts, but T.C.A. § 16-15-501(c) expressly provides that counties may create general sessions courts by private act, giving them both the jurisdiction and powers conferred by general law and such further jurisdiction and power as each county may require. The salary of the general sessions judge is governed by T.C.A. § 16-15-5003. The compensation received by the general sessions court clerk is set by T.C.A. § 8-24-102.

COURT SYSTEM

JUVENILE COURT

PRIVATE ACTS OF 1977

CHAPTER 133

SECTION 1. The Judge of the General Sessions Court of Cheatham County is hereby vested with exclusive power and jurisdiction to try, hear, and dispose of all matters and causes relating to juveniles and Juvenile Courts as are now provided under the general laws of the state. All authority and jurisdiction vested in the County Judge of Cheatham County relative to juveniles and Juvenile Courts is hereby divested from the County Judge and transferred and vested in the General Sessions Judge of Cheatham County.

The clerk of the Circuit Court of Cheatham County who now serves as clerk of the Court of General Sessions shall also serve as clerk of the Juvenile Court and is vested with all the duties, powers, and functions now held by the County Court Clerk of Cheatham County as Juvenile Court Clerk. The County Court Clerk is hereby relieved from any further duty or obligation to act as clerk of the Juvenile Court.

SECTION 2. In addition to the base salary established by law, the Judge of the Court of General Sessions of Cheatham County shall receive an annual salary supplement of five thousand four hundred dollars (\$5,400) paid in monthly installments for serving as juvenile court judge.

As amended by: Private Acts of 1988, Chapter 214.

SECTION 3. Chapter 236 of the Private Acts of 1939, is amended in Section 6 by deleting the period at the end of subpart (6) and adding the following:

, but shall not have the power to act in juvenile matters or as Juvenile Court Judge, such power being with the General Sessions Judge.

SECTION 4. Chapter 236 of the Private Acts of 1939, is further amended by inserting in Section 7 between the words "cases" and "pending" the words and symbols:

, except cases involving juveniles,.

SECTION 5. Chapter 236 of the Private Acts of 1939, is further amended in Section 8 by deleting the period at the end of the section and adding the following:

, but shall have no authority to act in juvenile matters or as Juvenile Court Judge, such authority being in the General Sessions Judge.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Cheatham County before September 1, 1977. Its approval or

non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 7. 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 6.

Passed: May 17, 1977.



## COURT SYSTEM

### JUVENILE COURT

The Juvenile Court Restructure Act of 1982, as amended, is codified in Tennessee Code Annotated §§ 37-1-201 through 37-1-214. Its purpose is to provide adequate juvenile court services in every county. Tennessee Code Annotated § 37-1-203 provides that the general sessions courts shall exercise juvenile court jurisdiction except in counties or municipalities wherein juvenile courts are specially provided for by law.

Special juvenile courts may be created by law (private act) to exercise juvenile court jurisdiction in a county or in contiguous counties. Counties must provide funding for such special juvenile courts. T.C.A. § 37-1-205.

Clerks of general sessions courts are required to maintain separate minutes, dockets, and records for all juvenile matters in those counties in which the general sessions court is also the juvenile court. T.C.A. § 37-1-210. The clerk of a special juvenile court is a duly elected clerk of another court in the county designated by resolution of the county legislative body, except where a duly elected clerk is provided by law (private act or charter). Clerks of the special juvenile courts are given the same duties, authority and obligations provided for clerks of other courts of record. T.C.A. § 37-1-211.

Tennessee Code Annotated § 37-1-159 provides that the juvenile court shall be a court of record. Any appeal from final disposition of a case, except the transfer of a child to be dealt with as an adult under T.C.A. § 37-1-134, may be made to the circuit court for a trial de novo.

## COURT SYSTEM

### SECRETARIAL ASSISTANCE

Secretarial assistance to judges and chancellors is now provided on the basis of need by the administrative director of the courts, under the provisions of Tennessee Code Annotated § 17-1-401. Their salaries are set by the administrative director of the courts and the commissioner of finance and administration with the approval of the chief justice of the supreme court, under T.C.A. § 17-1-402. The general law provisions are now the sole authority for providing secretarial assistance to trial judges and chancellors.

## **CHAPTER VI - EDUCATION/SCHOOLS**

## EDUCATION - SCHOOLS

### BOARD OF EDUCATION

General statutes regulating county boards of education and elementary and secondary education in the public schools may be found in T.C.A. title 49, chapters 1 through 6. County boards of education must be popularly elected to staggered four-year terms from districts of substantially equal population. The county legislative bodies are authorized to establish districts for county board of education members by resolution instead of having to rely on private acts for reapportionment. T.C.A. § 49-2-201.

Members of county boards of education must have a high school diploma or general education equivalent. However, a few counties are purported to be excluded by narrow population exception. Board members who fail to participate in state sponsored training are subject to removal by the commissioner of education. T.C.A. § 49-2-202.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

SUPERINTENDENT OF PUBLIC INSTRUCTION

PRIVATE ACTS OF 1931

CHAPTER 785

SECTION 1. That in all counties of this State having a population of not less than nine thousand twenty-five, nor more than nine thousand fifty, according to the Federal Census of 1930, or any subsequent Federal Census, the County Superintendents of Public Instruction shall be elected by the qualified voters of such counties for a term of four years, the next election to be at the regular August election, 1932, and every four years thereafter and the term of office to begin the first day of September following the election herein provided.

SECTION 2. That all laws and parts of laws in conflict with this Act are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 30, 1931.

## EDUCATION - SCHOOLS

### SUPERINTENDENT OR DIRECTOR OF SCHOOLS

After the passage of the Education Improvement Act of 1991, the elected office of superintendent of public instruction (county superintendent of education) was phased out. Replacing the superintendent is a director of schools, who is an employee of the county board of education; however, the continued use of the title superintendent is permitted. The director of schools is employed by the board under a written contract of up to four years duration under T.C.A. § 49-2-203(a). The duties of the director of schools are enumerated in T.C.A. § 49-2-301.

## EDUCATION - SCHOOLS

### GENERAL REFERENCE

The general state statutes regulating education are found in title 49 of Tennessee Code Annotated. Of particular interest to county officials are chapter 2 (Local Administration); chapter 3 (Finances); chapter 6, part 20 (School Property); chapter 6, part 3 (Elementary and Middle Schools); and chapter 6, part 4 (Junior and Senior High Schools).

The following acts constitute part of the administrative and political heritage of the educational structure of Cheatham County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1899, Chapter 364, created a special school district out of parts of Robertson and Cheatham Counties, to be a sub-district of the Fourteenth School District of Cheatham County.
2. Private Acts of 1923, Chapter 324, was the first act providing for the election of the Superintendent of Public Instruction by the Cheatham County voters.

## **CHAPTER VII - ELECTIONS**



ELECTIONS

CIVIL DISTRICTS

PRIVATE ACTS OF 1933

CHAPTER 632

SECTION 1. That the First, Second, Third, Fourth, Fifth and Sixth Civil Districts of Cheatham County, Tennessee, as now constituted and existing, and as constituted under Chapter 170 of the Private Acts of 1917 of the General Assembly of the State of Tennessee, be and the same are hereby abolished.

SECTION 2. That the territory embraced within the boundaries of Cheatham County, Tennessee, shall be, and the same is divided into sixteen civil districts, which civil districts created by this Act shall be and exist as follows:

FIRST DISTRICT:

Beginning at the mouth of Sycamore Creek, being junction of said Creek and Cumberland River; thence, running up the center of said creek, generally Eastwardly, with the meanders thereof, to the West boundary line of the lands owned by the heirs of A. P. Jackson, deceased, near Sycamore Powder Mills site; thence, leaving said creek, and running generally Southwardly, then Eastwardly, then Northwardly, with the outside boundary lines of the lands of said A. P. Jackson's heirs, and so as to leave said lands in the Third Civil District, to the Southwest corner of the lands now owned by Minnie Morris and others (known as the Perry or Doss farm), at a point in the center of the public road leading from the old Sycamore Powder Mills site to the Bearwallow road; thence, with the center of said public road, to the center of said Bearwallow road at the residence of the heirs of W. F. Binkley, deceased; thence, with the center of the Bearwallow road, generally Eastwardly, to a point where the Bandy road intersects said Bearwallow road, at the Wilson farm now owned by Murff Bros; thence, with the center of said Bandy road, generally Southwardly and Southeastwardly, to the public road leading from Dry Fork Creek to Marrowbone Creek, near the premises of Sam Newman; thence, with the center of said last mentioned public road, generally Southeastwardly, crossing Marrowbone Creek at the Rose farm, now owned by S. A. Marable, and continuing on to the Davidson County line near Mt. Pleasant school; thence, with said Davidson County line, Westwardly, to the South bank of Cumberland river at low water mark; thence, down the South bank of said river, at low water mark to the corner between the lands of Rigo Manufacturing Company and J. E. Gibbs; thence, generally Southwardly, with the East boundary line of said lands of J. E. Gibbs, so as to include said lands in the First Civil District, to the Southwest corner of said lands; thence, generally Westwardly, with the outside boundary lines of the lands of J. E. Gibbs, D. W. Hudgens (the F. P. Pace lands), Frances Harper, P. E. Hagewood (the Dr. G. S. Allen lands), Southern Trust Company (the T. B. Pardue lands), and the lands known as the "T. J. Adkisson lands" now owned by Mrs. Bettie Johns, Southern Trust Company, W. B. Adkisson, Frances Harris and Corinne Harris, Mrs. Lena Lenox, and S. H. Adkisson, to the boundary line of the lands of H. W. Blankenship; thence, generally Northwardly, with the line between said Blankenship and S. H. Adkisson, to the South bank of Cumberland river, at low water mark; thence down the South bank

of said river, at low water marks, with the meanders thereof, to a point opposite the mouth of Sycamore Creek; thence generally Northeastwardly across said river to the beginning.

#### SECOND DISTRICT:

Beginning at a point in the center of Sycamore Creek, in the Robertson County line, also corner of the Fourteenth District hereinafter described; running thence down the center of said creek, with the meanders thereof, to the East boundary line of the lands of the heirs of A. P. Jackson, deceased, corner of the Morris land, a short distance above the Sycamore Powder Mills site; thence generally Southwardly, with the line between the lands of Morris and said Jackson heirs to a point in the center of the road leading from old Sycamore Powder Mills site to the Bearwallow road, said point being Southwest corner of said Morris land, and a corner of the First District hereinabove described; thence, with the line of said First District, as hereinabove described, generally Eastwardly and Southeastwardly, to the Davidson County line near Mt. Pleasant School; thence, generally Northwardly and Westwardly, with said Davidson County line to the Robertson County line, and continuing with said Robertson County line to Sycamore Creek, the beginning.

#### THIRD DISTRICT

Beginning at a point in the center of Sycamore Creek, at the mouth of Spring Creek, a corner of the Fifth District hereinafter described, and running up Spring Creek to a point near the John Krantz farm, where the Spring Creek public road leaves said creek and runs up a hill; thence with the center of said public road to the junction of same with the old Clarksville and Nashville Dirt Pike; thence, with the center of said Dirt Pike, or public road, generally Southeastwardly, to the center of Sycamore Creek, at the Midway Mills bridge; thence, down said creek, with the center of same, to the East boundary line of the lands owned by the heirs of A. P. Jackson, deceased, at Morris' corner, also a corner of the Second District hereinabove described, and a short distance above the Sycamore Powder Mills site; thence, generally Southwardly, with the line between Morris and Jackson heirs to corner of the First District hereinabove described; thence continuing with the line of said First District, generally Southwardly, then Westwardly, then Northwardly, with the outside boundary lines of said A. P. Jackson's heirs lands, so as to include same herein, to a point in the center of Sycamore Creek, in Denny's line; thence down said creek, with the center and meanders of same, to the beginning.

#### FOURTH DISTRICT:

Beginning at a point in the center of the old Clarksville and Nashville Dirt Pike, at the junction of the Spring Creek public road with same, at the residents of R. F. Freeman, also a corner of the Third District hereinabove described; thence, generally Northwardly, with the center of said Dirt Pike to the corner between the lands of R. F. Freeman and James Long; thence Eastwardly, with the line between said Freeman and Long to the boundary line of Irvin Teasley's farm; thence, generally Northwardly, with the West boundary lines of the lands of Irvin Teasley, Phinaes Trent (Hallums farm), Dr. Felts (Gracy farm), and the Murray farm, to the Robertson County line; thence, generally Westwardly, with said Robertson County line to the Montgomery County line; thence, continuing in same general direction, with said Montgomery County line, to the ford across Halfpone Creek at the Jimmie Hunter place; thence generally Southwardly, with public road, for about one mile, to the intersection of the Thomasville and Henrietta public road at lower edge of the old Moore farm; thence, Southwardly, with the West boundary line of lands of Wm. R. Harris to the center of Raccoon Creek; thence, up said creek, with the center thereof, in general Eastwardly

direction, to the East boundary line of the lands of R. M. Nicholson; thence, Southwardly, with the East boundary line of said R. M. Nicholson's lands, to the center of the Dry Fork of Halfpone Creek; thence up said creek, in Eastwardly direction to the road leading from W. H. Walker place to the Lee Morris place; thence, Eastwardly, with Spring Creek public road to the beginning.

