



May 19, 2024

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# Maury

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

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# Maury



Maury County Courthouse

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# Chapter I - Administration

## Alarm Systems Act

### Private Acts of 2000 Chapter 93

**SECTION 1.** This Act shall be known and may be cited as the "Maury County Alarm Systems Act".

**SECTION 2.** For the purpose of this Act, the following definitions apply:

(1) "Activate" means to set off an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

(2) "Alarm systems" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dialing telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; and self-contained smoke detectors; and medical-alert alarms.

(3) "Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central station which are permanently active and terminate within the communications center of the Maury County Sheriff's Department.

(4) "Commercial premises" means any structure or area which is not defined herein as residential premises.

(5) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or by such owner or lessee's employees, servants or agents; or any other activation of the alarm system not caused by a fire or forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other conditions which are clearly beyond the control of the alarm user. A maximum of five (5) false burglar alarms; three (3) false robbery/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

(6) "Fire officer" means the fire chief of the rural fire department or the fire chief's designated representatives.

(7) "Law enforcement officer" means the sheriff of Maury County or the sheriff's designated representatives.

(8) "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to include a government or governmental subdivision or agency thereof, exclusive of the federal government.

(9) "Primary responder" means the law enforcement or fire agency designated to be first contacted by the alarm owner, operator or lessee.

(10) "Residential premises" means any structure or combination of structures which serve as dwelling units including single family as well as multi-family units.

**SECTION 3.** Notification and Permits Required.

(a) Every person who owns, operates or leases any alarm system, as defined herein, whether now existing or to be installed in the future, anywhere within Maury County, excluding alarm systems within the city limits of any incorporated municipality in Maury County, and who does not list the Maury County Sheriff's Department or Maury County rural fire department as primary responder, shall within one hundred twenty (120) days of the effective date of this act for existing alarms systems, or prior to use of new alarm systems, notify the Maury County Sheriff's Department, on

forms to be provided, of the following information:

- (1) The type, make and model of each alarm device and, if applicable, the alarm monitoring company;
- (2) Whether the alarm system is installed in a residential or commercial premises;
- (3) The name, address, business and/or home telephone number of the owner or lessee of the alarm system; and
- (4) The names, addresses, and telephone numbers of at least two (2) persons to be notified in the event of an alarm activation.

(b) At the time of submission of this notification, the owner, operator or lessee of said alarm system shall submit a fee of fifteen dollars (\$15.00) to the Maury County Court Clerk's office for obtaining a permit for each alarm device in such system, if the system is maintained on residential premises, and twenty-five dollars (\$25.00) for each alarm device, if the system is maintained on commercial premises. All permit fees are due January 1 annually and will be prorated monthly during the year applied for. Annual renewal fees of fifteen dollars (\$15.00) for residential users and twenty-five dollars (\$25.00) for commercial users will apply.

#### **SECTION 4. Duties of Permit Holders.**

- (a) Each owner, operator, or lessee of an alarm system shall be responsible for training employees, servants, or agents in the proper operation of an alarm system.
- (b) Each owner, operator, or lessee of an alarm system shall ensure that the correct address identification is visible from the street or roadway on which the premises are located.
- (c) Any audible alarm shall be equipped with an automatic shut-off to function within twenty (20) minutes of the alarm sounding, excluding fire alarms.
- (d) The current alarm registration sticker provided each permittee shall be displayed near the primary entrance so as to be easily visible from outside the building.

#### **SECTION 5. Violations.**

- (a) It shall be a violation of this Act to have a functional alarm system without having obtained a permit required by Section 3 of this Act.
- (b) Having an alarm activated without a permit shall constitute a violation of this Act.
- (c) It shall be a violation of this Act when any Maury County Sheriff's Department or rural fire department officer responds to his premises within one (1) hour after notification by sheriff or fire personnel of alarm activation, whether false or not, shall be deemed to have violated this Act.
- (d) Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification by sheriff or fire personnel of alarm activation, whether false or not, shall be deemed to have violated this Act.
- (e) It shall be a violation of this Act for an alarm company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such cases, the permit shall be obtained the next business day.
- (f) It shall be a violation of this Act for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the Maury County Sheriff's Department is notified to cancel the call within five (5) minutes of the original call, it will not be considered a false alarm, unless the responding agency arrives on the scene before the original call is canceled. If a responding sheriff's deputy or fire officer has not arrived on the scene within twenty (20) minutes of the original notification, it will not be a chargeable response. The false alarm shall not be charged to the owner, operator or lessee.
- (g) Any non-compliance with the requirements of this Act shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable by a fine of fifty dollars (\$50.00) plus court costs; provided, however, that fines for false alarms shall not exceed twenty-five dollars (\$25.00) for each false alarm, in accordance with general law.

#### **SECTION 6. Automatic Dialing Devices.**

- (a) Within one hundred and twenty (120) days of the effective date of this Act, it shall be a violation of this Act for any automatic dialing device to call on the 911 or E911 emergency line. Such devices shall be restricted to dialing the non-emergency sheriff, fire or emergency medical services phone number.

(b) Any automatic dialing device shall:

- (1) Have a clearly understandable recording;
- (2) Be capable of repeating itself a minimum of two (2) times; and
- (3) Be capable of automatically resetting itself so as to not continuously call sheriff, fire or EMS phone numbers.

(c) Programmed messages on an automatic dialing device must include and are restricted to the following:

- (1) The owner's/resident's name and the exact street number and name;
- (2) A statement that it is a burglar or robber/panic "ALARM ONLY". It shall not say burglary or robbery "in progress";
- (3) A statement of the hours the business is open, if the device is used for both burglar and robber/panic alarms; and
- (4) A statement that a third party has been notified, and the identity of that third party, if a third party is notified by the device.

#### **SECTION 7. Appeals Procedure and Rights to a Hearing.**

(a) Beginning with the sixth (6th) false burglary alarm, a fourth (4th) false robbery/panic alarm, or a fourth (4th) false fire alarm, or upon failure of the permit holder to make a reasonable effort to comply with the requirements of this Act, a properly designated law enforcement officer or fire officer may file a request, in writing, for revocation of the permit with the Board of Appeals, which revocation shall occur unless the permit holder files an appeal, in writing, with the Board of Appeals within fifteen (15) days of the date the request for revocation is filed with the board. The law enforcement officer or fire officer shall notify the permit holder that a request for revocation has been filed with the Board of Appeals and the date on which it is filed. An appeal by the permit holder shall be accompanied by an appeals fee of fifty dollars (\$50.00), which shall be refunded upon a determination by the board that the permit holder has not exceeded the allowable false alarms.

(b) Pursuant to the administration of this Act, a Board of Appeals shall be created for the purpose of hearing any complaints relating to the enforcement provisions of this Act. Such Board shall be appointed by the County Executive and approved by the County Commission, and shall consist of the following:

- (1) One (1) member of the sheriff's department;
- (2) One (1) member of the rural fire department; and
- (3) Three (3) private citizens, one (1) member being a representative of the local alarm industry, one (1) a residential alarm user, and one (1) a commercial alarm user.

(c) The Maury County Clerk or the clerk's designee is hereby designated as secretary of the Board of Appeals and shall serve as custodian of its records.

#### **SECTION 8. Response to False Alarm - Required Reports of Corrective Action and Disconnection.**

(a) The only alarms the Maury County Sheriff's Department, rural fire department or emergency medical services will respond to are:

- (1) Burglary (residential and business);
- (2) Robbery/hold-up (business only);
- (3) Fire (residential or business);
- (4) Medical (residential and business); and
- (5) Panic (residential only).

(b) Responsibility for a false alarm shall be borne by the owner or the lessee of the alarm system or such person's employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(c) A response to an alarm shall result when any sheriff or rural fire department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the sheriff's department back within five (5) minutes of the original call, it will not be considered a false alarm. No violation, fine, or recourse will take place in the above time interval unless the responding Maury County Sheriff's deputy or rural fire officer has already arrived

before the call to cancel has been made. If a law enforcement or fire officer has not arrived on the scene within twenty (20) minutes of the original alarm (notification), it will not be a chargeable alarm.

(d) After the allowable false alarms as set out in Section 2, each person who owns, operates, leases or controls any premises, commercial or residential, having an alarm system, shall be cited to Maury County General Sessions Court for any response to a false alarm. Within fifteen (15) days of the date of a conviction the person shall show proof to the sheriff's department of the corrective action taken to remedy the situation. Failure to show corrective action will be grounds for revocation of the permit; however, no disconnection shall be ordered on any premises required by law to have an alarm system in operation.

**SECTION 9.** Enforcement. Maury County Sheriff's Department officers are specifically authorized to enforce this Act. Any Maury County sheriff's officer or fire officer may lawfully issue a citation to an owner, operator or user of a functional alarm system who has not obtained the permit required by Section 3, or whose alarm system has given a false alarm in excess of the number of false alarms allowed under Section 2.

**SECTION 10.** Disposition of Fees.

(a) Fees collected pursuant to this Act shall be paid to the Maury County general fund.

(b) The provisions of this Act shall not be applicable to residential or commercial premises which are located within any municipal limits of the cities in Maury County, unless an alarm owner, operator or lessee requests the Maury County Sheriff's Department or Maury County rural fire department as the primary responder.

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Maury County by December 31, 2000. Its approval or nonapproval shall be proclaimed by the presiding officer of the Legislative Body and certified to the Secretary of State.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.

Passed: March 2, 2000.

## Budget System

### Private Acts of 1963 Chapter 233

**SECTION 1.** That there is hereby created a County Budget Committee of Maury County, Tennessee. The committee shall consist of up to six (6) members of the county commission, with the number of members to be determined by resolution of the county commission. The county executive shall serve on the committee as an ex officio member. The committee shall be elected by the commission at its first meeting following the effective date of this act. Thereafter, the committee shall be annually elected by the commission at its regular January meetings. At its first meeting after the election as hereby provided, a Chairman of said Committee shall be elected by the Committee. The County Director of Accounts and Budgets shall also be an ex officio member of said Committee and shall in addition be the ex officio secretary of the Budget Committee. The County Quarterly Court may in its discretion allow members of the Budget Committee such compensation for their services as the Court may deem proper. Any provision for compensation, as well as provision for printing, publicity, supplies and other necessary expenses of the Budget Committee, shall be payable from the County General Fund and shall be included in the annual appropriation. The Budget Committee shall perform all of the duties respecting county budgets and appropriations now performed, or required to be performed, by the County Finance Committee and shall perform such other duties as herein provided.

As amended by: Private Acts of 2003, Chapter 16

**SECTION 2.** That there is hereby created a fiscal year for Maury County and for each office, department, institution, activity, and agency thereof, which fiscal year shall begin on the first day of July of each year and shall end on the thirtieth day of June next following. Said fiscal year shall constitute the budget year, and the year for accounting and reporting of each and every office, department, institution, activity and agency of the county government; but the aforesaid provision shall be in addition to, and not in lieu of, any accounting and reporting now required of any official by general law.

**SECTION 3.** That the County Highway Directors or Superintendent shall on or before the first day of April of each year file with the Director of Accounts and Budgets an itemized statement of the funds estimated to be required for the county road program for the ensuing fiscal year and for the construction, operation,



repair and maintenance of the county road system and for the general administration of the highway department, together with an estimate of the highway and road funds expected to be received during such fiscal year.

The County Board of Education shall, after preparing its annual budget as now provided by law, file such budget with the Director of Accounts and Budgets for inclusion in the complete budget document to be presented to the Budget Committee.

The County Judge or Chairman, on or before the first day of April of each year, shall file with the Director of Accounts and Budgets an itemized statement of the amounts which he estimates are necessary to be expended from the County General Fund, the debt service funds, and from all other funds (excluding highway funds, school funds, and funds derived from the sale of bonds), together with an estimate of the revenue to be received during the next fiscal year.

The Board of Trustees of the Maury County Hospital, on or before the first day of April of each year, shall file with the Director of Accounts and Budgets an itemized statement of the amounts which is estimated is necessary to be expended or required for the operation, maintenance, and control as provided by law for the Maury County Hospital, together with an estimate of the funds expected to be received and from what sources during such fiscal year.

The County Board of Park Commissioners on or before the first day of April of each year shall file with the Director of Accounts and Budgets an itemized statement for the amounts which is estimated to be required for the operation and maintenance of the Maury County Park and for the administration thereof, together with an estimate of any and all funds expected to be received from other sources during such fiscal year.

Each of the other operating departments, institutions, offices and agencies shall file with the Director of Accounts and Budgets on or before April 1st of each year a detailed estimate of its requirements for expenditures from the county's funds for the ensuing year, together with an estimate of any county revenues to be received by such agency, office or department.

The Director of Accounts and Budgets, shall on or before May 1st of each year file a consolidated budget document with the Budget Committee showing an itemized statement of the amounts estimated by the various departments and officials to be required for the efficient operation of the county government from the County General Fund, the debt service funds, highway funds, school funds and all other funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and an estimate of the unencumbered cash balance of each of said funds at the beginning of said fiscal year.

It shall be the duty of each official, office, department, institution, agent, or employee of the county government to furnish in writing such information, in such form and at such time as may be requested by the Budget Committee.

**SECTION 4.** That at least forty-five days prior to the beginning of each fiscal year the budget committee shall review and adopt the annual budget. Said budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year, and shall conform to the uniform classification of accounts established by the Director of Accounts and Budgets.

Opposite each item of estimated revenue the Budget Department shall show in opposite parallel columns the amount actually collected for the last completed fiscal year, a revised estimated amount for the current fiscal year, and the estimate for the ensuing fiscal year.

Likewise opposite each item of proposed expenditures the budget document shall show the amount actually expended for such item during the last completed year, the probable amount which will be spent during the current fiscal year and the proposed appropriations or expenditures estimated for the ensuing fiscal year.

In preparing the budget, the Budget Committee may revise, as it deems necessary, the estimates or requests made by the various departments, officials, offices, institutions and agencies of the county, but any county official or employee shall be entitled to a hearing before the Budget Committee with reference to any contemplated changes in his budget requests or estimates.

The Budget Committee shall certainly and fully provide in the budget for all requirements of debt service, interest and bond maturities and for any cash deficit in any fund at the beginning of the fiscal year, and shall propose a tentative tax rate for the current calendar year.

**SECTION 5.** That on or before May 25th of each year the Budget Committee shall cause a synopsis of the proposed budget, and a statement of the tax rate required to finance the proposed budget, to be published in a newspaper having general circulation in such county. Said publication shall also contain a notice of a public hearing to be conducted by said Budget Committee at which any citizen of the county

shall have the right to appear and state his views on the budget. Provided that such public hearing shall be held by the Budget Committee not later than thirty days prior to the beginning of the fiscal year.

Following such public hearing, the Budget Committee shall make the final revision of the budget document and prepare copies for presentation to the Maury County Quarterly Court.

**SECTION 6.** That the Budget Committee shall present the budget to the County Quarterly Court at its regular July session each year or at a special session called for the purpose during the month of July. The proposed budget shall be accompanied by a budget message explaining the financial program and outlining the services, work and activities to be financed by the proposed budget and a brief discussion of the means proposed for financing the expenditure program set forth in the budget. With the proposed budget, the Budget Committee shall deliver to the County Quarterly Court a budget appropriation resolution and a tax levy resolution.

The County Quarterly Court may alter or revise the proposed budget except as to provision for debt service requirements and for other expenditures required by law, but the County Quarterly Court shall finally adopt a budget not later than the third Monday in July. Pending such final adoption the Director of Accounts and Budgets is hereby authorized to make temporary allotments for expenditures for essential county services, in amounts not in excess of the comparable allotment for an average quarter of the preceding fiscal year.

The budget, the appropriation resolution, and the tax levy resolution, shall be spread upon the minutes of the County Quarterly Court.

**SECTION 7.** That the appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by said resolution, and no expenditures shall be made or obligation created in excess of such limitation. Provided further, that any resolution presented to the Quarterly County Court or other governing body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by said Court, which provides for an appropriation in addition to those made in the original budget appropriation resolution, shall specifically provide sufficient revenue or other funds to meet expenditures to be made in consequence of such additional appropriation.

Provided, further, that if at any time during the fiscal year it shall become apparent that the revenues of any of the county's funds together with its unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the Director of Accounts and Budgets and the chairman of the County Quarterly Court or other governing body to impound the appropriations from such fund in such amount as shall appear necessary, subject to the written approval of the Budget Committee.

The appropriations made by the Quarterly Court or other governing body, as provided above, shall constitute authorization for expenditures; and expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated for such item. However, the expenditures and encumbrances against the amounts appropriated shall be made only in consequence of an order issued by appropriate department heads and subsequent approval of the invoice by the Director of Accounts and Budgets; except that payrolls and bills for telephones, water, gas, electric, and other utility services, shall first be checked and approved for payment by the various departments or otherwise as provided by law and county obligations imposed by law shall be approved by the proper authority before being submitted to the Director of Accounts and Budgets for payment. No expenditures made or obligations created in any manner other than so specified or authorized in this chapter shall be valid or binding against the county. Provided, however, that the Budget Committee may issue such regulations as it deems necessary for the prompt handling of bona fide emergencies.

Accounts and other obligations of the County Department of Education, other than payrolls, after pre-audit by the Director of Accounts and Budgets, shall be paid by disbursement warrants drawn on the county trustee by the County Board of Education, but copies of all disbursements issued by the Board of Education, showing the accounting classification chargeable, shall be furnished by the Board of Education to the Director of Accounts and Budgets daily as issued. In lieu of such requirement, such disbursement warrants may be prepared in the office of the Director of Accounts and Budgets for the County Board of Education.

Expenditures from all other funds of the county, except school funds, shall be made by disbursement warrants on the County Trustee signed by the county chairman and the Director of Accounts and Budgets, and no other official, department, institution or agency of the county shall issue negotiable warrants or vouchers for such expenditures. But before any disbursement warrant shall be issued in discharge of any obligation, a detailed invoice or statement thereof shall be filed with the Director of Accounts and Budgets, and it shall be his duty to carefully check all such invoices to determine if they are correct, if the goods or

services have been received or rendered as stated, and if the obligation is just, authorized and legally binding on the county.

Bills and accounts incurred in accordance with authorized appropriations shall be paid promptly in order that the county may obtain the benefit of cash discounts; and for this purpose, it shall not be necessary for any such bill or account to be filed and recorded by the County Court Clerk or to be approved before payment by the County Quarterly Court or by any committee or commission appointed by it.

**SECTION 8.** That the Director of Accounts and Budgets shall make a report at the end of each month showing the condition of the budget. Said report shall show for each item of appropriation, and/or allotment thereof, the total expenditures for the month and the year to date, the amount of outstanding encumbrances and the amount of the unencumbered balance. Said report shall also show for each fund an itemized statement of the revenues and receipts estimated for the year, and the amount of the collections of each item for the month and the year to date and the unrealized portion of the estimate. In a parallel column shall be shown the amount of each item or revenue during the comparable elapsed period of the preceding fiscal year. The most recent of such reports shall be presented by the County Judge or chairman at each regular session of the Maury County Quarterly Court or other governing body. At such time shall advise the County Quarterly Court of the condition of the budget, and of any other action which, in his opinion, the County Quarterly Court should make in order that the budget shall be kept in balance (sic)

**SECTION 9.** That any official or employee of the county, or of any institution or agency thereof, who shall fail or refuse to perform the duties required of him by this chapter, or who shall fail or refuse otherwise to conform to the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to fine and to removal from his office or position.

**SECTION 10.** That the provisions of this chapter shall not apply to county school funds for any purpose, the County Board of Education and the County Superintendent unless approved by the State Commissioner of Education.

**SECTION 11.** That there is hereby created the office of Director of Accounts and Budgets who shall be a county employee, and who shall be appointed by the Maury County Budget Commission with the approval of the Maury County Quarterly Court. He shall be qualified by training and experience in the field of accounting to perform his duties in a proficient manner and in accordance with generally recognized principles of governmental accounting. Before assuming his duties he shall execute a corporate surety bond; the amount of which shall be established by the County Judge or chairman at not less than Ten Thousand Dollars (\$10,000) nor more than Twenty-five Thousand Dollars (\$25,000). Said bond shall be approved by the County Quarterly Court and shall be recorded in the office of the Register of Deeds in the same manner as are the bonds of all county officials. The premium for such bond shall be paid from the County General Fund.

The compensation of the director of accounts and budgets, which shall not be less than compensation allowed county officials in accordance with Sections 8-2402 and 8-2403, nor more than ten thousand dollars (\$10,000) to be determined by the Quarterly County Court; and the amount of such compensation and the amount of any assistants or typists as approved by the budget committee and other necessary expenses of his office, as approved by the budget committee, shall be provided for by annual appropriation from the county general fund. The Quarterly County Court of Maury County, at its July term, shall review the salary of the director of accounts and budgets and his assistants or typists, and may in its discretion authorize a monthly salary increase for the director of accounts and budgets and his assistants or typists. The Quarterly County Court may authorize a monthly salary increase for the director of accounts and budgets and his assistants or typists, in an amount it deems justifiable, to become effective immediately, or at some preceding month, or by a series of pay raises over any period of months, as long as the total amount of salary increments does not exceed a maximum of two hundred and fifty dollars (\$250.00) above his 1970 monthly income or the other salary limitations imposed by this section.

The Director of Accounts and Budgets shall have power, in accordance with such regulations as may be established from time to time by the County Budget Committee, to appoint and remove his assistants, to prescribe their duties, and to fix their salaries within the limits of the annual appropriation.

As amended by: Private Acts of 1969, Chapter 42  
Private Acts of 1971, Chapter 96

**SECTION 12.** That there shall be set up and maintained in the office of the Director of Accounts and Budgets a system of fiscal procedure, control and centralized accounting, hereinafter set out and described, which shall be under the administrative control and direction of the Director of Accounts and Budgets; but such system shall be conducted in full accordance with the general law of this State respecting the duties and responsibilities of the county judge or chairman as fiscal agent of the county.

The system of fiscal procedure, control and accounting herein provided shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the

recommendations of the national committee on governmental accounting. The system shall include such records and procedures as may be required to accurately reflect the assets, liabilities, income, and expenditures of each fund of the county, together with such records, accounts, and files as are necessary to record an control:

1. The transactions relating to county revenues, and the revenues for each of its several funds:
2. The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriations;
3. The transactions relating to the bonded debt; and
4. Such other records as may be necessary to facilitate the operation of the adopted budget and the proper accounting for each item of county expenditure.

**SECTION 13.** That it shall be the duty of the Director of Accounts and Budgets to post and otherwise keep the records of the central accounting system; to verify all bills, invoices, payrolls and claims against the county before payment; and to check the settlements and reports of the various officials and department heads of the county government.

The Director shall also, after careful pre-audit of invoices, bills, and claims against the county or any of its funds, prepare disbursement warrants on all county funds. It shall be the duty of such Director to sign all county disbursement warrants as evidence of his audit and approval of the expenditure made thereby, but no disbursement warrant drawn on the County Trustee shall become a county liability payable by the County Trustee until such warrant shall also have been signed by the county chairman, County Superintendent of Schools, or other official or officials whose signatures are required on such warrants.

The Director shall install a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting, and financial reporting respecting all county funds, offices, agencies, and activities of the county governments, and shall prescribe the forms to be used by each official and employee of the county in connection therewith.

The Director shall set up and maintain a double entry system of accounting for recording the transactions of all of the county's funds, including both proprietary and budgetary accounts, in conformity with the requirements of Section 5-1304. The accounts shall be kept on the modified cash basis.

The Director shall set up the necessary accounts to properly record the annual budget and each appropriation made by the Quarterly County Court. All encumbrances, expenditures or other charges against any item of the budget shall be promptly recorded in order that the unencumbered balance of each item of the budget shall be readily ascertained at all times.

At the end of each month the Director shall prepare a comprehensive report of all revenues and expenditures of the county and of each of its several funds, departments, offices, agencies and activities, all encumbrances against the several appropriations, and the condition of each item of appropriation in the annual budget. The most recent of such reports shall be presented to the Quarterly County Court at each quarterly meeting and copies of such reports shall be furnished the members thereof.

The Director shall pre-audit all payrolls of the county before payment and shall maintain complete earnings records of each employee of the county. The Director and the County Judge or chairman of the Quarterly County Court are hereby authorized to maintain a special county payroll account at a local bank at the county seat, in which disbursement warrants for the total of each payroll may be deposited and against which individual net earnings checks may be issued to each of the county employees. The County Judge or chairman may authorize the issuance of such payroll checks on the signature of the Director of Accounts and Budgets, and in such event the depository bank shall be so instructed.

**SECTION 14.** That excepting taxes such as the County Trustee is authorized to collect, the payment of all moneys to the County Trustee by any collectors authorized by statute, or by anyone on account due the county, shall be made only by issuance of a receivable warrant signed by the County Judge or chairman instructing the Trustee to receive the amount named, for which the Trustee shall issue his receipt, duplicate of which shall be delivered to the Director of Accounts and Budgets to be used by him in posting the accounting records.

**SECTION 15.** That before any obligation against the county shall be paid or any disbursement warrant or voucher issued therefor, a detailed invoice or statement approved by the head of the office, department or agency for which the obligation was made shall be filed with the Director of Accounts and Budgets. Said Director shall make a careful pre-audit of such invoice or statement, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable. Disbursement warrants shall be promptly prepared for all such approved items by the Director of Accounts

and Budgets and mailed or delivered to the payees thereof.

A duplicate copy of all disbursement warrants, with all original invoices and/or other supporting documents attached thereto, shall be kept on file in the office of the Director of Accounts and Budgets.

**SECTION 16.** That each official, office, department, institution, agency, board, committee, commission or employee of the county shall furnish such information and make such reports as may be required to properly maintain the central accounting system and fiscal procedures herein authorized and prescribed, and such information and reports shall be furnished at such times and in such form as may be prescribed by the Director of Accounts and Budgets. The records of all county offices, departments, and agencies shall be made available by their respective officials or employees for examination at all reasonable hours by the Director of Accounts and Budgets.

**SECTION 17.** That the provisions of this Act shall not apply to the Maury County Hospital, except with reference to the submission of the annual budget as provided for in Section 3 of this Act.

**SECTION 18.** That any official named in this chapter, or any other official, agent, or employee of the county who shall fail or refuse to perform the duties required of him under this chapter, or who shall otherwise fail or refuse to conform to the provisions of this chapter, shall be deemed guilty of a misdemeanor, and subject to removal from office.

**SECTION 19.** That the provisions of this chapter shall not apply to county school funds for any purpose, the county Board of Education, and the County Superintendent unless approved by the State Commissioner of Education.

**SECTION 20.** 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, or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

**SECTION 21.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 20 herein.

Passed: March 20, 1963.

## County Attorney

### Acts of 1901 Chapter 287

**SECTION 1.** That there is hereby created the office of County Attorney of Maury County, said officer shall be elected by the Quarterly County Court of Maury County at its July term for a period of four years, and regularly thereafter on the first Monday of April every four years. The salary of the County Attorney shall be per annum, payable quarterly out of the County Treasury (sic).

As amended by:

Private Acts of 1925, Chapter 26

Private Acts of 1929, Chapter 898

Private Acts of 1933, Chapter 717

**SECTION 2.** That it shall be the duty of the County Attorney to attend to the legal business of the county and to represent the State in all cases in the Criminal Court of Maury County, and he shall have all of the power and authority with the Grand Jury when sitting for the Criminal Court, and to prepare and sign bills of indictment as heretofore possessed by the District Attorney General in such cases, and shall take the same oath of office as is administered to the District Attorney Generals (sic).

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

Passed: April 5, 1901.

## Private Acts of 1989 Chapter 37

**SECTION 1.** The Legislative Body of Maury County is authorized to fix the annual salary of the County Attorney of such county from time to time provided such salary shall not be less than sixteen thousand two hundred fifty dollars (\$16,250) nor more than the compensation established in Tennessee Code Annotated, Section 8-24-102, as amended, for other county officials. Such annual salary shall be payable from the general funds of Maury County.

**SECTION 2.** Chapter 42 of the Private Acts of 1973, Chapter 182 of the Private Acts of 1978 and Chapter

11 of the Private Acts of 1981 are repealed.

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

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

Passed: March 23, 1989.

## County Auditor

### Private Acts of 1951 Chapter 652

**SECTION 1.** That there is hereby created the office of County Auditor for Maury County, Tennessee.

**SECTION 2.** That the qualifications of said official shall be that he be a resident of the State of Tennessee, but not necessarily a resident of Maury County, Tennessee, and that he be not less than twenty-five years of age, and that he must be a Certified Public Accountant.

**SECTION 3.** That the Quarterly County Court of Maury County, Tennessee, shall by resolution fix the term of office and the amount of salary to be paid to such County Auditor, who shall upon his election take an oath and furnish bond for the faithful performance of his duties as shall be required by the Quarterly County Court.

**SECTION 4.** That after the Quarterly County Court has adopted such resolution fixing the term of office and the salary of such auditor, said Quarterly County Court may then elect such auditor by majority vote.

**SECTION 5.** That said Auditor shall audit the books of all County Officers and Employees, and make quarterly periodic reports to the Quarterly County Court, and all members of said Court and all citizens of the County shall have access to said reports.

**SECTION 6.** That the Quarterly County Court shall have the authority to appropriate funds out of the General Fund of said County for the purpose of paying the salary of said Auditor and the expense incident to maintaining such office.

**SECTION 7.** That nothing hereinabove shall make it obligatory upon said Quarterly County Court to elect said County Auditor under this Act, or fix his term of office and salary.

**SECTION 8.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 16, 1951.

## County Chemist and Mineralogist

### Acts of 1907 Chapter 496

**SECTION 1.** That the County Courts in counties having a population of not less than 42,700 nor more than 43,000 according to the Federal Census of 1900 or any subsequent Federal Census be, and the same are hereby, empowered to establish the office of County Chemist and Mineralogist for said counties; and, further, said County Courts are authorized to elect at their quarterly session on the first Monday of July, 1907, and every two years thereafter a competent person to perform the duties of such office.

**SECTION 2.** That the County Courts of said counties may provide such compensation as they may deem proper, not to exceed fifteen hundred dollars (\$1500) per annum, for such person elected to perform, and performing the duties of said office at the time of his or her election; that the same shall be paid quarterly out of the county treasury of said counties upon the order of the County Judge or Chairman.

**SECTION 3.** That the duties of said County Chemist and Mineralogist shall be to examine, test, or analyze all minerals from the soil of their county presented to him by citizens of their county and report the result to such persons, firms, or corporation presenting said minerals for his opinion, test, or analysis; that for all analyses actually made said Chemist and Mineralogist shall be entitled to collect \$1 fee for each analysis from the person, firm, or corporation for whom said analysis is made. Said fees shall be applied as the County Courts may provide.

**SECTION 4.** That said Chemist and Mineralogist shall keep his office at some suitable place at the county seat of his county, and shall, without favor or partiality to any person, firm, or corporation, perform the duties of his office as public Chemist and Mineralogist for said county.

**SECTION 5.** That the County Courts of said counties are here empowered and authorized to make rules and regulations not in conflict with the provision herein to govern the conduct and business of said office.

**SECTION 6.** That the office of County Chemist and Mineralogist shall be, and is hereby, declared to be a county office, and the person elected to and performing the duties of said office shall be amenable to all the general laws governing the conduct of county officers, and shall, before entering upon the duties of said office, take and subscribe to an oath to faithfully perform the duties of said office as provided for other county officers.

**SECTION 7.** That the person elected to said office and performing the duties thereof shall be a person versed in chemicals and minerals and experienced in assaying and analyzing the minerals of the soil, and that no person shall be eligible to said office who is not thoroughly competent (sic) to correctly assay or analyze and report upon any minerals common to the State of Tennessee.

**SECTION 8.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1907.

## County Legislative Body

### Private Acts of 1951 Chapter 554

**SECTION 1.** That the County Court of Maury County, under the provisions of Section 9 of Article II, of the Constitution of Tennessee, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of the members thereof, at any meeting of said County Court; providing notice of intention to present such ordinances or ordinance has been given in the manner hereinafter set forth.

**SECTION 2.** That an ordinance under the powers which it is deemed expedient to vest in said County Court shall only be considered by the County Court of Maury County after notice of intention to propose an ordinance, together with a copy of the proposed ordinance under the authority of this Act, shall have been filed in the office of the Clerk of the County Court of Maury County, at least two weeks prior to the session of the County Court at which such ordinance shall be considered.

**SECTION 3.** That it shall be the duty of the Clerk of the County Court of Maury County, upon the filing of intention to propose an ordinance, together with a copy of said proposed ordinance, to cause to be published in at least one newspaper of general circulation in Maury County, a copy of said proposed ordinance, together with a copy of the notice of intention to propose said ordinance. Said newspaper publication shall carry the following statement, over the name of the County Court Clerk, "The above is a copy of an ordinance filed in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by Esquire\_\_\_\_\_. Said ordinance may be considered at any meeting of the County Court of Maury County at any time within two weeks after the date said ordinance was filed."

**SECTION 4.** That acting as herein set forth said County Court of Maury County may by ordinance: (1) Establish speed and/or load limits upon any county secondary roads, outside of incorporated towns, in said County; (2) Establish the hours and days of opening and closing of all county public offices in said County; (3) Enact Health ordinances, applying to sections outside incorporated towns, in said County.

**SECTION 5.** That acting under the provisions of this Act, the County Court of Maury County may provide that any violation of any ordinance, passed under the provisions of this Act, is a misdemeanor.

**SECTION 6.** 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 this Act shall continue in full force and effect, it being the Legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included in same.

**SECTION 7.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1951.

**COMPILER'S NOTE:** See T.C.A. 55-8-153 which states, generally, that counties may impose speed limits lower than state imposed limits set forth in T.C.A. 55-8-152.

## Curfew for Minors Act

### Private Acts of 2001 Chapter 68

**SECTION 1.** This act shall be known and may be cited as the "Curfew for Maury County Minors Act of

2001."

**SECTION 2.** The purpose of this act is to increase the public safety for minors and citizens in Maury County through creation of a curfew for minors.

**SECTION 3.** Curfew for Minors.

(a) No person under the age of eighteen (18) years shall loiter, idle, wander, play or be in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places, and public buildings, places of amusement and entertainment, vacant lots or any unsupervised place within Maury County, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. on Friday and Saturday, provided, however, that this section shall not apply to any minor accompanied by his or her parent, guardian or other adult person having the care and custody of said minor; any minor upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of said minor; a child attending or returning from a school or social function for which the minor has written permission in the minor's possession from the minor's parent, guardian, or other adult person having the care and custody of said minor; or any minor going to or returning from any legitimate employment.

(b) A minor violating the provisions of this act shall commit an unruly act disposition of which shall be governed pursuant to Title 37 of the Tennessee Code Annotated.

(c) No parent, guardian or other person having the care and custody of a child under the age of eighteen (18) years shall knowingly permit such minor to loiter, idle, wander, play or be in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places, public buildings, place of amusement and entertainment, vacant lots or other unsupervised places in Maury County, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. on Friday and Saturday, provided, however, that this shall not apply to a minor that falls within the exceptions set forth in Section 3 (a) of this act.

(d) Any parent, guardian or other person having the care and custody of a minor whose child has been the subject of a petition under this act and who has been ordered by the court to require such child to comply with the provisions of this act may be held in contempt pursuant to Tennessee Code Annotated, §37-1-158, if there is a subsequent violation by the minor; and the juvenile court may fine the parent, guardian or other person up to fifty dollars (\$50.00), may incarcerate such person for up to ten (10) days or may impose both fine and incarceration. Prior to holding such person in contempt, the court shall have such person served with notice and shall provide an opportunity to be heard by the court.

**SECTION 4.** 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 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or non-approval shall be proclaimed by the presiding officer of the Maury County legislative body and certified to the secretary of state.

**SECTION 6.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.

Passed: June 28, 2001.

## Ex-Service Officer

### Private Acts of 1945 Chapter 49

**COMPILER'S NOTE:** For general state law on this subject see T.C.A. 58-3-109 through 58-3-111.

**SECTION 1.** That in all Counties having a population of not less than 40,352 nor more than 40,362 according to Federal Census of 1940 the Quarterly Court of such Counties either in regular session or at special session are authorized to create an office known as "Ex-Service Officer."

**SECTION 2.** That the duties of such Ex-Service Officer shall be generally to aid veterans, residents of said Counties, of the armed forces of the United States Government or the members of the families of deceased veterans, residents of such Counties, who may be entitled to participate in the benefits,



pensions and relief measures provided by the United States Congress in the preparation of the claims of such persons who may be so entitled and to prepare and file the claims and applications of such persons with the United States Veterans Administration or any other agency (sic) of the United States Government where such claims or applications should be filed in order to establish the rights and benefits to which said applicants or claimants may be entitled, and to generally in every way necessary aid said applicants or claimants in asserting and establishing whatever may be the rights of said applicants or claimants to any of said benefits provided for by Congress for the Veterans of the armed forces of the United States Government or the families or dependents of such Veterans who are deceased or otherwise incapacitated, and no charge shall be made for any service rendered by such Officer.

**SECTION 3.** That such Ex-Service Officer shall be selected in such manner as is provided by the Resolution of the Quarterly Courts of such Counties, and such resolution may authorize the appointment through the Local Post of the American Legion, with the approval of its selection by a Committee of the Quarterly Court of such Counties, the appointment of such Ex-Service Officer to be recorded in such manner as is provided by said resolution of said Quarterly Court.

**SECTION 4.** That such Ex-Service Officer when selected and appointed shall devote his entire time to the performance of the duties of his said office and shall be subject to the directions and control of the Committee which selects said Officer and of the Quarterly Court of said Counties or the Committee selected by it for said purpose.

**SECTION 5.** That said Ex-Service Officer shall hold his office at the pleasure of said electing Committee and be discharged in such manner as is provided by the Resolution of the Quarterly Court of said Counties coming within the terms of this Act, and that such Ex-Service Officer shall be a Veteran of World War No. I or World War No. II and shall be a resident citizen of such Counties.

**SECTION 6.** That such Ex-Service Officer shall make such reports to the Quarterly Court of such Counties as such officer may be directed to make by the Resolutions of such Courts.

**SECTION 7.** That the Quarterly Courts of such Counties are authorized to fix the salary of such Ex-Service Officer but not to exceed the sum of Twenty- four Hundred (\$2400.00) Dollars per annum and to appropriate out of the County Tax Account of such Counties the funds with which to pay the salary of said Ex-Service Officer and said salary shall be paid monthly by a warrant drawn on said fund and executed by the proper County officials, provided that the election and appointment of said Ex-Service Officer shall be evidenced by certification of the Committee authorized to appoint and approve the appointment of such Ex-Service Officer, said certification to be to the County Judge or Chairman of the Quarterly Court of said Counties and this certification shall be made a matter of permanent record.

**SECTION 8.** That the Quarterly Court of such Counties may at the discretion of such Court discontinue the salary of such Ex-Service Officer at any time, such discontinuance to be had by Resolution of said Quarterly Court of said Counties so providing and declaring, and from the date of the passage of such resolution by said Quarterly Court no further funds shall be paid for the salary of such Ex-Service Officer unless and until the Quarterly Court of such Counties by subsequent Resolution so provides.

**SECTION 9.** That the resolution which any Quarterly Court of said Counties coming within the provisions of this Act have heretofore enacted creating the above office of Ex-Service Officer and providing for his selection and appointment and appropriating funds for the payment of his salary not to exceed the sum of \$2,400.00 per annum is hereby declared to be validated and legal and all payments made under such resolution are hereby declared to be legal and valid.

**SECTION 10.** That in the event any Section or Sections of this Act shall be declared unconstitutional the remaining Sections of this Act shall continue to be effective, it being declared that it is the intention of the Legislature to enact into law each Section of this Act.

**SECTION 11.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 18, 1945.

## Financial Management

### Private Acts of 2018 Chapter 47

**SECTION 1.** This act shall be known and may be cited as the "Maury County Financial Management System of 2018".

**SECTION 2.** It is the purpose of this chapter to provide Maury County with a modern and efficient system for the management of county finances, including, but not limited to, accounting, budgeting, purchasing, debt management, grant management, payroll, and cash management.

### SECTION 3.

(a) This chapter shall become effective in Maury County upon a two-thirds (2/3) majority vote of the county legislative body adopting this chapter.

SECTION 4. As used in this chapter, unless the context otherwise requires:

- (1) "Agency" means any entity of the county government, including, but not limited to, boards, commissions, departments and offices headed by employees or officers of the county whose funds are maintained by the county trustee;
- (2) "Capital asset" means land, improvements to land, easements, buildings, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, and all tangible or intangible assets that are used in operations and that have initial useful lives extending beyond a single reporting period;
- (3) "Chief administrative officer" has the same meaning as defined in § 54-7-103;
- (4) "County mayor" means county executive or county mayor;
- (5) "Purchase" means the purchase, lease, lease-purchase, or contract for procurement of real and personal property or services or any combination thereof; and
- (6) "Special committee" means any of the following: budget committee, purchasing committee, investment committee, or debt management committee.

### SECTION 5.

(a) There is created a finance department to administer the finances for all funds of the county maintained by the county trustee.

(b) The finance department shall be responsible for accounting; budgeting; purchasing, unless a separate central purchasing department is created as provided in Section 9(e)(2); debt management; grant management; payroll; and cash management for all agencies of the county as provided in this chapter. The finance director, with the approval of the Financial Management Board, shall develop a system in conformity with generally accepted governmental accounting principles and practices prescribed by the comptroller of the treasury.

(c) The operating budget of the finance department and central purchasing department, if created, shall be allocated between the county general fund, county highway fund and county general purpose school fund. Each fund's allocation shall be based upon the percentage of expenditures budgeted from the fund in the last adopted operating budget of the county for a fiscal year as compared to the total expenditures budgeted from these three (3) funds. The county legislative body may elect to permanently reallocate revenues and expenditures from these three (3) funds and fund the budget of the finance department and central purchasing department, if created, solely in the county general fund without affecting maintenance of effort in the highway fund and county general purpose school fund.

(d) The county legislative body shall provide adequate office space and shall appropriate adequate funds for equipment and supplies necessary for the efficient operation of the finance department and central purchasing department, if created.

(e) All employees performing the functions of accounting, budgeting, purchasing, debt management, grant management, payroll, and cash management for the various agencies of the county shall be transferred to the finance department or central purchasing department and shall function under the supervision of the finance director or purchasing agent, except for the following: any employees the finance director or purchasing agent does not require and the head of the agency agrees to retain, and employees of any officer enumerated in Tennessee Code Annotated, Section 8-22-101, needed to perform the duties of such office as determined by such county officer. Notwithstanding any other law to the contrary, all employees transferred to the finance department or central purchasing department and the salaries, benefits, and expenses relating to such personnel shall be budgeted under the finance department or central purchasing department. Officers enumerated in Tennessee Code Annotated, Section 8-22-101, may continue to have employees to perform duties regarding receipt and disbursement of funds, and accounting for same, which are directly related to the duties of their respective offices; provided, that all other accounting, budgeting, purchasing, debt management, grant management, payroll and cash management functions shall be performed by the finance department or central purchasing department, except as otherwise specified in this chapter.

(f) All fees and commissions allowed, collected or in any manner received by any county officer enumerated in Tennessee Code Annotated, Section 8-22-101, as a fee or commission of the office shall be transferred to the county trustee monthly and deposited in the county general fund. The county legislative body shall make the necessary appropriations from the county general fund and pay to any officer

enumerated in Tennessee Code Annotated, Section 8-22-101, the salary as fixed by Tennessee Code Annotated, Section 8-24-102, and the authorized expenses fixed by law for the operation of the office, including the salaries and related expenses of all deputies and assistants as authorized by Tennessee Code Annotated, title 8, chapter 20, irrespective of the fees earned or collected by the officers. The number and salary of deputies and assistants of the officers listed in Tennessee Code Annotated, Section 8-22-101, shall continue to be set pursuant to Tennessee Code Annotated, title 8, chapter 20.

(g) Any county officer enumerated in Tennessee Code Annotated, Section 8-22-101, shall continue to maintain an official bank account as provided in Tennessee Code Annotated, Section 5-8-207.

(h)

(1) Notwithstanding subsections (a)-(g), the county legislative body, by resolution adopted by a two-thirds (2/3) majority vote, may exclude from this chapter any facility that is owned or operated by the county and utilizes an enterprise fund, including, but not limited to, any nursing home, long-term care facility, or assisted living facility. If any of these facilities are excluded, the county legislative body may establish, by resolution, after allowing the Maury county Financial Management Board to submit recommendations, financial procedures and reporting requirements for these excluded facilities, including:

(A) Monthly financial reports;

(B) Annual audits by persons or entities approved by the Maury County Financial Management Board and the comptroller of the treasury;

(C) Inspection of records, bank statements, and other financial records; and

(D) Approval of the annual budget by the county legislative body after receiving the recommendation of the budget committee.

(2) If the funds of a facility are excluded from the provisions of this chapter pursuant to this subsection (h), the funds of the facility may be included for the next succeeding fiscal year and each succeeding fiscal year upon adoption of a resolution of the county legislative body by a two-thirds (2/3) majority vote.

(i) Notwithstanding (a)-(g), the Maury County Hospital DBA Maury Regional Medical Center (Hospital) or any other joint venture owned in whole or in part by the Hospital or its subsidiaries, and the Maury County Water System shall not be subject to this Private Act.

## SECTION 6.

(a) A Maury County Financial Management Board is created.

(b) The Maury County Financial Management Board shall consist of seven (7) members as follows: the county mayor; county trustee; chairperson of the county board of education; and four (4) members of the county legislative body (no more than one (1) commissioner per district) elected by the county legislative body.

(c) The Maury County Financial Management Board at its first meeting after September 1 of each year shall elect a chairperson for a term of one (1) year and shall annually elect a vice-chairperson who shall serve as chair of the Maury County Financial Management Board during the absence of the chairperson.

(d) The Maury County Financial Management Board shall meet quarterly. Also, an additional meeting(s) can be at the call of the chairperson or a majority of the members as necessary and prudent for the discharge of its duties

(e) The finance director shall be secretary to the Maury County Financial Management Board and shall be responsible for keeping records of the actions of the Maury County Financial Management Board. The finance director may speak at meetings of the Maury County Financial Management Board as the Maury County Financial Management Board may deem proper; provided, that the finance director shall not vote on any matter before the Maury County Financial Management Board.

(f) The Maury County Financial Management Board shall establish and approve policies, procedures, and regulations in addition to the specific provisions of this chapter, for implementing a sound and efficient financial system for administering the funds of the county. The financial system shall include accounting, budgeting, purchasing, debt management, grant management, payroll and cash management; provided, that the Maury County Financial Management Board shall not usurp the powers and duties of the special committees that may be established pursuant to this chapter.

(g) The Maury County personnel policies apply to the finance department not in conflict with Tennessee Code Annotated, title 5, chapter 23.

(h) The Maury County Financial Management Board shall adopt policies, procedures, and forms that shall

be used to account for capital assets in accordance with generally accepted governmental accounting principles. All county officials, department heads and employees shall, upon request, supply to the finance director information necessary to establish and maintain records of capital assets.

#### SECTION 7.

(a) The county legislative body shall establish an audit committee in accordance with Tennessee Code Annotated, Section 9-3-405(b), unless a county legislative body has previously established an audit committee pursuant to Tennessee-Code Annotated, Section 9-3-405(a). All meetings of the audit committee shall be governed by Tennessee Code Annotated, Section 9-3-405(c)-(i).

(b) The county legislative body may, by resolution, create and constitute any or all of the separate special committees as provided in subdivisions (2)-(4) of this subdivision (b). Maury County shall have a budget committee in accordance with subdivision (b)(1). If any of the special committees are not created, the budget committee shall assume the duties of the special committees; however, if the budget committee assumes the duties of the investment committee, the county trustee shall be consulted on all investment decisions. The special committees are as follows:

- (1) A budget committee, which shall consist of seven (7) members, must all be members of the county legislative body elected by the county legislative body.
- (2) A purchasing committee, which shall consist of five (5) members of the county legislative body.
- (3) An investment committee, which shall consist of five (5) members of the county legislative body.
- (4) A debt management committee, which shall consist of five (5) members of the county legislative body.

(c)

- (1) Appointive or elective members of any special committee created pursuant to this chapter shall be appointed or elected annually to serve for a term of one (1) year and shall be appointed so as to be confirmed by the county legislative body or after September 1 of each year. Each special committee shall annually elect a vice-chairperson to serve in the absence of the chairperson.
- (2) The finance director or the finance director/s designee shall be secretary to each special committee established pursuant to this chapter and shall be responsible for keeping records of the actions of the special committee; provided, however, that if a person other than the finance director is designated as the county purchasing agent, the county purchasing agent shall serve as secretary to the purchasing committee, if created. The secretary may speak at meetings of the special committee as the special committee may deem proper; provided, that the secretary shall not vote on any matter before the special committee.
- (3) The county legislative body shall, by resolution, set the compensation, if any, for the members of the various committees required or authorized by this chapter.
- (4) The county legislative body's rules shall apply to any special committees created under this section.

#### SECTION 8.

(a)

- (1) The Maury County Financial Management Board shall appoint, subject to a majority approval of the county legislative body, a finance director.
- (2) The Maury County Financial Management Board may dismiss the finance director. The Maury County Financial Management Board shall be responsible for ensuring the finance director complies with the various provisions of this chapter.

(b) The finance director shall for all purposes be an employee of the county, function as a department head, and shall be supervised by the Maury County Financial Management Board and report administratively to the Maury County Financial Management Board and the Budget Committee.

(c) The finance director shall have as a minimum qualification a bachelor's degree from an accredited college or university with at least twelve (12) semester hours of accounting or finance, or both, plus at least three (3) years of experience in an accounting or finance position. During the selection process, the Maury County Financial Management Board and county legislative body shall consider not only the candidate's education and experience, but also professional certifications from nationally recognized

professional organizations in the field of accounting and finance, and other criteria as established by the county legislative body. The finance director shall annually obtain at least twenty-four (24) hours of continuing professional education (CPE) in the field of governmental accounting and finance. If the finance director has achieved a professional certification from a nationally recognized professional organization in the field of accounting or finance, the finance director shall obtain the required number of CPE hours to maintain the professional certification, which hours may be counted toward meeting the twenty-four (24) minimum hours required by this subsection (c). Notwithstanding any of the provisions of this section, any person serving as a director of finance pursuant to the County Financial Management System of 1981, compiled in Tennessee Code Annotated, title 5, chapter 21, director of accounts and budgets pursuant to the County Fiscal Procedure Law of 1957, compiled in Tennessee Code Annotated, title 5, chapter 13, or any similar private act on the date this chapter becomes effective in any county, shall be eligible for appointment as the finance director and shall be required to fulfill the twenty-four (24) minimum hours of CPE annually.

(d) The compensation of the finance director shall be determined by the Maury County Financial Management Board within the limitations of the budget; provided, that the compensation shall not be less than the salary paid to the county trustee, and in addition to the salary, the county shall appropriate sufficient funds to pay for applicable professional organization dues, professional certifications, the costs of obtaining the required twenty-four (24) hours of CPE credit, and the costs of obtaining CPE credit to maintain any professional certifications.

#### SECTION 9.

(a) The finance director shall be the head of the finance department and oversee its operations. The finance director has authority to hire, promote, demote, discipline, and dismiss employees of the finance department consistent with the personnel policies applicable to Maury County Government. The finance director shall determine compensation of employees of the finance department within the budget and in accordance with Maury County Government policy.

(b) The finance director shall be responsible for implementation of the policies and decisions of the budget committee and the Maury County Financial Management Board and any special committee established pursuant to this chapter.

(c) The finance director shall implement and maintain an accounting, budgeting, purchasing, debt management, grant management, payroll and cash management system for the county and may assist other county officers, the chairperson of the Budget Committee, the chairperson of the Maury County Financial Management Board, and department heads as requested to achieve an efficient financial management system for the county. The finance director shall establish and maintain records of capital assets of the county in accordance with generally accepted governmental accounting principles. The finance director shall annually develop long-range plans for addressing any long-term liabilities and present these plans to the Maury County Financial Management Board for its consideration.

(d) The finance director shall appoint a deputy finance director. The deputy finance director shall be an employee of the finance department and shall perform those duties and responsibilities as are assigned by the finance director. In the absence of the finance director, other than a vacancy in the position, the deputy finance director shall perform the duties of the finance director necessary to the continued operation of the finance department. In the event of a vacancy in the position of finance director, the deputy finance director shall perform the duties of the finance director necessary to the continued operation of the finance department until a finance director is appointed by the Maury County Financial Management Board with the approval of the county legislative body.

(e)

(1) The finance director may serve as purchasing agent; however, the finance director may delegate duties as purchasing agent to the deputy finance director or other employee of the finance department upon notification of this action to the Maury county Financial Management Board. Similarly, any change in the person designated as purchasing agent by the finance director shall be made to the Maury County Financial Management Board.

(2)

(A) As an alternative to subdivision (e)(1), the county legislative body may elect by a two-thirds (2/3) majority approval of the county legislative body, to establish a central purchasing department separate and apart from the central finance department. In that instance, a purchasing committee is required, and the Maury county Financial Management Board shall appoint, subject to a majority approval of the county legislative body, a purchasing agent.

(B) The Maury County Financial Management Board may dismiss the purchasing

agent subject to majority approval of the purchasing committee. The Maury county Financial Management Board shall be responsible for ensuring the purchasing agent complies with the purchasing policies and procedures adopted by the purchasing committee if created. The purchasing committee shall establish minimum qualifications, if any, for the purchasing agent. The purchasing agent shall for all purposes be an employee of the county, function as a department head, and shall be supervised by and report administratively to the Maury county Financial Management Board. The compensation of the purchasing agent shall be determined by the Maury county Financial Management Board within the applicable personnel policies of Maury County Government within the limitation of the budget. The purchasing agent shall be the head of the purchasing department and oversee its operations. The purchasing agent has authority to hire, promote, demote, discipline, and dismiss employees of the purchasing department consistent with the personnel policies applicable to the purchasing department. The purchasing agent shall determine compensation of employees of the purchasing department within the budget and in accordance with Maury County personnel policies.

(C) The purchasing agent shall appoint the deputy purchasing agent. The deputy purchasing agent shall be an employee of the purchasing department and shall perform those duties and responsibilities as are assigned by the purchasing agent. In the absence of the purchasing agent, other than a vacancy in the position, the deputy purchasing agent shall perform the duties of the purchasing agent necessary to the continued operation of the purchasing department. In the event of a vacancy in the position of purchasing agent, the deputy purchasing agent shall perform the duties of the purchasing agent necessary to the continued operation of the purchasing department until a purchasing agent is appointed by the Maury county Financial Management Board with the approval of the county legislative body.

(D) The purchasing department shall be open for business during hours established by county policies and as needed for emergencies or disasters. Notwithstanding the provisions of this subdivision (e)(2), any person serving as a purchasing agent pursuant to county legislative action on the day this chapter becomes effective in the county shall be eligible for appointment as the purchasing agent.

#### SECTION 10.

(a) The finance director shall execute a surety bond in an amount not less than one hundred thousand dollars (\$100,000), for the faithful performance of the finance director's duties in accordance with the general law on county officials' bonds. The bond shall be prepared in accordance with the provisions of Tennessee Code Annotated, title 8, chapter 19, approved by the county legislative body, filed with the county clerk for safekeeping, and recorded in the office of the register of deeds.

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

(c) The amount of the bond may be increased by the Maury County Financial Management Board subject to additional appropriations for the cost of such additional bond amount.

(d) If a purchasing agent is designated other than the finance director, then the purchasing agent shall execute a surety bond in the same amount and manner as the finance director.

#### SECTION 11

(a) No later than February 1, the director shall deliver forms for all budget requests to all departments, commissions, institutions, boards, offices, and agencies.

(b) No later than March 1, all departments, commissions, institutions, boards, offices, or agencies, except the local board of education, shall deliver the appropriate estimates and budget request to the finance director.

(c)

(1) No later than April 1, the county budget committee shall vote upon the proposed budget and the finance director shall notify the department, commission, institution, board, office, or agency whether the county budget committee approves or rejects the proposed budget.

(2) If approved, the finance director shall immediately forward the proposed budget to the

county legislative body for consideration; or

(3) If rejected, the department, commission, institution, board, office, or agency shall submit a revised budget proposal to the finance director within ten (10) business days after receipt of notice that the budget proposal was rejected.

(d) No later than May 1, each local education agency (LEA) shall submit a proposed budget to the finance director; provided that, the LEA may amend the proposed budget after May 1.

(e)

(1) No later than June 1, the county budget committee shall vote upon the proposed budget and the finance director shall notify the LEA whether the county budget committee approves or rejects the LEA's proposed budget;

(2) If approved, the finance director shall immediately forward the proposed budget to the county legislative body for consideration; or

(3) If rejected, the LEA shall submit a revised budget proposal to the finance director within ten (10) business days after receipt of notice that the budget proposal was rejected.

(f) If the county budget committee of the local governing body rejects the first and second budget proposals from any department, commission, institution, board, office, or agency, then the third and any subsequent proposals shall be delivered directly to the county legislative body which shall approve or reject the proposal within ten (10) business days of the body's receipt of the amended proposal; and

(g) If rejected, the department, commission, institution, board, office, or agency shall submit a revised budget proposal to the county legislative body within ten (10) business days after receipt of notice that the budget proposal was rejected.

(h) The timeline and budgetary process pursuant to this section may be waived or altered, if agreed upon by the county legislative body and the respective department, commission, institution, board, office, or agency.

#### SECTION 12.

(a) If the county legislative body and the county school board fail to agree upon a budget for the county department of education by August 31 of any year, then, by operation of law, the budget for the county department of education shall be equal to the minimum budget required to comply with the local match and maintenance of effort provisions of the Tennessee basic education program (BEP). However, if for three (3) consecutive years, the county legislative body and school board fail to agree upon a budget and the department of education receives the minimum required funding for that fiscal year by operation of law, then, the budget in the third year shall include a mandatory increase that is equivalent to three percent (3%) of the required funding from local sources for schools; provided however, this increase shall not be required if during any of those three (3) years the school board failed to submit its budget proposals in accordance with the budget calendar provided for in this act.

(b) If the county legislative body fails to adopt a budget, property tax resolution, and appropriation resolution by August 31 of any year, then by operation of law, the operating budget for the ensuing fiscal year, other than the portion for the county department of education, shall be the consolidated budget with proposed amendment submitted by the county mayor or the budget committee.

#### SECTION 13.

(a) The personnel budget for the sheriff's office shall not be decreased from that of the current fiscal year without the consent of the sheriff pursuant to Tennessee Code Annotated, Section 8-20-120.

(b) The budget for the county election commission shall conform to the requirements of Tennessee code Annotated, Sections 2-12-109 and 2-12-209.

(c) The budget committee's proposals shall conform to the requirements of Tennessee Code Annotated, title 8, chapter 20.

(d) The budget committee shall also present to the county legislative body a proposed budget appropriation resolution and proposed tax levy resolution when the proposed operating budget is presented.

(e) At the time of the submission of the proposed operating budget by the budget committee to the county legislative body, the finance director shall report to the county legislative body as to whether any portion of the proposed operating budget would likely cause either a reduction of state funds or the county receiving an amount less than what the county could otherwise be eligible to receive.

(f) The setting of a property tax rate, by adoption of a resolution by the county legislative body or by operation of law, constitutes a valid tax levy for collection purposes.

#### SECTION 14.

(a) Amendments to the final adopted operating budget of the county shall be made as follows:

(1) Amendments to line items and major categories that do not increase the grand total of appropriations in the original adopted budget of the county department of education shall be proposed by the Chairman of the School Board and approved by the county board of education, except for line items affecting personnel, which shall be submitted to the budget committee for its recommendation to the county legislative body for their approval. Amendments to line items and major categories that increase the total revenues or appropriations, or both, of the original adopted budget shall be approved by the county board of education and submitted by the Chairman of the School Board to the budget committee for its recommendation to the county legislative body for their approval, except as provided by Tennessee Code Annotated, Section 49-2-203(b)(15). The Chairman of the School Board shall report the amendments to the finance director within fourteen (14) days of proposing the amendments.

(2) Amendments to major categories of the budget other than the county department of education may be proposed by the county mayor, chief administrative officer of the county highway department, and the head of any other agency of the county whose budget is to be amended. The amendments to the major categories of the budget proposed under this subdivision (a)(2) shall be submitted to the budget committee for its recommendation to the county legislative body for their approval to be effective; provided, that the county legislative body may modify any amendments prior to approval, and provided, further, that the budget of the county highway department shall not be amended without the approval of the chief administrative officer of such department. If the budget committee does not act upon an amendment to a major category of the operating budget proposed by the county mayor or chief administrative officer of the county highway department by the next regularly scheduled meeting of the county legislative body or thirty (30) days, whichever comes first, after being submitted to the budget committee, then the county legislative body may consider and act upon the proposed amendment without a recommendation from the budget committee.

(3) Amendments to line items within major categories of the budgets of all agencies of the county and other organizations of the county other than the county board of education, proposed by the head of the county agency or other organization shall be subject to the approval of the county mayor, except that any amendment of line items affecting the compensation of personnel shall also have the approval of the county legislative body after receiving the recommendation of the budget committee concerning the proposed amendment. The budget committee shall make its recommendation within fourteen (14) days after receiving the proposed line item amendment affecting the compensation of personnel, and if not made within that time, the county legislative body may consider and act upon the proposed amendment. If the county mayor does not approve the amendment to the line item proposed by the head of the county agency or other organization within seven (7) days after being submitted, the proposal shall be considered by the budget committee and shall be effective if approved by the budget committee so long as the amendment does not affect compensation of personnel, whereupon approval of the county legislative body is also required. Any amendment to a line item within a major category approved by the county mayor shall be reported to the finance director and budget committee. Any amendment to a line item within a major category approved by the budget committee shall be reported to the finance director. However, any line item amendments within major categories of the budget of a county highway department may be made by the department's chief administrative officer and reported to the finance director and budget committee.

(4) The county mayor may propose line item amendments within major categories of the final operating budget other than those of the county department of education, county highway department, the county election commission, the sheriff, and the general officers listed in Tennessee Code Annotated, Section 8-24-102(a). Such proposed amendments are subject to the approval of the budget committee, and also of the county legislative body if the proposed amendment affects compensation of personnel. The budget committee shall make its recommendation within fourteen (14) days after receiving the proposed line item amendment affecting the compensation of personnel, and if not made



within that time, the county legislative body may consider and act upon the proposed amendment without the recommendation of the budget committee.

(b)

(1) Notwithstanding subsection (a), amendments shall be made to comply with any court order entered pursuant to Tennessee Code Annotated, title 8, chapter 20.

(2) All budget amendments shall be on forms developed by the finance director and approved by the budget committee.

#### SECTION 15.

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

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

(c) The appropriations made by the county legislative body shall constitute authorization for the expenditures contained therein unless otherwise limited by the county legislative body, subject to the impoundment authority granted to the Maury County Financial Management Board, county legislative body, and county board of education pursuant to Section 16.

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

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

SECTION 16. If at any time the finance director determines that the revenues or other resources are, with respect to any fund, less than was anticipated in the adopted operating budget, or if unanticipated expenditures arise which will likely create a budget deficit, the finance director, upon certification to each member of the county legislative body for non-school funds and to the county board of education for school funds, may impound the appropriations as may be necessary to prevent deficit operation. The impoundment may be overridden by a majority vote of the county legislative body for non-school funds and the county board of education for school funds. If the county legislative body or county board of education overrides an impoundment, the county legislative body or the county board of education shall make those amendments to the operating budget as may be necessary to prevent deficit operation. The necessary amendments require a majority vote of the county legislative body or the county board of education. However, no impoundment of funds shall affect expenditures mandated by state statute or court order that have been appropriated to the offices as enumerated in Tennessee Code Annotated, Section 8-22-101.

#### SECTION 17.

(a) On or before May 1 of each year, the county mayor, chairman of the school board, and chief administrative officer of the county highway department shall submit to the finance director, on forms developed by the finance director and approved by the Maury County Financial Management Board, a five (5) year plan for capital outlays to be revised annually. The proposed capital outlays shall include estimated expenditures, a schedule for project completion or purchase of real and personal property, or both. Capital outlay for purposes of this section shall include any single purchase of a capital asset as defined in Section 4 when the total purchase price inclusive of all related expenses are expected to equal or exceed the county's capitalization threshold policy.

(b) On or before May 15 of each year, the finance director shall consolidate the details of all proposals for capital outlays noted in subsection (a) for the next fiscal year, including capital projects to be initiated during the next fiscal year and purchases requiring capital outlays during the next fiscal year. The Maury County Financial Management Board shall recommend to the budget committee a funding source and the amount of capital outlay expenditures to include in the operating budget.