#### FIFTH DISTRICT:

Beginning at a point in the center of Sycamore Creek, at the mouth of Spring Creek corner of Third District above described; thence running up Spring Creek to a point near John Krantz farm, where Spring Creek public road leaves said Creek and runs up a hill; thence, with the center of said public road, passing by R. F. Herron's residence, and to the West boundary line of the lands of R. F. Freeman; thence Westwardly, with the W. H. Walker and Lee Morris road to the center of Dry Fork of Halfpone Creek; thence down said creek, with center and meanders thereof, to the point where the Lockertsville and Bethel public road crosses said creek, at the George Carney (now Emma Harris Jarrell place); thence, Southwardly with the center of said road, continuing on by the farm of T. E. Shearron, to the line between the farms of Jack Shearron and James Read; thence Southwardly, along the East pone Church; thence Southwardly, down a hollow leading through the old Abner Edwards farm to the center of the Sycamore Creek, at Wall's Fork; thence, up the center of Sycamore Creek, to the beginning.

#### SIXTH DISTRICT:

Beginning at a point in the North edge of Cumberland river, at low water mark; at the mouth of Halfpone Creek; thence running up the center of Halfpone Creek to a point in the center thereof at the mouth of Raccoon Creek at the West boundary line of the lands of Wm. R. Harris, and corner of Fourth District above described; thence, Northwardly, with the West line of said lands of Wm. R. Harris to a point in the center of the Thomasville and Henrietta public road; thence, Eastwardly, with the center of said road, to the junction of said road with the Jimmie Hunter and George Weakley road; thence up the center of the latter road, Northwardly, to the Montgomery County line at or near Halfpone Creek; thence Westwardly, with said Montgomery County line, to the North edge of Cumberland river, at low water mark; thence, up said river, at low water marks, to the beginning.

#### SEVENTH DISTRICT:

Beginning at a point in the North edge of Cumberland river, at the mouth of Fall Creek, a corner of the Sixteenth District hereinafter described; thence running up the center of said creek, an Eastwardly direction to the center of the road leading from the lands of B. B. Chambliss near his residence, to the Neptune and Ashland City public road; thence with said road to a point in the center of said Neptune and Ashland City public road, near the residence of T. L. Pinson; thence, with the center of the W. I. Barton lands, at the Smith grave yard; thence, Northwardly, with the East boundary line of said Barton's lands, to a point in the center of Dry Fork of Halfpone Creek, a corner of the Sixteenth District hereinafter mentioned; thence, down the center of said Dry Fork Creek, with the boundary lines of the Fifteenth District hereinafter described, to a point in the center of Halfpone Creek, at the mouth of said Dry Fork Creek, a corner of said Fifteenth District; thence, down the center of said Halfpone Creek to a point in Cumberland river, at the mouth of said creek, and at low water mark; thence, up the North edge or bank of Cumberland river, with its meanders at low water mark, to the beginning.

#### EIGHTH DISTRICT:

Beginning at a point on the Southside of Cumberland river, where the boundary lines of Cheatham, Montgomery and Dickson Counties meet; and running thence, generally Eastwardly and Northwardly, with the Dickson County line to Cumberland river; thence down said river, with the meanders of same, generally Westwardly or Northwestwardly, to the Montgomery County line; thence, generally Southwestwardly, with the Montgomery County line, to the beginning.

#### NINTH DISTRICT:

Beginning at a point on the South Bank of Cumberland river, at low water mark, at the corner between the lands of Rigo Manufacturing Company and J. E. Gibbs; thence, generally Southwardly, with the East boundary line of said J. E. Gibbs lands, passing his Southwest corner, and continuing a straight course to a point on a ridge in the center of an old road known as the "Robertson Road"; thence, generally Southeastwardly, with the center and meanders of said "Robertson Road", to a point in the center of the old Charlotte pike or road; thence, generally Northeastwardly, with the center of said Charlotte pike or road, to the Davidson County line, thence generally Northwardly with said Davidson County line, to Cumberland river; thence down the South bank of Cumberland river, at low water mark, to the beginning.

#### TENTH DISTRICT:

Beginning at a point in the center of the Memphis to Bristol Highway, or State Highway No. 1, where the east boundary line of Dickson County crosses the same; thence running generally Eastwardly, with the center of said highway to center of the Dog Creek bridge over Harpeth River, corner of the Eleventh District and the Twelfth District hereinafter described; thence, down the center of Harpeth River to the mouth of Dog Creek; thence Eastwardly, up the center of said creek to the old Charlotte Pike; thence along the center of said old pike to the point where the "Robertson Road" intersects the same, a corner of the Ninth District hereinabove described; thence, Northwestwardly, with the center of said "Robertson Road," and with the line of District Nine, to a point nearest the head of Sulphur Creek; thence, with the center of said Sulphur Creek, Westwardly, and continuing with the North Fork of said creek, and with the line of the Thirteenth District, to the Harpeth River, and the Dickson County line; thence, Southwestwardly and Southwardly, with the Dickson County line to the beginning.

#### ELEVENTH DISTRICT:

Beginning at a point in the center of the Memphis to Bristol Highway, or State Highway No. 1, where the east boundary line of Dickson County crosses said highway; and running thence southwardly with the Dickson County line to the Williamson County line; thence, eastwardly, with the Williamson County line, to the Davidson County line; thence, continuing eastwardly with the Davidson County line to a point in the center of the South Harpeth River, where said road crosses said river; thence, down said South Harpeth River; thence, down said Big Harpeth River, with the center and meanders thereof, to a point at the mouth of Hales Branch; thence, up said branch, with the center thereof to a point in the center of State Highway No. 1, or the Memphis to Bristol Highway, and where said Highway crosses said branch; thence, westwardly, with the center and meanders of said State Highway No. 1, or the Memphis to Bristol Highway, to the beginning; and that the correct description of said Eleventh Civil District of Cheatham County, Tennessee shall hereafter be the description last hereinabove set out.

As amended by: Private Acts of 1937, Chapter 473.

TWELFTH DISTRICT:

Beginning at a point in the center of Harpeth River, at the mouth of Dog Creek, a corner of the Tenth District hereinabove described; thence, Southwardly and Eastwardly, with the center of said Harpeth River to a point in the center of the new concrete bridge over said river on State Highway No. 1, or the Memphis to Bristol Highway; thence, Eastwardly, with the center and meanders of said highway, and with the line of said Eleventh District, to a point in the center of said highway at Hales Branch; thence, down said branch with the center and meanders thereof, to a point in the center of Big Harpeth River; thence, up said Big Harpeth River; thence, up said South Harpeth River, with the center and meanders thereof to a point in said river where the South Harpeth public road crosses the same; thence, with the center of said public road to the Davidson County line, and a corner of said Eleventh District; thence, eastwardly and northwardly, with the Davidson County line, to the center of the Old Charlotte Pike, a corner of the Ninth District hereinabove described; thence, westwardly, with the center of said pike; thence, down the center of said creek, to the beginning; and that the correct description of said Twelfth Civil District of Cheatham County, Tennessee, shall hereafter be the description last hereinabove set out.

As amended by: Private Acts of 1937, Chapter 473.

THIRTEENTH DISTRICT:

Beginning at a point in the Dickson County line, at the junction of the North Fork of Sulphur Creek and Harpeth River, a corner of the Tenth District; thence, Eastwardly, with the center of said Sulphur Creek to the head of same at a point nearest the old "Robertson Road;" thence, continuing on to said road in a straight line, and with the line of the said Tenth District; thence with said road, and the line of the Ninth District, to the Southwest corner of the lands of J. E. Gibbs; thence generally Westwardly, with the outside boundary lines of the lands of J. E. Gibbs, D. W. Hudgens (the F. P. Pace lands), Frances Harper, P. E. Hagewood (the Dr. G. S. Allen lands), Southern Trust Company (the T. C. Pardue lands), and the lands known as the "T. J. Adkisson lands" now owned by Mrs. Bettie Johns, Southern Trust Company, W. B. Adkisson, Frances Harris and Corinne Harris, Mrs. Lena Lenox and S. H. Adkisson, to the boundary line of the lands of H. W. Blankenship and S. H. Adkisson, to the South bank of Cumberland River, at low water mark; thence down the South bank of said river, at low water mark, to the Dickson County line; thence, generally Southwardly, with the Dickson County line, to the beginning.

FOURTEENTH DISTRICT:

Beginning at a point in the center of Sycamore Creek, in the South boundary line of Robertson County, a corner of the Second District; thence, generally Westwardly, with the Robertson County line, to the West boundary of the Murray farm, a corner of the Fourth District; thence, general Southwardly, with the line of the Fourth District, and the West boundary lines of the Murray farm and the lands of Dr. Felts (Gracy farm), Phineas Trent (Hallums farm), and Irvin Teasley, to the corner between Long and Freeman; thence with the line between Long and Freeman, Westwardly, to the center of the Clarksville and Nashville Dirt Pike; thence, with the center of pike, Southwardly and Southeastwardly, to a point in the center of the Sycamore Creek, at Midway Mills bridge, a corner of the Third District, and in the West boundary line of the Second District; thence, up the center of said Sycamore Creek, with the line of the Second District, to the beginning.

#### FIFTEENTH DISTRICT:

Beginning at a point in the center of Halfpone Creek, at the mouth of the Dry Fork of said creek; thence up Dry Fork, with the center of same, to the East boundary line of the R. M. Nicholson lands; thence Northwardly, with the East boundary line of said R. M. Nicholson farm to a point in the center of Raccoon Creek; thence down the center of said creek to a point in the center of Halfpone Creek; thence down the center of said creek to the beginning.

#### SIXTEENTH DISTRICT:

Beginning at a point on the South bank of the Cumberland river, at low water mark, in the line of the Thirteenth District, opposite the mouth of Sycamore Creek, and a corner of the First District; thence Northeastwardly, across said river with the line of the First District, to the mouth of Sycamore Creek; thence continuing with the line of the First District, and up the center of said creek, to a point at Wall's Ford, a corner of the Fifth District; thence, Northwardly, with the line of the Fifth District, up a hollow leading through the old Abner Edwards farm to old Halfpone Church; thence Northwardly, along the East boundary line of the lands of Henry Reed and Jack Shearron to the line between the farms of Jack Sherron and James Read; thence, with the center of the Lockertsville and Bethel public road, on by the farm of T. E. Shearron and to the point where said road crosses the Dry Fork of Halfpone Creek at the George Carney (now Emma Harris Jarrell) place; thence down said Dry Fork Creek, with the center of same, to the East boundary line of the W. I. Barton place; thence Southwardly, with the East boundary line of said W. I. Barton place, to a point in the center of the Neptune and Ashland City public road, at the Smith grave yard; thence, Eastwardly, with the center of said road, to a point near the residence of T. L. Pinson, where the road leading from the lands of B. B. Chambliss intersects said Ashland City and Neptune road; thence, with the center of B. B. Chambliss road, and with the line of the Seventh District, to a point in the center of Fall Creek, near said B. B. Chambliss' residence; thence down the center of said Fall Creek to Cumberland River; thence up said river to the beginning.

SECTION 3. That two magistrates or justices of the peace shall be elected from each of the foregoing districts, also one additional magistrate or justice of the peace from the district in which the County Seat is located, and one additional magistrate or justice of the peace from each incorporated town in said county; also that two constables shall be elected from the First District, and one Constable from each of the other districts hereinabove described; and all of said officers to be elected in the manner now provided by law.

SECTION 4. That the voting precincts in the respective districts hereinabove described shall be located at the following places: First District, Ashland City; Second District, Mt. Zion; Third District, Cochran School House; Fourth District Thomasville; Fifth District, Lockertsville; Sixth District, Henrietta; Seventh District, Neptune; Eighth District, New Hope School House; Ninth District, Sams Creek School House; Tenth District, Cedar Hill School House; Eleventh District, Kingston Springs; Twelfth District, Pegram; Thirteenth District, Emory Place; Fourteenth District, Ethel; and Sixteenth District, Cheap Hill.

SECTION 5. That no changes shall hereafter be made in any of the district lines as hereinabove set out, except by legislative enactment.

SECTION 6. That if any section, paragraph, clause or portion of this Act should be declared unconstitutional or invalid by any Court of competent jurisdiction, such action shall not affect the

validity of the remaining sections, paragraphs, clauses or portions of this Act, but same remain in full force and effect.

SECTION 7. That all laws and parts of laws in conflict with this Act be and the same are hereby expressly repealed, and that this Act take effect from and after the first day of September, 1936, the public welfare requiring it.

Passed: April 19, 1933.

**COMPILER'S NOTE:** This act established the civil districts, which are not the county legislative body member (county commissioner) districts. Tennessee Code Annotated, Section 5-1-111 now provides that districts for county legislative body members are to be established by a resolution of the county legislative body at least once every ten years.

## ELECTIONS

### DISTRICTS - REAPPORTIONMENT

The general provisions concerning county organization are found in title 5, chapter 1 of Tennessee Code Annotated. Section 5-1-101 enumerates the counties and § 5-1-108 deals with the apportionment of the county legislative bodies into a maximum of twenty-five county commissioner districts within each county that is not under a metropolitan government charter. Under T.C.A. § 5-1-111, the county legislative bodies must make necessary district boundary changes or completely redistrict a county so that the members represent substantially equal populations based on the most recent federal census at least every ten years. Upon application of any citizen affected, the chancery court of such county has original jurisdiction to review and amend the apportionment or to order an apportionment where none has been made.

Maps and legal descriptions of the boundaries of the county commissioner districts may be found in one of the following offices: county clerk, county election commission, state coordinator of elections, secretary of state, and the division of local government, office of the comptroller of the treasury.

Civil districts by that name are no longer used as district boundaries for election of legislative body members. These civil district boundaries have been left undisturbed as they existed prior to the first reapportionment of the quarterly county courts for real property record-keeping purposes only. T.C.A. § 5-1-112.