(c) The Maury County Financial Management Board shall propose a revised consolidated capital outlay plan for the ensuing fiscal year at the same time that the proposed operating budget is presented to the county legislative body. This document shall be known as the "proposed capital project plan."

(d) The county legislative body shall review the proposed capital project plan presented by the Maury

County Financial Management Board. The county legislative body may alter the plan and shall annually adopt a capital projects plan. Prior to the adoption of a capital projects plan, the county board of education, through its designated representative, the chief administrative officer of the county highway department, and the county mayor have the right to address the county legislative body in regard to their respective agencies' capital project needs.

#### SECTION 18.

(a) The finance director shall receive from the county mayor, chairman of the school board, and chief administrative officer of the county highway department all proposals for the issuance of debt, and shall present such proposal, along with the recommendation of the finance director, to the Maury County Financial Management Board or debt management committee, if created by the county legislative body, with the following exceptions:

- (1) Tax anticipation notes;
- (2) Contracts, leases, or lease-purchase agreements that do not extend beyond the current fiscal year; and
- (3) Contracts, leases, and lease purchase agreements extending beyond the current fiscal year that constitute an obligation below the county's capitalization threshold policy.

(b)

- (1) The debt management committee shall review proposals for the issuance of debt for conformity with the adopted capital projects plan, the operating budget for the current fiscal year, and any proposed operating budget for the next fiscal year that may have been submitted by the budget committee.
- (2) Additionally, the debt management committee shall review proposals for the issuance of debt to determine whether the proposal optimizes the county's financial resources, impacts negatively upon the credit rating of the county, or whether better financing or funding proposals exist.
- (3) On or before May 1 each year, the debt management committee shall report its recommendation on all proposals on the issuance of debt to the budget committee. For proposals for the issuance of debt not received during the annual budget process, the debt management committee shall submit its recommendation to the budget committee within one (1) month from receipt of the proposal for the budget committee's recommendation to the county legislative body.
- (4) The finance director shall present for consideration by the debt management committee any form regarding the county's debt that is required to be filed with the comptroller of the treasury. The finance director shall be responsible for developing all information required by such forms. The county mayor shall not file, sign, or approve of any report regarding the county's debt that is submitted to the comptroller of the treasury without the approval of the report by the debt management committee.
- (5) The county legislative body shall not approve the issuance of any debt for which its approval is required by law until it has received the recommendation of the debt management committee, unless the debt management committee is requested by the county legislative body to make a recommendation and it fails to do so within thirty (30) days of making the request.

(c) On or before June 1 of each year, the finance director shall prepare and submit to the debt management committee a report on the current debt structure of the county, showing the amounts borrowed and date of borrowing, purpose of the borrowing, principal outstanding, interest paid, interest to be paid each year until retirement of the debt, interest rate, and source of funds for payment of principal and interest. The finance director shall make recommendations for improvements in debt management, financial soundness of the county, and whether any change in the debt structure is needed, including, but not limited to, early retirement of debt or refunding of debt. The debt management committee shall review this report of the finance director and shall report its recommendations regarding any proposed changes in debt structure to the county legislative body on or before July 1 of each year.

(d) The debt management committee shall prepare a debt management policy in compliance with statutory requirements and state funding board recommendations, to be submitted to the county legislative body for approval.

(e) The debt management committee shall ensure the finance director prepares and files all necessary reports required by the securities and exchange commission, the municipal securities rulemaking board,

and all other regulatory authorities related to the county's debt.

SECTION 19.

(a)

- (1) The finance director shall prepare a budgetary report each month showing the condition of the budget. This budgetary report shall be presented to the budget committee by the fifteenth (15th) day of the following month.
- (2) The budgetary report shall show for each line item appropriation the total expenditures for the month and the year to date, the amount of outstanding encumbrances, and the amount of the unencumbered balance.
- (3) The budgetary report shall also show for each fund an itemized statement of the revenues estimated for the year, the amount of the revenues of each item for the month and the year to date, and the unrealized portion of the estimate.

(b)

- (1) The head of each agency of the county shall be furnished copies of monthly budgetary reports for their respective agency.
- (2) The most recent of such budgetary reports shall be presented by the finance director at each regular session of the county legislative body and at any special session upon request of the chairperson of the county legislative body.
- (3) At such time, the finance director shall advise the county legislative body of the condition of the operating budget and capital outlay plan, and of any adjustment of estimated revenues or appropriations, or both, or other action which, in the finance director's opinion, the county legislative body should take in order that the financial condition of the county is not impaired.

SECTION 20. The Maury County Financial Management Board or investment committee, if created by the county legislative body, shall establish and approve policies and procedures for investing idle cash funds in various investments in accordance with Tennessee Code Annotated, Section 5-8-301. The Maury County Financial Management Board or investment committee, if created, may authorize the county trustee to perform the daily investment function.

SECTION 21.

(a) The county shall use a checking system for the disbursement of funds. The checking system shall be installed and maintained by the trustee, in concurrence with the finance director, in accordance with Tennessee Code Annotated, Section 5-8-210.

(b) All checks on county funds held by the county trustee shall be signed by the finance director and the following person or persons, whichever is applicable:

- (1) The Superintendent of schools for disbursements from school funds;

or

- (2) The county mayor for disbursements of county funds other than schools.

(c) All signatures required on county checks may be executed by methods other than personal signature if such methods are approved by the person authorized to sign the Maury County Financial Management Board, and the comptroller of the treasury.

(d) Checks shall be prepared by the finance department and provided to the other officers as appropriate for signing and returned to the finance department for co-signature of the finance director. The finance department shall mail or cause to be delivered all checks drawn upon county funds held by the county trustee. The finance director may cause checks to be signed or delivered, or both, by electronic means, or funds electronically transferred from county bank accounts, upon approval of the Maury county Financial Management Board and the comptroller of the treasury.

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

(f) A copy of checks signed by the appropriate officers pursuant to subsection (b) shall be kept by the officers in any format authorized by law and approved by the Maury County Financial Management Board. The finance department shall maintain a copy of all checks issued.

(g) The finance department shall maintain a record of all requisitions for disbursements and invoices

correlated to the checks or electronic transfers carrying out the requisition or paying for the goods or services received as described on the invoice.

(h) The copies of checks and other records of the finance department shall be retained in accordance with retention schedules authorized by Tennessee Code Annotated, Section 10-7-404.

## SECTION 22.

(a) Checks to disburse funds may not be written and transfers of funds may not be made by electronic means until the finance director or his or her designated employee has reviewed the requisition, invoice, receiving documentation, or other document indicating a disbursement of county funds should be made. This review function shall be known as "pre-audit." A pre-audit approval for disbursement of funds shall not be made unless the documentation supporting a disbursement of funds appears to be correct, properly authorized, and not exceeding the unencumbered balance of the appropriations against which they are chargeable. Pre-audit approval for disbursement of funds shall be made by signature of the finance director or designated employee of the finance department in a timely manner to prevent work stoppage or postponement of services and in a format developed by the finance director and approved by the Maury County Financial Management Board.

(b) Disbursements of county funds shall be made as follows:

- (1) Payroll disbursements shall be based upon documentation furnished to the finance department and certified by all heads of all agencies (including employees of the schools) of the county for themselves and their employees establishing the employment relationship and all relevant information required by the finance director to determine proper payment, withholding of income for taxes and other purposes, benefits, leave status, or other information relevant to the county's financial relationship to the employee;
- (2) Disbursements for personal property received by the county shall be based upon invoices showing receipt of personal property properly requisitioned and purchased pursuant to a properly issued purchase order or report of an emergency purchase approved by the purchasing agent;
- (3) Disbursements for services rendered to the county shall be based upon invoices documenting services performed and approved by the head of the agency of the county receiving the service;
- (4) Disbursements pursuant to a contract or agreement shall be based upon documentation from the head of the county agency responsible for the county's obligation;
- (5) Disbursements based upon a court order or settlement of a lawsuit shall be based upon the written directive of the county attorney or the attorney representing the county board of education;
- (6) Disbursements for the purchase or condemnation of real property shall be based upon the written directive of the Chairman of the School Board for school property, the chief administrative officer of the county highway department for highway property obtained with highway funds, and the county mayor for all other real property;
- (7) Disbursements of appropriations to nonprofit organizations approved through the budgetary process shall be based upon the written directive of the county mayor; and
- (8) Disbursements other than those noted above shall be based upon the written directive of the county mayor.

(c) Heads of all agencies of the county and employees of the county shall furnish to the finance director or the finance director's designated employee all requested information in a timely manner so as to ensure the proper and timely disbursement of county funds.

## SECTION 23.

(a)

- (1) Policies and procedures for purchasing for the county shall be established by the Maury County Financial Management Board or purchasing committee, if created by the county legislative body, upon receiving the recommendations of the purchasing agent. The policies and procedures for purchasing shall be made available for the use of all officers and employees of the county involved with purchasing. The purchasing committee shall establish a system whereby heads of all agencies of the county or their designees requisition real and personal property or services and provide estimates of cost. Such requisitions shall be reviewed by the purchasing agent or the purchasing agent's designee

and if the requisition appears to be correct, properly authorized, and the cost will not exceed the unencumbered balance of the appropriation against which the cost of the requisition is chargeable, then the purchasing agent shall determine the proper method of obtaining the property or services, and issue purchase orders as appropriate according to this chapter and the policies and procedures of the purchasing committee. Heads of all agencies of the county may specify employees who are authorized to make requisitions, and any limitations upon their authority to act, upon written notification to the purchasing agent. Requisitions for a contract, lease, or lease-purchase extending beyond the current fiscal year that would constitute an obligation in excess of an amount to be determined by the purchasing committee shall be forwarded by the purchasing agent to the debt management committee and approved by the debt management committee prior to any further approval of the requisition.

(2) The policies and procedures for purchasing for the county established by the purchasing committee shall include the use of any type of purchasing or credit card and an approval process for purchases of real property, personal property, and services, including those by lease, lease-purchase, or contract that extend beyond one (1) year or commit the county to expenditures in excess of an amount as determined by the purchasing committee. The purchasing committee shall establish policies requiring approval of such purchases by either the purchasing agent, purchasing committee, or county legislative body, or any combination thereof. The policies and procedures developed by the purchasing committee pursuant to this subdivision to determine the approval process for the particular type or amount of purchase shall be subject to approval by the county legislative body.

(b) Requisitions shall include specifications when necessary as determined by the purchasing agent. Specification development and stipulation shall be made by the county agency to receive the personal property or services requisitioned. However, the purchasing agent may reject any specification that the purchasing agent deems inadequate. The purchasing agent shall assist the agency of the county as needed to develop proper specifications for requisitions. Specifications shall not be written to exclude specific vendors, contractors or service providers, or to limit the bidding to a specific vendor, contractor, or service provider.

(c) Except as otherwise provided in this chapter or by other applicable general law not in conflict with this chapter, purchases shall be based upon competitive bidding. The purchasing committee, after receiving the recommendations of the purchasing agent, shall establish the dollar amounts and types of purchases for which a formal competitive bidding process is required, the dollar amounts and types of purchases for which an informal bidding process is required or not required, and the exceptions to competitive bidding requirements; provided, that the dollar amounts established for formal competitive bidding shall not exceed the amounts otherwise applicable in general law. In addition to competitive bidding, the purchasing committee may establish the types of purchases and other circumstances under which requests for proposals (RFPs), requests for qualifications (RFQs), and other procurement methods are appropriate and allowable. The purchasing committee may also establish guidelines not in conflict with applicable general law for purchases at public auction and using the Internet. Exceptions to competitive bidding may include, but are not limited to, sole source purchases, perishable commodities, and emergency purchases. In counties operating under the County Uniform Highway Law, compiled in Tennessee Code Annotated, title 54, chapter 7, and Tennessee Code Annotated, Section 54-7-113(c), regarding exceptions to public advertisement and competitive bidding requirements shall apply to purchases for the county highway department.

(d) All purchases competitively bid shall be awarded to the lowest responsible and responsive bidder, taking into consideration the quality of the personal property or services to be supplied, their conformity with specifications, their suitability to the requirements of the county and the delivery terms, and such other considerations as the purchasing agent deems appropriate and in conformity with any guidelines established by the purchasing committee. Any and all bids may be rejected for reasonable cause by the purchasing agent.

(e) The purchasing committee shall establish criteria for when purchase awards shall be made by the purchasing agent alone and when awards shall be made by the purchasing agent after receiving approval from the purchasing committee.

(f)

(1) The purchasing agent may authorize any agency of the county to purchase in the open market, without filing a requisition, any personal property necessary for immediate delivery or services for immediate employment, in actual emergencies. Such direct

emergency purchases may only be made by heads of agencies of the county within the authorization granted by the purchasing agent and when the purchasing agent is not available to make the purchase. At all other times, only the purchasing agent or the purchasing agent's designee shall make purchases. A report of an emergency purchase shall be made by the head of an agency of the county or the agency head's designee describing the circumstances of the emergency, the personal property or services purchased, and the amounts to be charged against the operating budget of the agency. Such emergency purchase report shall be submitted to the purchasing agent as soon as is reasonably possible following the date of such purchase by the head of the county agency concerned and such report shall be provided by the purchasing agent to the purchasing committee.

(2) The purchasing agent in authorizing deviations from the competitive bidding requirements in emergencies shall not include conditions arising from neglect or indifference in anticipating normal needs. Emergency purchases shall be limited to needs arising which are not normally foreseeable.

(g) The county shall not be liable for the payment of any purchase not made according to the provisions of this chapter unless specifically approved by the purchasing committee.

(h) The purchasing committee may:

(1) Prescribe the manner in which personal property may be delivered, stored, and distributed;

(2) Prescribe the dates for submitting requisitions and estimates, the future period they are to cover, the form in which they are to be submitted, the manner of their authentication, and their revision by the county purchasing agent;

(3) Prescribe the manner of inspecting all deliveries of personal property and of making or procuring chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;

(4) Require periodic and special reports by county agencies of inventories, stocks of surplus, unusable or obsolete personal property, and prescribe the form of such reports;

(5) Determine whether a deposit or bond is to be submitted with a bid on a purchase or sale, and if required, prescribe the amount and form of the deposit or bond, and provide for the forfeiture of the deposit or bond if the successful bidder refuses to enter into the contract and to determine the time for such forfeiture after the award of the bid. Such determination shall not conflict with existing state statutes for construction contracts;

(6) Prescribe the manner in which invoices for personal property and contractual services delivered to any of the agencies of the county shall be submitted, examined, and approved by the purchasing agent; and

(7) Provide for all other matters as may be necessary to give effect to the duties of the purchasing committee and purchasing agent.

(i) The purchasing committee shall establish policies, subject to the approval of the county legislative body, for the disposal or transfer of surplus, obsolete, or unusable personal property. These policies may provide for the transfer to or between county agencies of personal property on hand which are surplus with one (1) county agency, but which may be needed by others. However, a head of a county agency shall not be required to transfer any item of personal property in his or her custody without his or her consent except in actual emergency or disaster.

(f) The county mayor or any department head or officer of the county having custody of real property, excluding real property titled to the county board of education may request that the real property over which the mayor, department head, or officer has custody be declared surplus and be sold or transferred from the ownership or possession of the county or the custody of the mayor, department head, or officer. Any request shall be made to the Maury County Financial Management Board or purchasing committee, if created. The Maury County Financial Management Board or purchasing committee, if created, shall make recommendations to the county legislative body regarding whether the real property requested to be declared surplus should be kept, its use changed, sold, or otherwise disposed of, and shall make a recommendation as to the proper use or disposition of the property to the county legislative body, which shall make the final determination as to the use and disposition of all county real property not titled to or leased by the county board of education. The board of education shall make the final determination as to the use and disposition of all real property titled to the board of education.

SECTION 24. The purchasing agent shall:

- (1) Develop requisition forms to be used by the various agencies of the county, subject to approval by the purchasing committee;
- (2) Review requisitions, including specifications in accordance with Section 23;
- (3) Conduct formal and informal bid solicitations in accordance with the provisions of this chapter;
- (4) Make a record of all informal bids solicited, all informal bids received, and the successful bid and bidder, including the time of each such action;
- (5) Collect sealed bids;
- (6) Open formal sealed bids in public according to a procedure established by the purchasing committee;
- (7) Evaluate and compare bids and award purchases designated by the purchasing committee to be awarded by the purchasing agent;
- (8) Evaluate and compare bids and recommend to the purchasing committee the lowest responsible and responsive bidder regarding purchases to be awarded by the purchasing committee;
- (9) Issue purchase orders when appropriate;
- (10) Prepare contracts, leases, and lease-purchase agreements. The purchasing agent shall prepare contracts, leases, and lease-purchase agreements with the aid of the county attorney if such office or position is established, or with the aid of an attorney employed or retained by the county mayor or board of education, when required by regulation of the purchasing committee;
- (11) Verify receipt documentation is on file for all personal property or service;
- (12) Perform duties regarding the transfer or disposition of surplus, obsolete, and unusable personal property as directed by the purchasing committee;
- (13) Ensure that capital projects that have been approved in the capital projects budget and operating budget and funded according to law shall be competitively bid by the purchasing agent according to the requirements approved in the capital projects budget and operating budget; and
- (14) Perform such other duties as may be prescribed by the purchasing committee.

#### SECTION 25.

(a) In addition to the approval process established by the purchasing committee, contracts, leases, and lease-purchase agreements shall be approved by the county attorney, if such office or position is established, or by an attorney employed or retained by the county mayor or board of education, prior to execution when the dollar amounts involved exceeds an amount determined by the purchasing committee to assure compliance with law and proper form.

(b)

(1) Contracts, leases, and lease-purchase agreements shall be executed by the purchasing agent and one (1) or more of the following: the Chairman of the school Board for all obligations against school funds, by the chief administrative officer of the county highway department for all obligations against highway funds, and the county mayor in all other circumstances, and additionally by other county officers when required by law, and by the finance director for approval of expenditure of funds.

(2) This subsection (b) shall not apply to agreements between the county highway department and the department of transportation pursuant to Tennessee Code Annotated, Section 54-7-116.

SECTION 26. No later than six (6) months following the date a resolution is adopted to implement this chapter, the county clerk shall file a copy of the resolution, together with an implementation plan developed by the finance director and approved by the Maury County Financial Management Board, with the comptroller of the treasury. This county financial management plan implementation shall begin July 1 of the next fiscal year and shall be fully implemented within such county no later than two (2) years from the date the implementation of the plan began.

SECTION 27. Upon this chapter becoming effective in Maury County, TN, this chapter shall supersede all other general law and the provisions of any other private act in conflict with this chapter in this county, including any other private acts, or amendments thereto, adopted by the county legislative body of such county before or after the date this chapter become effective in this county.

SECTION 28. If any provision of this act or the application of it to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act that 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 29.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified to the secretary of state.

**SECTION 30.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 29.

Passed: April 25, 2018

## Human Resources

### Private Acts of 2004 Chapter 91

**SECTION 1.** This act shall be known and may be cited as the "2003 Human Resources Law".

**SECTION 2.** There is hereby created a human resources department under the oversight of the county legislative body. The department shall perform the duties and responsibilities set out herein for all departments of Maury County government except for the board of education.

**SECTION 3.** The human resources department will operate for the purposes of oversight under the direction of the administrative committee of the Maury County legislative body, unless another committee is designated by rules of the county legislative body adopted by vote of the membership. All policies and procedures otherwise adopted for county departments will apply to the human resources department unless specific exclusion is made by the county legislative body.

**SECTION 4.** The designated oversight committee is hereby authorized to establish and approve policies, procedures, and regulations in addition to the specific provisions of this act, for implementing a sound and proficient system for administering matters related to human resources of the county.

**SECTION 5.** Upon adoption of this act, there shall be one (1) department established for human resources management of all departments of the county general operations and highway department, except as the public laws or other private acts of Maury County provide otherwise or are in conflict herewith. This department shall be known as the human resources department.

All employees performing functions related to human resources shall be under the supervision of the human resources director and such salaries, benefits, and expenses related to said personnel shall be budgeted under the human resources department.

**SECTION 6.** The designated oversight committee shall have authority to appoint or dismiss upon thirty (30) days' notice, subject to the approval of the county legislative body, a human resources director. The director shall be responsible to the oversight committee in all matters relative to the director's position. The person hired for this position shall be qualified by training and experience in the field of human resources to perform the duties in a proficient manner and in accordance with recognized industry standards. The person holding the position of human resources director at the date of adoption of this act shall continue such employment under the provisions of this act. The compensation of the human resources director shall be included in the annual budget recommendations by the budget, finance and investment committee subject to the approval of the county legislative body's budget appropriation.

**SECTION 7.** The human resources director shall install and maintain a human resources management system in accordance with applicable law and regulations, restrictions of this private act and other acts of Maury County, and such policies and regulations of the county legislative body. The director shall be responsible for policies and assist other county officials and department heads in matters related to human resources and benefits. More specific responsibilities shall be outlined in the job description approved by the oversight committee and the county legislative body. The director shall assist other county officials and department heads in matters related to human resources and benefits. The director shall approve and advise the budget office of payroll and benefit changes.

As amended by: Private Acts of 2007, Chapter 48

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 8.

Passed: March 11, 2004.



# Administration - Historical Notes

## **Budget System**

The following acts once created a budgeting system for Maury County, but they have been specifically repealed or superseded by current law. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1937, Chapter 91, established a budget system for Maury County. Under the system the County Judge would submit a general fund and bond budget, the Superintendent of Education a school budget, the Superintendent of Roads a road budget, and the Trustee would prepare a statement showing expected revenues for county taxes. The Quarterly Court would appoint a Budget Commission of three persons, one from Columbia, one from outside Columbia, and one a member of the Quarterly County Court with the duty of preparing unified budget to submit to the Quarterly County Court for approval. It was a misdemeanor under the act to violate the authorized budget amounts of a department or a fund, or to violate any provision of the act or for any official to fail or refuse to perform any duties imposed on the official by the act. The act was passed in January 1937, and promptly repealed in May, 1937.
2. Private Acts of 1937, Chapter 545, repealed Private Acts of 1937, Chapter 91.
3. Private Acts of 1955, Chapter 242, established the office of Director of Accounts and Budgets for Maury County. The Director would be elected by the Quarterly County Court for a term of two years. The duty of the Director was to establish and maintain a system of fiscal procedure, control, and centralized accounting in accordance with the guidelines in the act for the purpose of preparing a proper budget and controlling county finances. The act was not approved by local authorities and did not become effective.
4. Private Acts of 1955, Chapter 243, established a system of budgeting with procedures for the preparation, adoption, and execution of all budgets for all departments, activities, and funds of the County. The act created the Budget Committee composed of five members, one of whom was to be the Director of Accounts and Budgets. The Budget Committee was to compile the various reports required by the act of county officials, hold hearings on proposed budgets and submit bond budget proposals to the Quarterly County Court. This act was not approved by local authorities and did not become effective.

## **County Attorney**

The following acts once created a budgeting system for Maury County, but they have been specifically repealed or superseded by current law. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1937, Chapter 91, established a budget system for Maury County. Under the system the County Judge would submit a general fund and bond budget, the Superintendent of Education a school budget, the Superintendent of Roads a road budget, and the Trustee would prepare a statement showing expected revenues for county taxes. The Quarterly Court would appoint a Budget Commission of three persons, one from Columbia, one from outside Columbia, and one a member of the Quarterly County Court with the duty of preparing unified budget to submit to the Quarterly County Court for approval. It was a misdemeanor under the act to violate the authorized budget amounts of a department or a fund, or to violate any provision of the act or for any official to fail or refuse to perform any duties imposed on the official by the act. The act was passed in January 1937, and promptly repealed in May, 1937.
2. Private Acts of 1937, Chapter 545, repealed Private Acts of 1937, Chapter 91.
3. Private Acts of 1955, Chapter 242, established the office of Director of Accounts and Budgets for Maury County. The Director would be elected by the Quarterly County Court for a term of two years. The duty of the Director was to establish and maintain a system of fiscal procedure, control, and centralized accounting in accordance with the guidelines in the act for the purpose of preparing a proper budget and controlling county finances. The act was not approved by local authorities and did not become effective.
4. Private Acts of 1955, Chapter 243, established a system of budgeting with procedures for the preparation, adoption, and execution of all budgets for all departments, activities, and funds of the County. The act created the Budget Committee composed of five members, one of whom was to be the Director of Accounts and Budgets. The Budget Committee was to compile the various reports required by the act of county officials, hold hearings on proposed budgets and submit

bond budget proposals to the Quarterly County Court. This act was not approved by local authorities and did not become effective.\

### **County Clerk**

The following acts once affected the office of county clerk in Maury County. They are included herein for historical purposes.

1. Acts of 1813, Chapter 133, required the Navigation Commissioners to execute a \$3,000 bond and deposit it for safe keeping with the County Court Clerk.
2. Private Acts of 1933, Chapter 492, declared that the County Court Clerk of Maury County shall not receive more than \$3,000 per year in compensation.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Maury County and are included herein for historical purposes.

1. Acts of 1807, Chapter 98, created the County of Maury and authorized the acting Justices of the Peace to levy a tax to pay for the construction of the public buildings including a courthouse. It further provided that the Court of Pleas and Quarter Sessions be held on the third Monday in December, March, June, and September and that the first court should be held at the home of Joseph Brown near Lytle's Creek.
2. Acts of 1815, Chapter 137, authorized the Justices of the Peace in Rutherford, Maury, and Grainger Counties to hold the Court of Pleas and Quarter Sessions for two weeks, if the Justices deem it necessary because it was impractical to complete the business of the court in the time then allowed by law.
3. Acts of 1817, Chapter 138, provided that the court terms of the County Court would begin on the third Monday in January, April, July, and October, and would be held for two weeks unless the business of the court were sooner finished.
4. Private Acts of 1826, Chapter 78, authorized the Court of Pleas and Quarter Sessions of the Counties of Maury, Lawrence, Sumner, Williamson, and Madison, to appoint three of their respective members to hold Quorum Courts during the entire year with the same powers and jurisdiction as the Court possessed when sitting as a body.
5. Public Acts of 1829, Chapter 25, authorized the county courts of all the counties to appoint a Quorum Court to hold court during the year. Section 3 of the act fixed the dates for the beginning of the county court terms in Maury County as the second Monday in March, June, September, and December.
6. Acts of 1837-38, Chapter 263, authorized the County Court of Maury County to appoint an Entry-Taker for the County who could, in the discretion of the court, reside in a place other than the county seat. The Court was further permitted to pay for a general plan of the County.
7. Acts of 1845-46, Chapter 171, permitted the citizens of Williamsport in Maury County to elect an additional Justice of the Peace for their convenience and benefit.
8. Public Acts of 1871, Chapter 89, allowed the residents of Mount Pleasant to elect an additional Justice of the Peace for their town.
9. Private Acts of 1911, Chapter 7, set the time for beginning the terms of the Quarterly County Court as the second Monday in January, April, July, and October.
10. Private Acts of 1919, Chapter 191, allowed each Justice of the Peace a per diem of \$3 while actually attending the Quarterly County Court plus five cents per mile actually traveled between the residence of the Justice and the Court.
11. Private Acts of 1921, Chapter 563, fixes the per diem payments of Justices of the Peace at \$5 while attending the sessions of the Quarterly County Court plus five cents per mile for each mile traveled between their residences and the County seat upon any session of the Court.
12. Private Acts of 1927, Chapter 96, amended Private Acts of 1921, Chapter 563, by raising the per diem payments for Justices to \$10 per day.
13. Private Acts of 1933, Chapter 493, amended Private Acts of 1927, Chapter 96, by reducing the per diem payments of Justices of the Peace from \$10 to \$6.
14. Private Acts of 1935, Chapter 499, empowered the Maury County Court with concurrent jurisdiction with the Chancery Court in all cases instituted for the sale of property, or the disposition of the funds of infants, lunatics, or other persons under a disability.
15. Private Acts of 1939, Chapter 89, repealed Private Acts of 1933, Chapter 493.

16. Private Acts of 1961, Chapter 338, set a per diem of \$20 and a mileage allowance of five cents per mile for all Justices while attending Quarterly County Court, and set a per diem of \$5 for committee members attending committee meeting. This act was not approved by local authorities and did not become law.

### **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state to be elected by the people for four year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of that Court were assigned to the County Judge who would preside over the sessions of the Quarterly Court. The jurisdiction of the County Court was specifically outlined in the Act. The County Judge would be the accounting officer and general agent of the County, discharging the duties enumerated in this law.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253 in its entirety and restored all Quorum Courts to their former status.
3. Public Acts of 1899, Chapter 265, created the office of county judge to be elected by the people for a term of eight years.
4. Private Acts of 1927, Chapter 308, in addition to amending Public Acts of 1899, Chapter 265, as stated above, provided that the County Judge could sit in interchange with circuit and criminal court judges and with chancellors under the conditions and requirements imposed by then current law for interchange among judges.
5. Private Acts of 1927, Chapter 653, authorized the county judge to employ a clerk for his office.
6. Private Acts of 1927, Chapter 699, provided that the County Judge of Maury County would be paid \$1,200 annually as compensation as County Financial Agent and Accounting Officer.
7. Private Acts of 1927, Chapter 700, was identical to Private Acts of 1927, Chapter 653, set forth above in its entirety. The act was assigned House Bill Number 1206 and was passed two days after House Bill Number 813, which was Chapter 653 and considered the operative law for the purposes of amendment. Private Acts of 1969, Chapter 34, repealed Chapter 700 and rectified the situation created by two identical acts being in existence.
8. Private Acts of 1933, Chapter 522, amended Private Acts of 1927, Chapter 699, by changing the annual compensation that was paid the County Judge as County Financial Agent and Accounting officer from \$1,200 to \$600.
9. Private Acts of 1933, Chapter 96, repealed Private Acts of 1933, Chapter 522.
10. Private Acts of 1945, Chapter 333, a general law authorizing quarterly county courts to appropriate money for the retirement of county judges who held office consecutively for 20 years and attained the age of 70. The amount could not to exceed \$3,000 per annum, in equal monthly installments, for the remainder of his life.
11. Private Acts of 1949, Chapter 447, a general law appointing county judges as custodians of the courthouse.
12. Private Acts of 1955, Chapter 208, amended Private Acts of 1941, Chapter 364, which amends Public Acts of 1899, Chapter 265, so that the total compensation of the County Judge would be set at \$6,600 per year. The act was not approved by local authorities and did not become effective.
13. Private Acts of 1961, Chapter 187, authorized the county judge to employ an assistant clerk for his office.
14. Private Acts of 1969, Chapter 34, in addition to amending Private Acts of 1927, Chapter 653, by setting the salary of the Clerk of the County Judge, repealed as a housekeeping measure, the following acts: Private Acts of 1927, Chapter 700, Private Acts of 1943, Chapter 116, Private Acts of 1945, Chapter 38, Private Acts of 1949, Chapter 344, Private Acts of 1957, Chapter 232, and Private Acts of 1963, Chapter 275.

### **County Register**

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

1. Private Acts of 1831, Chapter 15, made it lawful for William K. Hill, Register of Maury County, to keep his office upon his own lot adjoining the Town of Columbia.
2. Public Acts of 1868-69, Chapter 31, repealed the act creating Lewis County from parts of Maury, Hickman, Lawrence, Wayne, and Perry Counties. The act directed that the books of the Register of Lewis County be deposited with the Register of Maury County for safekeeping and copying. It allowed the Register of Maury County to charge the same fee for copying as he charged for copies from his own books.
3. Public Acts of 1869-70, Chapter 30, repealed the sections of Private Acts of 1868-60, Chapter 31, above, pertaining to the Register and re-established the County of Lewis. All records were to be returned to the officials of Lewis County.
4. Private Acts of 1933, Chapter 491, declared that the Register of Maury County would not be entitled to receive more than \$2,500 annually as compensation for his services.

### **County Trustee**

The following acts once affected the office of county trustee in Maury County, but are no longer operative.

1. Private Acts of 1923, Chapter 671, authorized the Quarterly County Court of Maury County to appropriate a sum, which in its judgement would be right, to compensate the County Trustee for negotiating the sale of \$75,000 worth of highway bonds authorized by Private Acts of 1919, Chapter 175.
2. Private Acts of 1929, Chapter 788, allowed the County Trustee an alternative to the filing of bonds required by general law of county trustees, that is, the Trustee could execute a bond in an amount equal to one-fourth of all taxes and revenues due the State and County and handled by the Trustee. If the Trustee chose this alternative, the County would pay the bond premium.
3. Private Acts of 1933, Chapter 495, declared that the Trustee of Maury County shall not be entitled to receive more than \$3,000 as compensation for his services during any one year of his term.
4. Private Acts of 1933, Chapter 584, provided that all bonds required of the County Trustee of Maury County were not to exceed \$100,000, and that all such bonds must be made with an approved surety company. The County would pay all premiums.