## ELECTIONS

Elections in Tennessee are now governed by the general statutes found in Tennessee Code Annotated title 2, chapters 1 through 19. Of particular interest to county officials is chapter 12, which covers the county election commission. The employment of administrator of elections and deputies by the county election commission is authorized by T.C.A. § 2-12-201. Tennessee Code Annotated, Section 2-12-208 sets a minimum salary for certified administrators of elections based on a percentage of the assessor's salary, and provides for certification tests, state contribution to each certified administrator's salary and other budget requirements.

Title 3, chapter 1 of Tennessee Code Annotated reapportions the state into senatorial and representative districts for the general assembly. Tennessee Code Annotated § 3-1-102 places Cheatham County in the 18th state senatorial district (along with Robertson and a portion of Davidson counties), while T.C.A. § 3-1-103 places it in the 66th and 68th representative districts. Cheatham County is part of the 7<sup>th</sup> U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

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

1. Private Acts of 1917, Chapter 170, was a redistricting act which divided Cheatham County into six civil districts, thereby abolishing the old Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth Civil Districts. This was amended by Private Acts of 1921, Chapter 444, to provide that one magistrate and one constable were to be elected by the legal voters of every incorporated town.
2. Private Acts of 1949, Chapter 817, set the salary of election officers in Cheatham County at \$2.50 per day except in precincts with more than five hundred registered voters, where they would receive \$5 daily. These salaries are not set by the general law found in T.C.A. 2-4-109.

## **CHAPTER VIII - HEALTH**

## HEALTH

For the general statutes relating to health, see Tennessee Code Annotated title 68, with particular reference to chapter 2 (Local Health Services). Chapter 2 provides for the creation of county and district health departments, boards of health, and cooperation between counties and cities in the establishment of such departments and boards. It also details the operation and financing of local health services. See volumes 14, 15 and 16 (Combined General Index) of T.C.A. for reference to statutes on specific health topics.

## **CHAPTER IX - HIGHWAYS AND ROADS**

HIGHWAYS - ROADS

OBSTRUCTING WATER DRAINAGE

PRIVATE ACTS OF 1923

CHAPTER 467

SECTION 1. That it shall be unlawful for any person or persons to obstruct any ditch, drain or natural outlet for water from any public road or natural outlet for water from any public road in counties of the State having a population of not more than Ten Thousand and Seventy and not less than Ten Thousand according to the Federal Census of 1920 or any subsequent Federal Census.

SECTION 2. That the term "obstruction" as used in this Act shall be held to include any brush, timber, soil or refuse or other matter which may interfere with the free passage of water from the road-bed.

SECTION 3. That any person or persons violating the provisions of this Act or causing the same to be violated shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Fifty Dollars nor less than Ten Dollars.

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

Passed: March 31, 1923.

HIGHWAY - ROADS

ROAD LAW

PRIVATE ACTS OF 1945

CHAPTER 309

SECTION 1. That in the Counties of the State of Tennessee having a population of not less than nine thousand nine hundred twenty-five (9,925) nor more than nine thousand nine hundred thirty (9,930), according to the Federal Census of 1940, or any subsequent Federal Census, there is hereby created the office of Superintendent of Roads, who shall be the executive head of the Department of Roads in said Counties.

The qualifications of said Superintendent of Roads shall be that he is a resident and qualified voter of the County to which this Act applies, of good moral character, over the age of twenty-five years, a competent road and bridge builder, and shall have at least a practical education equivalent to eight years elementary school work.

SECTION 2. That the Superintendent of Roads in the County to which this Act applies shall, before entering upon the duties of said office, take and subscribe to an oath that he will support the Constitution of the United States and the Constitution of the State of Tennessee, and that he will faithfully, impartially, diligently, and to the best of his ability and skill, perform all duties required of him as such Superintendent of Roads, and account for all moneys and property coming into his hands as such Superintendent. He shall also execute and file in the office of the County Court Clerk a good and sufficient bond in the penal sum of Ten Thousand (\$10,000.00) Dollars, which shall be approved by the County Judge or Chairman, payable to the State of Tennessee for the use and benefit of the County to which this Act shall apply, conditioned upon his faithful performance of his duties as Superintendent of Roads, as prescribed by the provisions of this Act, and the faithful accounting of all moneys and property belonging to said County, which may come into his hands as such official. Said bond may be executed with some incorporated bonding company authorized to do business in this State, as surety thereon, and in such event the premium of such bond shall be paid out of the Road Fund of said County, as other disbursements are made.

SECTION 3. That the salary of such Superintendent of Roads shall be the same as that set forth as maximum compensation in Section 8-2403, Tennessee Code Annotated, for the Clerks of the County and Probate Courts in the class applicable to any County to which this Act applies.

As amended by:       Private Acts of 1949, Chapter 818  
                              Private Acts of 1951, Chapter 198  
                              Private Acts of 1953, Chapter 152  
                              Private Acts of 1963, Chapter 237  
                              Private Acts of 1967-68, Chapter 421.

SECTION 4. That the Superintendent of Roads shall have jurisdiction over the expenditure of all Road Funds belonging to the County, including the proceeds of the State Gasoline Tax allocated to such County, subject to the provisions of this Act. He shall have general, complete and

exclusive control over the laying out, construction, repairing and maintenance of all public roads and bridges in his County, except such roads and bridges as are under the supervision of the Department of Highways and Public Works of the State of Tennessee. He shall have the right and authority to employ persons to do work in laying out, constructing, repairing and maintaining all public roads and bridges in his County; to employ machenic (sic) when necessary to repair the County road machinery and tools and keep same in proper working condition; to employ a bookkeeper or clerk, to assist in keeping the records of said office in an orderly and proper manner, and to render general clerical assistance; and to fix the wages and compensation to be paid such employees, which wages or compensation shall be such hourly rate as fixed at the time of employment by the Superintendent of Roads and approved by the County Judge of said county, for the period of actual employment, and shall be paid out of the Road Funds of the County.

As amended by:       Private Acts of 1947, Chapter 276  
                              Private Acts of 1949, Chapter 874  
                              Private Acts of 1951, Chapter 205  
                              Private Acts of 1953, Chapter 203  
                              Private Acts of 1965, Chapter 81.

SECTION 5. That all expenditures or disbursements of the Road Funds of the County to which this Act applies shall only be made in the following manner: The Superintendent of Roads shall issue warrants, countersigned by the County Judge or Chairman, to the County Trustee, which warrants shall bear consecutive serial numbers and show on their face the purpose for which payment is being made. No single warrant shall be drawn for funds or amounts due or going to more than one person; that is, a separate warrant shall be drawn for every person who is to receive any of said road funds. Upon receipt of a warrant drawn, on the Road Funds of the County, strictly in compliance with the foregoing provisions, such warrant shall be paid by the County Trustee out of said County Road Funds; but the Trustee shall not pay any warrant drawn on the said Road Funds of the County that does not fully comply with all of the requirements set forth in this Section of this Act.

SECTION 6. That before countersigning any warrant drawn on the County Road Funds, the County Judge or Chairman shall make a sufficient investigation to determine that such warrant is correct and proper in every way, and a valid expenditure of the County Road Funds to the amount of such warrant; otherwise he shall not countersign such warrant.

SECTION 7. That the Superintendent of Roads shall have the supervision, charge of and exclusive control over all machinery, equipment, tools, supplies and materials, owned by the County and used in the construction, repairing and maintenance of the public roads and bridges in said County, together with the supervision and control of all garages, shops and other buildings, owned or held by the County for use in connection with the public road system, its operation and maintenance.

Within thirty days after taking office under this Act, the Superintendent of Roads shall make a complete inventory of all the machinery, equipment, tools, supplies and materials, belonging to the County and used for road purposes, and file a copy thereof with the County Court Clerk. Thereafter, on the first day of September of each year he shall file a complete inventory with said County Court Clerk of all such machinery, equipment, tools, supplies and materials, under his control.

SECTION 8. That said Superintendent of Roads shall install a daily card checking system upon which the name of each employee shall appear, and the amount of work done, where done, and the actual hours employed.

SECTION 9. That the Superintendent of Roads shall keep and maintain in his office a permanent record of all inventories and reports herein required to be made by him, and of all warrants drawn by him on the County Road Funds, showing every expenditure made of said funds, including the amount, date, payee, and for what purpose expended.

The Superintendent of Roads shall submit to each quarterly session of the County Court a full and complete report of his activities as such Superintendent of Roads, showing in each report the amount of road funds on hand at the beginning of the quarter, together with the amounts expended for labor, salaries, gasoline, oil, supplies, materials and articles purchased, the number of laborers employed, the number of miles of roads constructed or repaired and where located, during the quarter for which the report is made.

SECTION 10. That the Superintendent of Roads shall keep a strict account of all gasoline and oil purchased and delivered to him for use in connection with the construction and maintenance of the roads and bridges of his County, and of the use and disposition of such gasoline and oil. He shall require a written receipt to be personally signed by each and every person receiving or using any of said gasoline and oil, which receipt shall show the amount of gasoline and/or oil so received or used (sic), and the date thereof, which receipts shall be preserved by him as permanent records of his office.

SECTION 11. That the Superintendent of Roads is hereby expressly forbidden to expend any funds or to incur any obligations in excess of the road revenues for the current quarters, and the surpluses carried forward from previous quarters, or to encumber any anticipated road revenues except those accruing during the current quarter. Provided, that in case of emergency, the Quarterly County Court in such County, by a roll call vote of its members, may authorize the purchase of road equipment, machinery or materials, on the installment plan and the incumbrance of anticipated revenues for such purposes only.

SECTION 12. That all machinery, tools, equipment, trucks, tractors, gasoline, oils, automobiles, supplies and materials of every kind, that are to be acquired for use by the Superintendent of Roads and/or for the construction and maintenance of the roads and bridges of such County, and for the proper operation of the highway and road system of the County under this Act, shall be purchased by the Purchasing Commission of such County in accordance with the Act creating such Purchasing Commission; and it shall be unlawful for the Superintendent of Roads to make any of such purchases without complying strictly with this provision of this Act; provided in case of emergency, the Superintendent of Roads, by and with the approval of the County Judge or Chairman, may purchase materials for repairing any of the machinery, tools, equipment, trucks, tractors, and automobiles, not exceeding One Hundred (\$100.00) Dollars in cost, but no further or otherwise.

As amended by: Private Acts of 1947, Chapter 276.

SECTION 13. That neither the Superintendent of Roads, nor any assistant, clerk, bookkeeper, laborer, or other employee, working under his direction, shall be financially interested in, or have any personal beneficial interest, either directly or indirectly, in the purchase of any



equipment, machinery, tools, trucks, tractors, automobiles, gasoline, oil, supplies or materials for said Department of Roads, nor in any firm, corporation, partnership, association or individual furnishing any of said items. Nor shall the Superintendent of Roads, nor any assistant, clerk, bookkeeper, laborer, or other employee, working under his direction, 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 thing of value whatsoever, or any promise, obligation or contract for future reward or compensation.

Any violation of this Section of this Act is hereby declared to be a misdemeanor, and, upon conviction, the guilty person shall be fined not less than Ten (\$10.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars.

SECTION 14. That the County Superintendent of Roads shall have the power and authority to remove, or cause to be removed, any fence, gate or other obstruction, from the roads or ditches of said county. If any person shall place or maintain any obstacle or obstruction upon the right of way of any road of said County, and shall refuse to remove the same upon the demand of the Superintendent of Roads, such person shall be guilty of a misdemeanor and punishable accordingly.

It shall be a misdemeanor to place a post, pole, brush, timber, or any other obstruction, upon the right-of-way of any road, or the ditches thereof, in such County, provided that electric transmission lines, telephone or telegraph poles, may be placed thereon, under the direction of the Superintendent of Roads, with the approval of the Quarterly County Court.

SECTION 15. That before any new road shall be built, or the construction thereof begun, the course of said road shall first be definitely decided upon, and the right-of-way absolutely acquired and paid for.

SECTION 16. That the Superintendent of Roads shall have the authority to contract with any State or Federal agency by which the road funds of the County may be supplemented or augmented, or by which additional employees may be employed on road work or road construction or repairs, or whereby additional repair and maintenance of such roads may become available. Provided, that such contract shall not incur any liability to the County above the current revenues for the current quarter or quarterly period as hereinabove provided.

SECTION 17. That the method of opening, closing or changing the location of any public road in said county, as provided for in Sections 2731-2741 of the Code of Tennessee, shall not be changed or abridged by this Act, but the same shall remain in full force and effect in said county.

SECTION 18. That when it becomes necessary to do so, in order to carry out efficiently the work on the public roads as provided for by this Act, the Superintendent of Roads, with the written approval of the County Judge or Chairman, may institute condemnation proceedings for the purpose of condemning land for road purposes, chert or gravel beds, rock quarries, or other road building material or rights-of-way necessary for the construction and maintenance of the public roads in such County. Provided, however, that no such condemnation proceeding shall be instituted involving expenditures in excess of revenues for the current year. Said condemnation proceedings shall be instituted in the manner provided by law for the condemnation of land for public purposes under the laws of eminent domain. The damages assessed against the County in all such cases shall be paid out of the Road funds of the County, upon warrant of the Superintendent of Roads, countersigned by the County Judge or Chairman, as hereinabove provided.

SECTION 19. That the Superintendent of Roads shall lay out and classify all public roads of the County, fixing and showing by his permanent records the width and length of the various public roads, the terminal of same, and the identification of such roads either by name or number, and he will make, or have made, and kept as a part of the permanent records of his office, a map or maps of all of said public roads, highways and bridges of the county.

SECTION 20. That the Superintendent of Roads, with the approval and consent of the County Judge or Chairman, may have an automobile purchased by the County Purchasing Commission for his use in carrying out his duties under this Act as Superintendent of Roads, and the cost of such automobile, together with the proper and necessary expenses of the upkeep and/or maintenance of same, shall be paid out of said County road funds by warrant drawn by the Superintendent of Roads and countersigned by the County Judge or Chairman, in the same manner as other expenditures of said road funds are made as herein-above provided. But such automobile shall not, under any circumstances, be used by the Superintendent of Roads upon any private business or for pleasure and shall only be used while he is actually engaged in directing and supervising the construction, repair and maintenance of the public roads and bridges of the County. A strict account shall be kept of all gasoline and oil used in the operation of such automobile, with the Superintendent of Roads being required to personally sign receipts for all such gasoline and oil used in the operation of said automobile from any supplies or stocks thereof belonging to the County; and the Superintendent of Roads will show in each of his quarterly reports to the Quarterly County Court the amount of gasoline and oil used by him in the operation of said automobile during the preceding quarter; also the number of miles travelled, and the cost of the upkeep and maintenance of same.

Any use of said automobile referred to in this section of this Act, other than herein expressly authorized, is hereby declared to be a misdemeanor and punishable as such.

As amended by: Private Acts of 1947, Chapter 276.

SECTION 21. That the Superintendent of Roads in such County shall devote his entire time and attention to the discharge of the dutieh (sic) of his office under this Act, and he shall not hold any other office or position, or engage in any other business or employment, either directly or indirectly, during the term of his office as fixed by this Act. Any violation of this section of this Act shall be grounds for removal of said Superintendent of Roads from his office.

SECTION 22. That the Superintendent of Roads, by and with the consent and approval of the County Judge or Chairman, may use the machinery, equipment, tools, and materials owned by the County for road purposes, and also may use the laborers and employees employed by the County Road Department, when such does not interfere in any manner with the proper operation and maintenance of the County Public Road System, to grade, construct or repair any private road on the private property of any person in the County; provided, that the owner of such private road or roads shall pay adequate compensation for the use of such machinery, tools, equipment and materials, and for the services of the laborers and employees so rendered. The compensation to be paid by the owner of any private road for any such services rendered and work done thereon by the County Road Department shall be fixed and determined by the Superintendent of Roads and the County Judge or Chairman, and shall be paid to the Trustee of the County and by him credited to said County Road Department by placing same in the Road Fund of the County. Nothing in this Act shall be construed as requiring the County Road Superintendent to have any work done on any private road in the County, but simply to permit to do such work or have same done, by contract

with the owner of such private road, and on the conditions and subject to the provisions hereinabove set out.

As amended by: Private Acts of 1947, Chapter 276.

SECTION 23. COMPILER'S NOTE: This section, which forbade the employment by the county road department of any relative of the Road Superintendent was repealed in its entirety by Private Acts of 1974, Chapter 194.

SECTION 24. That it shall be the duty of the County Judge or Chairman, and the County Finance Committee, to make an audit of the books, records and reports of said Superintendent of Roads at the end of each quarter, and make a report thereon at the following session of the Quarterly County Court. Said audit shall not only cover the financial transactions of the office of Superintendent of Roads, but shall include the checking and reporting upon the amount of gasoline and oil purchased for use by the County Road Department or the Superintendent of Roads, the use or disposition made of such gasoline and oil, and whether or not proper receipt were executed by all parties receiving or using such gasoline and oil, and whether or not said receipts have been properly recorded and kept on file in the office of said Superintendent of Roads, as required by this Act. The report of said County Judge or Chairman and said County Finance Committee, to be made and submitted at the regular sessions of the Quarterly County Court, as herein directed, shall also show whether or not the Superintendent of Roads has properly made all reports and kept the records of the transactions of his office as required by this Act.

SECTION 25. That any violation of any provision, section or part of this Act, by the Superintendent of Roads, and especially of Section 12, Section 13, Section 20, Section 21, Section 22, and Section 23, hereof, is hereby declared to be official misconduct, and to constitute a misdemeanor in office, punishable by fine of not less than Ten (\$10.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars, and by removal from office as provided by Section 1877 et seq., of the Code of Tennessee.

SECTION 26. That there shall be elected by the qualified voters of said County, at the regular August election in 1946, and at such biennial election thereafter, a suitable person as Superintendent of Roads, who shall possess all of the qualifications set forth in Section 1 of this Act. The person so elected to said office of Superintendent of Roads shall take office on the first day of September following such election, and shall hold the same for a term of four years, and until his successor is duly elected and qualified.

As amended by: Private Acts of 1955, Chapter 234.

SECTION 27. That in the event of a vacancy in the office of Superintendent of Roads, the Quarterly County Court of such County shall, either at a regular session or a properly called special session thereof, and by a roll call vote of its members, elect a suitable and qualified person as such Superintendent of Roads to serve in compliance with the provisions of this Act for the balance of the unexpired term, and until his successor shall have been duly elected and qualified as herein provided.

SECTION 28. That in order that the provisions of this Act may be immediately effective and administered for the public convenience and welfare, George B. Vanhook, a suitable person, who is possessed of the qualifications set forth in Section 1 of this Act, is hereby designated and

shall be the first Superintendent of Roads, under the provisions (sic) of this Act, and who shall hold said office until September 1, 1946, and until his successor shall have been duly elected and qualified as provided for elsewhere in this Act.

SECTION 29. That the provisions of this Act are hereby declared to be severable; and that, if any section, provision, exception, sentence, clause, phrase, or part of this Act, be held unconstitutional or void, the remainder of the 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 in the same.

SECTION 30. That all other Acts and laws or parts of Acts and laws in conflict with the several provisions of this Act be and the same are hereby repealed.

SECTION 31. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 21, 1945.

**COMPILER'S NOTE:** Section 22 is in direct conflict with the general law found in T.C.A. 54-7-202, which prohibits use of trucks, road equipment, rock, crushed stone or any other road materials of the county highway department for private purposes.

See the following 1974 Act, which is amendatory to this and provides for the issuance of work permits and authorizes the County Road Superintendent to designate the maximum weight of vehicles using the county roads.

HIGHWAY - ROADS

ROAD LAW

PRIVATE ACTS OF 1974

CHAPTER 196

SECTION 1. That Chapter 309 of the Private Acts of 1945, and all Acts heretofore passed amendatory thereto, be and are hereby amended as provided herein.

SECTION 2. Any person, firm, partnership, or corporation desiring to engage in or do any work which requires or necessitates any change, alteration of (sic) damage to any of the public roads or highways of the County which are operated and maintained by Cheatham County, including the macadam of such roads and highways and the shoulders, ditches, drains, and foundations thereof, and also including the placing of side drain culverts along the sides thereof, shall, before any such work is done, apply for and obtain from the County Road Superintendent, or his duly appointed representative, in the manner and form as may be required by the County Roads Superintendent, a permit granting such person, firm, partnership, or corporation, the right and privilege to perform such work. The County Road Superintendent may require the applicant to show the location, nature and extent of the work to be performed.

SECTION 3. The County Road Superintendent of Cheatham County shall have authority to require any such person, firm, partnership, or corporation applying for such permit to enter into a reasonable and proper bond, approved by the Superintendent, in such amount as the Superintendent may consider sufficient and proper, conditioned to insure that any damage occasioned to such public roads and highways by such work will be repaired and the said roads and highways restored to as good condition as they are in before such work is done.

SECTION 4. No person, firm, partnership or corporation shall do any work upon, under, across, along, or beside any of said public roads or highways of the County which will result in any change, alteration or damage thereto, without securing a permit and executing a bond, if required, as herein provided. Any person, firm, partnership, or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for each violation. Each day such permit is not obtained and such bond, if required, is not executed, after such work is begun shall constitute a separate offense and violation.

SECTION 5. The County Road Superintendent shall have the authority to designate the maximum tonnage or weight of automobiles, trucks, and other vehicles that are permitted to travel over and upon such public roads, highways, and bridges which are maintained by Cheatham County; in case of a violation of the regulations prescribed in such instances, the person, firm, partnership, or corporation violating the same shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for each violation.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly Court of Cheatham County at or before the next regular meeting of the Court occurring more than thirty (30) days after its passage. 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 7. This Act shall take effect from and after its passage and approval, the public welfare requiring it.

Passed: February 14, 1974.

HIGHWAY- ROADS

ROAD LAW

PRIVATE ACTS OF 1987

CHAPTER 68

SECTION 1. In addition to the powers given by Tennessee Code Annotated, Title 54, Chapter 10, relative to the establishment of county roads, the county legislative body of Cheatham shall have the powers and duties specified in this Act.

SECTION 2. For the purpose of this Act, the following terms shall be defined as follows:

(1) "Public road" means any road laid out, appointed or recognized by law as a way open to all the people, without distinction, for passage and repassage at their pleasure.

(2) "County road or county highway" means a public road in the county designated by the county legislative body as having sufficient use and importance so that the county highway department should endeavor to maintain the road, where such public road is not maintained directly by a municipal government, or the state or federal government.

(3) "County road list" means a list of public roads in the county designated as county roads by the county legislative body.

(4) "Developer" means a person or legal entity who subdivides a tract of land for resale as residential lots.

(5) "Chief administrative officer" means the chief administrative officer of the county highway department as defined in Section 54-7-103.

(6) "Interested property owner" means a person or legal entity who owns real property adjacent to a public road or person who has access to the public road by way of easement or right of way.

SECTION 3.

(a) In addition to the survey provided by Tennessee Code Annotated, Section 54-10-105, the chief administrative officer shall review the status of public roads and county roads prior to January of each year and shall make recommendations to the county legislative body as to what roads should be designated as county roads and any public roads which should be closed.

(b) After receiving the recommendations of the chief administrative officer, the county legislative body shall designate and update previous designations of county roads at the regular January meeting. The county clerk shall prepare a county road list from the designations adopted by the county legislative body. The classification of each county road

shall be entered on the county road list. The current county road list shall be kept in the office of the county clerk, and a copy of such list shall be delivered to the chief administrative officer by the county clerk.

(c) The county legislative body may add a public road to or remove a public road from the county road list whenever in its discretion it deems that the public welfare demands such action. The removal of a public road from the county road list or the fact that a public road is not designated as a county road shall not impair its public character allowing all the people, without distinction, to pass over such road, but the removal of a public road from the county road list shall remove any obligation of the county to maintain that public road.

SECTION 4. The chief administrative officer shall develop a classification system for the county roads based upon width of right of way and roadbed as provided for in Tennessee Code Annotated, Section 54-10-103, and type of roadbed and surface, subject to the approval of the county legislative body. Upon approval of a classification scheme, all county roads shall be classified in accordance thereto, and a copy of the classification shall be filed in the office of the county clerk and delivered to the chief administrative officer by the county clerk. The classifications shall be updated at least annually in conjunction with the designation of county roads with the chief administrative officer making classifications subject to the approval of the county legislative body.

SECTION 5. The county legislative body shall have the power to appropriate county highway and general funds for the purpose of building, repairing, and maintaining roads and bridges designated as county roads and to operate ferries connecting county roads or connecting a county road with any other public road. The county legislative body may exercise the power of eminent domain for these purposes and shall award appropriate damages in accordance with Tennessee Code Annotated, Title 29, Chapter 17.

#### SECTION 6.

(a) The chief administrative officer may employ surveyors, engineers, mappers and other professionals to survey, inspect, and classify all county roads and other public roads and to make maps and charts of the same, subject to budgetary limitations.

(b) The chief administrative officer and the county legislative body by resolution, may recommend changes or improvements to county roads. The chief administrative officer shall ascertain, through the assistance of professionals where necessary or appropriate, and report in detail the probable or approximate cost of making any improvement or change. This report shall be spread on the minutes of the county legislative body.

#### SECTION 7.

(a) In addition to the provisions of Tennessee Code Annotated, Section 54-10-201, relative to opening, closing, or changing roads by application of an individual applicant, the county legislative body shall have power to open, close or change a county road or a public road not maintained by any governmental entity. The county legislative body shall also have power to accept a subdivision road or a public road not maintained by a governmental entity as a county road. However, no such change shall occur before a public hearing is conducted according to the standards delineated in this Act. This process of opening, closing, changing



or accepting roads shall begin by resolution of the county legislative body upon its own motion, or in response to an application made by any interested property owner in the county or the chief administrative officer.

(b) All applications under this section to open, close, or change a county road or a public road not maintained by any governmental entity or to accept a subdivision or some other public road as a county road shall be made by written petition, signed by the applicant, stating the exact nature and extent of the proposed change and the reason for the change, and listing the names and addresses of interested property owners. The written petition shall be delivered to the chief administrative officer, who shall forward a copy to a three (3) or more member committee of the county legislative body. This commission or committee shall examine the petition, investigate the situation, and report within sixty (60) days to the full county legislative body with a recommendation to hold a hearing on the subject or dismiss the petition as without merit. The county legislative body shall act to hold a public hearing on the question or dismiss the petition.

#### SECTION 8.

(a) Whenever a public hearing is held to consider action on opening, closing, changing or accepting a road, the special committee appointed or elected pursuant to Section 7, shall conduct the hearing.

(b) The county clerk shall give public notice of the hearing in a newspaper of general circulation in the county at least seven (7) days prior to the hearing date. Written notice of the hearing shall be sent by the county clerk by registered or certified mail to all known landowners affected by the petition at least seven (7) days prior to the hearing date. The notices shall state the time, place and purpose of the hearing.