### **Purchasing**

The following act once affected the purchasing procedures of Maury County, but is no longer operative.

1. Private Acts of 1955, Chapter 244, created the office of County Purchasing Agent in Maury County, provided for his election and removal from office, established a County Purchasing Commission with certain powers and duties, and promulgated standards and procedures for the purchasing of all articles by every department of the county government except Maury County Hospital. The act was not approved by local authorities and did not become law.

### **General References**

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

1. Acts of 1811, Chapter 44, required the County Courts of Maury and Giles Counties each to elect a surveyor to survey the land within the county boundaries. The surveyor so elected would be required to enter into a \$10,000 performance bond.
2. Acts of 1813, Chapter 133, appointed two sets of Commissioners of the Duck River Navigation. Alexander Gray and Garrett Lane of Hickman County and Robert Hill, William Cathay, William Stockard of Maury County composed the first set of Commissioners and were responsible for navigation improvement from Gordon's Ferry to the mouth of the Duck River. They were to collect from the Town of Columbia \$1,050 to be expended in their efforts. The second set of Commissioners was composed of Jonathan Webster, Isaac Roberts, and Samuel Smith who were responsible for that portion of the river from Gordon's Ferry to the Bedford County Line. Columbia was required to pay them \$1,000. The Commissioners were to report annually to the Maury County Court and account for their expenditures and activities.
3. Private Acts of 1822, Chapter 213, authorized the County Court of Maury County to pay compensation for services rendered to the members of the Board of Commissioners responsible for building the bridge over Duck River in Columbia. The Board had been established by Private Acts of 1819, Chapter 103.
4. Private Acts of 1823, Chapter 139, amended Private Acts of 1819, Chapter 103, which authorized the building of a bridge over Duck River in Columbia, by empowering the County Court of Maury

County to fix and collect a toll for use of the said bridge, such toll not to exceed the ferriage previously paid at the ferry. Residents of Maury County were exempt from paying the toll. The County Court was to appoint a gatekeeper and was to keep the ford above the bridge in good repair for use by those persons not desiring to pay the toll.

5. Private Acts of 1827, Chapter 58, named several people to be managers of a lottery to raise \$20,000 to improve navigation on the Duck River. The managers were to execute a \$100,000 bond with the chairman of the County Court.
6. Public Acts of 1831, Chapter 45, directed that Maury County's share of the State Internal Improvement Fund be paid over to the County Trustee of Maury County, the money to be used for the common school fund or for internal improvements in the County.
7. Private Acts of 1832, Chapter 24, permitted John Brown, the Surveyor-General of the 8th District to keep his office at any place within one-quarter of a mile of the seat of justice of Maury County.
8. Private Acts of 1835-36, Chapter 48, abolished the offices of surveyor south and west of the congressional Reservation line. The Surveyor of the 8th District was to turn over his records to the Entry Taker of Maury County.
9. Acts of 1837-38, Chapter 119, provided that the Entry-Taker's office for that area of Maury County lying south and west of the Congressional Reservation line would be attached to and made a part of the county surveyor's office who would do the job and receive the fees of the Entry-Taker. Further, it provided that the surveyor's office could be kept at Mount Pleasant or other convenient place in the County, that he could appoint deputies, and that the former surveyor of the Surveyor's District must hand over all books and papers incidental to that office to the county surveyor.
10. Acts of 1843-44, Chapter 197, stated that no person in default to the state treasury at the time of his election to any office of trust or profit would be eligible for that office and his election would be void; provided, however, that the County Court of Maury County may compromise with Nimrod Porter and his securities for county taxes due the county from him. The money obtained would be applied to the building of a new courthouse.
11. Acts of 1849-50, Chapter 159, incorporated the Maury County Astronomical Society which had the following named incorporators: Franklin G. Smith, Edmund Dillahunt, Andrew J. Polk, James H. Otey, Gideon J. Pillow, William E. Kennedy, Abraham J. Looney, Roger B. Mays, Baxter H. Ragsdale, Joseph H. Crawford, Isaac N. Bills, James O. Griffith, Oliver H. Bennett, Madison S. Frierson and John B. Hamilton. The Society was formed for the purpose of making original observations in astronomy.
12. Acts of 1855-56, Chapter 11, authorized the incorporation of Thomas J. Kelly, James Andrews, Nathan Vaught, William J. Dale, John B. Hamilton, Andrew J. McCord, and John B. Padgett as the Maury County Building Association with the stated object that the working men of Maury County become their own landlords and own real estate rather than be renters of real estate.
13. Acts of 1855-56, Chapter 244, constituted and incorporated the Duck River Valley Railroad Company for the purpose of constructing a railroad Company from Shelbyville to run on the north side of Duck River to a point intersecting with the Tennessee and Alabama Railroad in Maury County. With voter approval, the County Court of Maury County was permitted to subscribe to and take stock in the company. The act also authorized the state to endorse and guarantee a bond issue of up to \$200,000 by the Tennessee and Alabama Railroad Company upon the condition that the company make Columbia in Maury County a point on the railroad. The condition would not apply if the citizens of Maury County did not subscribe to enough stock in the company to pay for the local work necessary to bring the railroad to Columbia from Spring Hill, the bridge across Duck River excepted.
14. Acts of 1909, Chapter 247, amended Acts of 1907, Chapter 68, a general law relating to livestock inspection. In Maury County, the Quarterly County Court was required to select a competent person to be called the County Live Stock Inspector who would serve terms of two years at a salary of \$50 per month.
15. Private Acts of 1911, Chapter 414, set forth the form for the corporate charter of a company in Maury County which would supply water, gas, and electric power and be under one management and operated under one charter in the cities and towns of the County. The company would have the right of eminent domain and would be restricted to cities and towns that consent by ordinance to its beginning operation and it would not be able to purchase or acquire utilities already in existence.
16. Private Acts of 1913, Chapter 199, amended Acts of 1909, Chapter 247 by making the election of

- the Live Stock Inspector permissive instead of mandatory.
17. Private Acts of 1915, Chapter 320, further amended Acts of 1909, Chapter 247 by bringing the Live Stock Inspector under the regulations of the State Live Stock Inspector, raising the salary of the office to \$75 per month, and reducing the term of office to one year.
  18. Private Acts of 1929, Chapter 117, ratified the prior proceedings of the Maury County Quarterly Court in which it issued a warrant for \$1,250 to aid in purchasing the James K. Polk Memorial Home, title to which would vest in the State of Tennessee, and declared such proceedings valid as though the Court had been authorized to so act.
  19. Private Acts of 1933, Chapter 244, removed the disability of Albert Gray Lineberger of Columbia to practice pharmacy and authorized him to practice as though duly licensed by the State Board of Pharmacy Examiners.
  20. Private Acts of 1933, Chapter 245, removed the disability of infancy from Grace Wavelyn Jackson, daughter of W. H. and Aline O. Jackson, of Columbia, to enable her to take the bar examination and to practice law or engage in any profession or vocation and to perform all things she could lawfully do if she were twenty-one years of age.
  21. . Private Acts of 1933, Chapter 353, removes the disability of Floyd Walters of Columbia to practice pharmacy. He had met the requirements of working under a registered pharmacist but his application for a license had been misplaced and never acted upon. This act would permit him to practice just as if he had passed the examination.
  22. Private Acts of 1935, Chapter 353, removed the disability of minority from Gertrude B. Fields of Maury County.
  23. Private Acts of 1935, Chapter 513, removed the disability of minority from Luther B. Stockard of Maury County.
  24. Private Acts of 1961, Chapter 169, authorized the Quarterly County Court to appropriate money to indemnify any person who had suffered a loss of funds due to the misappropriation of funds by any duly elected county official or employee to the extent the loss was not covered by an official bond. This act was not approved by the local authorities and did not become law.

## Chapter II - Animals and Fish

### Canine and Feline Vaccinations

### Private Acts of 1977 Chapter 62

**SECTION 1.** In Maury County it shall be unlawful for any person to own, keep or harbor on the premises where he resides, owns, rents, leases or uses, any dog over three (3) months of age or any cat over six (6) months of age which has not been duly vaccinated annually against rabies, provided that for a period of thirty (30) days after this Act becomes effective, any person owning, keeping or harboring a dog or cat upon the premises where such person resides may be permitted to keep such dog or cat exclusively upon the premises where he resides and within his own enclosure until the dog or cat has been so vaccinated against rabies. A certificate of vaccination shall be issued by a licensed veterinarian duly authorized to administer vaccinations and such certificate shall be kept by the person who owns, keeps or harbors such dog or cat at all times subject to the inspection of the proper county officer.

**SECTION 2.** It shall be the duty of the veterinarian duly authorized to use a vaccine and to perform the vaccination in a manner that meets the standards of the United States Department of Agriculture, and to make the certificate of vaccination in triplicate, giving one copy to the person who owns, keeps or harbors the dog or cat; one to be given to the local health department which will be maintained at the County Pound facility, and one to be kept in the files of the veterinarian. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee.

**SECTION 3.** All persons owning, keeping or harboring on the premises where they reside, own, rent, lease, or use, any dog over three (3) months of age, shall pay on or before May 1, 1978, and each year thereafter to the County Trustee, or his authorized agent, a fee of one dollar and fifty cents (\$1.50) for each dog so owned, kept or harbored. Provided further that persons operating licensed kennels where dogs are bred for sale shall not be required to pay the above license fees, but in lieu thereof shall pay a license fee as kennel keepers as follows:

For each kennel of less than ten (10) dogs, five dollars (\$5.00) per year, or any fraction thereof. For each kennel of from ten (10) to twenty (20) dogs, ten dollars (\$10.00) per year, or any fraction thereof. For each kennel of over twenty (20) dogs, fifteen dollars (\$15.00) per year, or any fraction thereof.

At the time such license fee is paid there shall be presented to the County Trustee, or his authorized agent, a certificate of vaccination showing that the dogs kept in such kennel, for which a license is sought, have been vaccinated as herein provided. At no time shall the number of dogs in the kennel exceed the number covered by the license.

All fees for licenses as provided herein shall be known as the "Animal Control Fund" and shall be disbursed by the County Trustee in a manner prescribed by the Quarterly County Court exclusively for the payment of salaries of animal control officers and pound officers appointed by the Pound Committee under the jurisdiction of the Health Committee, for the establishment and operation of a County Pound, or for other expenses incidental to the enforcement of this Act on order of the Judge or Chairman of the Quarterly County Court. Any funds remaining at the end of any fiscal year shall be carried over to the next fiscal year and its expenditure authorized by the County Court exclusively for the purpose of animal control.

**SECTION 4.** It shall be the duty of the County Trustee, or his designated agent, to collect fees under this Act. He shall in a well bound book to be furnished by the County, record the name of each person paying a license fee on any dog or dogs, and the date and amount of such payment, the description and sex of each dog on which the license fee is paid, the tag number issued by him for such dog and the date when the dog was vaccinated. Unless the certificate of vaccination is exhibited at the time request for the license is made, as herein provided, the County Trustee shall not issue a license. But if the certificate is so presented, he shall issue to the person paying the license fee a receipt to be furnished by the County showing the name of the owner of the dogs or kennel on which such license fee is paid, the date and amount of such payment, the license tag number issued for each dog, or kennel, and the date of vaccination of such dog, and shall deliver to the owner a metal license tag bearing the serial number and the year for which the license fee is paid. Such tags are to be supplied by the County Health Department to be made available in its budget by the County Court out of the revenue of the Animal Control Fund. It shall be the duty of the owner to attach such license tag to a collar which shall be worn at all times by each dog licensed, and in the event of the loss of such license tag the County Trustee shall issue a duplicate tag for which shall be paid by the owner the sum of twenty-five cents (\$.25) and such duplicate tag shall be forthwith attached to the dog's collar and at all times worn thereon, provided that the collar may be removed in case of hunting dogs while in chase or returning from chase or a show dog in a duly recognized dog show. But nothing contained herein shall authorize the use of an unlicensed and unvaccinated dog in either hunt, chase or show.

**SECTION 5.** It shall be a misdemeanor for any person to own, keep or harbor any dog or dogs who has not paid the license fee on such dogs as required by this Act or who shall own, keep or harbor any dog or cat which has not been vaccinated as provided herein against rabies; or to permit any dog or dogs to run at large at anytime not wearing a tag except as otherwise provided by this Act; and every person guilty of such misdemeanor shall on conviction of the first offense be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00); for the second offense a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00); for the third or subsequent offense a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00).

**SECTION 6.** Any owner, after being notified, of a female dog must keep her confined from the beginning of the first symptom of being in heat for twenty-one (21) days. If such dog is found at large, the owner shall be subject to a fine for the first offense of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00); for the second offense a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00); for the third offense and subsequent offenses a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00).

**SECTION 7.** Any dog found running at large in violation of the provisions of this Act may be seized by the proper county authorities or by any peace officer and imprisoned in the County Pound. When such dog is so found running at large, the owner, if the dog bears a tag, shall be notified by a postcard addressed to the last known mailing address to appear within five (5) working days and redeem the dog. Such person shall pay a pound fee of one dollar and fifty cents (\$1.50) for each dog so seized and impounded as well as any daily board fee and pickup fee which may be set by the Pound Committee and approved by the County Court. Upon payment of all fees, the dog shall be delivered to him, but if the dog or cat so seized has not been vaccinated, the owner shall, before he is permitted to regain permanent possession of such dog or cat, have the animal vaccinated and present the certificate of vaccination to the Pound authority. The payment of this pound fee, daily board fee and pickup fee, and the delivery of the dog or cat to the owner shall not however, relieve the owner from the other penalties provided for the violation of this Act. If the owner does not appear after the notice has been mailed to him, or if after appearing declines to pay

the pound fee, daily board fee and pickup fee described herein and redeem his or her dog or dogs, then the County shall destroy or adopt out such dog or dogs. If such a dog is not wearing a tag the same will be destroyed or adopted out at the end of three (3) working days. Cats will be held for three (3) working days, then destroyed or adopted out. Any person who adopts a dog or cat from the pound must have the animal vaccinated and present the certificate of vaccination to the Pound authority and pay the pound fee of one dollar and fifty cents (\$1.50) plus the daily board fee and the pickup fee before the dog or cat can be released.

**SECTION 8.** Any person who does not desire to pay the license fee herein provided upon any dog or dogs or to vaccinate for rabies any dog or cat owned, kept or harbored on premises owned, rented, leased or used by him shall bring such dog or cat to the County Pound to be destroyed or adopted out, if such dog be more than three (3) months old and such cat be more than (6) months old, within thirty (30) days after this Act becomes effective or otherwise within thirty (30) days after such dog becomes three (3) months of age and such cat becomes six (6) months of age.

**SECTION 9.** All vicious or biting dogs shall be kept securely tied by a strong collar and chain, fenced or housed securely. On the front entrance to the premises containing such dog, a sign shall be exhibited bearing the words "VICIOUS DOG", which shall be in letters sufficiently large to be easily read and plainly visible at the sufficient distance to protect anyone from the attack of such dog. Any owner failing to protect the public from a bad or vicious dog shall be responsible for any damage to any person or property by such animal, and any person allowing a dog to run at large in violation of the provisions of this Act shall also be responsible for any damage to person or property inflicted by such animal, without regard to whether or not said animal has been of previous vicious tendencies. Any person who shall own, harbor, or keep any vicious or biting dog in violation of this Act shall be guilty of a misdemeanor and, upon conviction, fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for the first offense; for the second offense a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00); for the third and subsequent offense a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00).

**SECTION 10.** This Act shall not be held to prohibit transportation of dogs through the County provided such dogs are securely confined or kept upon a leash during their transportation through the County.

**SECTION 11.** If any dog, cat or other animal has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the Health Department or county official duly authorized may cause such dog, cat or other animal to be confined or isolated at a veterinary hospital or the Maury County Animal Control Pound for such time as the Health Department deems it necessary to protect the safety of the people and/or property.

**SECTION 12.** Any person who shall hide, conceal or aid or assist in hiding or concealing any dog or cat owned, kept or harbored in violation of any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for the first offense; for the second offense a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00); for the third and subsequent offense a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00).

**SECTION 13.** The County Court shall have full power and authority to authorize the use of any portion of the funds derived from the administration of this Act, and to authorize the appointment of any inspector or inspectors, and to provide, on contract or otherwise, a pound or place of enclosure for the dogs and cats, big enough to enforce the provisions of this Act, or to contract with any licensed veterinarian for the care of any impounded dog or cat. All animals at the pound or veterinarian will be treated in a humane manner according to Tennessee Code Annotated, Title 39, Chapter 4, and will be destroyed in a humane manner.

**SECTION 14.** All peace officers shall have the right to take up and put in the County Pound, any and all dogs violating any provision of this Act.

**SECTION 15.** The grand jury shall have inquisitorial power to investigate violations of this Act and it shall be their duty to do so.

**SECTION 16.** It shall be the duty of the Pound Committee under the jurisdiction of the Health Committee to enforce the provisions of this Act, and it shall have the authority to employ or appoint all necessary personnel as may be authorized by the Quarterly Court.

**SECTION 17.** The Animal Control officer is granted authority to issue citations or serve warrants for violation of this Act, and he is hereby authorized to carry firearms to protect himself if necessary from a rabid or vicious dog or one which he is unable to catch. He is also authorized to enter private premises with a warrant or permission from the owner of the property in connection with alleged violations of this Act.

**SECTION 18.** All fines levied for violations of the Act shall be used only for Animal Control.



**SECTION 19.** All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

**SECTION 20.** 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 21.** This Act shall have no effect unless it is approved by two-thirds (2/3) vote of the Quarterly County Court of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court of Maury County and certified by him to the Secretary of State.

**SECTION 22.** 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 21.

Passed: April 21, 1977.

## Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Maury County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 19, prohibited seining, netting, either with set or dipnet, basketing, or trapping, in any stream, pond, or reservoir in the Counties of Maury, Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Stewart, Cannon, Marion, Warren, and Dickson, and provided for fines for violation of the act.
2. Public Acts of 1871, Chapter 9, repealed Public Acts of 1870, Chapter 19 as the law applied to Maury, Dickson, Warren, Marion, Benton, Humphreys, and Cannon Counties.
3. Public Acts of 1873, Chapter 83, made it unlawful in Montgomery, Robertson, Davidson, and Maury counties from the first of February to the first of September to hunt, kill, or capture any song bird, any game bird, or any bird which feeds on the insects which destroy fruit trees, and provided for fines for violation of the act.
4. Public Acts of 1877, Chapter 25, made it unlawful in Robertson, Montgomery, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Hawkins, Henry, and Crockett Counties, except that part of Crockett formerly in Dyer County, to fish with seines, nets, traps, or gigs, or by any other means than hook and line and trotline, or to place nets across the mouth of any stream to prevent free passage of fish. Violations of the act were declared to be misdemeanors.
5. Private Acts of 1897, Chapter 272, made it lawful to catch fish with one's hands in Maury County during the months of June, July, and August of each year.
6. Public Acts of 1899, Chapter 229, made it a misdemeanor for any person to kill or capture partridges, quail, or any other game birds in Maury County for a period of two years after the passage of the act. Violators were subject to a fine of from \$5 to \$50.
7. Acts of 1901, Chapter 234, made it unlawful for any person to capture, kill, shoot, wound, or destroy partridges, quail, or any other game bird in Maury County from the 1st day of March to the 1st day of November each year. The act declared it unlawful to hunt, pursue, kill, or capture with dog or gun, any game of any kind, except foxes, upon the enclosed lands of another without the landowner's consent. Justices of each civil district were made game wardens and were to report and enforce any violations of the act. All fines imposed and collected would be placed in the school fund.
8. Acts of 1909, Chapter 72, prohibited professional fishermen from taking fish for sale in any manner regardless of permits or licenses under penalty of fines of \$25 to \$50. Citizens could take fish for their own use with rod and line, trotline, or with their hands at any time in all streams; nets and seines of certain types were permitted in Duck River but banned in all other streams during April and May of each year. The act was to be enforced by the County Game Wardens.
9. Acts of 1909, Chapter 227, repealed Acts of 1901, Chapter 150, as it applied to Maury County. The act had prohibited the running at large or trespassing of hogs, sheep, goats, or geese.
10. Acts of 1909, Chapter 487, permitted the sale of catfish caught by nets, baited basket, and baited traps, but without the use of dams or other obstructions and by grabbing by the hands.
11. Private Acts of 1911, Chapter 104, also repealed Acts of 1901, Chapter 150, as it applied to Maury County.

12. Private Acts of 1911, Chapter 143, prohibited in Maury County professional fishermen from taking fish for sale, except catfish. Maury County citizens could take fish for their own use.
13. Private Acts of 1917, Chapter 390, was a comprehensive fish protection act for Maury County which fixed the closed fishing season, with some exceptions, as the period of May 1st to June 15th. Private pond fishing and the catching of minnows for bait were exempted from the act. Penalties for violations were fines of between \$25 and \$50 and up to thirty days in jail.
14. Private Acts of 1921, Chapter 681, made it unlawful for any person to hunt, wound, or kill quail in Maury County except during December and January.
15. Private Acts of 1921, Chapter 891, made it unlawful for any owner or keeper of horses, mules, jack stock, cattle, sheep, goats, hogs, or any kind of livestock to permit the animals to run at large. The penalty for violation of the act was a fine of from \$2 to \$10. The act granted a lien upon any livestock at large causing damage in favor of the person damaged.
16. Private Acts of 1927, Chapter 702, was the first "Dog Law" for Bedford, Montgomery, Maury, and Wilson Counties. A schedule of licensing fees was set up for the owning and keeping of dogs, part of which went to the State, part to the County Trustee for collecting the fees if he were not on salary, and part for damages to persons who had animals killed by dogs. Dogs caught killing, chasing or worrying sheep could be killed on sight. Those running at large without a license tag, whose owners were known could be killed only after notice and hearing. A Game and Fish warden was required to kill a dog on sight which was caught harming sheep or any domestic animal. If he failed to perform his duties assigned in the act, a warden or a County Trustee could be charged with a misdemeanor.
17. Private Acts of 1929, Chapter 30, recognized that the Trustee of Maury County possessed \$1,624.36 in undistributed funds collected as a result of the operation of the "Dog Law". It authorized the funds to be distributed one-half to the Trustee for his services rendered and one half to the satisfaction of unpaid claims of persons entitled to damages under the "Dog Law".
18. Private Acts of 1929, Chapter 31, repealed the "Dog Law", Private Acts 1927, Chapter 702 as it applied to Bedford, Maury, and Montgomery Counties, leaving only Wilson under the Act. It was repealed as it applied to Wilson County in 1931.
19. Private Acts of 1937 (3rd Ex. Sess.), Chapter 41, dictated that all general fish and game laws were to be upheld except that open season for water fowls would be October 15 to January 1 in Maury County.
20. Private Acts of 2000, Chapter 131, amended Private Acts of 1977, Chapter 62, relative to the Maury County Animal Control Board. Private Acts of 2000, Chapter 131, was repealed by Private Acts of 2008, Chapter 65.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

#### **Agriculture**

1. Private Acts of 1917, Chapter 456, authorized the County Court of Maury County to issue bonds in an amount up to \$150,000 bearing interest at a rate not to exceed five percent with maturity dates of no more than twenty-five years for the purpose of purchasing sites for building, and equipping schools in the nature of agriculture experiment stations, and vocational, agricultural, or mechanical high schools.
2. Private Acts of 1929, Chapter 223, authorized the Quarterly County Court of Maury County to issue bonds in an amount not to exceed \$100,000 for the purpose of purchasing sites, erecting and equipping buildings and purchasing equipment for the establishment of a Junior College of Agriculture, Industrial Arts, and Home Economics. Once the order for the bond issue passed the County Court, the question was to be submitted to the electorate for ratification or rejection. If rejected, the order call for the bond issue would be void, but if ratified, the order would become effective. The bonds were to bear interest at a rate not exceeding five percent and would mature no later than twenty-five years from issue date. The County Trustee was to receive the monies for the sale of the bonds and pay over the proceeds to the Trustees of the University of the State of Tennessee. The Quarterly Court was required to levy a tax on taxable property sufficient to pay the interest and retire the bonds.

#### **County Debts**

1. Private Acts of 1897, Chapter 150, permitted Maury County, for the purpose of paying off the outstanding county indebtedness, to issue bonds in the amount of \$50,000 to bear interest at a rate not exceeding six percent and to be payable within twenty years.
2. Acts of 1905, Chapter 527, empowered Maury County to issue bonds in an amount up to \$200,000 for the purpose of paying off the outstanding debts of the County relating to bridge, courthouse and other warrants and to pay for the completion of the Courthouse. The bonds were to be payable within twenty years with interest not exceeding four percent. The County Court was required to levy a tax to pay for the bonds.
3. Acts of 1907, Chapter 243, repealed Private Acts of 1905, Chapter 527, above.
4. Acts of 1907, Chapter 320, provided for the issuance of bonds at up to four percent interest to pay the county debts relating to courthouse, bridge, and other warrants then outstanding. The maximum maturity period was to be twenty-five years. The County Court was to levy a tax to pay for the bonds.
5. Private Acts of 1917, Chapter 201, authorized the Quarterly County Court of Maury County to issue bonds in an amount not exceeding \$140,000 for the purpose of paying the County's debts including bridge, turnpike, and other outstanding warrants. The bonds were to bear interest at a rate not exceeding four and one-half percent and were to be payable within twenty-five years from date of issuance. The County was to impose a property tax sufficient to pay the debt created by the bond issue.
6. Private Acts of 1921, Chapter 746, empowered the Maury County Court to issue and sell interest bearing warrants in an amount not exceeding \$50,000. The proceeds of the sale were to be used to satisfy the outstanding, floating indebtedness of the County and to pay any deficit in the current expenses of the County, including school, bridge, and highway expenses, as they were to be incurred in the years 1921 and 1922.
7. Private Acts of 1923, Chapter 2, authorized the issuance of warrants in an amount up to \$50,000 for the purpose of paying county debts and any deficit in current expenses during the years 1923 and 1924.

#### **County Club House**

1. Private Acts of 1917, Chapter 279, permitted the bond issue of the City of Columbia that, together with the bond issue of Maury County, would fund the establishment of the Maury County Clubhouse. It allowed the City to issue \$50,000 in bonds to bear an interest rate of five percent or less.
2. Private Acts of 1917, Chapter 283, authorized Maury County to issue bonds in an amount not exceeding \$50,000 to bear interest at a rate of five percent or less, and payable within twenty years. The purpose of the bond issue was to provide a fund for the establishment of the Maury County Clubhouse in Columbia to be used for agricultural, educational, industrial, social, and benevolent purposes. The County Court was required to levy an annual property tax to pay for the bonds. The bond issue was to be submitted to the voters for approval at a special election.

#### **Courthouse and Bridge**

1. Acts of 1909, Chapter 330, allowed the Quarterly County Court to appropriate such sums as to it would seem right to compensate the County Judge, County Trustee, and the County Court Clerk for negotiating the sale of \$175,000 worth of courthouse and bridge bonds, and to pay the County Trustee for handling the funds of the bond issue.

#### **Health and Hospitals**

1. Private Acts of 1947, Chapter 739, permitted the Quarterly County Court to issue bonds in an amount not to exceed \$50,000 to bear interest not in excess of five percent and to be payable within twenty years of issuance for the purpose of erecting and equipping a building suitable for the County Health Unit. The appointment of a building committee to handle the deficit was authorized and the County Trustee was allowed a one percent commission for handling the funds.
2. Private Acts of 1949, Chapter 448, authorized the issuance of bonds in an amount not exceeding \$750,000, for the purpose of borrowing funds to finance a general hospital in Maury County. The bonds were limited to four percent interest and a maturity of no longer than fifty years.

#### **Issuing Regulations**

1. Private Acts of 1923, Chapter 50, made it unlawful for the Quarterly County Court to issue bonds for any purpose without first submitting the order of the Court for the bond issue to the qualified voters in an election for the purpose of ratification or rejection.

2. Private Acts of 1949, Chapter 446, repealed Private Acts of 1923, Chapter 50, above.

### **Jail**

1. Acts of 1851-52, Chapter 191, authorized the County Courts of Lawrence, Maury, Williamson, and Davidson Counties to subscribe to stock of the Nashville, Franklin and Columbia Rail Road Company if such purchase was approved by the voters of the respective purchasing county. The ballots in the election were to be marked "Stock" and "No Stock". If approved the County Court would subscribe to the stock and would issue bonds in the name of the county to pay for the stock. A tax would be levied to pay for the bonds.
2. Private Acts of 1947, Chapter 734, authorized Maury County to issue negotiable, interest-bearing bonds in an amount up to \$200,000 for the purpose of building a jail. The interest rate was not to exceed four percent and the maturity period was not to extend longer than twenty years from issuance. The County Trustee was allowed a commission, not to exceed one percent of the proceeds of sale, for handling receipts and disbursements relating to the bond issue. The Quarterly Court was directed to levy a tax to pay for the bonds and was authorized to appoint a building committee to oversee the building of the jail.

### **Roads**

1. Acts of 1901, Chapter 448, authorized the Counties of Maury, Giles, Davidson, Lincoln, and Williamson to purchase turnpike roads within their respective boundaries in order to make them free, public roads. To finance the purchase the several County Courts could levy a tax as then allowed by law or issue bonds in an amount not exceeding \$250,000 to bear interest at a rate not in excess of six percent and payable within a period of from five to fifty years.
2. Private Acts of 1915, Chapter 426, provided for an election in Maury County to determine if the voters were in favor of the issuance of \$200,000 worth of road bonds. The ballots were to read, "For Good Roads" and "Against Good Roads". If approved the County Court was required to issue the bonds bearing interest at no more than five percent and at a maturity of no longer than thirty years and elect a Commission to carry out the purposes of the bond issue which were to purchase and improve existing turnpikes and to construct and improve public roads.
3. Private Acts of 1947, Chapter 738, authorized the issuance of bonds in the amount of \$50,000 for the purpose of purchasing rights-of-way for federal, state, and county highways. The maximum interest rate would be four percent and the maximum maturity date would be twenty years from issuance.

### **Schools**

1. Private Acts of 1937, Chapter 546, authorized the Quarterly Court of Maury County to borrow up to \$30,000. The money was to be used to build or otherwise acquire public high school and elementary school buildings. The Court could issue evidence of the indebtedness in the form of notes or warrants bearing up to four percent interest. The Board of Education was empowered to expend the money, keeping separate accounts for high schools and elementary schools.

## **Chapter IV - Boundaries**

### **Creation of the County**

#### **Acts of 1807 Chapter 94**

**SECTION 1.** That Williamson county shall be reduced to its constitutional limits (to wit:) Beginning three hundred and fifty nine chain (sic) south of the old Indian boundary line upon Duck river ridge, where Dickson county formerly cornered with the said county of Williamson; thence running south seventy six degrees east to Rutherford county line, and all that part lying north of said line shall be, and remain Williamson county.

**SECTION 2.** That all that section of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of MAURY. (viz.) Beginning at the above described point, it being the south west corner of Williamson county; thence south to the columbian road; thence with said road as it meanders, to a point where the Indian boundary line leaves the same; thence with said line to the dividing ridge that divides the waters of Duck river from those of Elk; thence with said ridge to a point three miles and fifty six chains and a half, east of the line of the congressional reservation as heretofore run and marked; thence north to Williamson county line; thence with said line to the beginning.

**SECTION 3.** That Joshua Williams, William Fryerson, Issac Roberts, John Lindsey, and Joseph Brown, are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, fix on a place the most convenient on, or as near Duck river as the nature of the cause will admit of, for a court house, prison and stocks, for the use of said county of Maury; which place shall not exceed three miles from the centre east or west; and after agreeing on the place, they shall proceed to purchase or otherwise procure not less than one hundred 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, on which they shall cause a town to be laid off, with necessary streets and allies; neither of which streets shall be less than one hundred feet wide, reserving two acres as near the centre as may be, on which the court house, prison and stocks shall be erected, which town shall be none (sic) by the name of COLUMBIA.

**SECTION 4.** That where the town shall be thus laid off, the aforesaid commissioners are further required, to advertise (sic) for sale in the Nashville Gazette, or Impartial Review, to the highest bidder, at a credit of twelve months, one half of the lots so laid off, which shall be the nearest to the public square, giving sixty days previous notice, and shall take bonds with sufficient security to themselves and successors in office, and shall make titles to the purchasers in fee simple.