(c) The commission or committee shall cause a copy of the petition to be forwarded to the regional planning commission for the county, in sufficient time for the planning commission to investigate the merits of the petition before the hearing. The regional planning commission shall examine the merits of the petition and report their recommendations and reasoning to the commission or committee at the hearing. Further, the hearing shall be conducted so as to give affected landowners and other members of the public the opportunity to comment on the petition. The commission or committee shall summarize the hearing proceedings in a report to the county legislative body and recommend action on the petition within sixty (60) days. In the case of accepting new county roads, the commission or committee shall inform the county legislative body on whether the roads conform to any adopted standards for new county roads. The county legislative body shall consider the report and shall resolve that the petition be granted in whole or in part, or denied.

(d) The county legislative body shall have the power of condemnation and shall assess damages to be paid out of the county general fund in accordance with Tennessee Code Annotated, Title 29, Chapter 17.

(e) Any person considering himself aggrieved by the action of the county legislative body under this Act may appeal to the chancery court and from there to the appellate courts. The chancery court shall uphold the resolution of the county legislative body unless the court

determines that the action of the county legislative body was arbitrary and capricious on the issue of granting the petition. However, in exercising the power of condemnation, the issue of damages shall be subject to the same standard of review employed generally in condemnation cases. All costs of appeal shall be paid by the losing party or prorated as justice demands. Costs against the county shall be paid out of the general funds.

#### SECTION 9.

(a) The county legislative body shall have power to adopt regulations and specifications to govern the county's acceptance of a road as a county road. Any regulations and specifications adopted shall be placed on record in the office of the county clerk, and a copy shall be maintained in the office of the chief administrative officer.

(b) Before any lot that is part of a subdivision as defined in Tennessee Code Annotated, Section 13-3-401, may be sold by the developer, the owner or developer must have the subdivision road from the lot to the connecting county or state maintained road in compliance with the county's regulations and specifications for new county roads or post bond or other adequate security payable to the county in an amount sufficient to reimburse the county for the cost of bringing the road into compliance with the county regulations and specifications. The amount of the bond or security shall be set by the chief administrative officer, subject to approval by the county executive. The bond shall be delivered to the county clerk. The bond or security shall be canceled by the chief administrative officer with the approval of the county executive when the terms of the bond have been met. The bond or other security shall become due and the proceeds shall be paid into the county highway fund to construct the designated subdivision road if the road is not brought into compliance within one (1) year of the date of delivery to the county clerk.

SECTION 10. The provisions of this Act shall supersede any private acts in conflict with this Act, but shall not supersede any provision of the general law, it being intended to supplement, amplify, and enhance the provisions of the general law in Cheatham County, recognizing that the county has paramount authority in the acceptance and regulation of roads for which it will be responsible.

SECTION 11. 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 to 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 12. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Cheatham County before October 1, 1987. Its approval or nonapproval shall be proclaimed by the presiding officer of the Cheatham County commission and certified by him to the Secretary of State.

SECTION 13. 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 12.

Passed: April 16, 1987.

## HIGHWAYS - ROADS

General law on highways and roads can be found in title 54 of Tennessee Code Annotated. In 1974, the general assembly enacted the "County Uniform Highway Law," which has had a substantial effect on road law in Tennessee's counties. Found in title 54, chapter 7 of Tennessee Code Annotated, the County Uniform Highway Law applies to most counties in the state. The counties with a population in excess of 200,000 (Shelby, Davidson, Knox and Hamilton) are excluded from this law.

The County Uniform Highway Law deals extensively with the position of "Chief Administrative Officer" of the county road department. The chief administrative officer is defined in T.C.A. § 54-7-103 as a county road superintendent, county road supervisor, county engineer, director of public works, or any similar elected or appointed official. The qualifications of the chief administrative officer are set out in T.C.A. § 54-7-104. The qualifications of candidates for elected and appointed offices are reviewed by the Tennessee highway officials certification board. Qualified candidates for popular election are certified by this board to the state coordinator of elections who forwards this certification to the county election commission. T.C.A. § 54-7-104(a).

The term of office is set at four years by T.C.A. § 54-7-105, and the minimum salary of the chief administrative officer is set by T.C.A. § 8-24-102. T.C.A. § 54-7-106. The bond of the chief administrative officer is set at \$100,000 by T.C.A. § 54-7-108.

Most of the duties of the chief administrative officer are specified in T.C.A. § 54-7-109. This section names the chief administrative officer as the head of the county highway department and gives this officer general control over the road system and the personnel employed by the county road department. However, in those counties with popularly elected highway commissions (provided by private act), the general policy decisions over the highway system remain with the elected highway commission. The chief administrative officer annually submits a county road list which includes a summary of all changes approved the previous year by the county legislative body and the reason for the change, and makes recommendations to the county legislative body respecting proposed changes to the county road list and the classification of roads. T.C.A. § 54-10-103.

The County Uniform Highway Law also gives the chief administrative officer authority to employ legal counsel (T.C.A. § 54-7-110), requires the preparation of an annual plan for road improvement (T.C.A. 54-7-111), and provides for the supervision and control of all equipment and materials owned by the county highway department (T.C.A. § 54-7-112).

The use of county equipment or materials for private purposes is prohibited by T.C.A. § 54-7-202. Any personal financial interest in the purchase of any supplies, machinery, materials or equipment by any chief administrative officer, county highway commissioner, member of the county governing body, or any employee of the county highway department is expressly forbidden by T.C.A. § 54-7-203.

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

1. Acts of 1859-60, Chapter 114, required the county court to classify roads into three different classes and to assess property and poll taxes for the purpose of upkeeping and repairing these public roads in Cheatham County.
2. Acts of 1907, Chapter 487, authorized Cheatham County to establish and maintain free ferries across any stream or streams running through the county, the cost of which was to be paid from the county general fund. This has been superseded by the general statute found in T.C.A. 54-11-301.
3. Private Acts of 1917, Chapter 519, was the first general road law for Cheatham County. This act established a Board of Road Commissioners, with three members between the ages of twenty-one and sixty-five years, to be elected by the quarterly county court. The Board of Road Commissioners was given general power and control over the county roads, and were authorized to hire district road supervisors to oversee the maintenance of the roads and to supervise road duty by the county residents. This act was amended by Private Acts of 1919, Chapter 696, to allow the Board of Road Commissioners to borrow not more than \$40,000 for road purposes, \$15,000 of which was to be spent on the Memphis-Bristol Highway. The original 1917 act was again amended in 1921 by Private Acts of 1921, Chapter 863, to change the method of delegating authority in the county road department. This amendatory act provided that the Board of Road Commissioners were to appoint one overseer for each civil district, and he might then appoint local overseers as they were required. This 1921 amendment also provided that at least six days written or printed notice was to be given county residents before they were required to serve road duty. All of these acts were repealed by Private Acts of 1927, Chapter 775.
4. Private Acts of 1923, Chapter 436, designated the route of the Memphis-to-Bristol state highway through Cheatham County, but this act was repealed by Private Acts of 1925, Chapter 11.
5. Private Acts of 1927, Chapter 775, was the next general road law for Cheatham County, creating the position of Supervisor of Public Roads. The Road Supervisor was to be appointed by the quarterly county court for a term of two years and was to have general authority over all public roads, highways, bridges and culverts in Cheatham County. He was also authorized to lay out and plan the public road system, to employ all personnel and to have charge of all supplies and machinery. This act also contained provisions levying a wheel tax on the residents of the county, but these provisions were repealed by Private Acts of 1931, Chapter 715. Private Acts of 1933, Chapter 22, also amended the road law by removing the requirement that persons owning teams and/or wagons furnish them for four days road duty each year. All of the these acts were repealed by Private Acts of 1939, Chapter 442.
6. Private Acts of 1939, Chapter 442, in addition to repealing the 1927 road law was also the next general road law for Cheatham County. This act created a County Highway Commission of six members, elected for two year terms by the voters. The County Highway Commission was authorized to hire a County Road Supervisor for a term of two to four years, who was to be of "good reputation, of business ability and experience, and shall possess a reputation of abstaining from the use of intoxicating liquors..." The Road Supervisor was to supervise the county roads, employ road hands and was to have exclusive control of the road machinery. Private Acts of 1943, Chapter 69, amended the 1939 act to

raise the salary of the Road Supervisor from \$125 to \$150 per month. These acts were repealed by Private Acts of 1945, Chapter 310.

## **CHAPTER X - LAW ENFORCEMENT**

## LAW ENFORCEMENT

### JAILS AND PRISONERS

The general law on jails and prisoners can be found in Tennessee Code Annotated title 41. Of particular interest to county officials are chapter 2 (County Workhouse), chapter 4 (Jails and Jailers), and chapter 8 (County Correctional Incentives Act). For the state law on jailers fees, see T.C.A. §§ 8-26-105 and 41-8-106. Two or more counties may enter into an interlocal agreement providing for a jail and/or workhouse to serve the contracting counties under T.C.A. §§ 5-7-105, 41-4-141, and 41-2-151. Each county that is a party to an interlocal agreement for a jointly operated jail would no longer be required to maintain a separate jail.

## LAW ENFORCEMENT

### MILITIA

For many years during the early portion of Tennessee's history, the county units of the state militia were a vital part of the peace keeping and law enforcement arm of the state, being subject to call when certain conditions existed.



## LAW ENFORCEMENT

### OFFENSES

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

## LAW ENFORCEMENT

### SHERIFF

The office of sheriff is one of the county offices established by article VII, section 1 of the Constitution of Tennessee, and it is regulated by the general statutes found in title 8, chapter 8 of Tennessee Code Annotated. The qualifications for the office of sheriff are more stringent than for most county offices. These qualifications are detailed in T.C.A. § 8-8-102. Many of the duties of the sheriff are specified in T.C.A. § 8-8-201. The sheriff's salary is determined in accordance with T.C.A. § 8-24-102. The statutes authorizing the sheriff to petition the court with criminal jurisdiction for the employment of deputies and assistants and the setting of salaries for deputies and assistants are found in T.C.A. § 8-20-101 et seq. Also, the sheriff may appoint such personnel as may be provided for in the budget adopted for the sheriff's department. T.C.A. § 8-20-120. For additional statutes relating to the sheriff, refer to the combined general index of Tennessee Code Annotated, volumes 14, 15, and 16, under specific topics relating to law enforcement, county jails and workhouses.

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

1. Private Acts of 1943, Chapter 269, set the annual salary of the Cheatham County Sheriff at \$1,500, and also provided that he was to receive no additional compensation of any ex-officio services.

## **CHAPTER XI - TAXATION**

TAXATION

ASSESSOR OF PROPERTY

BUILDING PERMITS

PRIVATE ACTS OF 1971

CHAPTER 73

SECTION 1. Any person or persons desiring to erect or have erected, constructed, or reconstructed, any building or structure in Cheatham County, where the value of such alteration will exceed the sum of one thousand dollars (\$1,000.00), shall first apply to the Assessor of Property for a building permit for such erection, construction, reconstruction, or alteration. The application shall be in a form to be prescribed by the Assessor of Property 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 alteration; (3) the identity of the owner or owners of the premises; (4) the cost of the completed structure in the case of new construction, or in the case of the alteration of an existing structure, the value of such structure before and after such alteration; and (5) such other information as the Assessor of Property shall prescribe.

Upon proper application, duly filed, the County Assessor of Property shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction, or alteration for his tax records. The Assessor of Property may charge a fee of two dollars (\$2.00) for the issuance of such permit, if the County Court so directs. Money so collected shall be paid into the General Fund of Cheatham County by the Assessor of Property.

No new or additional property tax shall be assessed against such premises unless and until the same are completed or at least completed to the extent that they are habitable or may be put to use. However, in the case of the alteration of an existing structure not therefore on the tax books of the County, or against which no property tax has been assessed, the Assessor of Property is not precluded from assessing such structure at its value before such alteration is completed and subsequently increasing the assessment upon completion of such alteration, so as to include the value thereof.

SECTION 2. This Act shall not apply to the erection, construction, reconstruction or alteration of buildings, or other structures in cities requiring permits for the same, providing that copies of such permits are made available to the office of the Assessor of Property.

SECTION 3. Violation 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 twenty-five dollars (\$25.00).

SECTION 4. This Act shall have not effect unless it is approved by a two-thirds vote of the Quarterly County Court of Cheatham County on or before the next regular meeting of such Court occurring more than thirty (30) days after its approval by the Governor. Its approval or

non-approval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

SECTION 5. For the purpose of being approved as provided in Section 4, this Act shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the Act shall be effective only upon being approved as provided in Section 4.

Passed: April 14, 1971.

## TAXATION

### ASSESSOR OF PROPERTY

The assessor of property is a constitutional officer provided for in article VII, section 1 of the Constitution of Tennessee to be elected by the qualified voters for a term of four years. For general law on the office of county assessor of property, see Tennessee Code Annotated title 67, chapter 1, part 5.

The salary of the assessor is set by the county legislative body in accordance with T.C.A. § 67-1-508 at an amount not less than the salary provided for the assessor by T.C.A. § 8-24-102. Also, T.C.A. § 67-1-508 provides that any assessor of property who has been trained and designated as a "Certified Assessment Evaluator" will be paid additional compensation by the state. Further, any assessor of property who has earned the title of "Tennessee Certified Assessor" or "Residential Evaluation Specialist" will be paid additional compensation by the state. The assessor is authorized by T.C.A. § 67-1-506 to appoint a deputy assessor for each 4,500 parcels of property over and above the first 4,500 parcels.

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 Cheatham County Assessor.

1. Private Acts of 1927, Chapter 253, set the salary of the Assessor at \$1,000 per annum.
2. Private Acts of 1931, Chapter 573, lowered the Assessor's annual salary to \$600, but this was amended by Private Acts of 1937, Chapter 683, to raise it once again to the 1927 level of \$1,000 per year.

TAXATION

ADEQUATE FACILITIES TAX

PRIVATE ACTS OF 1997

CHAPTER 68

WHEREAS, Cheatham County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) 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 due to the continuing location of manufacturing and commercial business in the Middle Tennessee area, and from other factors; and

WHEREAS, Current projections show that:

(1) County population will be 42,000 persons in year 2010, an increase of 55% from 1990 to 2010; there will be a demand for approximately 5,000 additional dwelling units between 1990 and 2010; and new commercial development will consume an additional 5,000 acres of land in Cheatham County;

(2) Projected growth and land use development will cause a demand for county-provided capital facilities (schools, roads, jails, parks, county governmental facilities, etc.) in an amount well in excess of \$40 million over the next fifteen (15) years;

(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 who create the demand for the additional expenditures; and

WHEREAS, Cheatham 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, Cheatham 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 alone cannot support the additional revenues needed to supply facilities to serve new growth without substantial increase in the property tax rate on existing development; and

WHEREAS, Due to these unique circumstances, it is necessary and appropriate that Cheatham 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 commercial

development on such 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 otherwise would 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 commercial development in Cheatham County; 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 Cheatham County Adequate Facilities Tax.

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

(1) "Board of Adjustments and Appeals" means the board established in Cheatham County pursuant to the requirements of the Southern Standard Building Code Congress.

(2) "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, but excludes those buildings specified in Section 6 below.

(3) "Building Permit" means a permit for development issued in Cheatham County, whether by the county or by any city therein.

(4) "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 the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(5) "Certificate of Occupancy" means a license for occupancy of a building or structure issued in Cheatham County, whether by the county or by any city therein.

(6) "Commercial" means the development of any property for any use other than residential or industrial use, except as may be exempted by this act.

(7) "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 commercial use.

(8) "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.



(9) "Floor Area" for commercial development means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls or principal or accessory buildings or the center lines of party walls separating such building or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls, but excluding arcades, porticoes and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, services or production areas.

(10) "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 13-3-101, 13-3-102 and 13-4-302. For the 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.

(11) "Governing Body" means county legislative body of Cheatham County, Tennessee.

(12) "Industrial" means all property of every kind used, directly or indirectly, or held for use, for any mining, industrial, manufacturing or similar purpose.

(13) "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."

(14) "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.

(15) "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, a place of worship does not include buildings or portions of buildings which are used for the purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

(16) "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.

(17) "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.

(18) "Residential" means the development of any property for a dwelling unit or units.

(19) "Subdivision Regulations" means the regulations adopted by the Cheatham County regional planning commission pursuant to state statutory authorization on August 22, 1991, as amended, by which the county regulates the subdivision of land.

(20) "Zoning Resolution" means the resolution adopted by the governing body pursuant to state statutory authorization on January 21, 1991, 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 authorize Cheatham County to impose a tax on new commercial development in the county payable at the time of issuance of a building permit or certificate of occupancy so as to ensure and require that the persons responsible for new commercial development share in the burdens of growth by paying their fair share for the cost of new and expanded facilities made necessary by such development.

SECTION 4. Engaging in the act of commercial development within Cheatham County, except as provided in Section 6 herein, is declared to be a privilege upon which Cheatham County may, by resolution of the governing body, levy a tax in an amount not to exceed the rate set forth in Section 7.

SECTION 5. The governing body shall impose the tax authorized herein by resolution after adopting a capital improvements program indicating the need for the cost of public facilities anticipated to be funded, in part, by this tax and after finding that the need for such public facilities is reasonably related to new development in the county. The resolution of the governing body imposing this tax shall state the rate of the tax on new residential and nonresidential development. The governing body shall, 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.
- (e) Additions to a single-family dwelling.
- (f) A structure owned by a non-profit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code.
- (g) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided the permanent structure is a residence for the

owner and occupant of the mobile home and the owner and occupant have resided on the property for a period of not less than three (3) years.

(h) Buildings moved from one (1) site within the county to another site within the county.

(i) Any other industrial or residential use.

SECTION 7. For the exercise of the privilege described herein, Cheatham County may impose a tax on new commercial development not to exceed fifty cents (\$0.50) per gross square foot. The county may develop a tax rate schedule by which commercial uses are classified by type for the purpose of imposition of the tax authorized herein.

SECTION 8. The tax established in this act shall be collected at the time of application for a building permit for commercial development as herein defined by a county official duly authorized by the county executive. If the tax is collected 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 a city, the city shall before issuance of the building permit or certificate of occupancy, 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. No building permit for commercial development as herein defined shall be issued in Cheatham County unless the tax has been paid in full to the county or a negotiable instrument approved by the county attorney and payable to the county has been received. The issuance of a building permit by any city official, without a 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 9. All tax funds collected shall be used for the purpose of providing public facilities, specifically to the educational debt services. Such funds shall be directed only to future school building programs which are reasonably related to new commercial development, and to the December 1996, or last educational bond issue, but no prior bond issues. The need for such funds is declared to be reasonably related to new commercial development.

SECTION 10. The authority to impose this privilege tax on new commercial development in Cheatham County is in addition to all other authority to impose taxes, fees, assessments, 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 law, 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 Cheatham 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 Cheatham County

Board of Adjustments and Appeals. Hearing shall be scheduled within forty-five (45) days of the written request for appeal.

(c) The board of adjustments and appeals shall render a decision on all hearings within thirty (30) days of the hearing date unless the hearing is continued from time to time by a majority vote of the board for further information.

(d) The board of adjustments and appeals shall act as a quasi-judicial body whose purpose is to determine the intent of the act, its applicability to the appellant, and to rule upon the interpretation of the official. The board shall not be bound by formal rules of evidence applicable to the various courts of the state.

(e) Hearings before the board shall proceed as follows:

(1) The building official shall explain the ruling and the reasons for the ruling.

(2) The appellant shall explain the 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 committee members, the county attorney, or the county planning staff. The board shall not have the power to issue a subpoena.

(4) The board shall 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 adjustments and appeals shall be final, except that either the building official or the person aggrieved may seek review of the board's actions by certiorari and supersedeas to the Chancery Court of Cheatham County, Tennessee, provided 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 Cheatham County. This act shall be deemed to create an additional and alternative method for Cheatham County to impose and collect taxes for the purpose of providing public facilities made necessary by new commercial development in the county.

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

Passed: May 22, 1997.

TAXATION

ADEQUATE FACILITIES TAX

PRIVATE ACTS OF 1997

CHAPTER 69

WHEREAS, Cheatham County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) 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 due to the continuing location of manufacturing and commercial business in the Middle Tennessee area, and from other factors; and

WHEREAS, Current projections show that:

(1) County population will be 42,000 persons in year 2010, an increase of 55% from 1990 to 2010; there will be a demand for approximately 5,000 additional dwelling units between 1990 and 2010; and new development will consume an additional 5,000 acres of land in Cheatham County;

(2) Projected growth and land use development will cause a demand for county-provided capital facilities (schools, roads, jails, parks, county governmental facilities, etc.) in an amount well in excess of \$40 million over the next fifteen (15) years;

(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 who create the demand for the additional expenditures; and

WHEREAS, Cheatham 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, Cheatham 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 alone cannot support the additional revenues needed to supply facilities to serve new growth without substantial increase in the property tax rate on existing development; and

WHEREAS, Due to these unique circumstances, it is necessary and appropriate that Cheatham 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 industrial

development on such 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 otherwise would 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 industrial development in Cheatham County; 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 Cheatham County Adequate Facilities Tax.

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

(1) "Board of Adjustments and Appeals" means the board established in Cheatham County pursuant to the requirements of the Southern Standard Building Code Congress.

(2) "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, but excludes those buildings specified in Section 6 below.

(3) "Building Permit" means a permit for development issued in Cheatham County, whether by the county or by any city therein.

(4) "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 the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(5) "Certificate of Occupancy" means a license for occupancy of a building or structure issued in Cheatham County, whether by the county or by any city therein.

(6) "Commercial" means all property of every kind used, directly or indirectly, or held for use, for any commercial, trade, professional, club (whether public or private), nonexempt lodge, business, or similar purpose, whether conducted for profit or not.

(7) "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 an industrial use.

(8) "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.

(9) "Floor Area" for industrial development means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls or principal or accessory buildings or the center lines of party walls separating such building or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls, but excluding arcades, porticoes and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, services or production areas.

(10) "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 13-3-101, 13-3-102 and 13-4-302. For the 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.

(11) "Governing Body" means county legislative body of Cheatham County, Tennessee.

(12) "Industrial" means the development of any property for any use other than residential or commercial use, except as may be exempted by this act.

(13) "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."

(14) "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.

(15) "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, a place of worship does not include buildings or portions of buildings which are used for the purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

(16) "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.

(17) "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.

(18) "Residential" means the development of any property for a dwelling unit or units.

(19) "Subdivision Regulations" means the regulations adopted by the Cheatham County regional planning commission pursuant to state statutory authorization on August 22, 1991, as amended, by which the county regulates the subdivision of land.

(20) "Zoning Resolution" means the resolution adopted by the governing body pursuant to state statutory authorization on January 21, 1991, 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 authorize Cheatham County to impose a tax on new industrial development in the county payable at the time of issuance of a building permit or certificate of occupancy so as to ensure and require that the persons responsible for new industrial development share in the burdens of growth by paying their fair share for the cost of new and expanded facilities made necessary by such development.

SECTION 4. Engaging in the act of industrial development within Cheatham County, except as provided in Section 6 herein, is declared to be a privilege upon which Cheatham County may, by resolution of the governing body, levy a tax in an amount not to exceed the rate set forth in Section 7.

SECTION 5. The governing body shall impose the tax authorized herein by resolution after adopting a capital improvements program indicating the need for the cost of public facilities anticipated to be funded, in part, by this tax and after finding that the need for such public facilities is reasonably related to new development in the county. The resolution of the governing body imposing this tax shall state the rate of the tax on new industrial development. The governing body shall, 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.
- (e) Additions to a single-family dwelling.
- (f) A structure owned by a non-profit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code.

(g) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided the permanent structure is a residence for the owner and occupant of the mobile home and the owner and occupant have resided on the property for a period of not less than three (3) years.

(h) Buildings moved from one (1) site within the county to another site within the county.

(i) Any other commercial or residential use.

SECTION 7. For the exercise of the privilege described herein, Cheatham County may impose a tax on new industrial development not to exceed fifty cents (\$0.50) per gross square foot. The county may develop a tax rate schedule by which industrial uses are classified by type for the purpose of imposition of the tax authorized herein.

SECTION 8. The tax established in this act shall be collected at the time of application for a building permit for industrial development as herein defined by a county official duly authorized by the county executive. If the tax is collected 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 a city, the city shall before issuance of the building permit or certificate of occupancy, 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. No building permit for industrial development as herein defined shall be issued in Cheatham County unless the tax has been paid in full to the county or a negotiable instrument approved by the county attorney and payable to the county has been received. The issuance of a building permit by any city official, without a 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 9. All tax funds collected shall be used for the purpose of providing public facilities, specifically to the educational debt services. Such funds shall be directed only to future school building programs which are reasonably related to new industrial development, and to the December 1996, or last educational bond issue, but no prior bond issues. The need for such funds is declared to be reasonably related to new industrial development.

SECTION 10. The authority to impose this privilege tax on new industrial development in Cheatham County is in addition to all other authority to impose taxes, fees, assessments, 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 Cheatham 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 Cheatham County Board of Adjustments and Appeals. Hearing shall be scheduled within forty-five (45) days of the written request for appeal.

(c) The board of adjustments and appeals shall render a decision on all hearings within thirty (30) days of the hearing date unless the hearing is continued from time to time by a majority vote of the board for further information.

(d) The board of adjustments and appeals shall act as a quasi-judicial body whose purpose is to determine the intent of the act, its applicability to the appellant, and to rule upon the interpretation of the official. The board shall not be bound by formal rules of evidence applicable to the various courts of the state.

(e) Hearings before the board shall proceed as follows:

(1) The building official shall explain the ruling and the reasons for the ruling.

(2) The appellant shall explain the 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 committee members, the county attorney, or the county planning staff. The board shall not have the power to issue a subpoena.

(4) The board shall 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 adjustments and appeals shall be final, except that either the building official or the person aggrieved may seek review of the board's actions by certiorari and supersedeas to the Chancery Court of Cheatham County, Tennessee, provided 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 Cheatham County. This act shall be deemed to create an additional and alternative method for Cheatham County to impose and collect taxes for the purpose of providing public facilities made necessary by new industrial development in the county.

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

Passed: May 22, 1997.

TAXATION

ADEQUATE FACILITIES TAX

PRIVATE ACTS OF 1997

CHAPTER 89

WHEREAS, Cheatham County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) 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 due to the continuing location of manufacturing and commercial business in the Middle Tennessee area, and from other factors; and

WHEREAS, Current projections show that:

(1) County population will be 42,000 persons in year 2010, an increase of 55% from 1990 to 2010; there will be a demand for approximately 5,000 additional dwelling units between 1990 and 2010; and new residential and nonresidential development will consume an additional 5,000 acres of land in Cheatham County;

(2) Projected growth and land use development will cause a demand for county-provided capital facilities (schools, roads, jails, parks, county governmental facilities, etc.) in an amount well in excess of \$40 million over the next fifteen (15) years;

(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 who create the demand for the additional expenditures; and

WHEREAS, Cheatham 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, Cheatham 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 alone cannot support the additional revenues needed to supply facilities to serve new growth without substantial increase in the property tax rate on existing development; and

WHEREAS, Due to these unique circumstances, it is necessary and appropriate that Cheatham 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 residential

development on such 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 otherwise would 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 residential development in Cheatham County; 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 Cheatham County Adequate Facilities Tax.