**SECTION 5.** That it shall be the further duty of the said commissioners, to contract with suitable workmen to build a court house, prison and stocks, and the monies arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for said court house, prison and stocks.

**SECTION 6.** That should the money arising from the sale of said lots, prove insufficient to pay for such public buildings, then in that case, a majority of the acting justices of the said county of Maury, shall in term time, have power, and are hereby authorized and required to lay an additional county tax, not exceeding twelve and one half cents on each hundred acres of land liable to taxation; twelve and one half cents on each white poll; twenty cents on each black poll; one dollar on each stud horse kept for covering mares; twenty five cents on each town lot, and five dollars on each merchant, peddler or hawker: The said tax shall be laid from year to year until a sufficient sum shall be collected to pay for said public buildings; and shall be collected by the collector of the public taxes, on the same per cent. as other county taxes, and shall pay the same to the aforesaid commissioners, and be by them applied towards paying for the said public buildings, whose receipts shall be allowed in the settlement of his accounts.

**SECTION 7.** That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the governor for the time being, in the sum of six thousand dollars, for the faithful discharge of their duty as herein expressed; which bond shall be lodged in the office of the clerk of the said county of Maury.

**SECTION 8.** That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the court of Maury county, a just and fair statement of all monies by them received, as well as those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them reasonable compensation for their services: Provided, there shall be a majority of the acting justices of said county present when such allowance is made.

**SECTION 9.** That for the due administration of justice, that the court of pleas and quarter sessions shall be held in, and for the county of Maury, on the third Mondays in December, March, June, and September; and the justices for said county, shall hold the first court at the house where Joseph Brown now lives, near Lytle's creek, on the third Monday of December next; and all subsequent courts for said county, on the days above mentioned for holding courts therein, at the same place, until a court house be built in, and for said county; and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such courthouse; and all courts held in, and for said county, shall be held by commission to said justices in the same manner and under the same rules and restrictions, and shall have and exercise the same powers and jurisdictions, as are, or shall be prescribed by, and for the courts of the several counties in this state.

**SECTION 10.** The said county of Maury be, and the same is hereby declared a part of Metro district, in the same manner, and for the purposes whatsoever, in as full and ample manner, as any county in this state, and shall send three jurors to the superior court of said district.

**SECTION 11.** That nothing herein contained, shall be so construed, as to prevent the sheriff or collector of the taxes of Williamson county, from collecting the same, within the limits of the said county of Maury, which are at this time due, in the same manner, as if this act had not been passed.

**SECTION 12.** That the said county of Maury be a part of the district for electing an elector to elect a president and vice president of the United States, for electing a governor, representative or representatives to congress, senator or senators and representatives in the general assembly, and field officers, to which it has heretofore belonged; and that the elections be held at the place for holding courts in said county, and shall be conducted under the same rules and regulations as established by law; and

that the sheriff or deputy sheriff of the county of Maury, shall on the first Thursday and the succeeding day in March next, hold an election at the place above stated, for the purpose of electing the field officers of the militia for the said county of Maury; which election shall be conducted pursuant to the laws now in force and use for the election of field officers; and that the sheriff or returning officer, make a return in all cases of elections, agreeably to the laws now in force and use in this state, and shall observe the same rules and regulations in making returns and comparing votes, as are now observed in the electoral district composed of the counties of Williamson and Rutherford.

**SECTION 13.** That all section of country, lying immediately between the south boundary of the above described county, and the southern boundary of the state, be and remain a part of the said county, until otherwise provided for by law, except as herein expressed; that no tax shall be laid or collected, for the purpose of erecting a court house, prison and stocks for said county.

**SECTION 14.** The militia of the said county of Maury, shall constitute the twentyseventh regiment of the militia of the state.

**SECTION 15.** That James Gideon be, and he is hereby appointed to run and mark the dividing line between said counties of Williamson and Maury; for which service, he shall be entitled to the sum of two dollars per day; and it shall be the duty of said James Gideon to employ two chain-carriers and one marker, who shall be entitled to receive one dollar per day each, while engaged in said service; said surveyor, chain-carrier, and marker, to be paid in equal proportions by said counties of Williamson and Maury.

**SECTION 16.** That this act shall be in force from and after the fifteenth day of December next.

Passed: November 16, 1807.

## Change of Boundary Lines

### Acts of 1855-56 Chapter 162

**SECTION 1.** That the line between the Counties of Maury and Lewis be so changed as to run as follows to wit: - Beginning at a black ash corner near Mrs. Maxwell's spring, in Maury County; running thence east, three hundred and eight poles to the north-east corner of McDonald's one hundred and forty-nine acre tract; thence south, two hundred and twelve poles to Martin's corner; thence east, five hundred and eighty-nine poles along R. M. Cooper's north boundary line to the said Cooper's north-east corner; thence south, one hundred and seventeen poles to the present County line, near the head of Hunter's mill-pond; thence west, and with the present County line to the beginning.

**SECTION 2.** That this act shall take effect from and after its passage.

**COMPILER'S NOTE:** Sections 3 and 4 do not apply to Maury County and have been omitted.

Passed: February 25, 1856.

### Public Acts of 1887 Chapter 205

**SECTION 1.** That the county line between the counties of Giles and Maury be so changed, as follows: Beginning at an oak tree, the corner of the said counties, about four hundred (400) yards south of W. J. Henson's house, running thence south 6° 5' west 380 poles to black oak, thence north 45° west 260 poles to old line, containing in all about eight hundred and forty-two (842) acres of land.

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

Passed: March 26th, 1887.

### Acts of 1909 Chapter 263

**SECTION 1.** That from and after the passage of this Act the boundary line between the county of Maury and the county of Lewis shall be as follows:

Beginning on the Lawrence County line where it crosses the east boundary line of Entry No. 888 for 195 acres in the name of John Stockard, 19 miles from Columbia and 19 7/8 miles from Hohenwald, and runs north with the east boundary said entry about 73 poles to northeast corner, same course with a new line dividing C. R. Craig, Entry No. 875 for 198 acres, in all 243 poles, a small stone with hickory pointer in south boundary line of Entry No..., in the name of Samuel Stewart, for ... acres; then east with his south boundary 66 poles, his corner and southwest corner of Entry No. 374, in the name of R. O. Smith, for 394

acres; then north with Smith's west boundary line 186 poles to his and Stewart's corner in Smith's boundary line of Entry No. 34, in the name of A. H. Buckner, for 175 acres; then east [with] Buckner's and Smith's line 150 poles to a stone in the north boundary line of Entry No. 808, in the name of Johnston Craig, for 200 acres; then north with Buckner's and Craig's line 60 poles, Craig's corner; thence south (with) Craig's and Buckner's line 20 poles to a small hickory; then north with Buckner's east boundary crossing the Nashville, Florence and Sheffield Railroad at 150 poles, 16 poles east of the 18 milepost on said railroad, in all 188 poles to Buckner's corner; then east (with) Buckner's line 44 poles to stake (17 miles from Columbia); then north (with) Buckner's line 154 poles to a rock, the southeast corner of Entry 823, in the name of John Williams, for 200 acres, and southwest corner of Entry 735, in the name of Jessee M. Gordon, for 164 acres, continuing same course with Williams' east boundary line 150 poles to corner of Entry No. 850, in the name of Johnathan Janes for 200 acres; then west with Williams' and Janes' line 89 poles to corner of Entry No. 928, in the name of Stepord Gordon; then north (with) Janes' and Gordon's line 104 poles to corner of Entry No. 857, in the name of Ezra Durham, for 200 acres; then north 38 east with Janes' and Durham's line 57 poles to the southwest corner of Entry 300, in the name of W. H. Barr, for 177 acres (put into Maury County by Act of 1893, Chapter 7, February 9); then north with Durham and Barr entries 176 poles to northeast corner of Durham's entry, a point 16 miles from Columbia; then west with the south boundary line of Entry No. 298 for 68 acres, in the name of Young Ball, and Durham's line 67 poles to the southeast corner of Entry No. 910, in the name of David Ray, for 200 acres; the north with Ray's and Ball's line 112 poles to their corner in Stephen Beckum's south boundary line (put into Maury County by Act of 1869, Chapter 30, December 7); then west with Beckum's and Ray's line 26 poles; then north with same 97 poles to their corner; then west with same 80 poles to Ray's corner in the east boundary line of Entry No. 909, (in the name of Elijah Ray, for 145 acres; then north with Beckum and Ray 66 poles to northeast corner of Entry 909 (in a line run by Frierson in 1852), C. S. Williams' most southern southeast corner; then west with Williams' and Ray's line 94 poles to southwest corner of Entry No. 339, in the name of C. S. Williams, for 285 acres, and the southeast corner of Entry 882, in the name of A. Beckum, for 146 acres, and runs north [with] Williams' and Beckum's line 186 poles as per Act of 1869; then with Williams' and Beckum's line 20 poles; then north, passing Beckum's corner at 44 poles, the southeast corner of Entry No. 842, in the name of Richard Jennings, for 200 acres, and Jennings' east boundary line, passing Williams' at 56 poles in all 186 poles; then west with Jennings' entry (Math. McClain) 34 poles to a point on bluff; then north crossing West Fork of Bigby 8 poles and mouth of Holmes' land at 13 poles (18½ miles from Hohenwald), same course on the line between A. W. Goodman and Mort Cooper, in all 102 poles to their corner in Southworth's south boundary; then west [with] Goodman's and Southworth's line 30 poles to a set stone; then north, their line passing Goodman's corner at 33 poles, a stone, Cooper's corner, and passing his corner at 130 poles, M.E. Wheeler's southeast corner, same course in all 168 poles to Wheeler's and Southworth's corner; then west [with] their line 13 poles to a set stone, their corner; then north [with] their line 78 poles to a stone, Wheeler's corner, in Southworth's west boundary line, George Hogue's corner; then west [with] Wheeler's and Hogue's line 82 poles to a small hickory, their corner; then north [with] their line crossing road at 82 poles, in all 122 poles to a large chestnut stump 1 pole south of a road leading hill blackgum pointer (15½ miles from Columbia); then west with Wheeler's line, crossing road at 22 poles, and crossing main ridge road at 102½ poles, and the railroad from Mount Pleasant to Gordonsburg at 122 [poles] in all 126 poles to a white oak, Wheeler's corner, the northeast corner of Entry 881, in the name of Samuel Irvine, for 195 acres, and with the north boundary line of the same 294 poles, in all 420 poles to large black oak in Pogue's and Akin's line; then south 14 poles to their corner, Akin's and Brown's corner, a stake; then west [with] their line 84 poles to their corner; then north [with] their line, passing Akin's and Brown's corner at 67 poles, a black gum same course with the west boundary line of Martin, Entry No. ..., passing his corner at 155 poles, the southwest corner of Entry No. 127, in the name of J. D. Rains, for 200 acres, same course, passing southeast corner of Entry No. 177, in the name of T. Grimes, for 200 acres, at 253 poles, in all 403 poles to the northeast corner (10 3/4 miles to Columbia) of Entry No. 177; then west [with] the same 80 poles to the right of way of railroad; thence westwardly with railroad right of way 202 poles to the west boundary line of Entry 190 in the east boundary line of Entry No. 12, in the name of West and Akin, for 3,985 acres; then north [with] West's and Akin's, line 83 poles to the southeast corner of Entry No. 837, in the name of A. H. Buckner, for 200 acres, West's and Akin's corner in Flowers' west boundary line; then west with Buckner's line 197 poles to his corner, his and West's and Akin's corner; then north [with] their line, passing Buckner's corner at 191 poles, Hugh Farris' southwest corner, in all 218½ poles to West's and Akin's corner and Farris' corner in the south boundary of Entry No. 835 for 175 acres; then west with West's and Akin's line 100 poles to corner of Entry No. 835; then north 34 poles to corner of West's and Akin's most northern northeast corner and the southeast corner of Entry No. ... for 200 acres, in the name of A. J. Pugh; then west [with] their line 137 poles to his southwest corner in West's and Akin's north boundary (a point 14 3/4 miles from Hohenwald); then north [with] Pugh's west boundary line 110 poles to his corner, south boundary line of Entry No. 134, in the name of Porter, for 196 acres; then west [with] Porter's line 20 poles to corner of same; then north 105 to Porter's corner; then north 18

degrees west 64 poles; then north, passing the southwest corner of Entry No. 898, in the name of P. A. Kirk, for 200 acres, at 35 poles, in all 290 poles, northwest corner of Entry 898; then east with the same 20 poles to southwest corner of Entry No. 879, in the name of Samuel Whiteside, for 96 acres; then north [with] his line 160 poles, his corner; then east [with] his line 20 poles to a stone; then north [with] his line 36 poles to his corner in south boundary line of Entry No. 858, in the name of A. Brown, for 64 acres; then east with the same, passing Brown's corner at 40 poles, and passing southwest corner of Entry No. 821 and with same 76 poles to southwest corner of Entry No. 820, in the name of S. J. Strayhorn, for 65 acres, and with same 40 poles to the southeast corner in west boundary line of Andrew Kennedy Entry for 640 acres; then north with Strayhorn's east boundary line, passing his northeast corner at 190 poles to and passing William Scott's southeast corner, and with his west boundary line to his corner, in all 545 poles to Brown's corner; then west with William Scott's line 15 poles to his corner; then north [with] his line and Z. W. Scott's east boundary line 200 poles to Z. W. Scott's northeast corner; then west [with] his line 134 poles to his corner in Whitesides' east boundary line; then north [with] Whitesides' line 49 poles to a white oak on south side of Natchez Road in Hickman County line. All lands added to either County by this Act shall be added to the civil district adjoining said lands.

**SECTION 2.** That all Acts of the Legislature heretofore passed establishing the boundary line between said Counties of Maury and Lewis are hereby repealed.

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

Passed: April 23, 1909.

## Public Acts of 1973 Chapter 156

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** The boundary line between Maury and Giles Counties is changed by detaching from Giles County and attaching to Maury County the following described tract of land:

Beginning at a point where the southern boundary of the W. A. Richardson property intersects the eastern right-of-way of U.S. Highway 31, south of the present county boundary line; thence easterly along the southern boundary of the Richardson property and the northern boundary of the Underwood property to its intersection with the Armstrong property; thence northerly along the eastern boundary of the Richardson property and the western boundary of the Armstrong property to the intersection of the present county boundary with the Richardson- Armstrong property line, the land so described lying south of the present Maury-Giles County line and being part of lands owned by W. A. Richardson.

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

Passed: April 30, 1987.

## Boundaries - Historical Notes

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

1. Acts of 1837-38, Chapter 211, Section 3, changed the boundary line between the counties of Maury and Hickman to include in Hickman County the following described property: "beginning at the ford at Gordon's ferry, where the Natchez road crosses Duck river, on the south bank of said river, running thence up said river with its meanders to the mouth of Fall branch; thence up said branch with its main channel to where the same strikes the Natchez road, thence northerly with said road to the beginning." All residents therein were given the same rights and privileges as all other citizens of Hickman County.
2. Acts of 1845-46, Chapter 31, changed the boundary line between Maury and Marshall Counties to include in Marshall County the property of William D. Baldrige.
3. Acts of 1851-52, Chapter 367, authorized the commissioners appointed to run and mark the prescribed boundary line for Lewis County to hire competent surveyors to insure that the Lewis County line was placed no closer to the county seat of Maury County than twelve miles, leaving Maury County her constitutional area of territory.
4. Acts of 1853-54, Chapter 92, altered the line between Maury and Hickman Counties to include in Hickman County the farm and residence of Phillip Hoover.
5. Acts of 1853-54, Chapter 181, Section 7, altered the line between Maury County and Marshall County to transfer the dwelling house of James W. Baird into Marshall County and declared James W. Baird to be a resident of Marshall County.



6. Acts of 1855-56, Chapter 161, altered the boundary line between the Counties of Maury and Marshall to place in Marshall County the lands of James Old and George Whitson, and to place in Maury County the lands of James M. Reynolds and George W. Willis.
7. Private Acts of 1857-58, Chapter 129, transferred the land of Phillip Hoover from Maury County to Hickman County.
8. Private Acts of 1859-60, Chapter 210, transferred the lands belonging to A. S. Strong, William Scott, and A. J. Pugh, from Lewis County into Maury County and transferred Nathan Landen's residence and out houses from Maury County into Marshall County.
9. Private Acts of 1867-68, Chapter 20, transferred the lands of C. J. Dugger from Giles County to Maury County.
10. Public Acts of 1868-69, Chapter 31, repealed the act which created Lewis County and returned the land composing Lewis County to the Counties of Maury, Hickman, Lawrence, Wayne, and Perry.
11. Public Acts of 1869-70, Chapter 30, repealed Public Acts of 1868-69, Chapter 31, above, and re-established Lewis County.
12. Public Acts of 1870-71, Chapter 121, altered the boundary line between Maury and Marshall Counties to include in Maury County the lands of John B. Wilkes and John Coffey and directed that their property taxes for the year 1871 be paid to Maury County.
13. Public Acts of 1875, Chapter 120, provided that the boundary line between Maury and Marshall Counties would be changed to run with the Franklin and Lewisburg turnpike road from Hardinson's old storehouse to the south bank of Duck River.
14. Public Acts of 1881, Chapter 107, changed the boundary line between Maury County and Williamson County to include in Maury County the lands of M. C. Campbell and Campbell Brown.
15. Public Acts of 1883, Chapter 59, transferred the lands of R. C. Gordon, as described in the act, from Hickman County to Maury County.
16. Public Acts of 1887, Chapter 42, transferred the lands of George W. Hellums from Williamson County to Maury County.
17. Public Acts of 1887, Chapter 48, changed the boundary line between the Counties of Maury, Marshall, and Williamson by including in Williamson County the lands of J. S. Flemming, W. P. Flemming, and S. C. Smithson.
18. Public Acts of 1893, Chapter 7, moved a tract of land known as the Barr tract and owned by John Hildreth from Lewis County into Maury County.
19. Public Acts of 1893, Chapter 27, changed the lines between Maury and Williamson Counties to include in Williamson County the lands of Mrs. J. H. Wallace and J. T. Waddy in Williamson County.
20. Private Acts of 1897, Chapter 259, transferred the lands of Mrs. J. H. Wallace and G. W. Ware into Williamson County from Maury County.
21. Public Acts of 1899, Chapter 421, transferred the farms of Erwin Purdom, S. R. Purdom, and Mariah Hardison from Maury County to Marshall County.
22. Acts of 1903, Chapter 320, removed the farms of E. W. Fareman from Lawrence County to Maury County. This Act was specifically repealed by Acts of 1907, Chapter 484, Page 1639.
23. Acts of 1905, Chapter 205, transferred all the lands of J. A. Trimble and G. C. Hawkins from the Second Civil District of Williamson County into the Second Civil District of Maury County.
24. Acts of 1907, Chapter 484, repealed Acts of 1903, Chapter 320, above, which had transferred the land of E. C. Fareman from Lawrence County into Maury County.
25. Private Acts of 1911, Chapter 109, detached the land of T. M. Fox from the First Civil District of Maury County and attached it to the Second Civil District of Williamson County.
26. Private Acts of 1923, Chapter 452, changed the boundary line between Maury County and Williamson County to transfer the land of Mrs. Mary Ann Hawkins, widow of G. C. Hawkins, into the Second Civil District of Williamson County from the Second Civil District of Maury County.
27. Private Acts of 1923, Chapter 453, transferred the lands of D. H. Griggs from the Twenty-Fifth Civil District of Maury County to the Second Civil District of Williamson County.
28. Private Acts of 1929, Chapter 342, transferred the farm of Mora B. Fariss, containing 76.14 acres more or less, into the Tenth Civil District of Maury County from the Fifth Civil District of Lewis County.

29. Private Acts of 1935, Chapter 691, changed the boundaries between Maury and Williamson Counties to transfer the lands of G. C. Stanley and H. A. Stanley from the Second Civil District of Maury County to the Fourth Civil District of Williamson County.

## Chapter V - Court System

### Board of Jury Commissioner - Jurors

### Grand Jury Clerk

### Private Acts of 2004 Chapter 117

**COMPILER'S NOTE:** This Act may be superceded by Tennessee Code Annotated Section 22-2-101.

**SECTION 1.** (a) The legislative body of Maury County may by resolution authorize the foreman of the Grand Jury to appoint a part-time clerk of the Maury County Grand Jury to handle the administrative duties for such Grand Jury. The county legislative body is further authorized to compensate such clerk at a rate which is equal to the compensation paid to the guard of the Grand Jury.

(b) The clerk shall be appointed by and serve at the pleasure of the foreman of the Grand Jury. The duties of the clerk shall be established by the foreman and approved by the county legislative body. Provided, however, at no time shall the clerk be a part of nor be involved in the deliberations of the Grand Jury.

**SECTION 2.** Chapter 651 of the Private Acts of 1947, and any acts amendatory thereto, are repealed.

**SECTION 3.** All laws or parts of laws in conflict with this act are hereby repealed.

**SECTION 4.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury 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 5.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

Passed: May 6, 2004.

## General Sessions Court

### Private Acts of 1947 Chapter 254

**SECTION 1.** That there is hereby created and establish (sic) a Court in and for Maury County, Tennessee, which shall be designated "Court of General Sessions of Maury County, Tennessee". Said Court of General Sessions shall consist of two parts, one of which shall be known as "Court of General Sessions of Maury County, Tennessee, Part I", and the other shall be known as "Court of General Sessions of Maury County, Tennessee, Part II". General Sessions Court, Part I, shall sit at Columbia, Maury County, Tennessee, and General Sessions Court, Part II, shall sit at Mt. Pleasant, Maury County, Tennessee. A court room and adequate facilities for said Court shall be provided in the Courthouse at Columbia for General Sessions Court, Part I. A court room and adequate facilities for said Court shall be provided for at Mt. Pleasant, Maury County, Tennessee. It shall be the duty of the custodian of the courthouse at Columbia, Maury County, Tennessee, to provide a courtroom in said courthouse for General Sessions Court, Part I. It shall be the duty of the County Judge of Maury County, Tennessee, to make provisions for a courtroom in Mt. Pleasant, Tennessee, for General Sessions Court, Part II, and said County Judge is authorized to rent a courtroom at such place in Mt. Pleasant, Tennessee, which he deems suitable and pay out of the general funds of Maury County, Tennessee, such monthly rental therefor as he deems proper, but not to exceed Fifty (\$50.00) Dollars per month. It shall also be the duty of the County Judge to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of the General Sessions Court at Columbia and Mt. Pleasant, Tennessee, respectively, and the expense of same shall be paid out of the general funds of the County.

As amended by: Private Acts of 1949, Chapter 570

**SECTION 2.** That the Court of Geeral (sic) Sessions of Maury County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be co-extensive with Maury County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices

of the Peace of their jurisdiction until the qualification of the Judges for said Court of General Sessions as hereinafter provided. The authority of said Justices of the Peace in their capacities as members of the Quarterly Court or in the performance of the rites of matrimony is in no way affected by this Act. Provided, however, that the jurisdiction and powers of said Court shall extend to all claims and demands of whatsoever nature of \$1,000.00 or less in value.

As amended by: Private Acts of 1949, Chapter 570

**SECTION 3.** That before the commencement of any civil action, the plaintiff shall pay into the hands of the Clerk an amount sufficient to cover the fees fixed by law for the issuance of the warrant or writ, rendition of the judgement, docketing, and the fees of the officers for serving the process. Before the issuance of an execution, or other process, or the performance of any additional service in the case, the plaintiff, or the party seeking the same, shall pay to the Clerk the fees fixed by law for the issuance and service thereof. Such payment made for Court costs shall be credited at once to the party paying the same; and such costs paid as compensation for the service of the officers shall become payable to them only after the return of the process has been made. When and in the event such costs are collected from the defendant, the plaintiff, or the party to whom entitled, shall thereupon be refunded the same; provided, however, that any resident of the State may commence and prosecute an action without making the advance payments above provided for by taking and subscribing to the oath provided by Section 9080 of the 1932 Code of Tennessee.

**SECTION 4.** That said Court shall be in session daily, except legal holidays, and each Saturday from and after 8 o'clock p.m. until 12 o'clock midnight for the examination and hearing of persons charged with any criminal offense, the taking and fixing of bail for the appearance of the accused, or ordering their discharge or commitment to jail, as required by law. General Sessions Court, Part I, shall likewise be in session on the First, Third, and Fifth Sundays of each month from 9 o'clock A.M. until 11 o'clock A.M. and thereafter so long as the Court deems proper. General Sessions Court, Part II, shall likewise be in session on the Second and Fourth Sundays of each month from 9 o'clock A.M. until 11 o'clock A.M. and thereafter so long as the Court deems proper. On the Sundays on which the General Sessions Court is being held by the Judge of General Sessions Court, Part II, that Judge shall hold said Court in Columbia, Tennessee.

**SECTION 5.** That the laws now regulating pleading and practice, stay of judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judges of said Court.

Any party may appeal from an adverse decision to the Circuit Court of Maury County, within a period of ten (10) days in all civil cases and two (2) days in all criminal cases upon complying with the law as now provided for appeals from Justices of the Peace Courts. Any appeal shall be heard de novo in the Circuit Court. If no appeal is taken within the time herein provided, then execution may issue.

As amended by: Private Acts of 1949, Chapter 570

**SECTION 6.** That the Judges of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases. All process shall be returnable to a date not later than ten (10) days after the date of service of process in the case.

That cases shall be set in said Court for an hour certain, and the practice heretofore prevailing of allowing one hour for parties to appear in Courts of Justice of the Peace shall not apply in said Court of General Sessions.

As amended by: Private Acts of 1949, Chapter 570

**SECTION 7.** That the Court of General Sessions for Maury County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgement in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offense enters a plea of guilty or requests a trial upon the merits and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgement of such Court may be appealed to the Circuit Court of Maury County, where such appeal shall be tried by a Judge of such Court without a jury, unless the defendant demands a jury, and without indictment or presentment.

**SECTION 8.** That it shall be the mandatory duty of the Judges of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury, and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 7 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant, \_\_\_\_\_, pleads \_\_\_\_\_ not guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury and likewise waives trial by a jury of his peers.

**SECTION 9.** That no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Criminal Docket has been made by the Clerk, or the Judge, showing the names of the person or persons accused, the prosecutor, the officer to whom delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets, and other records of said Court of General Sessions shall be available to the District Attorney-General for any legal purpose.

**SECTION 10.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk or the Judge of said Court. This provision shall in no way abridge the authority of the Sheriff to take bonds as now provided by law.

**SECTION 11.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of officers for the execution of writs and process of said Court, and for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justice of the Peace. All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the officers for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

**SECTION 12.** That separate dockets shall be kept by the Clerk, under the direction of the Court, for civil and criminal cases.

Upon the Civil Docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court and officers for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgement and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner, and shall also contain the information provided for in Section 9 of this Act.

**SECTION 13.** That the first Judge (sic) of said Court shall be residents of Maury County, Tennessee, more than twenty-one years of age, learned in the law, and shall be elected by the qualified voters of Maury County at the general election for County officers to be held on the First Thursday of August, 1948, and the persons elected as Judges of said office at said election to be held on the First Thursday of August, 1948, (sic) shall hold office from the first day of September, 1948, until the first day of September, 1950, and until their successors are elected and qualified. Their successors shall be elected by the qualified voters of Maury County at the (sic) election for County officers on the first Thursday of August, 1950, and these successors shall hold their (sic) office from the first day of September, 1950, until their successors have been elected and qualified.

Any person seeking election as Judge of the General Sessions Court of Maury County, Tennessee, shall designate in his or her qualifying petition to the election official whether he or she is a candidate for Judge of Part I or Part II of said Court. That candidate receiving the majority of votes shall be declared the duly elected Judge of the General Sessions Court of Maury County, Tennessee, to which ever (sic) part of said Court that he or she has designated that they are a candidate for in the qualifying petition.

Their successors shall be elected every eight (8) years thereafter, it being the intent of the Legislature that the term of office commencing September 1, 1950, and thereafter shall be for a term of eight (8) years.

The oath of office shall be the same as that prescribed for Circuit Judges and Chancellors and shall be taken and filed in the same manner with the same officers as that prescribed for Circuit Judges and Chancellors.

Any person who is appointed to or elected to said office shall qualify within thirty (30) days after such person has been certified in the manner required by law as the person appointed or elected, and in the event of the failure of such person to so qualify, then the Governor of Tennessee shall appoint a person to fill the vacancy thereby created. In the event a vacancy in the office of Judge occurs that vacancy shall be filled by appointment by the Governor of Tennessee and the person so appointed and qualified shall serve until the next general election and until the successor of such Judge is elected and qualified. Provided however that when from any cause either of the Judges of said Court fails to attend, or if in attendance can not properly preside in a cause or causes pending in said Court, or is unable to hold Court, a special Judge shall be elected, preside, and adjudicate in accordance with the provisions contained in Section

9919, 9920, and 9921 of Williams Tennessee Code of 1934. Provided that in the event of a temporary disability on the part of a Judge of said Court, he is hereby authorized to appoint a member of the bar with the qualifications of a judge to hold the Court in his stead for a period not exceeding three days at any stated time, provided that not more than two such appointments each month shall be made.

As amended by: Private Acts of 1949, Chapter 570  
Private Acts of 1951, Chapter 98

**SECTION 14.** That the compensation of each of said Judges shall be \$3,600.00 for Judge of Part I and \$2,500.00 for Judge of Part II per annum, payable in equal monthly installments. It shall be paid out of the general funds of the County, and shall not be increased or diminished during the time for which said Judges are elected. Said Judges shall devote all their working time to the duties of their office, and if a lawyer, shall not engage in the practice of law during their tenure of office; provided, either may complete or finish any legal business undertaken before assuming the office.

The County Judge shall issue warrants drawn upon the Trustee for the payment of the salaries herein provided for. Provided the Judge of Part I of said Court from and after his election, qualification, and installation shall upon taking office on September first 1950, be paid an annual salary of \$4,200.00 in the same manner as hereinabove set forth. Provided that from and after the passage of this Act the Judge of Part II of said Court shall be prohibited from the practice of law in all Courts of Tennessee, and Maury County, including Federal Courts therein. Provided the Judge of Part II of said Court shall, upon taking office after his election, qualification, and installation on September first 1958, be paid the annual salary of Four Thousand Two Hundred (\$4,200.00) Dollars, in the same manner as herein above set out.

As amended by: Private Acts of 1949, Chapter 570  
Private Acts of 1951, Chapter 98  
Private Acts of 1955, Chapter 207  
Private Acts of 1957, Chapter 139

**COMPILER'S NOTE:** The salaries of the Judges of the General Sessions Court are set forth in T.C.A. 16-15-5003

**SECTION 15.** That the Clerk of the Circuit Court of Maury County, Tennessee, shall be the Clerk of the General Sessions Court of Maury County, Tennessee, Part I and Part II and the records, journals and dockets for Part I and Part II of said Court shall be kept and maintained separately by said Clerk. The Clerk of the General Sessions Court of Maury County, Tennessee, Part I, shall be allowed as compensation for serving as said Clerk the sum of \$1,800.00 per annum, payable in twelve (12) monthly installments out of the fees collected as herein provided for, and all fees in excess of said sum shall (sic) be paid to the Trustee of Maury County, Tennessee, as herein provided.

The Clerk of the General Sessions Court of Maury County, Tennessee, Part II shall be allowed as compensation for serving as Clerk of Part II of said Court the sum of \$1,200.00 per annum, payable in twelve monthly installments out of the fees collected by said Clerk of Part II of said Court as herein provided for, and all fees in excess of said sum shall be paid to the Trustee of Maury County as herein provided.

The Clerk of the Court of General Sessions of Maury County, Tennessee, Part II, shall be allowed as compensation for serving as clerk of Part II of said Court the sum of Two Thousand Three Hundred Dollars (\$2,300.00) per annum payable out of fees collected by the Clerk of said Part II of said Court as herein provided for, in twelve installments, and all fees in excess of said sum shall be paid over to the Trustee of Maury County, Tennessee as herein provided.

The Clerk of the General Sessions Court of Maury County, Tennessee, Part I, and the Clerk of the General Sessions Court of Maury County, Tennessee, Part II, shall each make a good and solvent bond in the sum of Five Thousand (\$5,000.00) Dollars for the faithful performance of their duties as such Clerk and for the payment as provided by law of all funds coming into their hands as such Clerk. These bonds shall be conditioned as is the bond of the County Court Clerk for the accounting of funds coming into his hand and shall be filed in the same manner and at the same place. No person shall enter upon the duties of office as such Clerk until he or she has qualified by taking the oath required of Circuit Court Clerks and by executing and filing of the bond herein required, and such bond shall not be considered sufficient until it is approved by the County Judge of Maury County, Tennessee.

As amended by: Private Acts of 1949, Chapter 345  
Private Acts of 1953, Chapter 137  
Private Acts of 1955, Chapter 207  
Private Acts of 1970, Chapter 328.

**SECTION 16.** That all the fees, commissions and emoluments accruing under the provisions of this Act to the Clerk of said Court of General Sessions, Part I and Part II in the nature of court costs, after the payment of the compensation to said Clerk as hereinbefore provided, shall be paid monthly to the County Trustee of Maury County, Tennessee, and shall be deposited by said Trustee in the general fund of said

County; and all fines collected shall be paid and accounted for as required by law. Payments shall be made to the Trustee not later than the 10th day of each month for the preceding month and the payment of fines collected shall be made as required by law. At the time of payment to the Trustee an itemized statement certified by the Clerk and Judge of the Court shall be furnished to the County Judge of Maury County, Tennessee, and this statement shall show the names of all persons from whom costs or fines were collected and the amount collected from each person.

As amended by: Private Acts of 1953, Chapter 137

Private Acts of 1970, Chapter 328

**SECTION 17.** That the Clerks of said Court shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law required shall be issued only by a judicial officer.

**SECTION 18.** That the Sheriff of said County or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as heretofore provided by law.

The Judge of Part I of said General Sessions Court is hereby authorized to appoint one person to preserve order and wait on and serve the said Court, who shall receive as compensation for his services a sum in such amount as may be determined from time to time by the Maury County Legislative Body. per annum payable in equal monthly installments on the 1st day of each month upon a warrant drawn upon the County Trustee of Maury County. The Clerk of Part I of said Court shall certify to the County Judge of Maury County the name of the person serving as the Court Officer of said Court. The County Judge shall issue warrants upon the Trustee for said salary provided for herein.

As amended by: Private Acts of 1949, Chapter 345

Private Acts of 1953, Chapter 137

Private Acts of 1973, Chapter 66

Private Acts of 1979, Chapter 53

Private Acts of 1981, Chapter 17

Private Acts of 1988, Chapter 163

**COMPILER'S NOTE:** Private Acts of 1988, Chapter 163 amends Section 18 of Chapter 254 of the Private Acts of 1947 by inserting "a sum in such amount as may be determined from time to time by the Maury County Legislative Body." without deleting or creating a sentence beginning with "per annum payable".

**SECTION 19.** That the Judge of General Sessions Court, Part I, and the Judge of General Sessions Court, Part II, may preside by interchange, and the Chancellor may also so preside.

**SECTION 20.** That this Act shall in no wise impair the right, title, or interest of any Justice of the Peace in Maury County to any unpaid fees, or funds in which he had right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 21.** That all the official dockets, records and papers in cases that are undisposed of or pending in the office of Justices of the Peace of said County at the time of the qualification and induction into office of the first Judge of the Court of General Sessions, Part I and Part II, shall be delivered to the Court of General Sessions, Part I and Part II. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to Maury County, as provided by law.

**SECTION 22.** That the Courts of General Sessions of Maury County, Tennessee, Part I and Part II, be and are hereby vested with full power to punish for contempt of their respective Courts in accordance with the provisions of Sections 10120 and 10121 of the Williams Annotated Code of 1932 of Tennessee.

**SECTION 23.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Maury County as if such cases had originated in said Court of General Sessions.

**SECTION 24.** Effective September 1, 1982, in Maury County the juvenile court, as "juvenile court" is defined and used in Tennessee Code Annotated, Title 37, Chapter 2, and elsewhere in the law, shall be the Court of General Sessions, Part I and Part II. All juvenile jurisdiction and related powers previously vested in the county judge or in any other local official by general or local act is hereby transferred to and shall be exercised by the Maury County Court of General Sessions, Part I and Part II. The judge presiding over Part I of such court is hereby designated as the administrative head of the court for all matters relating to juveniles. The judge presiding over Part I of such court shall be learned in the law as evidenced by a license to practice law in the state of Tennessee. The Circuit Court Clerk of Maury County shall be the clerk of the general sessions court for all matters relating to juveniles. Venue shall lie with the Maury County sessions court located nearest to the geographical location of the act which gives rise to jurisdiction in any particular case.

**SECTION 25.** Effective September 1, 1982, whenever such venue properly lies in a court presided over

by a judge who is not licensed to practice law in Tennessee such judge shall conduct a prehearing conference for the case if the child is alleged to have committed a "delinquent act" as defined in Tennessee Code Annotated, Section 37-202 (3), to determine whether a substantial likelihood exists that such case may result in a finding of delinquency and disposition pursuant to Tennessee Code Annotated, Section 37-231 (3) and (4). If such conference results in a determination that a substantial likelihood exists that such case would not result in a finding of such delinquency and disposition, the juvenile court judge may proceed to dispose of such case. However, if such conference does result in a determination that a substantial likelihood exists that such case may result in a finding of such delinquency and disposition, then the juvenile court jurisdiction under Tennessee Code Annotated, Title 37, for such case shall be vested in the court of general sessions wherein the judge of such court is licensed to practice law.

**SECTION 26.** Effective September 1, 1982, any fees, fines, or court costs that may be generated as a result of the general sessions court exercising its juvenile jurisdiction shall be returned to a juvenile court fund with any excess remaining in the fund at the end of a fiscal year to be returned to the Circuit Court Clerk of Maury County.

**SECTION 27.** That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such constitutional or invalid portions elided therefrom.

**SECTION 28.** That all laws and parts of laws in conflict with this Act which apply to Maury County, Tennessee, be and the same are hereby repealed.

**SECTION 29.** That this Act shall take effect from and after August 1st, 1948, the public welfare requiring it.

**COMPILER'S NOTE:** Sections 24, 25, and 26 of the act were added by Private Acts of 1982, Chapter 252, and Sections 27, 28, and 29 were renumbered in accordance with the provisions of that act.

Passed: February 19, 1947.

## Private Acts of 1953 Chapter 554

**COMPILER'S NOTE:** Private Acts of 1969, Chapter 151, amended Private Acts of 1953, Chapter 554, so that the words "Committing Judge" were changed to "Associate Judge" wherever they appeared.

**SECTION 1.** That there is hereby created and established the Office of Associate Judge for the Court of General Sessions of Maury County, Tennessee, Part I.

**SECTION 2.** That said Associate Judge shall have the same qualifications and be subject to the same limitations as to the practice of law now prescribed for the Judge of said Court of General Sessions, Part I.

**SECTION 3.** That said Associate Judge shall have the same power and authority and jurisdiction as the Judge of the Court of General Sessions of Maury County, Tennessee, Part I, except all appropriate administrative authority necessary for the functioning of the office, including but not limited to the administrative authority vested in the Judge of said Court prior to this amendment.

As amended by: Private Acts of 1969, Chapter 151

**SECTION 4.** [Repealed by Private Acts of 1969, Chapter 151]

**SECTION 5.** That the compensation of said Associate Judge shall be Four Thousand Two Hundred (\$4,200.00) Dollars per annum, payable in equal monthly installments and said compensation shall be paid out of the general funds of Maury County. The County Judge shall issue warrants drawn upon the Trustee for the payment of the salary herein provided for. Provided that the Associate Judge of said Court from and after his election, qualification, and installation; shall upon taking office September 1, 1958 be paid an annual salary of Four Thousand Eight Hundred Dollars (\$4800.00) in the same manner as herein above set forth.

**SECTION 6.** That said Associate Judge shall take the same oath of office as prescribed for said General Sessions Judge.

**SECTION 7.** That the Governor of Tennessee shall appoint the first Associate Judge provided for in this Act, who shall serve until the first day of September 1954, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of Maury County at the election for other officers of

Maury County, Tennessee, on the First Thursday of August 1954, and shall hold said office from the first day of September, 1954 until the first day of September, 1958, or until his successor is qualified.

His successor shall be elected every eight years at such election for the term provided by law for Judges of Inferior Courts.

In the event of a vacancy in the office of said Associate Judge, that vacancy shall be filled by appointment by the Governor of Tennessee and the person so appointed and qualified shall serve until the next general election and until the successor of said Associate Judge is elected and qualified.

**SECTION 8.** That this legislature expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 9.** That all laws in conflict with this Act which apply to Maury County, Tennessee, be and the same are hereby repealed.

**SECTION 10.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 8, 1953.

## Court System - Historical Notes

### **Board of Jury Commissioner - Jurors**

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

1. Acts of 1817, Chapter 128, permitted several counties, including Maury, to levy a tax through their respective county courts in order to pay jurors who attended the county and circuit courts.
2. Private Acts of 1819, Chapter 62, empowered the County Courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury Counties to appoint thirty-seven jurors to serve the county and circuit courts of their respective counties.
3. Private Acts of 1913 (1st Ex. Sess.), Chapter 45, was a comprehensive act that established a Board of Jury Commissioners for Maury County and set forth rules and procedures for the operation of the Board. The Circuit Court Clerk was to act as Clerk of the Board. The Board was to have three members elected by the Quarterly County Court for terms of three years. The Board would choose between 750 and 1,500 names of upright, intelligent men, known for their integrity, fair character, and sound judgment and would place those names on a jury list. The Clerk was to write each name on a slip of paper and place the slips in a jury box. Both the list and the box were to be maintained in secrecy. Each jury panel was to be selected by the Board arranging, prior to court session, for a child under ten years of age to draw names from the jury box. It was a misdemeanor for any person to solicit his name or another's name to be placed on the jury list. It was a misdemeanor for any sheriff, deputy, Board Clerk, or Board member to reveal the secrets of the Board or the names on the list. It was to be a contempt of court for anyone to tamper with the jury box. Commissioners were to receive \$3 per day while actually engaged in making lists or drawing jury panels. The Clerk would receive 1 1/2 cents per name written upon the list or slips of paper placed in the jury box.
4. Private Acts of 1915, Chapter 87, provided that every regular juror in Maury County would receive \$2 daily for attendance in court and that tales jurors would get the same amount for each day actually served as a juror.
5. Private Acts of 1935, Chapter 211, amended Private Acts of 1913 (1st Ex. Sess.), Chapter 45 to delete unclear language concerning disqualification of a juror if he had served as a juror within two years prior to his selection.
6. Private Acts of 1947, Chapter 651, fixed the compensation of the Grand Jury Foreman and Grand Jury Minute Clerk at \$6 per day each. All other jurors of both grand and petit juries were to be paid \$4 per day. The compensation was to be paid from the general funds of the County.
7. Private Acts of 1957, Chapter 55, amended Section 19 of Private Acts of 1913 (1st Ex. Sess.), Chapter 45 by increasing the Commissioners' daily compensation from \$3 to \$5.
8. Private Acts of 1959, Chapter 165, provided that the rate of pay of both grand and petit jurors in Maury County would be \$6 per day.



## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Maury 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. Public Acts of 1822, Chapter 13, stated that the Chancery Courts of Tennessee would be held by one of the Justices of the Supreme Court at the present places of holding the Supreme Court at least once each year. The Equity Courts would be held at Rogersville on the first Monday in November, at Knoxville on the third Monday of November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January and at Columbia on the second Monday in January, each term to continue for two weeks, six weeks in Nashville, unless the docket was completed sooner.
2. Public Acts of 1824, Chapter 14, Section 8, required the Judges of the Supreme Court to make arrangements among themselves to hold the Chancery Court of the State at least twice a year. Maury County was served by the Court sitting in Columbia on the first Monday of March and September. Courts were also to be held at Greenville, Rogersville, Kingston, Franklin, McMinnville, Charlotte, Jackson, and Carthage.
3. Public Acts of 1827, Chapter 79, repealed all laws giving the Judges of the Supreme Court of Errors and Appeals jurisdiction to hear original chancery cases. It divided the state into two Chancery Divisions, the Eastern and the Western. Maury County was in the Western Division and continued to be served by the Court sitting in Columbia. One chancellor was to be appointed by the General Assembly for each division, to be compensated by a salary of \$1,500 per year.
4. Public Acts of 1827, Chapter 88, declared that the Chancellors for each Chancery Division were state judges and could interchange with one another from court to court as necessary on account of constitutional disability, or as necessary for their own convenience.
5. Public Acts of 1829, Chapter 103, allowed the two Chancellors of the State to adopt a set of rules to regulate practice in the Chancery Courts.
6. Public Acts of 1835-36, Chapter 4, created an additional Chancery Division to be the Middle Division and subdivided each of the three divisions into numerous districts. Maury County composed the entire Eleventh District of the new Middle Division. The court for the district was to be held in Columbia on the third Monday of March and September. The new Chancellor was to be appointed by the General Assembly for eight-year terms. The Chancellors were granted the authority to interchange among the several Chancery Courts of the State as necessary, to adopt a set of rules for practice in the courts which were to be revised every four years, and to appoint their respective Clerks and Masters for six year terms.
7. Acts of 1837-38, Chapter 116, changed the court terms for several Chancery Courts in the Eastern and Middle Division of the State but made no change in Maury County.
8. Acts of 1853-54, Chapter 55, set the time for holding the Chancery Court in Maury County as the third Monday in March and September.
9. Public Acts of 1857-58, Chapter 88, prescribed a schedule for the times and places of holding Chancery Courts across the State in all six Chancery Divisions. The time of meeting of the Chancery Court in Maury County remained the same, the third Monday of March and September. The Chancery Court in Columbia, a part of the Middle Division, served both Maury and Lewis Counties.
10. Public Acts of 1867-68, Chapter 64, set the time for holding Chancery Court in Columbia as the fourth Monday in March and September.
11. Public Acts of 1869-70 (2nd Sess.), Chapter 32, reorganized the state Chancery Courts into twelve districts each consisting of certain named counties. The Counties of Williamson, Maury, Marshall, and Giles, comprised the Eighth District.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 47, fixed the times for holding Chancery Court in the various divisions, setting the time in Maury County as the first Monday in June and the fourth Monday in November.
13. Public Acts of 1873, Chapter 92, changed the times for holding Chancery Court in Maury County to the second Monday in June and the second Monday in December.
14. Public Acts of 1875, Chapter 12, altered the beginning dates for the terms of Chancery Court in Maury County to the first Monday of April and October.

15. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower court system in the State. Eleven chancery divisions were formed. The Counties of Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, and Benton comprised the Seventh Chancery Division. In Maury County, court was to be held on the first Monday in April and in October. Chancellors were to be elected. This act, and nearly every other organizational and jurisdictional act, were part of the litigation in the case of Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
16. Public Acts of 1887, Chapter 5, changed some of the court terms in the Seventh Chancery Division but did not affect Maury County.
17. Public Acts of 1899, Chapter 427, organized the State into ten Chancery Divisions. Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Giles, Lewis, Wayne, and Maury Counties composed the Fifth Division. Court for Maury County would be held in Columbia on the third Monday in June and the first Monday in November.
18. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, reorganized the entire judicial structure of the state by dividing it into fourteen Chancery Divisions. The Fifth Chancery Division was made up of Rutherford, Marshall, Bedford, Moore, Lincoln, Giles, Lawrence, and Maury Counties. Chancery Court would be held in Columbia on the third Monday in April and October.
19. Private Acts of 1935, Chapter 499, gave the County Court of Maury County concurrent jurisdiction with the Chancery Courts of the State in all cases instituted for the sale or disposition of property of infants, lunatics, or other persons under disability.

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

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

1. Private Acts of 1933, Chapter 494, fixed the maximum compensation of the Maury County Clerk and Master at \$2,500 per year.
2. Private Acts of 1943, Chapter 433, permitted the Clerk and Master of Maury County to appoint a deputy for one year at a time who would execute and file a bond of \$1,000 and receive a salary of \$900 yearly, payable at \$75 per month.
3. Private Acts of 1945, Chapter 324, amended the Private Acts of 1943, Chapter 433 by increasing the salary of the Deputy Clerk and Master to \$1,200 a year.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Maury County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1817, Chapter 65, created a new Sixth Judicial Circuit composed of Lincoln, Giles, Bedford, Lawrence, and Maury Counties, the Judge of which would be appointed by the Legislature as soon as practical.
2. Acts of 1817, Chapter 138, provided that the Circuit Court terms in Maury County in the Sixth Judicial Circuit would begin on the third Monday in June and December.
3. Private Acts of 1821, Chapter 195, authorized the Judge of the Sixth Judicial Circuit to notify a Judge of another adjoining Circuit to attend and hold the Circuit Court for Maury County and in turn this Judge, whoever it might be, could require the Sixth Circuit Judge to sit for him to repay the time he spent in Maury County.
4. Public Acts of 1829, Chapter 25, Section 2, provided that the Circuit Court for Maury County would be held on the third Monday in April and October.
5. Public Acts of 1835-36, Chapter 5, was enacted after the adoption of the 1835 Constitution and established the Circuit Courts of Tennessee in eleven Judicial Circuits. Courts would meet for three terms a year instead of two. The Eighth Judicial Circuit was composed of the Counties of Lincoln, Giles, Maury, and Lawrence. The Circuit Court in Maury County would convene on the first Monday in January and May and the fourth Monday in August.
6. Acts of 1837-38, Chapter 116, placed Maury County in the Eighth Judicial Circuit and set the time for beginning Circuit Court terms as the first Monday in January and May and the fourth Monday in August.
7. Acts of 1845-46, Chapter 39, set the times for beginning Circuit Court terms in the Eighth Judicial Circuit, then composed of Lewis, Hickman, Giles, Marshall, and Maury. The time for commencing Circuit Court in Maury County was unchanged.
8. Public Acts of 1857-58, Chapter 98, completely reorganized the system of Circuit Courts in the

State into sixteen Judicial Circuits. The Eleventh Judicial Circuit was composed of Marshall, Giles, Lewis, and Maury Counties. Circuit Court terms in Maury County remained unchanged.

9. Public Acts of 1869-70 (2nd Sess.), Chapter 31, reorganized all the Circuit Courts of the State into fifteen Judicial Circuits and one Special Circuit. Williamson, Marshall, Giles, Lawrence, and Maury were in the Ninth Circuit.
10. Public Acts of 1869-70 (2nd Sess.), Chapter 46, fixed the starting dates for the Circuit Court terms in Maury County as the first Monday in January, May, and September.
11. Public Acts of 1879, Chapter 147, directed that Jno. V. Wright, of Maury County, be compensated in the amount of \$1,400 for his services as Circuit Court Judge in the Ninth Judicial Circuit performed while Judge W. P. Martin was disabled because of illness.
12. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system of the State. Fourteen regular and one special Judicial Circuit were established. Maury, Giles, Lawrence, Hickman, Wayne, Hardin, and Lewis, comprised the Ninth Circuit Court. Terms in Maury County were set to begin on the first Monday in January, May, and September.
13. Public Acts of 1887, Chapter 54, set the times and places for holding Circuit Court in the Ninth Judicial Circuit. Circuit Court for Maury County was to be held in Columbia on the first Monday in January, May, and September.
14. Public Acts of 1893, Chapter 10, changed the times for holding the Circuit Courts in the Ninth Judicial Circuit. Court in Maury County would begin the second Monday in January, May, and September, instead of the first Monday.
15. Private Acts of 1897, Chapter 322, changed the times of commencing Maury County's Circuit Court terms to the second Monday in February and November and the third Monday in May.
16. Public Acts of 1899, Chapter 427, reorganized the Circuit Courts into fourteen Judicial Circuits. The Eleventh Court was composed of Giles, Lawrence, Wayne, Lewis, Perry, Hickman, and Maury Counties. Circuit Court in Maury County would be held at Columbia on the second Monday in January, May, and September.
17. Acts of 1901, Chapter 382, changed the times for holding Circuit Court in Maury County to the third Monday in February, the fourth Monday in May, and the second Monday in November.
18. Acts of 1903, Chapter 18, fixed the Circuit Court terms in the Eleventh Judicial Circuit but did not change the dates for Maury County.
19. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower court system of Tennessee. Twenty Judicial Circuits were established. Maury County was in the Eleventh Circuit and terms were set to begin on the third Monday in February, the fourth Monday in May and the second Monday in November.
20. Public Acts of 1968, Chapter 561, created the office of an additional circuit judge in the Eleventh Judicial Circuit.
21. Public Acts of 1974, Chapter 711, created the office of an additional circuit judge in the Eleventh Judicial Circuit and set forth a procedure for determining who would hold the position of presiding judge if no judge was senior.

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

The following acts have no current effect, but once applied to the Maury County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1843-44, Chapter 89, required the Circuit Court Clerk of Maury County and other listed counties to examine the books of the Entry Takers of the respective counties and report to the state comptroller on the first Monday in September, annually. The act amended Acts of 1841-42, Chapter 34, which was the general law accepting the agency conferred upon Tennessee by Congress to administer the opening up and entry upon the land of west Tennessee. The Entry takers were to receive the monies for the land and keep the related records and the circuit court clerks were to oversee and examine the records.
2. Private Acts of 1921, Chapter 448, allowed the Circuit Court Clerk of Maury County a salary of \$2,000 per year provided the Clerk filed a report with the County Judge showing the total amount of fees collected by his office for the year. If the fees totaled less than the salary, the County would supply the difference; if more than the salary, the clerk could retain the excess amount.
3. Private Acts of 1933, Chapter 504, set the maximum compensation for the Maury County Circuit Court Clerk at \$2,000 annually.

4. Private Acts of 1941, Chapter 82, proposed that the Circuit Court Clerk of the counties within stated population figures receive \$50 per month for clerical assistance but the population figures cited do not include any county. Maury County apparently was the intended County of reference.
5. Private Acts of 1945, Chapter 44, gave the Circuit Court Clerk authority to appoint a deputy clerk for one year at a time who would execute a bond for \$1,000 and be paid a salary of \$1,200 yearly in monthly installments.

### **Criminal Court**

The following acts once pertained to the Maury County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1871, Chapter 73, created a Criminal Court in Maury County and empowered it with the exclusive jurisdiction within the County then held by the Circuit Court for the trial and presentment of crimes and offenses against the State. The Clerk of the Circuit Court was to be the Clerk for the Criminal Court as well. The judge was to be elected and the Court terms were to be held on the first Monday in March, July, and November.
2. Public Acts of 1877, Chapter 143, repealed Public Acts of 1871, Chapter 73 and returned criminal case jurisdiction to the Circuit Court.
3. Public Acts of 1883, Chapter 235, permitted the Judge of the Circuit Court in Maury County to select the time for taking up the criminal docket and repealed the part of Public Acts of 1877, Chapter 143, which set a specific time for the Court to hear criminal matters.
4. Public Acts of 1899, Chapter 376, created a Criminal Court for Maury County with jurisdiction to try all misdemeanors and offenses against the State up to and including petit larceny, to the exclusion of the Circuit Court in the County. The Judge for the Criminal Court would be the County Judge and the prosecutor would be the County Attorney. The Criminal Court would hold twelve sessions per year beginning on the first Wednesday of each month.
5. Acts of 1903, Chapter 381, amended Public Acts of 1899, Chapter 376 to make the Circuit Court the appellate Court for the Criminal Court created by that act instead of the Supreme Court.
6. Acts of 1907, Chapter 229, amended Public Acts of 1899, Chapter 376, Section 2 by exempting violations of liquor and revenue laws from the jurisdiction of the Court.
7. Private Acts of 1911, Chapter 260, repealed Acts of 1907, Chapter 229.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, set the day for the term of the Maury County Criminal Court to begin on the first Wednesday in each month.
9. Private Acts of 1972, Chapter 303, abolished the Criminal Court of Maury County by repealing Public Acts of 1899, Chapter 376 and all its amendatory acts.

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

The following act once affecting Maury County is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1977, Chapter 368, authorized the District Attorney General of the Eleventh Judicial Circuit to appoint an additional full-time Assistant District Attorney.

### **General Sessions Court**

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

1. Private Acts of 1951, Chapter 86, created the office of Committing Judge for the Court of General Sessions, Part I. The Judge would perform the duties assigned him by the Judge of General Sessions, Part I. He would have concurrent jurisdiction with such judge to, among other things, issue arrest warrants, fix and approve bonds, commit persons to jail, and arraign defendants. He could adjudicate cases when designated a Special Judge. The Judge was to receive compensation of \$3,600 per year and would be elected for eight-year terms.
2. Private Acts of 1951, Chapter 708, amended Private Acts of 1951, Chapter 86, by broadening the powers and responsibilities of the said Committing Judge by allowing him to enter judgments by default and approve consent agreements. In criminal cases, the Judge was allowed to enter guilty pleas and fix penalties.
3. Private Acts of 1953, Chapter 553, repealed Private Acts of 1951, Chapter 86, as amended.
4. Private Acts of 1955, Chapter 209, amended Private Acts of 1953, Chapter 554 by increasing the annual compensation of the Committing Judge to \$4,800. The act did not receive local approval

and did not become effective.

5. Private Acts of 1955, Chapter 210, amended Private Acts of 1947, Chapter 254 by increasing the annual compensation of the Judge of General Session Court, Part I, to \$6,300 but the act did not receive local approval and did not become effective.
6. Private Acts of 1957, Chapter 139, in addition to increasing the salary of the Judge of General Sessions, Part II, prohibited the Judge of General Sessions, Part II, if a lawyer, from engaging in the practice of law during his tenure.
7. Private Acts of 1963, Chapter 259, intended to amend the law by giving the Committing Judge the same powers, authority, and jurisdiction as the Judge of General Sessions Court, Part I, but the act misdated the chapter number of the act it intended to amend. The act did not receive local approval and did not become effective.

## Chapter VI - Education/Schools

### Board of Education

### Private Acts of 2012 Chapter 46

**SECTION 1.** Chapter 44 of the Private Acts of 1973 is repealed.

**SECTION 2.** The county board of education of Maury County shall be composed of eleven (11) members elected from school districts of substantially equal population that are coextensive with the eleven (11) county commission districts. As required under Tennessee Code Annotated, Section 49-2-201, each school board member shall serve a four-year term and the terms of the members of the county board of education shall be staggered.

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

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

Passed: March 29, 2012.

## Education/Schools - Historical Notes

### **Board of Education**

The acts referenced below once affected the board of education in Maury County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1973, Chapter 44, which created a ten (10) member board of education, was repealed by Private Acts of 2012, Chapter 46.

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

The acts referenced below once affected the office of superintendent of education in Maury County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1933, Chapter 634, provided that the County Superintendent of Public Instruction would not be entitled to receive more than \$2,000 per year as compensation for his services during any one year of his term to be in lieu of all other fees, commissions, or salaries.
2. Private Acts of 1937, Chapter 544, amended Private Acts of 1933, Chapter 634 by increasing the maximum compensation for the County Superintendent of Education to \$2,400 annually.
3. Private Acts of 1943, Chapter 203, fixed the compensation of the County Superintendent of Education at \$2,800 per year, which amount would include all the money paid to him by the state and county, and would be in lieu of all other fees and commissions.
4. Private Acts of 1947, Chapter 316, repealed Private Acts of 1943, Chapter 203.

### **General Reference**

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

1. Private Acts of 1827, Chapter 31, appointed Isaac S. Thomas, John Matthews, Hinson Grove, Patrick Maguire, James Walker, and Peter R. Booker, as managers of a lottery to raise \$5,000 for the Woodward and Little Bigby Academies, one-half of the amount to go to each academy. The managers were required to execute a \$10,000 bond to the Chairman of the County Court of Maury County.
2. Private Acts of 1833, Chapter 47, authorized the Commissioners of the tract of school land in Maury County to divide the township in which the tract lay into four equal school districts. The Commissioners were to pay the money received on account of rents received by them to the school districts in proportion to the number of school children in each district.
3. Acts of 1837-38, Chapter 49, incorporated the Trustees of the Mount Pleasant Academy investing them with all the right, powers, and privileges usually enjoyed and exercised by an incorporated academy.
4. Acts of 1837-38, Chapter 99, incorporated the Trustees of the Union Seminary, namely, Robert Hardin, Robert Campbell, James C. Mitchell, Solomon Bunch, Phillip H. Jenkins, Absalom Thompson, William L. Wellford, John Brown, James W. Brown, William McKisac, Henry Pointer, John Kenedy, and St. Clair Caldwell.
5. Acts of 1841-42, Chapter 25, amended the corporate charter of the Spring Hill Female Academy to increase the number of trustees from five to thirteen. The subscribers of the Academy were to elect the trustees for two year terms. Vacancies would be filled by the Board of Trustees until the following election.
6. Acts of 1847-48, Chapter 32, directed the County Trustee of Maury County to make a pro rata distribution of all school monies then in his hands to the school districts according to scholastic population.
7. Acts of 1847-48, Chapter 154, incorporated Jonathan S. Hunt, Nathaniel H. T. Moore, Green W. Kerr, Martin M. Lane, and William J. Howard as the Trustees of the Pleasant Grove Female Academy.
8. Acts of 1855-56, Chapter 139, appointed James H. Thomas, Samuel D. Frierson, Leonard D. Mayes, George Gault, A. M. Hughes, M. S. Frierson, and W. J. Sykes, as Commissioners for Polk Law School of Maury County. They were empowered to receive subscriptions and donations to fund the organization of the School. The act incorporated those subscribers as a body politic.
9. Private Acts of 1865-66, Chapter 105, amended the act incorporating the Pleasant Grove Male Academy by increasing the number of Trustees from five to seven and prohibited the sale of intoxicating liquors within two and one-half mile at the Institution.
10. Public Acts of 1895, Chapter 155, prohibited the County Superintendent of Public Instruction in all the counties of the state from teaching in any public school, either as principal or assistant, during their official terms, and from making any contract for building or repairing public school property.
11. Acts of 1901, Chapter 290, created a special school district from the Twelfth School District of Marshall County and portions of Maury County. The act named the families in Maury County whose land would be a part of this district. The school directors would be elected, and would furnish the scholastic population figures to the respective Boards of Education. Anyone holding a certificate to teach from either county could teach in this District.
12. Acts of 1903, Chapter 173, repealed Acts of 1901, Chapter 290, above.
13. Acts of 1903, Chapter 254, created a County Board of Education for every county in the State. One member of each Board would represent each civil district in the particular county. The County Judge or Chairman would be a member and the County Superintendent of schools would be an ex officio member.
14. Acts of 1907, Chapter 236, abolished the office of District Directors of Education, and created Boards of Education with District Advisory Boards in all counties except those expressly exempted. Each county would be divided into five school districts, composed of whole civil districts, and one member of the Board of Education would come from each district. The County Superintendent would be the Secretary of the Board. The act described the qualifications of the members, prescribed the duties of the chairman, the Secretary, and the County Superintendent, and set forth the authority and powers of the Board. The act did not apply to city schools.

15. Private Acts of 1917, Chapter 238, set forth the subject matter to be taught in the elementary schools of Maury County and the criteria to be used in establishing one-teacher and two-teacher schools. The act divided high schools into three classifications depending on how many years of instruction were taught in the school. A high school diploma would entitle the holder to enter the State University or the junior year of any State Normal School.
16. Private Acts of 1917, Chapter 579, authorized W. S. Evins, E. J. Park, and J. I. Finney, members of the Advisory School Board of Culleoka, Tennessee, and Merritt B. Tomlinson, surviving member of the Board of Trustees of the Pleasant Grove Academy near Culleoka, to sell the property of the Pleasant Grove Academy, after advertising the time and place of sale, to execute a deed to the purchaser, and to deposit the proceeds with the Maury County Trustee to the credit of the Culleoka School fund. The money would be used for no other purpose than to erect a public school building at Culleoka.
17. Private Acts of 1921, Chapter 562, directed the Trustee of Maury County to pay over to the Secretary and Chairman of the County Board of Education the funds derived from the sale of the Pleasant Grove Academy in the Fifth District of Maury County. The Board of Education was directed to use said funds in the construction of a school house at Culleoka.
18. Private Acts 1933, Chapter 731, provided that the Public School Truant or Attendance Officer would be elected by the County Board of Education which would fix his salary at a sum not in excess of \$600 per year.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

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

1. Acts of 1903, Chapter 363, divided Maury County into nine Civil Districts instead of twenty-five then existing. The new districts were to be composed of one or more old districts. The polling places would remain the same throughout the county. The change of civil districts would have no effect on the school or road districts.
2. Acts of 1905, Chapter 381, amended the Acts of 1903, Chapter 363 by adding a tenth civil district to the nine created in 1903. The Tenth Civil District would be composed of all the territory embraced in old Civil Districts two, fifteen, and sixteen, as they existed prior to passage of the 1903 act.
3. Private Acts of 1925, Chapter 564, changed the line between the fourth and ninth Civil Districts of Maury County so as to include in the Ninth Civil District the lands of B. F. Dobbins, Caesar Kilcrease, Thomas Lockridge, Richard Lockridge, J. J. Underwood and C. C. Robinette, all of which are then in the fourth Civil District.