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

(1) "Board of Adjustments and Appeals" means the board established in Cheatham County pursuant to the requirements of the Southern Standard Building Code Congress.

(2) "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, but excludes those buildings specified in Section 6 below.

(3) "Building Permit" means a permit for development issued in Cheatham County, whether by the county or by any city therein.

(4) "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 the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(5) "Certificate of Occupancy" means a license for occupancy of a building or structure issued in Cheatham County, whether by the county or by any city therein.

(6) "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.

(7) "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.

(8) "Floor Area" for residential development 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.

(9) "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 13-3-101, 13-3-102 and 13-4-302. For the 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.

(10) "Governing Body" means county legislative body of Cheatham County, Tennessee.

(11) "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."

(12) "Non-Residential" means the development of any property for any use other than residential use, except as may be exempted by this act.

(13) "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.

(14) "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, a place of worship does not include buildings or portions of buildings which are used for the purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

(15) "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.

(16) "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.

(17) "Residential" means the development of any property for a dwelling unit or units.

(18) "Subdivision Regulations" means the regulations adopted by the Cheatham County regional planning commission pursuant to state statutory authorization on August 22, 1991, as amended, by which the county regulates the subdivision of land.

(19) "Zoning Resolution" means the resolution adopted by the governing body pursuant to state statutory authorization on January 21, 1991, 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 authorize Cheatham County to impose a tax on new residential development in the county payable at the time of issuance of a building permit or certificate of occupancy so as to ensure and require that the persons responsible for new residential development share in the burdens of growth by paying their fair share for the cost of new and expanded facilities made necessary by such development.

SECTION 4. Engaging in the act of residential development within Cheatham County, except as provided in Section 6 herein, is declared to be a privilege upon which Cheatham County may, by resolution of the governing body, levy a tax in an amount not to exceed the rate set forth in Section 7.

SECTION 5. The governing body shall impose the tax authorized herein by resolution after adopting a capital improvements program indicating the need for the cost of public facilities anticipated to be funded, in part, by this tax and after finding that the need for such public facilities is reasonably related to new development in the county. The resolution of the governing body imposing this tax shall state the rate of the tax on new residential development. The governing body shall, 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.
- (e) Additions to a single-family dwelling.
- (f) A structure owned by a non-profit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code.
- (g) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided the permanent structure is a residence for the owner and occupant of the mobile home and the owner and occupant have resided on the property for a period of not less than three (3) years.



(h) Buildings moved from one (1) site within the county to another site within the county.

(i) Any other non-residential use.

SECTION 7. For the exercise of the privilege described herein, Cheatham County may impose a tax on new residential development not to exceed one dollar (\$1.00) per gross square foot. The county may develop a tax rate schedule by which residential uses are classified by type for the purpose of imposition of the tax authorized herein.

SECTION 8. The tax established in this act shall be collected at the time of application for a building permit for residential development as herein defined by a county official duly authorized by the county executive. If the tax is collected 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 a city, the city shall before issuance of the building permit or certificate of occupancy, 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. No building permit for commercial development as herein defined shall be issued in Cheatham County unless the tax has been paid in full to the county or a negotiable instrument approved by the county attorney and payable to the county has been received. The issuance of a building permit by any city official, without a 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 9. All tax funds collected shall be used for the purpose of providing public facilities, specifically to the educational debt services. Such funds shall be directed only to future school building programs which are reasonably related to new residential development, and to the December 1996, or last educational bond issue, but no prior bond issues. The need for such funds is declared to be reasonably related to new residential development.

SECTION 10. The authority to impose this privilege tax on new residential development in Cheatham County is in addition to all other authority to impose taxes, fees, assessments, 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 law, 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 Cheatham 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 Cheatham County Board of Adjustments and Appeals. Hearing shall be scheduled within forty-five (45) days of the written request for appeal.

(c) The board of adjustments and appeals shall render a decision on all hearings within thirty (30) days of the hearing date unless the hearing is continued from time to time by a majority vote of the board for further information.

(d) The board of adjustments and appeals shall act as a quasi-judicial body whose purpose is to determine the intent of the act, its applicability to the appellant, and to rule upon the interpretation of the official. The board shall not be bound by formal rules of evidence applicable to the various courts of the state.

(e) Hearings before the board shall proceed as follows:

(1) The building official shall explain the ruling and the reasons for the ruling.

(2) The appellant shall explain the 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 committee members, the county attorney, or the county planning staff. The board shall not have the power to issue a subpoena.

(4) The board shall 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 adjustments and appeals shall be final, except that either the building official or the person aggrieved may seek review of the board's actions by certiorari and supersedeas to the Chancery Court of Cheatham County, Tennessee, provided 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 Cheatham County. This act shall be deemed to create an additional and alternative method for Cheatham County to impose and collect taxes for the purpose of providing public facilities made necessary by new residential development in the county.

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

Passed: May 28, 1997.

TAXATION

DEVELOPMENT TAX ACT

PRIVATE ACTS OF 1997

CHAPTER 28

WHEREAS, Cheatham County, Tennessee, has been one (1) of the fastest growing counties in the State of Tennessee for the past ten (10) years, and

WHEREAS, growth is expected to continue and accelerate; and

WHEREAS, this growth is anticipated to stimulate commercial, office, industrial and warehouse development in Cheatham County as well as the cities of Ashland City, Kingston Springs, Pegram and Pleasant View, all lying within Cheatham County; and

WHEREAS, Current projections show that:

(1) County population will be forty-two (42,000) persons in year 2010, an increase of more than fifty-five (55%) from 1990 to 2010; there will be a demand for approximately five thousand (5,000) additional residential dwelling units between 1990 and 2010; and new residential and nonresidential development will consume additional acreage in Cheatham County, creating the need for additional facilities; and

(2) Projected growth and land use development will cause a demand for county-provided capital facilities (schools, roads, jails, etc.) in an amount well in excess of forty million dollars (\$40,000,000) over the next fifteen (15) 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 business which create the demand for the additional expenditures; and

WHEREAS, Cheatham 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, 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 on existing development; and

WHEREAS, the continued growth experienced by Cheatham County represents both an extraordinary economic opportunity for the State of Tennessee as well as a potential economic burden on existing residents of Cheatham County; and

WHEREAS, due to these unique circumstances, it is necessary and appropriate that Cheatham 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 residents; and

WHEREAS, the most logical, fair and effective mechanism to accomplish the intended result is the imposition of a new privilege tax on new development in Cheatham County; 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 Cheatham County Development Tax Act.

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

(1) "Building Permit" a permit for single or multi-family construction issued in Cheatham County, whether by the county or by any city therein; and

(2) "Places 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, that a place of worship does not include buildings or portions of buildings which are used for the purposes other than that for worship and related functions, or which are intended to be leased, rented or used by persons who do not have tax-exempt status; and

(3) "Plat" includes any plat, plan, plot, replot or replat where the same creates additional lots; and

(4) "Public building" means a building owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee including, but not limited to, counties, cities, school districts and special districts, or the federal government or any agency thereof.

(5) "Residential land development" means the development of any property for a dwelling unit or units, including, but not limited to, single or multi-family housing; and

(6) "Unit" means a part or portion of any single or multi-family housing with 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 including, but not limited to, condominiums and apartments.

SECTION 3. It is the intent and purpose of this act to impose a tax on new residential land development in Cheatham County, with a portion of the tax being payable prior to the recordation of any plat in the register of deeds office, and the balance being payable at the time of the issuance of a building permit, thus ensuring and requiring the persons responsible for new development share the burdens of growth by paying their fair share and costs of new and expanded public facilities

made necessary by such development. The governing body shall establish the percentages or amounts to be paid in accordance with Section 7(a) of this act.

As amended by: Private Acts of 2000, Chapter 145.

SECTION 4. Engaging in the act of land development for residential purposes within Cheatham County, except as provided in Section 6, is declared to be a privilege upon which Cheatham County may levy a tax at the rate set forth in Section 7.

SECTION 5. The governing body of Cheatham County, Tennessee, 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:

- (1) Public buildings;
- (2) Places of worship;
- (3) Barns or outbuildings used for agricultural purposes only;
- (4) Replacement structures for previously existing structures destroyed by fire or other casualty;
- (5) A structure owned by a non-profit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code;
- (6) Non-residential development; or
- (7) Hotels or motels.

SECTION 7.

(a) For the exercise of the privilege described herein, Cheatham County imposes a tax on each lot of covered single-family development or in the case of multi-family development on each unit proposed for human habitation, in an amount to be set by the Cheatham County Legislative Body. The Cheatham County Legislative Body shall set or amend the percentage or amount of the tax to be paid prior to the recordation of the final plat of the development containing such lots or units with the balance being required at the time a building permit is issued and obtained.

As amended by: Private Acts of 2000, Chapter 145.

SECTION 8. Proceeds from the tax levied herein shall be deposited into the county general fund and used to provide additional or expanded county services and facilities, and to reduce debt incurred or issued by Cheatham County. Collection of the tax herein levied shall be determined by the governing body of Cheatham County in accordance with Section 5 of this act.

SECTION 9. If a building permit is issued by a municipality within Cheatham County, the municipality shall, before the issuance of a building permit, require evidence by a valid certificate executed by the appropriate officials of Cheatham County, Tennessee, that the full amount of tax due the county has been paid. The issuance of a building permit by any municipal official, without the appropriate certificate from the county indicating 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 if the certificate of tax paid had been required by the municipality.

SECTION 10. The ability to impose this privilege tax on new development in Cheatham County is in addition to all other authority to impose taxes, fees, assessments 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 the tax is in addition to any other authorized tax, fee, assessment or charge and shall not be deemed to constitute double taxation.

SECTION 11. Cheatham County shall not be required to share any revenues generated in accordance with the provisions of this act with any municipality lying within the county.

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 Cheatham County. This act shall be deemed to create an additional method for Cheatham 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 Cheatham 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 15. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 14.

Passed: April 7, 1997.

TAXATION

HOTEL/MOTEL TAX

PRIVATE ACTS OF 1995

CHAPTER 16

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

(1) "Clerk" means the County Clerk of Cheatham County, Tennessee.

(2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(3) "County" means Cheatham County, Tennessee.

(4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.

(8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

SECTION 2. The legislative body of Cheatham County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount not to exceed ten percent (10%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

SECTION 3. The proceeds received by the county from the tax shall be retained by the county and deposited into the general fund of the county, to be designated and used for such purposes as specified by resolution of the county legislative body.

SECTION 4. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the county clerk as provided in Section 5.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 5.

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

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

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

The county legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

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

SECTION 8. Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one



percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

SECTION 9. It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the county. The clerk has the right to inspect such records at all reasonable times.

SECTION 10. The clerk in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

For services in administering and enforcing the provisions of this act, the clerk is entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk.

SECTION 11. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 12. 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 13. This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of Cheatham County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by such presiding officer to the Secretary of State.

SECTION 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, this act shall take effect upon being approved as provided in Section 13.

Passed: February 22, 1995.

TAXATION

LITIGATION TAX

PRIVATE ACTS OF 1981

CHAPTER 77

SECTION 1. Chapter 208 of the Private Acts of 1972, establishing a litigation tax for Cheatham County is repealed.

SECTION 2. There is hereby imposed a litigation tax in the amount of six dollars (\$6.00) in each case, upon all civil and criminal actions filed in the General Sessions Court, the Circuit Court and the Chancery Court of Cheatham County, said tax to be collected by the clerks of the respective courts and taxed as a part of the costs in each case.

SECTION 3. On or before the last day of each month the clerks of the respective courts shall pay to the county trustee all amounts collected hereunder during the preceding calendar month.

SECTION 4. One-sixth (1/6) of the sum paid the trustee shall be placed in a fund designated as the "Cheatham County Capital Improvement Fund" to be used exclusively for the purpose of capital improvements to the courthouse, jail or other county-owned buildings.

SECTION 5. One-sixth (1/6) of the sum paid the said Trustee shall be placed in the County General Fund to be used exclusively for the purpose of repairs and maintenance of the courthouse, jail, or other county-owned buildings.

SECTION 6. Two-thirds (2/3) of the sum paid to said trustee shall be placed in the County General Fund to be used exclusively for the purpose of improving court services in Cheatham County.

SECTION 7. That all expenditures made from said funds are to be made by the Director of Accounts and Budgets upon the authorization of the Quarterly County Court for the purposes specified herein.

SECTION 8. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Cheatham County, at or before the next regular July meeting of the Court. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and shall be certified by him to the Secretary of State.

SECTION 9. 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 8.

Passed: April 8, 1981.