#### **Elections**

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

1. Acts of 1807, Chapter 74, established five Districts for the Electors of the President and the Vice President of the United States. Maury County was in the Fifth District.
2. Acts of 1812, Chapter 5, increased the number of Presidential Electoral Districts in the State from five to eight. The Seventh District was made up of the Counties of Williamson, Maury, Giles, and Lincoln, which would elect one Elector together. Votes would be counted and recorded at Columbia in Maury County. Electors would receive a mileage allowance of 25 cents per mile and compensation of \$2.50 per working day.
3. Acts of 1812, Chapter 27, established six U. S. Congressional Districts in Tennessee, doubling Tennessee's representation in Washington. The sixth Congressional District was composed of the Counties of Robertson, Montgomery, Dickson, Humphreys, Hickman, Stewart, Maury, and Giles.
4. Acts of 1812, Chapter 57, increased the membership of the General Assembly of Tennessee to twenty Senators and forty Representatives. Maury County would elect one Senator and one Representative.
5. Acts of 1813, Chapter 54, directed the Sheriff of Maury County to hold an election to select five

commissioners for the Town of Columbia. The Commissioners were empowered to levy a tax to be used for roads, and other improvements.

6. Acts of 1813, Chapter 67, directed the Sheriff of Maury County to hold an election at the house of Andrew Kennedy on Cathey's Creek for the purpose of electing a Governor, members of the State legislature, the President and Vice President of the United States, and members of Congress. The returns were to be made on the day following the election at Columbia.
7. Acts of 1815, Chapter 31, organized Tennessee into eight U. S. Electoral Districts for the Election of the President of the United States.
8. Public Acts of 1819, Chapter 69, divided the State into twenty Senatorial and forty Representative Districts. Maury County would elect one Senator and one Representative alone.
9. Public Acts of 1822, Chapter 1, established eight U. S. Congressional Districts in the State. Bedford County, Lincoln County, Giles County, and Maury County composed the Sixth District.
10. Public Acts of 1823, Chapter 47, formed eleven Presidential Electoral Districts in Tennessee, assigning the Counties of Maury and Bedford to the Eighth Electoral District.
11. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly to twenty Senators and forty Representatives. Maury County would elect one Senator and one Representative.
12. Public Acts of 1827, Chapter 17, established eleven Presidential Electoral Districts and placed Maury, Bedford, and Hickman Counties in the Ninth District.
13. Public Acts of 1832, Chapter 4, divided Tennessee into thirteen U. S. Congressional Districts. Bedford and Maury Counties composed the Ninth District.
14. Public Acts of 1832, Chapter 9, set up fifteen Electoral Districts for the election of President and Vice President. Maury, Hickman, Perry, and Wayne Counties were in the Twelfth U. S. Congressional District.
15. Public Acts of 1833, Chapter 71, provided that Maury County would constitute one of the twenty State Senatorial Districts and that the County would elect one of forty Representatives.
16. Public Acts of 1833, Chapter 76, stated that a Constitutional Convention of sixty members would be called whose delegates would be elected on the first Thursday and Friday in March, and that those selected would meet in Nashville on the third Monday in May to revise, amend, and alter the current State Constitution, or form a new one. Maury County would compose a single District and elect two delegates.
17. Public Acts of 1835-36, Chapter 39, enacted subsequent to the adoption of the 1835 Constitution, formed fifteen Presidential Electoral Districts in Tennessee. Maury, Hickman, Perry, and Wayne Counties formed the Twelfth District.
18. Acts of 1839-40, Chapter 79, shifted the responsibility for selecting Electors for the President and Vice President to the General Assembly who would pick one Elector from each of the Congressional Districts in Tennessee.
19. Acts of 1842 (2nd Sess.), Chapter 1, divided the State into twenty-five Senatorial Districts and fifty Representative Districts for the General Assembly. The Counties of Maury and Giles comprised one of the Senatorial Districts and Maury County, alone, would elect two Representatives.
20. Acts of 1842, (2nd Sess.), Chapter 7, established eleven U. S. Congressional Districts in the State, and assigned Hickman, Giles, Lawrence, Wayne, and Hardin Counties to the Sixth Congressional District.
21. Acts of 1851-52, Chapter 196, formed ten U. S. Congressional Districts in the State. The Sixth District contained the Counties of Franklin, Bedford, Marshall, Lincoln, and Maury.
22. Acts of 1851-52, Chapter 197, apportioned the State for representation in the General Assembly. Maury County would elect one Representative. Maury, Hickman, Lewis, and Dickson Counties constituted one Senatorial District. The polls in that district would be counted and recorded at Centerville.
23. Public Acts of 1865, Chapter 34, set up eight U. S. Congressional Districts in Tennessee. The Sixth District contained the Counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery and Stewart.
24. Public Acts of 1869-70, Chapter 105, authorized a referendum to be held on the proposed calling of a Constitutional Convention which would amend, revise, or form a new Constitution for the State. The ballots would be simply a "For" or "Against" proposition. There would be seventy-five



delegates to the convention and each county would have the same number of delegates as it had Senators and Representatives in the General Assembly. The delegates elected would convene in Nashville on the second Monday in January, 1870.

25. Public Acts of 1871, Chapter 146, apportioned the representation in the Tennessee General Assembly based on the 1870 Census. Maury County would elect one Representative alone, and be a part of the Fourteenth State Senatorial District with Williamson County. In addition, Williamson and Maury Counties would elect jointly one Representative.
26. Acts of 1872 (Ex. Sess.), Chapter 7, divided Tennessee into nine U. S. Congressional Districts, based on the 1870 Census. The Sixth District was made up of the Counties of Maury, Williamson, Giles, Lawrence, Wayne, Lewis, Hickman, and Dickson.
27. Public Acts of 1873, Chapter 27, increased the number of U. S. Congressional Districts in Tennessee from nine to ten and reassigned counties accordingly. The Seventh U. S. Congressional District included the Counties of Maury, Williamson, Giles, Lawrence, Wayne, Lewis, Hickman, and Dickson.
28. Public Acts of 1881, (Ex. Sess.), Chapter 5, established the number of State Senators at thirty-three and the number of Representatives at ninety-nine.
29. Public Acts of 1881, (Ex. Sess.), Chapter 6, apportioned the State Senatorial and Representative Districts. Maury County elected two Representatives alone and another with Williamson County. The Counties of Maury and Lewis composed the Eighteenth Senatorial District.
30. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Seventh Congressional District was made up of the Counties of Williamson, Maury, Giles, Lawrence, Wayne, Lewis, Hickman, and Dickson.
31. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the state according to the 1890 Census. Maury County would have two Representatives alone and share a Representative with Giles, Lewis, and Williamson Counties. The Nineteenth State Senatorial District contained the Counties of Maury, Perry, and Lewis.
32. Public Acts of 1897, Chapter 17, amended Public Acts of 1890, Chapter 24, so that it would be applicable to counties of 50,000 population and over and cities of 2,000 population and over. The 1890 act was an election reform act which set standards and guidelines for the conduct of elections in counties of 70,000 and over and cities of 9,000 and over.
33. Acts of 1901, Chapter 109, formed ten U. S. Congressional Districts in the State. The Seventh District included the Counties of Houston, Humphreys, Hickman, Williamson, Lewis, Maury, Giles, Lawrence, and Wayne.
34. Acts of 1901, Chapter 122, was the last reapportionment of the General Assembly for more than sixty years. The Twentieth Senatorial District included the Counties of Maury, Perry, and Lewis. Maury County was to elect two Representatives.
35. Acts of 1905, Chapter 387, amended Public Acts of 1897, Chapter 17, above, by making the 1890 Election Law applicable to Maury County.
36. Private Acts of 1917, Chapter 65, amended Public Acts of 1897, Chapter 17, above, by providing that in Maury County no registration of voters living outside of Civil Districts containing incorporated towns or cities would be had, nor would registration for such persons be a prerequisite to their voting.
37. Private Acts of 1925, Chapter 472, amended Acts of 1901, Chapter 122, above, by inserting the names of Maury and Lawrence Counties onto the list of counties to elect one representative to the General Assembly, and to include Giles, Maury, Lewis, and Wayne in the Seventeenth Floterial District.
38. Private Acts of 1945, Chapter 198, provided that all election officials holding elections in Maury County would be paid \$3 per day for their services.
39. Private Acts of 1949, Chapter 628, amended Private Acts of 1945, Chapter 198, above, by providing that registrars holding registrations would be paid \$3 per day.
40. Private Acts of 1953, Chapter 203, provided for the election of members of the County Executive Committee by popular vote and set forth the number of Committee members from each of the districts in the County. Regulations for the filing of qualification petitions and the printing of names on ballots were prescribed and penalties were fixed for violations of the act.
41. Private Acts of 1953, Chapter 416, extended the time for voting in the Ninth District and those precincts of the Seventh District located in Mount Pleasant from 9:00 a.m. until 6:00 p.m.

42. Private Acts of 1961, Chapter 305, amended Private Acts of 1953, Chapter 203, above, by requiring candidates to qualify for election as a District Committeeman thirty days in advance of the election rather than ten days.
43. Private Acts of 1965, Chapter 164, amended Private Acts of 1953, Chapter 203, above, by requiring the County Primary Commissioners of Counties to have names of candidates qualifying for District Committeemen positions properly printed on the ballots and properly placed in voting machines where used.

## Chapter VIII - Health

### Maury Regional Hospital

#### Private Acts of 1995 Chapter 2

**SECTION 1.** A hospital, known as Maury Regional Hospital, is created and established for and on behalf of Maury County and is owned by Maury County.

**SECTION 2.** The hospital is composed of those tracts or parcels of land, together with all buildings or other improvements thereon and all appurtenances thereto, whether within or without Maury County, in order to fulfill the hospital's mission of providing health care services to the region; provided, however, that the county commission by resolution shall approve leases of real property to be used by the hospital and all purchases and sales of real property or interests therein except purchases of real property owned by the hospital on September 1, 1994, and the Lewisburg Community Hospital properties now owned by OnNda Company which may be purchased or leased by the hospital board of trustees. All sales or leases of real property or interests therein, whether acquired by the hospital before or after September 1, 1994, shall be approved by resolution of the county commission.

**SECTION 3.** The hospital shall be controlled by a board of trustees, nine (9) in number, which shall include the chief executive officer of the hospital who, by virtue of the position, shall automatically be an ex-officio member of the board of trustees with full voting privileges. Each member shall be a citizen of Maury County, over the age of twenty-one (21) years. Each member shall serve without compensation. The office of board member is not a county office for the purposes of Article XI, Section 9 of the Tennessee Constitution. No member of the board of trustees shall be a member of the Maury County Commission. No member of the board of trustees and no member of the county commission shall profit financially by reason of operation of the hospital except that the hospital chief executive officer and/or a member of the hospital medical or dental staff, while serving as a member of the board of trustees, may be compensated in the same manner as if such person were not a member of the board of trustees. No property belonging to the hospital shall be loaned.

**SECTION 4.** The present members of the board of trustees and the expiration of the terms that they are now serving shall be:

Tillman Knox, January 1995;  
 Dorothy Sowell, January 1995;  
 R. M. McKay, January 1995;  
 Joe Lancaster, January 1996;  
 John Thornton, January 1996;  
 Dr. Robert Thompson, January 1997;  
 Harlan Bowsher, January 1997;  
 Waymon Hickman, January 1997; and  
 the chief executive officer of the hospital.

The term of a board member, except the chief executive officer of the hospital, is three (3) years.

Upon the expiration of any term of a board member, or upon any vacancy which may occur by reason of death, resignation, refusal to serve, or otherwise, the county commission shall elect for a regular three (3) year term or for the remainder of the unexpired term of any member in case of a vacancy as appropriate. The appointment and acceptance of each board member shall be filed with the county clerk of Maury County, Tennessee. A member is eligible for reelection to the board. The board of trustees shall elect a chairman, vice chairman, and secretary from among its members. Nothing contained herein shall prevent

the board from electing and designating the chief executive officer as secretary. The board shall meet at least once each quarter, and more often if necessary. The board shall keep complete, permanent, and public records and minutes, reflecting all its business and transactions. The signature of the chief executive officer and chairman of the board or some other person duly designated by the board shall be affixed to all checks or warrants drawn on funds belonging to the hospital. The signatures may be affixed manually or by use of check writing equipment.

**SECTION 5.** The board of trustees shall be vested with full, absolute and complete authority and responsibility for the operation, maintenance, management, conduct and control of the business and affairs of the hospital herein created. Such business and affairs may include without limitation, the provision of health care services in the home and the ownership, sponsorship or participation in any alternative health care delivery systems, notwithstanding that, as a consequence of such exercise of powers, it engages in activities that may be deemed within the contemplation of the antitrust laws of the state or of the United States.

Such operation, maintenance, management, conduct and control shall not be inconsistent with existing contractual obligations of Maury County, Tennessee. Such authority shall include, but not be limited to, the establishment, promulgation, and enforcement of rules, regulations and policies necessary to direct and supervise the operation and maintenance of all property; the administration of all financial affairs, including the execution of all documents necessary to administer such financial affairs; except the county commission shall approve the borrowing of funds which would adversely affect the ability of Maury County to incur indebtedness; the execution of all contracts, agreements, leases, deeds, and other instruments in order to accomplish the purposes of the hospital, the ownership or leasing of property whether inside or outside Maury County; provided, however, any lease of real property and deeds shall be executed only after approval by resolution of the Maury County Commission; and the employment, compensation, discharge and supervision of all personnel; and to adopt proper bylaws which shall meet the standards as set by the Joint Commission on the Accreditation of Health Organizations. Notwithstanding the other provisions of this act, none of the following actions shall be undertaken by the hospital without the approval by resolution of the county commission of Maury County:

- (1) The execution of any instrument which purports to create a full faith and credit obligation of Maury County; or purports to involve tax-exempt financing.
- (2) The contracting or agreeing to sell or encumbering the main hospital real estate tract and all buildings thereon, on Trotwood Avenue, Columbia, Tennessee.
- (3) The removal of the general administrative offices of the hospital from the main hospital tract.

**SECTION 6.** The board of trustees shall have authority to employ and fix the compensation of a hospital administrator, and such other personnel and employees as may be necessary, whose duties and responsibilities shall be determined and prescribed by the board of trustees; the hospital administrator so employed shall have a degree in hospital administration from an accredited college or university.

**SECTION 7.**

(a) The county commission of Maury County shall elect a committee from its membership. The duties of the committee are to advise the board of trustees and thereafter to recommend to the county commission measures affecting and pertaining to the welfare of the hospital. The duties shall include, but not be limited to, the approval and recommendations to the county commission for the purchase, replacement, and improvement of the capital equipment of the hospital if such capital equipment is to be paid for out of the funds of Maury County.

(b) The Maury County Commission may appropriate funds for the operation of Maury Regional Hospital.

**SECTION 8.** The board of trustees shall annually prepare and submit to the Maury County Commission a budget which will be the same budget prepared for and approved by the board of trustees. The budget shall be for a fiscal year running from July 1 through June 30. The board shall submit the budget to the county commission not later than July 1, for approval by the county commission at the regular July term for each year.

**SECTION 9.** The board of trustees shall prepare and submit to the county commission of Maury County, on a monthly basis the financial statement and report previously submitted to and approved by the board of trustees. Provided, however, the county commission may provide for an audit of the books, records, and financial affairs of the hospital at any time it deems advisable or necessary.

**SECTION 10.** Chapter 448 of the Private Acts of 1949 and Chapter 373 of the Private Acts of 1953, as amended by Chapter 199 of the Private Acts of 1971, Chapter 43 of the Private Acts of 1973, Chapter 162 of the Private Acts of 1988, and Chapter 64 of the Private Acts of 1989 are repealed.

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

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 11.

Passed: February 22, 1995.

## Private Acts of 1996 Chapter 125

**SECTION 1.** A hospital, known as Maury Regional Hospital, and owned by Maury County, was created and established by Chapter 448 of the Private Acts of 1949, as amended by Chapter 373 of the Private Acts of 1953, Chapter 199 of the Private Acts of 1971, Chapter 43 of the Private Acts of 1973, Chapter 162 of the Private Acts of 1988, and Chapter 64 of the Private Acts of 1989, all of which were repealed by Chapter 2 of the Private Acts of 1995. Chapter 2 of the Private Acts of 1995 is hereby amended to read as provided in this act which shall constitute the sole private act relative to Maury Regional Hospital.

**SECTION 2.** The hospital is composed of those tracts or parcels of land, together with all buildings or other improvements thereon and all appurtenances thereto, whether within or without Maury County, in order to fulfill the hospital's mission of providing health care services to the region.

**SECTION 3.** The hospital shall be controlled by a Board of Trustees, nine (9) in number, which shall include the chief executive officer of the hospital who, by virtue of the position, shall automatically be an ex-officio member of the Board of Trustees with full voting privileges. Each member shall be a citizen of Maury County, over the age of twenty-one (21) years. Each member shall serve without compensation. The office of board member is not a county office for the purposes of Article XI, Section 9 of the Tennessee Constitution. No member of the Board of Trustees shall be a member of the county commission. No member of the Board of Trustees and no member of the county commission shall profit financially by reason of operation of the hospital except that the hospital chief executive officer and/or a member of the hospital medical or dental staff, while serving as a member of the Board of Trustees, may be compensated in the same manner as if such person were not a member of the Board of Trustees. No property belonging to the hospital shall be loaned.

**SECTION 4.** The present members of the Board of Trustees and the expiration of the terms that they are now serving shall be:

Tillman Knox, January 1998;  
Dorothy Sowell, January 1998;  
R. M. McKay, January 1998;  
Joe Lancaster, January 1999;  
John Thornton, January 1999;  
Dr. Robert Thompson, January 1997;  
Harlan Bowsher, January 1997;  
Waymon Hickman, January 1997; and  
the chief executive officer of the hospital.

The term of a board member, except the chief executive officer of the hospital, is three (3) years. Upon the expiration of any term of a board member, or upon any vacancy which may occur by reason of death, resignation, refusal to serve, or otherwise, the county commission shall elect for a regular three (3) year term or for the remainder of the unexpired term of any member in case of a vacancy as appropriate. The appointment and acceptance of each board member shall be filed with the county clerk of Maury County, Tennessee. A member is eligible for reelection to the board. The Board of Trustees shall elect a chairman, vice chairman, and secretary from among its members.

Nothing contained herein shall prevent the board from electing and designating the chief executive officer as secretary. The board shall meet at least once each quarter, and more often if necessary. The board shall keep complete, permanent, and public records and minutes, reflecting all its business and transactions. The signature of the chief executive officer and chairman of the board or some other person duly designated by the board shall be affixed to all checks or warrants drawn on funds belonging to the hospital. The signatures may be affixed manually or by use of check writing equipment.

**SECTION 5.**

(a) The Board of Trustees shall be vested with full, absolute and complete authority and responsibility for the operation, maintenance, management, conduct and control of the business and affairs of the hospital herein created. Such business and affairs may include without limitation, the provision of health care services in the home and the ownership, sponsorship or participation in any alternative health care delivery systems, notwithstanding that as a consequence of such exercise of powers, it engages in activities that may be deemed within the contemplation of the antitrust laws of the State or of the United States. Subject to the provisions of subsection (b), the Board of Trustees of Maury Regional Hospital shall have the authority to acquire, to lease, to sell or to dispose of real property determined by the board to be appropriate for the operation of the hospital and the provision of health care services to the region. Such operation, maintenance, management, conduct and control shall not be inconsistent with existing contractual obligations of Maury County, Tennessee. Such authority shall include, but not be limited to, the establishment, promulgation, and enforcement of rules, regulations and policies necessary to direct and supervise the operation and maintenance of all property; the administration of all financial affairs, including the execution of all documents necessary to administer such financial affairs; except the county commission shall approve the borrowing of funds which would adversely affect the ability of Maury County to incur indebtedness; the execution of all contracts, agreements, leases, deeds, and other instruments in order to accomplish the purposes of the hospital, the ownership or leasing of property whether inside or outside Maury County subject to the provisions of subsection (b); and the employment, compensation, discharge and supervision of all personnel; and to adopt proper bylaws which shall meet the standards as set by the Joint Commission on the Accreditation of Health Care Organizations.

(b) None of the following actions shall be undertaken by the hospital without the approval of the county commission of Maury County:

- (1) The execution of any instrument which, by its explicit terms, creates a full faith and credit obligation of Maury County; or purports to involve taxexempt financing.
- (2) The removal of the general administrative offices of the hospital from the main hospital tract.

Notwithstanding the foregoing, the acquisition, lease, sale or disposition of any single tract of real property with a fair market value of one million dollars (\$1,000,000) or more shall be approved by two-thirds (2/3) majority vote of the county commission.

**SECTION 6.** In addition, Maury Regional Hospital, through its Board of Trustees, shall have, together with all powers incidental thereto or necessary to discharge the powers granted specifically herein, the powers to participate as a shareholder in a corporation, as a joint venturer in a joint venture, as a general partner in a general partnership, as a limited partner in a limited partnership or a general partnership, as a member in a nonprofit corporation or as a member of any other lawful form of business organization, which provides hospital medical or health care or engages in any activity supporting or related to the exercise of the provision of health care services to the region; to create, establish, acquire, operate or support subsidiaries and affiliates, either for profit or nonprofit, to assist Maury Regional Hospital in fulfilling its purposes; to create, establish or support nonaffiliated for profit or nonprofit corporations or other lawful business organizations which operate and have as their purposes the furtherance of Maury Regional Hospital's purposes; and to accomplish and facilitate the creation, establishment, acquisition, operation or support of any such subsidiary, affiliate, nonaffiliated corporation or other lawful business organization, by means of loans of funds, acquisition or transfer of assets, leases of real or personal property, gifts and grants of funds or guarantees of indebtedness of such subsidiaries, affiliates and nonaffiliated corporations.

**SECTION 7.** The Board of Trustees shall have authority to employ and fix the compensation of a hospital administrator, and such other personnel and employees as may be necessary, whose duties and responsibilities shall be determined and prescribed by the Board of Trustees; the hospital administrator so employed shall have a degree in hospital administration from an accredited college or university.

**SECTION 8.**

(a) The county commission of Maury County shall elect a committee from its membership. The duties of the committee are to advise the Board of Trustees and thereafter to recommend to the county commission measures affecting and pertaining to the welfare of the hospital. The duties shall include, but not be limited to, the approval and recommendations to the county commission for the purchase, replacement, and improvement of the capital equipment of the hospital if such capital equipment is to be paid for out of the funds of Maury County.

(b) The Maury County Commission may appropriate funds for the operation of Maury Regional

Hospital.

**SECTION 9.** The Board of Trustees shall annually prepare and submit to the Maury County Commission a budget which will be the same budget prepared for and approved by the Board of Trustees. The budget shall be for a fiscal year running from July 1 through June 30.

The board shall submit the budget to the county commission not later than July 1, for approval by the county commission at the regular July term for each year.

**SECTION 10.** The Board of Trustees shall prepare and submit to the county commission of Maury County, on a monthly basis, the financial statement and report previously submitted to and approved by the Board of Trustees. Provided, however, the county commission may provide for an audit of the books, records, and financial affairs of the hospital at any time it deems advisable or necessary.

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

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 11.

Passed: February 14, 1996.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1915, Chapter 278, authorized the Quarterly County Court of Maury County to appropriate and donate to any hospital in the County that treated indigent patients, an amount not to exceed \$100 per month.
2. Private Acts of 1971, Chapter 199, amended the Private Acts of 1953, Chapter 373, by increasing the number of commissioners serving on the Hospital Board and providing for the election of a chairman.
3. Private Acts of 1995, Chapter 2, repealed the Private Acts of 1949, Chapter 448, and the Private Acts of 1953, Chapter 373, as amended by Private Acts of 1971, Chapter 199, Private Acts of 1973, Chapter 43, Private Acts of 1988, Chapter 162, and Private Acts of 1989, Chapter 64.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1931 Chapter 630

**SECTION 1.** That for the purpose of providing a more efficient system of laying out, building, constructing, and reconstructing and repairing the public roads in this State in counties having a population of not less than 34,000 nor more than 34,100 inhabitants, by the Federal Census of 1930, or by any subsequent Federal Census; all public roads in said counties shall be classified as post roads and/or district roads. The post roads shall consist of those roads used by the Federal Government in the distribution and transportation of U.S. mail, and the district roads shall consist of all other public roads.

**SECTION 2.** That the road districts of the said counties shall be co-extensive with the civil district thereof; and the Road Superintendent shall keep on file in his office a statement showing the various road sections in the various districts and also such road sections as are partly within one district and partly within another district; and the said Road Superintendent shall make a report to the Quarterly Court of said county at the regular quarterly session of said Quarterly Court, in which report said Superintendent shall make an itemized statement of the expenditure or disposition of all road and bridge funds during the quarter, showing in said report to whom such funds have been paid and the amount paid each person, and for what service same was paid, and on what roads and bridges said services were performed. A copy of said Quarterly Report hereby directed to be made shall be mailed through the United States Post Office by the said Road Superintendent to each member of the Quarterly Court not less than five days before each regular quarterly session of said Quarterly Court.

As amended by: Private Acts of 1937, Chapter 92

**SECTION 3.** That the Quarterly County Court at its January term, 1933, and its January term every two years thereafter shall be authorized and empowered to elect a County Road Superintendent to hold office

for the term of two years from date of election. Said Road Superintendent shall be a person skilled and experienced in road and bridge building, and of good moral character, and upon election shall execute a bond to be approved by the County Judge in the sum of \$20,000.00 for the faithful performance of his duties, the cost of said bond to be paid as an expense to the office, and proper accounting for all funds and property of the county or district coming into his hands. He shall maintain an office in the courthouse of the county and shall be allowed to employ such clerical help as he deems necessary for the efficient conduct of the duties of his office, and he shall be furnished with an automobile, and the expense of its maintenance and upkeep, which is to be used only in the performance of his duties. The Quarterly County Court shall have the authority to discharge or dismiss said Road Superintendent, giving him ten days' notice by charges in writing for any malfeasance, misfeasance, or incompetency in office, and upon the discharge or dismissal of said Road Superintendent as aforesaid or his death or resignation, said Quarterly Court shall elect another to fill out the remainder of the term. The Road Superintendent shall be paid the sum of not less than \$2,400.00 nor more than \$3,600.00 per year, the amount to be fixed by the Quarterly Court before the biennial election of said Superintendent, payable monthly by a warrant drawn on the general road fund provided for in this Act.

As amended by:

Private Acts of 1937, Chapter 92  
 Private Acts of 1945, Chapter 31  
 Private Acts of 1949, Chapter 341  
 Private Acts of 1953, Chapter 241  
 Private Acts of 1968, Chapter 347  
 Private Acts of 1971, Chapter 93  
 Private Acts of 1977, Chapter 91

**SECTION 4.** That the County Road Superintendent shall have charge, supervision and control of the construction and reconstruction, repairs and maintenance of all post roads, district roads and bridges, unless it is otherwise expressly provided by law that the State shall have said charge, supervision and control of some or all of these things. He shall designate as a matter of record in his office from time to time the several and various roads upon which all of the general and all of the special road funds and all of the other road funds shall have been expended, and he shall also have the full charge of all the road work and the expenditures of such funds as he may deem for the best interest of the roads, and shall purchase all necessary tools and machinery for the use of any or all of the public roads within the county.

**SECTION 5.** That said Road Superintendent shall have full charge of the workhouse and all the workhouse prisoners that have been or may be hereafter committed to the workhouse of said county, and he may work such prisoners, or cause them to be worked by contract or otherwise, upon the post roads and district roads of the county, and he shall have the power to make necessary provision for a Superintendent of the workhouse and such guards as he may find necessary, and the necessary provisions in his discretion for the transportation of prisoners to and from their places of work. And shall in his discretion have the right to board and keep said prisoners in the county jail whenever he deems the number of prisoners insufficient to maintain a county workhouse or camp; provided that when said prisoners are kept in jail that nothing herein be construed to release the Sheriff or jailer of any responsibility of such prisoners now or hereafter imposed by law except when the prisoners are actually at work under the orders of the Road Superintendent and provided that the jailer shall have only one turnkey fee for each prisoner. (sic)

All of the workhouse expenses shall be paid out of the county tax fund and said Superintendent shall on the first of each month certify to and file the accounts of the workhouse for the preceding month with the County Court Clerk, who shall place the same on the appropriation book of the county; and said accounts so certified and filed shall be paid out of the county tax account by a warrant issued by the County Court Clerk and countersigned by the County Judge or Chairman.

**SECTION 6.** That all applications for the erection and construction of a new bridge shall be made by written petition to said Road Superintendent, stating the district in which the bridge is to be located, over what stream the bridge is to be erected and on what public road; within ten days after said petition has been filed with said Superintendent, he shall investigate the facts in regard to the same, and make report in writing to the Quarterly County Court as to the necessity of said bridge, the exact location, size, kind, etc., needed, the probable cost of same, and whether the approaches thereto can be obtained and the probable cost thereof and any other further facts to aid the Court in determining the public necessity thereof and the approximate cost thereof, and the said Quarterly County Court shall then determine the whole matter and make such appropriation as it may deem necessary and advisable.

The said Road Superintendent shall have charge and control of the construction of all bridges in the county and shall make all necessary repairs thereon, and the costs of construction of any new bridges and all repairs on bridges shall be paid out of the bridge fund of the county, if any, and if no bridge tax is levied, then by appropriation by the Court of the county tax fund.

A bridge shall be considered a span of twelve feet and over, and all less than this shall be considered a culvert.

**SECTION 7.** That the said Road Superintendent shall have the power and authority in his discretion to condemn under the laws of eminent domain all lands necessary for the locating of the bridges, rock quarries, chert or gravel beds and other material necessary for building and repairing same, in the manner provided for the taking of private property by public corporations, and shall also have the power to condemn private property for roads for ingress and egress to rock crushers, rock quarries, chert or gravel beds, setting machinery, road camps, etc., and in case of suit, or other proceedings brought to delay or prevent the exercise of those powers, the Road Superintendent shall on behalf of and in the name of the county give a satisfactory indemnity bond in not more than double the amount of the estimated damages and proceed with the work; when necessary to enforce this provisions (sic) or Act, appropriate suits shall be brought in the Circuit Courts existing within the counties where the properties to be condemned are located and in and under the proper legal style for such cases, and by the County Attorney of the county, and if none, by an attorney selected by the Quarterly Court, as attorney for the plaintiff, when requested by the County Road Superintendent.

**SECTION 8.** That all applications to open, change, abandon or restore to the public use any and all public roads shall be made by written petition to the County Road Superintendent, stating the district or districts in which the road is located, giving complete description of the present road, and the desired changes, and the landowners to be affected thereby. But if at any time said County Road Superintendent shall be related by affinity or consanguinity to within the fourth degree, counting by civil law, to any property owner affected by any changes asked for in a petition, or any person signing any petition, then and in that event said Road Superintendent shall be ineligible to act upon said petition, and the County Judge or Chairman shall appoint another of the required qualifications to act in his stead upon the petition. The said Road Superintendent within ten days after the application has been filed with him, shall notify in writing, giving five days' notice, the person first named on the petition, as well as all of the owners of land affected by the proposed change, except such as may waive notice in writing, of the day on which he will be present at the beginning point mentioned in the petition to act on the application. If any landowner affected by the proposed change should be a non-resident, then ten days' written notice to his agent or attorney, residing in the county, shall be legal notice. The said Road Superintendent shall attend at the appointed time and place, if he has given the proper notice as required by him, and shall act upon the application, assess what damage, if any, he shall consider to be due from the county for said changes; and it shall be his duty in assessing damages to take into consideration the incidental benefits to the said landowner, which may arise from the building of the said road, and to offset the same against any incidental damages.