TAXATION

WHEEL TAX

PRIVATE ACTS OF 1963

CHAPTER 258

SECTION 1. That for the privilege of using the public highways, except State-maintained roads, in Counties of this State having a population of not less than 9,400 nor more than 9,450, according to the Federal Census of 1960, or any subsequent Federal Census, there is levied upon motor driven vehicles, except tractors, which shall pay no tax hereunder, a special privilege tax for the benefit of said Counties and in addition to all other taxes, which tax shall be as follows:

Upon Motorcycles .....	\$ 2.00
Upon all passenger automobiles, including station wagons .....	5.00
Upon all taxicabs .....	7.50
Upon all automobile buses .....	10.00
Upon trucks falling in Class I under the provision of Chapter 105, Public Acts of 1939, and amendments thereto .....	5.00
Upon trucks of Class II as above defined .....	10.00
Upon trucks of Class III .....	15.00
Upon trucks of Class IV .....	20.00
Upon trucks of Class V .....	25.00
Upon trucks of Class VI and VII .....	30.00
Upon trailers drawn by motor operated vehicles, where the trailer does not exceed 7 ft. in length .....	2.50
And where the trailer exceeds 7 ft. in length .....	5.00

This tax shall apply to and be paid by each motor vehicle as above set forth whose owner resides or usually stays in Counties to which this Act applies and it shall be a misdemeanor and punishable as such for any resident of Counties to which this Act applies to operate a motor vehicle over the highways of said Counties, State-maintained roads excluded, without the payment of the tax herein provided.

SECTION 2. That the tax herein levied shall be collected by the County Court Clerk of Counties to which this Act applies at the same time that he collects the State privilege tax upon the operation of motor driven vehicles over the public highways. No Clerk in counties to which this Act applies shall issue to a resident of such County a State license for the operation of automobiles unless at the same time such resident shall purchase the appropriate license as hereinafter provided for the operation of his car under this Act. Payment of the license fee herein imposed shall be evidenced by a metal tag or emblem to be appropriately displayed upon some prominent part of the automobile in question. The design of the emblem in question shall be determined by the County Court Clerk and the expense incident thereto shall be paid from the road or bridge funds of Counties to which this Act applies. The tax herein levied shall entitle the owner of a car to operate the same from April 1 of each year to the next succeeding March 31 and the same proportionate reduction

shall be made as is now made in the case of State registration of automobiles where such motor driven vehicle is registered after April 1 for any reason whatsoever. For his services in issuing such licenses, County Court Clerk shall be entitled to a fee of 15¢ for each one so issued, to be collected from the person purchasing the same. He will report the funds collected by him monthly and pay the same to the County Trustee of Counties to which this Act applies and they shall be applied as herein provided.

SECTION 3. That the proceeds of the tax herein imposed when collected and in the hands of the County Trustee shall be placed in the Highway Fund of Cheatham County to be used for road surfacing materials only. The County Highway organization of Counties to which this Act applies shall have full and complete direction as to the expenditure of such funds, subject, however, to the limitations herein provided as to their use. Nothing in this Act shall be construed as authorizing the levy of the tax herein provided against non-residents of said County not permanently domiciled therein, but the same shall be levied only upon the motor driven vehicles of residents thereof.

As amended by: Private Acts of 1992, Chapter 199.

SECTION 4. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of any County to which it may apply on or before the next regular meeting of said Quarterly County Court occurring more than thirty (30) days after its approval by the Governor or after its otherwise becoming law. Its approval or nonapproval shall be proclaimed by the presiding officer of said Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 5. That for the purpose of ratifying this Act as provided in Section 4, it shall take effect from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until March 1, 1964.

Passed: March 20, 1963.

**COMPILER'S NOTE:** This act may have been superseded by Private Acts of 1967-68, Chapter 1, found in this volume. That act, however, contains no repealer clause and levies a special privilege tax "in addition to all other taxes".

TAXATION

WHEEL TAX

PRIVATE ACTS OF 1967-68

CHAPTER 1

SECTION 1. That for the privilege of using the public highways, except State-maintained roads, in Counties of this State having a population of not less than 9,400 nor more than 9,450, according to the Federal Census of 1960, or any subsequent Federal Census, there is levied upon motor driven vehicles, except tractors, which shall pay no tax hereunder, a special privilege tax for the benefit of said Counties and in addition to all other taxes, which tax shall be as follows:

Upon Motorcycles .....	\$ 7.00
Upon all passenger automobiles, including station wagons .....	10.00
Upon all taxicabs .....	12.50
Upon all automobile buses .....	15.00
Upon trucks falling in Class I under the provisions of Chapter 105, Public Acts of 1939, and amendments thereto .....	10.00
Upon trucks of Class II as above defined .....	15.00
Upon trucks of Class III .....	20.00
Upon trucks of Class IV .....	25.00
Upon trucks of Class V .....	30.00
Upon trucks of Class VI and VII .....	35.00
Upon trailers drawn by motor operated vehicles, where the trailer does not exceed 7 feet in length .....	7.50
And where the trailer exceeds 7 ft. in length .....	10.00

This tax shall apply to and be paid by each motor vehicle as above set forth whose owner resides or usually stays in Counties to which this Act applies and it shall be a misdemeanor and punishable as such for any resident of counties to which this Act applies to operate a motor vehicle over the highways of said Counties, State-maintained roads excluded, without the payment of the tax herein provided.

As amended by: Private Acts of 1967-68, Chapter 207  
Private Acts of 1971, Chapter 72.

SECTION 2. That the tax herein levied shall be collected by the County Court Clerk of Counties to which this Act applies at the same time that he collects the State privilege tax upon the operation of motor driven vehicles over the public highways. No Clerk in Counties to which this Act applies shall issue to a resident of such County a State license for the operation of automobiles unless at the same time such resident shall purchase the appropriate license as hereinafter provided for the operation of his car under this Act. Payment of the license fee herein imposed shall be evidenced by an emblem to be appropriately displayed on the lower right side of the windshield of the vehicle in question. Each emblem will be prenumbered and a prenumbered receipt shall be

issued for each. The design of the emblem in question shall be determined by the County Court Clerk and the expense incident thereto shall be paid from the road or bridge funds of Counties to which this Act applies. The tax herein levied shall entitle the owner of a car to operate the same from April 1 of each year to the next succeeding March 31 and the said proportionate reduction shall be made as is now made in the case of State registration of automobiles where such motor driven vehicle is registered after April 1 for any reason whatsoever. For his services in issuing such licenses, the County Court Clerk shall be entitled to a fee of fifty cents (50¢) for each one so issued, to be collected from the person purchasing the same. He shall report the funds collected by him monthly and pay the same to the County Trustee of Counties to which this Act applies and they shall be applied as herein provided.

As amended by: Private Acts of 1971, Chapter 72.

SECTION 3. That the proceeds of the tax herein imposed when collected and in the hands of the County Trustee shall be used exclusively for the purpose of rock and gravel to be used on rural roads in such Counties, but no part of the funds arising from this Act shall be used for the purchase of machinery or for labor upon such roads. It being the legislative intent that such shall be paid from other highway funds available to such County. The County Highway organization of Counties to which this Act applies shall have full and complete direction as to the expenditure of such funds, subject, however, to the limitations herein provided as to their use. Nothing in this Act shall be construed as authorizing the levy of the tax herein provided against non-residents of said County not permanently domiciled therein, but the same shall be levied only upon the motor driven vehicles of residents thereof.

SECTION 4. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of any County to which it may apply on or before the next regular meeting of said Quarterly County Court occurring after its approval by the Governor or after its otherwise becoming a law. Its approval or non-approval shall be proclaimed by the presiding officer of said Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 5. That for the purpose of ratifying this Act as provided in Section 4, it shall take effect from and after its passage, the public welfare requiring it.

Passed: February 28, 1967.

TAXATION

WHEEL TAX

PRIVATE ACTS OF 1972

CHAPTER 209

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 13,000 nor more than 13,500 by the Federal Census of 1970, or any subsequent Federal 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, which shall pay not tax hereunder, a special privilege tax for the benefit of such counties, which tax shall be in addition to all other taxes, and which shall be in the amount of Forty Dollars (\$40.00) for each motor-driven vehicle except that the tax on motor cycles as defined in Tennessee Code Annotated, Section 59-103, shall be in the amount of Ten Dollars (\$10.00).

This tax shall apply to and shall be paid on each motor-driven vehicle, whose owner resides or usually stays in counties to which this act applies and it shall be a misdemeanor and punishable as such for any resident of counties to which this act applies to operate a motor-driven vehicle except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, over the roads and highways of said counties, State-maintained roads excluded, without the payment of the tax herein provided. Provided, further, that nothing in this act shall be construed as permitting and authorizing the levy and collection of the tax against non-residents of the counties to which this act applies, but the same shall be levied only upon motor-driven vehicles of residents of the counties to which this act applies and within a reasonable construction of the provisions hereof. Provided, further, that there shall arise a rebuttable presumption that any resident of said counties owning a licensed motor-driven vehicle has in fact operated said motor-driven vehicle over the roads and highways of said counties.

As amended by:       Private Acts of 1977, Chapter 39  
                              Private Acts of 1980, Chapter 300.

SECTION 2. The tax herein levied shall be collected by the County Court Clerk of counties to which this act applied at the same time that he collects the State privilege tax upon the operation of motor-driven vehicles over the public highways. No Clerk in counties to which this act applies shall issue to a resident of such county a State license for the operation of automobiles, unless, at the same time such resident shall purchase the appropriate license as hereinafter provided for the operation of this automobile under this act. Payment of the license fee herein imposed shall be evidenced by a tag or emblem to be appropriately displayed upon some prominent part of the automobile in question. The design of the emblem and the place and manner of display on the vehicle shall be determined by the County Court Clerk, and the expense incident thereto shall be paid from the County General Fund. The tax herein levied shall entitle the owner of a car to operate the same from April 1 of each year to the next succeeding March 31; and the same proportionate

reduction shall be made as it is now made in the case of State registration of automobiles where such motor-driven vehicle is registered after April 1, for any reason whatsoever.

For his services in issuing such licenses, the County Court Clerk shall be entitled to a fee of 50 cents for each license so issued, to be collected from the person purchasing same. The Clerk shall faithfully account for, make proper reports of, and pay over to the Trustee of the counties to which this act applies at monthly intervals, all funds paid to and received by him for the aforesaid privilege tax, and such funds shall be applied as herein provided.

In the event any motor-driven vehicle for which the privilege tax has been paid and the emblem or decal issued and placed thereon, become unusable, or is destroyed or damaged to the extent that this motor-driven vehicle can no longer be operated as such, and the owner ceases to operate same on the public streets, roads, or highways of said county, or in the event the owner transfers the title to said 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 duplicate decal or emblem, and the owner pays into the hands of the Clerk the sum of 50 cents as a privilege tax for reassignment of said decal and a 50 cents 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 duplicate decal or emblem, and this shall entitle the owner to drive the vehicle on the streets, roads, and highways of such county until the next following March 31. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced or is destroyed under the provisions of this act, and is therefore 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 as a privilege tax for replacement of said decal and a 50 cents Clerk's fee, may issue and deliver to the owner, a duplicate decal or emblem.

SECTION 3. The proceeds of the tax herein imposed, when collected and paid into the hands of the County Trustee, shall be expended for the following purposes:

(1) One-fourth (1/4) of the proceeds of the tax herein imposed shall be deposited in the General Purpose School Fund of the county and used for school purposes.

(2) Three-fourths (3/4) of the proceeds of the tax herein imposed shall be used exclusively to pay off the outstanding school bonds of said county.

SECTION 4. It is the intent of the General Assembly that this act be construed as a measure providing for additional revenues in the counties affected, to be used exclusively for the financing of the program of public education in such counties.

SECTION 5. That this act shall have not effect unless the same shall be approved by two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular or special meeting of said Quarterly County Court after its approval by the Governor or after its otherwise becoming a law. 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 6. That this act shall be effective from and after its passage, the public welfare requiring it, but the provisions hereof shall not become operative until validated as provided in Section 5 herein.

Passed: February 15, 1972.

## TAXATION

Most of the general law on taxation can be found in title 67 of Tennessee Code Annotated. The chief revenue source for county government is the ad valorem tax on real and personal property. The statutes dealing with the county property tax, including assessment, levy, collection, and enforcement, are found in title 67, chapter 5. Assessments are reviewed by the county board of equalization, which is covered by title 67, chapter 5, part 14. Another large source of county revenue is the local option sales tax. The authority for the local option sales tax is codified at T.C.A. title 67, chapter 6, part 7. While the property tax may be levied by the county legislative body alone, the local sales tax must be approved by the qualified voters in a referendum. Other general law granting taxing authority for counties may be found in other sections of the code. These may be found through use of the combined general index to the Tennessee Code Annotated. In some areas private acts may be used for authority to levy a tax at the county level. The revenue sources available to county governments, and the authority for such taxes and fees either in general law or private acts, are summarized in the CTAS publication County Revenue Manual.

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

1. Private Acts of 1915, Chapter 63, deferred the penalty on state and county taxes for 1915 until June 1, 1915.
2. Private Acts of 1917, Chapter 633, authorized a road levy of not less than \$.50 nor more than \$1 on all assessable property in the county. This money was to be used for laying out, grading, draining, macadamizing, piking and generally improving county roads.
3. Private Acts of 1919, Chapter 529, authorized another special tax levy on all taxable property for the maintenance of free ferries.
4. Private Acts of 1931, Chapter 716, authorized one of the earliest wheel taxes in the state. This tax was to apply to all automobiles, trucks and motorcycles in Cheatham County. The method of enforcement was quite different from that found in later acts. This act provided that the County Court Clerk was to ascertain the names of all persons operating vehicles on Cheatham County roads without payment of this tax and to have distress warrants issued against them. This act was repealed by Private Acts of 1933, Chapter 21.
5. Private Acts of 1972, Chapter 208, imposed a litigation tax of Two (\$2) Dollars on all civil and criminal actions filed in the General Sessions Court, Circuit and Chancery.
6. Private Acts of 1991, Chapter 104, would have levied a privilege tax on the occupancy of any rooms, lodgings or accommodations by any hotel, inn, tourist camp, tourist court, tourist camp, motel or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration in Cheatham County. This act never received local approval.

**PARALLEL REFERENCE TABLE**

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