He may adjourn the hearing from day to day and summon witnesses and administer oath to the witnesses. When said Superintendent has reached his conclusion or decision, he shall report his action or finding to the next regular session of the Quarterly Court of the county, and with his report or findings file with the County Court Clerk the original petition and notice to the land-owners, and a full report of his action on the same stating the location of the road so opened, abandoned or changed, and the damages allowed by him to the parties damaged. And the Quarterly Court shall confirm or overrule the report of the Road Superintendent and enter its action thereon on its minutes. And if any money or damages is awarded in the action of the Quarterly Court thus taken, the County Judge shall draw a warrant or warrants upon the county treasury for a sufficient amount to pay any and all damages to the landowners thus confirmed by the Quarterly Court; provided, he shall not draw said warrants until time allowed hereinafter for appeal shall have expired. Any interested party may appeal to the next term of the Circuit Court as to the amount of damages allowed only; provided, he shall perfect his appeal within twenty days from the date of confirmation of a report by the said Court as aforesaid. The County Road Superintendent may, of his own motion and by his own initiative, open, change, abandon, or restore to the public use any road or roads, without petition, by observing all the essential requirements as set out above in the case of petition.

When the Quarterly Court shall confirm a report of the Road Superintendent to take any land for road purposes it may be taken at once, as in case of rail-roads or other common carriers, and the owners shall have recourse on the county for damages only, and the County Judge shall issue a writ of possession directed to the Sheriff of the county, commanding him to put the said road right of way into the possession of the said Superintendent for the use of the county.

**SECTION 9.** That no road official shall hire to himself any wagon and team, or sell to the county directly or indirectly any material, or contract with himself or any other road official, or county official, in any manner pertaining to the construction of roads or maintenance of the workhouse, or with any one related to him by affinity or consanguinity within the fourth degree, according to the civil law. The violation of this provision shall be a misdemeanor and upon conviction the fine imposed shall be equal to twice the amount



involved and when collected, paid to the County Trustee to be credited to the general road fund.

**SECTION 10.** That the Quarterly County Court shall at its first meeting after the passage of this Act, and thereafter at the January term of each year levy as a special tax for county road purposes an ad valorem tax on all property in the county of not more than Twenty-five Cents on each \$100.00 taxable property to be collected by the County Trustee, provided all merchants' ad valorem tax and privileges are to be collected by the County Court Clerk.

All the taxes collected by the Trustee from the above property tax, or other tax sources for county road purposes, including gasoline and other taxes collected from or received by the county through the State or any of its agencies, and the merchants taxes in this Section hereinafter provided shall be and constitute a general fund. And the Quarterly County Court of any county coming within the provisions of this Act shall levy an annual tax on all merchants taxed or assessed with an ad valorem tax taxed as such by the State at a rate or sum of not less than Ten Cents nor more than Twenty-five Cents on each \$100.00 of taxable value and this shall apply to all merchants taxed ad valorem tax within the county, which tax shall be when collected and paid credited by the Trustee of the county to the said general road fund. Said tax shall be collected by the County Court Clerk as other privilege and merchant ad valorem taxes are collected.

As amended by: Private Acts of 1937, Chapter 92

**SECTION 11.** That the salary of said Road Superintendent and the expenses of his office and expenses and disbursement of all kinds which are authorized by this act, and except where otherwise expressly provided, shall be paid out of the said General Road Fund as created and defined in this Act, and shall be paid in the following manner, to-wit: The said Road Superintendent shall on the first day of each month file with the Clerk of the County Court an itemized statement of all expenses and accounts of his office for the preceding month, showing the amount due, to whom due and the date due and for what, and shall certify that the same is due, correct and unpaid and thereupon the Clerk of the County Court shall place the same on the Appropriation Book and shall, in payment of such certified expenses and accounts, issue warrants drawn on said General Road Funds in the hands of the Trustee of the County, which warrants shall be countersigned by the County Judge, and which warrants shall be made payable in the amounts and to the persons to whom the same is shown to be owing by said certified itemized statement of the Road Superintendent; provided that except as may be otherwise expressly authorized by this Act, warrants shall not be issued or money expended in any calendar year in excess of the General Road Fund collected from all taxes that year, plus whatever balance of General Road Funds from a previous year or years may be on hand and unexpended in said General Road Fund, and plus any delinquent taxes for previous years collected during the said calendar year.

As amended by: Private Acts of 1937, Chapter 92

**SECTION 12.** That the County Court Clerk shall receive 2% for collecting and paying over to the Trustee on the amounts collected by him under this Act; and the County Trustee shall receive his compensation as to any funds collected by him or received by him under this Act under provisions of the general law relating to the compensation paid the said Trustee.

**SECTION 13.** That all of said funds and taxes provided for in this Act and all funds to be expended on any of the roads of said county and lawfully received from any or all other sources by or on behalf of or for the use of the County, except where otherwise expressly provided, and the same shall be paid out by said Trustee only on warrants signed as provided by this Act.

Said General Road Fund shall be expended likewise for such machinery, tools, labor and other road purposes of the County as is deemed advisable by said Road Superintendent and for the use and benefit of the various road sections of the county and in such proportions on the various road sections and districts of the county as in discretion of the Road Superintendent is to the best interests of the County, payment for such expenditures to be made only in the amounts and on the warrants drawn as provided for by this Act. Provided, however, that no machinery or tools of any character costing in excess of One Hundred (\$100.00) Dollars shall be purchased or contracted for purchase until, and unless, the said Road Superintendent, upon his written application, shall have been authorized by the Quarterly Court of the County to purchase such tools or machinery.

However, expenditures and disbursements from said General Road Funds shall not include any damages for rights-of-way or work-house expenses, both of which items shall be paid out of the County Tax Account as provided by this Act.

As amended by: Private Acts of 1937, Chapter 92

**SECTION 14.** That no contract shall be made or funds expended, by the County Road Superintendent in any one year, exceeding the total taxes collected under this Act for said year plus the receipts of the county for road purposes from all sources other than assessments ad valorem and on merchants, for the previous year. Provided that if the Quarterly County Court on the recommendation of said Road

Superintendent should determine that economical permanent road construction requires more immediate funds than available from the said levy and collections, then the Quarterly Court is authorized and empowered to issue or direct the issue of county warrants for such purposes and in such denominations as they deem best, to bear interest not to exceed 6% per annum, payable semi-annually; said warrants to be signed by the County Judge or Chairman of the County Court and countersigned by the County Court Clerk, and provided, further, that not more than \$30,000.00 can and shall be issued, and outstanding at one and the same time; provided, further, that the said Quarterly Court is authorized, in the event that it shall determine, on the recommendation of said Road Superintendent, that an economical permanent road construction is required and sufficient funds are not available, to issue bonds for such amount as may be deemed necessary, without the approval of popular vote but in the discretion of said Quarterly Court; the said bonds and interest thereon to be in such amounts and due at such times as the Quarterly Court may determine, and to be provided against and retired in the same way and manner as other county bonds and bonded indebtedness, and as provided by the Quarterly Court; and provided, further, that said Quarterly Court may issue or order the issuance of either warrants of the description and of the terms aforesaid or bonds as aforesaid; for another purpose, to-wit: to pay off the indebtedness incurred by the County Road Superintendent under former Acts and before the passage of this Act and not paid before the passage of this Act, provided the total bonds or/and warrants issued to pay said past indebtedness shall not exceed \$30,000.00; the said bonds last named and interest thereon to be authorized, provided for and issued and paid as other bonds herein provided for are to be authorized, issued, and paid. Any other funds provided for in this Section except those to pay past indebtedness shall be expended by said County Road Superintendent under the direction and resolutions of the Quarterly Court providing said funds; and those provided for past indebtednesses shall be placed in said general road fund and disbursed by said Superintendent therefor.

**SECTION 15.** That if it at any time becomes necessary in the opinion of said Road Superintendent to expend more funds for machinery or tools or appliances than have been provided or made available under this Act, he shall present the matter to the Quarterly Court of the county which is hereby empowered to authorize the expenditure of further funds for said road purposes to be taken care of by tax levies or issuance of further bonds under the terms providing for bonds and warrants in this Act, as said Quarterly Court may deem best.

**SECTION 16.** That it shall be a misdemeanor for any person to place any post, portholes, gates opening into the road, bushes overlapping ditches, glass, broken bottles, stoneware or any trash or any other obstruction in any public road, or in the ditches thereof, in said counties, and any person so doing upon conviction shall be punished by a fine of \$50.00 and all costs, and the Road Superintendent shall have the power and authority to remove any obstruction from the roads or ditches of the county, and the expense of such shall be paid by the person who has placed or caused to be placed upon the road or ditches such obstruction.

As amended by:

Private Acts of 1975, Chapter 196

**SECTION 17.** That if any Section or part of this Act for any reason be held unconstitutional or invalid, the same shall not affect the constitutionality or validity or the remaining parts of Sections of this Act, but the same shall remain in full force and effect as if the unconstitutional or invalid part had been omitted.

**SECTION 18.** That Chapter 428, of the Private Acts of Tennessee of the year 1923, as more fully described in the caption of this Act and all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 19.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 25, 1931.

## Chapter X - Law Enforcement

### Sheriff

### Civil Service System

## Private Acts of 1967-68 Chapter 475

**SECTION 1.** That all counties having a population of not less than forty-one thousand six hundred (41,600) nor more than forty-one thousand eight hundred (41,800) inhabitants according to U.S. Census of Population of 1960 or any subsequent U.S. Census of Population may establish civil service for employees of the sheriff of said counties.

**SECTION 2.** That the Classified service to which this law shall apply shall include all positions and employees in the sheriff's department except for the sheriff, his chief deputy, administrative assistants and his personal secretaries.

**SECTION 3.** That there is hereby created a Civil Service Board composed of seven (7) members selected by the County Legislative Body to administer the terms of this Act. Membership of the Board should be representative of the diversity of the community, including minorities and females.

As amended by: Private Acts of 1995, Chapter 64  
Private Acts of 2003, Chapter 35

**SECTION 4.** That the terms of the members shall be three (3) years providing, however, that the initial appointments shall be as follows:

- (1) One (1) member selected by the County Legislative Body for one (1) year.
- (2) One (1) member selected by the County Legislative Body for two (2) years.
- (3) The third member selected by the County Legislative Body shall serve for three (3) years.
- (4) The fourth member selected by the County Legislative Body shall serve for two (2) years.
- (5) The fifth member selected by the County Legislative Body shall serve for three (3) years.
- (6) The sixth and seventh members selected by the County Legislative Body shall serve for three (3) years.

All appointments thereafter shall be for three-year terms.

As amended by: Private Acts of 1995, Chapter 64  
Private Acts of 2003, Chapter 35

All appointments thereafter shall be for three-year terms.

**SECTION 5.** That all members of the Board must be over twenty-one (21) years of age; of good moral character; a citizen of the United States and the State of Tennessee, and must reside in the county where he is appointed.

**SECTION 6.** That the members of the Board shall receive such salary, if any, as determined by the County Court in its sound discretion.

**SECTION 7.** That the County Judge shall designate from the three members thus selected a Chairman of the Board. The sheriff shall appoint from among his employees a personnel officer who shall be the keeper of the personal records and shall serve as Secretary of the Civil Service Board.

**SECTION 8.** That the Board as a body shall have the power:

- (a) To adopt and amend rules and regulations for the administration of this Act.
- (b) To make investigations concerning the enforcement and effect of this Act and to require observance of its provisions of the rules and regulations made thereunder.
- (c) To hear and determine appeals and complaints respecting the administration of this Act.
- (d) To establish and maintain a roster of all employees of the classified service and the office of the sheriff showing their positions, rank, compensation and places of residence.
- (e) To ascertain and record the duties and responsibilities pertaining to all positions in the classified service and classify such positions in the manner hereinafter provided.
- (f) Except as otherwise provided in this Act, to formulate and hold competitive tests to determine the qualifications of persons who seek employment in any position, and as a result of such tests, establish employment lists of eligibles for the various positions.
- (g) To establish records of the performance and a system of service ratings to be used to determine promotions, the order of lay-offs and re-employment and for other purposes. (h) To keep any other such records as may be necessary for the proper administration of this Act.

**SECTION 9.** That all persons in the employ of the office of the sheriff at the time this Act becomes operative, who have served for a period longer than six (6) months to be known under this Act as classified service, shall be retained without preliminary or performance tests, but shall thereafter be subject in all other respects to the provisions of this Act. Any other persons in the classified service at the time this Act becomes operative shall be regarded as holding their position under provisional appointment.

**SECTION 10.** That the Board shall, as soon as practical after this Act becomes operative, adopt a classification plan and make rules for its administration. The position classification plan may, if desired, create different classes of positions within each position in the classified service. The position classification plan shall show the duties, authorities, responsibilities and character of work required of each position and

each class thereof. The Board shall determine the requirements of each position and class thereof as to education, experience, capabilities, knowledge and skill. As far as practical, the probable lines of promotion to and from the classes of position shall be indicated.

**SECTION 11.** That the Board may, upon request of the sheriff and by his advice, create new positions or combine, alter or abolish existing positions in such manner as the Board acting under the advice of the sheriff deems necessary for the effective operation of the office of sheriff. Provided, however, that no position in the classified service be abolished except upon approval of the Board acting in good faith upon the advice of the sheriff.

**SECTION 12.** That the Board shall formulate reasonable rules governing the granting of leaves of absence to members of the classified service in good standing. The Board shall request the advice of the sheriff upon any request of leave of absence before acting thereon and shall be guided by the requirements of the adequate law enforcement and operational efficiency of the office of sheriff when considering any such request for a leave.

All persons coming under the classified service who shall hereafter be inducted into the Armed Forces of the United States of America, or who shall hereafter enter said service voluntarily, by enlistment or otherwise in a time of war or other national emergency shall upon application of the sheriff, receive a military leave of absence for the duration of the period of service required. The said employee shall retain all rights or seniority and shall be entitled to reemployment in the same capacity and position they held at the time of entering said military service; provided, however, that application for reinstatement in such position be made by or on behalf of such employee within three (3) months after termination of active service in said Armed Forces.

All employees coming under the provision of this Act shall be entitled after one (1) year of service to one (1) week vacation each year until the employee shall have completed fifteen (15) years of service. The employee shall then be entitled to two (2) weeks vacation, commencing with the sixteenth (16) year of employment and continuing until such time as employee shall leave the service. The vacation shall be at full pay and shall be taken at a time as agreed upon by the sheriff and the employee.

**SECTION 13.** That the sheriff shall keep the Board informed by periodic reports of the employment needs of the office and the Board shall, as often as required by the necessity of the office of sheriff, hold tests for the purpose of establishing lists of eligibles for the various positions in the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed under the rules promulgated by the Board and existing prior to the announcement of the examination. Such rules may set limitations as to residence, age, health, habits, moral character and other necessary prerequisites for the performance of the duties of the position for which examination is designated.

Promotion tests shall be public, competitive and free to all persons examined and appointed under the provisions of this Act and who have held a position for at least a one (1) year period of time. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the duties of the position in which the appointment is to be made. Tests may include examination for physical fitness and manual skill. No questions in any tests shall relate to religious or political opinions or affiliations. The eligibles shall take rank upon a list which shall be compiled for each position, in the order of their relative excellence as determined by the tests and without reference to the priority of the time of the tests are given. No lists of eligibles shall be valid after one (1) year except, however, the Civil Service Board may extend an eligible period for not more than one (1) year. Notice of the time, place and general scope of each test and the duties, pay and experience required for all positions for which the test is to be held, shall be given by the board to each applicant at least one week preceding the test.

The notice must be in writing and addressed to the last known address supplied by the applicant. Notice of promotional tests shall be given as the Board may subscribe.

**SECTION 14.** That whenever a vacancy occurs in any position in the classified section of the office of sheriff, the sheriff shall make requisition to the Board for the names and addresses of all persons eligible for appointment thereto. The Board shall certify the names of all persons on the eligible list for position wherein the vacancy exists within thirty (30) days of the requisition to the Board. The sheriff thereupon shall investigate each of the five (5) highest on the list of eligibles. In the event the investigations result in none of the five eligibles being acceptable to the sheriff, he shall investigate the next five eligibles on the list, one after another until one of the eligibles investigated is acceptable to the sheriff. The sheriff thereupon shall appoint this person to the position wherein the vacancy exists and shall notify the Board of his action. If the Civil Service Board shall fail to provide a list, then the sheriff may make appointments to vacancies after having notified the Board of his action or his intention so to do.

No appointment or promotion for any position in the classified service, shall be deemed complete until

after the expiration of six (6) months probationary service during which time the sheriff may determine the effectiveness of the employee and if in his judgment the employee does not meet the standards he may terminate the employment of any person certified and appointed if he deems it in the best interest of the service. Provided that whenever a position of the classified is filled by promotion, and the services of the person promoted are terminated by the sheriff during the probationary period, such person shall forthwith be returned to the duty in the former position held by him in the classified service unless such person's conduct during the probationary period has given grounds for dismissal for cause under this Act. Any person dismissed during the probationary period shall not be eligible to a hearing before the Board. A person certified to the sheriff who does not report for duty at the time so designated and who does not explain his said failure to report in writing within five (5) days, may be rejected by the sheriff who shall forthwith notify the Board of the action taken and the reason therefor, the person's name will then be stricken from the eligible list.

**SECTION 15.** That all employees in the classified service may be transferred from one position to another in the same class, and not otherwise. Transfers may be instituted only by the sheriff and shall be permitted only with the consent of the sheriff.

**SECTION 16.** That the practice and procedure of the Board with respect to any investigation by the Board authorized by this Act, shall be in accordance with the rules and regulations to be established by the Board which shall provide for a reasonable notice to all persons affected by order to be made by the Board after such investigation, with the opportunity to be heard either in person or by counsel, and to introduce testimony in his behalf at a public hearing to be held for that purpose.

The Board, when conducting any investigations or hearings authorized by this Act, shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. In case of the disobedience of any person to comply with the orders of the Board or of a subpoena issued by the Board or any of its members, or on the refusal of a witness to testify on any matter on which he may be lawfully interrogated, the Judge in any Court of record within the county on application of any member of the Board, shall compel obedience by proceedings as for contempt. The sheriff or his legal deputy shall serve such subpoenas as issued by the Board.

**SECTION 17.** That the sheriff shall give an immediate report in writing of all appointments, reinstatements, vacancies, absences or other matter effecting the status of any member of the classified service or the performance of the duties of members of said classified service. The report shall be in the manner and form prescribed by the Board. The sheriff may suspend any employee for not more than ten (10) days for cause and there shall be no right of appeal for any suspension thereof.

Provided, however, the sheriff shall not have the authority to suspend any employee for more than one suspension of ten (10) days within any given six (6) month period of time without a right of appeal. If the sheriff shall suspend any employee for a period longer than ten (10) days, the suspended employee shall be notified in writing of the charges placed against him from his suspension. He shall thereafter have ten (10) days to request for a hearing.

**SECTION 18.** That no person holding a position in the classified service shall take an active part in any political campaign while on duty nor shall under any circumstance any employee of the sheriff's department solicit money for political campaigns or in any wise use his position as a deputy sheriff so as to reflect his personal political feelings as those of the sheriff's department or to use his position as deputy sheriff to exert any pressure on any one or group of people to sway that person's or persons' political views. No employee while on duty nor any officer while in uniform shall display any political advertising or paraphernalia on his person or on his automobile. No employee of the sheriff's office shall make any public endorsement of any candidate in any campaign for elected office. However, nothing in this Act shall be construed to prohibit or prevent any such employee from becoming or continuing to be a member of a political club or organization and enjoying all the rights and privileges of such membership or from attending any political meetings, while not on duty, or in the course of his official business nor shall he be denied from enjoying any freedom or interference in the casting of his vote. Any person violating the provisions of this Section shall be dismissed from the service of the office of the sheriff.

**SECTION 19.** That the provisions of this Act shall be severable and if any of the provisions shall be held to be unconstitutional the decision of the Court shall not affect the validity of the remaining provisions. It is hereby declared the legislative intent of this Act that it would have been adopted by the General Assembly had such unconstitutional provisions not been included therein.

The Act shall not be held nor construed to create any property rights or any vested interests in any position in the classified service and the right is hereby reserved to repeal, alter, amend this Act, or any provision thereof at any time.

**SECTION 20.** That any law in existence at the passing of this Act which shall be in conflict with the provisions of this Act is hereby repealed.

**SECTION 21.** That this Act shall become effective as to any county to which it may apply when the same shall have been approved by the Quarterly County Court of such county by a vote of not less than two-thirds (2/3) of the members thereof, such approval to be made by said Quarterly County Court within ninety (90) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1968, the public welfare requiring its becoming effective at that time. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of the Quarterly County Court of said county to the Secretary of State.

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

Passed: March 25, 1968.

## Private Acts of 2007 Chapter 26

**SECTION 1.** The classified service to which this act shall apply shall include all positions and employees in the sheriff's department of Maury County except for the sheriff, his chief deputy, and any appointed position established in which the sheriff appoints the person to serve in such position.

**SECTION 2.** There is hereby created a civil service board to administer the terms of this act to be composed of five (5) members selected by the Maury county legislative body. After missing three (3) consecutive meetings a board member's position shall be vacated. The board chairman shall notify the county mayor of such vacancy. The board shall meet at least semiannually.

As amended by: Private Acts of 2023, Chapter 20.

**SECTION 3.** Civil service board members shall serve three year terms, but the initial appointments shall be:

- (1) Two (2) members selected by the county commission for one (1) year;
- (2) Two (2) members selected by the county commission for two (2) years; and
- (3) One (1) member selected by the county commission for three (3) years. All appointments thereafter shall be for three year terms.

**SECTION 4.** All members of the board shall receive such salary, if any, as determined by the Maury county legislative body in its sound discretion.

**SECTION 5.** The members of the board shall receive such salary, if any, as determined by the Maury county legislative body in its sound discretion.

**SECTION 6.** The civil service board shall elect a board member as chairman. The County Mayor or other person designated by the County Mayor shall serve as secretary to the civil service board without additional compensation. The secretary will be the keeper of the civil service board records.

As amended by: Private Acts of 2023, Chapter 20.

**SECTION 7.** The board as a body shall have the power:

- (1) To adopt and amend rules and regulations for the administration of this act, provided that no such rules and regulations conflict with the terms of this act.
- (2) To make investigations concerning the enforcement and effect of this act and to require observance of the rules and regulations made thereunder.
- (3) To hear and decide appeals and complaints respecting the administration of this act.
- (4) To keep any other such records as may be necessary for the proper administration of this act.

As amended by: Private Acts of 2023, Chapter 20.

**SECTION 8.** All persons in the employ of the office of the sheriff upon the effective date of this act who have completed their probationary period as classified service as provided under this act, shall be retained without preliminary or performance examinations, but shall thereafter in all other respects be subject to the provisions of this act.

**SECTION 9.** The Maury county human resources department shall establish job descriptions and minimum qualifications for sheriff's department jobs as provided in this act. The human resources director shall adopt a classification plan and make rules for its administration to meet state and county requirements.

**SECTION 10.** Upon request by the sheriff and funding by the Maury County legislative body, positions may be created, combined, altered, or abolished. Provided, however, that no position in the classified service shall be abolished except upon approval of the county legislative body acting in good faith upon

the advice of the sheriff.

As amended by: Private Acts of 2023, Chapter 20.

**SECTION 11.** The sheriff may approve leaves of absence subject to requirements of state and federal laws. Sheriff's department employees covered by this act shall receive the same vacation, sick leave and other leaves provided to other county employees by regular county human resources policies.

**SECTION 12.** [Deleted by 2023 Amendment to Private Acts]

As amended by: Private Acts of 2023, Chapter 20.

**SECTION 13.** [Deleted by 2023 Amendment to Private Acts]

As amended by: Private Acts of 2023, Chapter 20.

**SECTION 14.** [Deleted by 2023 Amendment to Private Acts]

As amended by: Private Acts of 2023, Chapter 20.

**SECTION 15.** All employees in classified service may be transferred from one position to another in the same class, but not otherwise. Higher classified persons desiring to apply for lower classified positions shall be required to apply for the position as all other applicants must do. In cases where a higher classified person for medical or compassionate reasons needs to be reassigned to a lower classified position which the person has previously held, this may be allowed by the civil service board upon a request by the sheriff. The reassigned positions classification and rate of pay shall be according to county human resources policy. Transfers may be instituted only by the sheriff and shall be permitted only with the consent of the sheriff.

**SECTION 16.** The practice and procedure of the board with respect to any investigation shall be in accordance with the rules and regulations established by the board. The board shall provide for reasonable notice to all persons affected by any order to be made by the board after such investigation, with an opportunity to be heard either in person or by counsel and to introduce testimony at a public hearing to be held for that purpose.

The board, when conducting any investigations or hearings authorized by this act, shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. In case of the disobedience of any person in complying with the orders of the board or of a subpoena issued by the board or any of its members, or on the refusal of a witness to testify on any matter on which such witness may be lawfully interrogated, the judge in any court of record within the county on application of any member of the board, shall compel obedience by contempt proceedings. The sheriff or his legal deputy shall serve such subpoenas that are issued by the board.

**SECTION 17.** The sheriff may suspend any employee for not more than ten (10) days for cause, but there shall be a right of appeal for any such suspension. The sheriff may demote any employee with rank for cause, but there shall be a right of appeal for any such demotion. The board shall have the power to reverse the sheriff's decision and reinstate employees with lost wages in such matters.

All suspensions, terminations, and demotions shall also comply with county general personnel policies.

All appeals to the board must be filed within ten (10) days of the sheriff's disciplinary action and shall be heard by the board within thirty (30) days of the board's receipt of the appeal request.

As amended by: Private Acts of 2023, Chapter 20.

**SECTION 18.** No person holding a position in the classified service shall take an active part in any political campaign while on duty. In addition, no employee of the sheriff's department shall solicit money for political campaigns or in any way use his position as a deputy sheriff so as to indicate his personal political feelings are those of the sheriff's department or to use his position as deputy sheriff to exert any pressure on anyone or on a group of people to sway that person's or persons' political views. No employee while on duty nor any officer while in uniform shall display any political advertising or paraphernalia on their person. No employee of the sheriff's office shall make any public endorsement of any candidate in any campaign for elected office. However, nothing in this act shall be construed to prohibit or prevent any such employee from becoming or continuing to be a member of a political club or organization and enjoying all the rights and privileges of such membership or from attending any political meetings, while not on duty, or in the course of official business nor shall such person be denied from enjoying any freedom or interference in the casting of their vote. Any person violating the provisions of this section shall be dismissed from the service of the office of the sheriff.

**SECTION 19.** The act shall not be held or construed to create any property rights or any vested interests in any position in the classified service and the right is hereby reserved to repeal, alter, amend this act, or any provision thereof at any time.

**SECTION 20.** 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 21.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer of Maury County and certified to the secretary of state.

**SECTION 22.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 21.

Passed: April 4, 2007.

## Private Acts of 1949 Chapter 310

**SECTION 1.** That the County Courts of all counties in the State of Tennessee having a population of not less than 40,300, nor more than 40,400, according to the Federal Census of 1940, or any subsequent Federal Census, are hereby authorized to appropriate up to but not exceeding \$3,000.00 for the purpose of acquiring, having installed and maintaining an adequate, modern, efficient, two-way radio broadcasting system, to be operated in conjunction with the office of the Sheriffs of such counties in the suppression of crime, the apprehension of criminals and the maintenance of peace and order in such counties. The title to any equipment bought under this Act shall at all times be vested in the county, but the Sheriffs of such counties may be designated as custodian of any equipment bought under this Act and will be held accountable for such property to the fiscal officer of the County Quarterly Court.

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

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

Passed: February 24, 1949

## Law Enforcement - Historical Notes

### Jails and Prisoners

The following acts once affected jails and prisoners in Maury County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1809, (Sept. Sess.), Chapter 76, authorized the Commissioners of Columbia to build the jail for Maury County in some convenient part of Columbia on land that was then unsold but not on the public square.
2. Private Acts of 1971, Chapter 198, provided for the election of a five (5) member Jail- Workhouse Committee from among the members of the county commission. Private Acts of 1989, Chapter 54, repealed the Private Acts of 1971, Chapter 198.

### Militia

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

1. Acts of 1815, Chapter 119, was a new statewide military code for Tennessee. The table of Organization established all of the county units then existing in Tennessee. Maury County had three units which were designated as the 27th, 46th, and 51st Regiments, respectively.
2. Public Acts of 1819, Chapter 68, revised and amended many parts of the State's Militia Law. Maury County retained its 27th, 46th, and 51st Regiments. The 27th Regiment would call and hold its annual Regimental muster and drill on the second Saturday in September, the 46th Regiment would do the same on the third Saturday of September, and the 51st on the fourth Saturday of the same month. The remainder of this long and involved law addressed itself to the details of organization, operation, logistics, and discipline of the entire military structure of the State.
3. Public Acts of 1825, Chapter 69, declared that free men and indentured servants between the ages of eighteen years and forty-five years would constitute the State Militia. Some few exceptions were mentioned. Maury County had the 27th, 46th, 51st, and 93rd Regiments, all assigned to the Fifth Brigade. The 27th Regiment would muster on the third Wednesday in September, the 46th Regiment on the following Saturday. The 51st Regiment was scheduled to meet for its annual drill and inspections on the fourth Wednesday in September, and the 93rd on the following Saturday. Many other changes were made to the military system primarily of a



technical, or organizational nature.

4. Public Acts of 1835-36, Chapter 21, was a reorganization of the whole state militia law and units. Maury County's Regiments were numbered as the 77th, 78th, 79th, 80th, and 142nd. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three (3) Sergeants, three (3) corporals, and no less than forty-five (45) privates.
5. Acts of 1837-38, Chapter 156, scheduled county drills and musters for every county militia unit in Tennessee. Maury County would convene and drill its units on the Thursday and Friday following the second Friday in September. Maury, Marshall, and Bedford Counties' units made up the Twelfth Brigade.
6. Acts of 1839-40, Chapter 56, limited membership in the Militia of the State to white, male, inhabitants between the ages of eighteen and forty-five years, with some exceptions specified. The organizational Table did not make any changes in the regiments of Maury County, but fixed a new schedule for musters in the County.

### **Offenses**

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

1. Private Acts of 1917, Chapter 200, made it unlawful to operate a pool or billiard hall outside municipal boundaries in Maury County. Violation of the act was punishable by a fine of not more than \$50 and by imprisonment in the workhouse for not more than three months or both such fine and imprisonment.

### **Sheriff**

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

1. Acts of 1813, Chapter 54, directed the Sheriff of Maury County to hold an election at the Courthouse in the Town of Columbia for the purpose of electing five suitable persons to serve as commissioners for the Town.
2. Private Acts of 1823, Chapter 186, permitted the Sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington counties to appoint one deputy each in addition to the number then fixed by law. The act was repealed entirely by Private Acts of 1978, Chapter 248.
3. Acts of 1837-38, Chapter 306, allowed the respective sheriffs of Maury, Hawkins, and Monroe Counties to appoint another additional deputy sheriff to assist in the conduct of their offices.
4. Acts of 1851-52, Chapter 367, permitted the Sheriff of Maury County to employ another deputy sheriff in addition to all those previously authorized by law. The act also authorized the boundary line to be run between Maury and Lewis Counties.
5. Private Acts of 1927, Chapter 684, fixed the Sheriff's salary at \$2,500 in Maury County provided he filed a sworn, itemized statement of the fees received in his office. If the fees, excluding prisoner's board and turn key, failed to reach \$2,500, the County would pay him the difference but, if they exceeded that amount, the Sheriff could retain the excess.
6. Private Acts of 1929, Chapter 258, was almost identical to Private Acts of 1929, Chapter 918, below, except the salary was \$2,400 and an error was made in the citation of the act to be repealed.
7. Private Acts of 1929, Chapter 918, repealed Private Acts of 1927, Chapter 684, and provided that the Sheriff be paid \$2,500 in salary, payable monthly by the County Judge on warrants drawn on the general fund, in addition to all the fees and emoluments of his office. The Sheriff was empowered to appoint and remove any deputies he considered essential without approval of County Court. The deputies' salaries were to be paid out of the fees of the office.
8. Private Acts of 1933, Chapter 505, declared that the Sheriff of Maury County would not be entitled to receive more than \$3,000 annually for any year during his term of office and that the act was not to be construed as modifying or interfering with Section 10,728-10,747, Code of Tennessee of 1932.
9. Private Acts of 1939, Chapter 200, authorized the Quarterly Court of Maury County to create the position of Special Investigator of Crime for a term of two years. This official would investigate crimes and submit the evidence thereof to the District Attorney of the State in that County. He would be paid by the County, and any Deputy Sheriff or Constable otherwise qualified would be eligible for the office without resigning their offices. Following the initial two-year term, the Quarterly Court would have the option to fill the position for another term.

10. Private Acts of 1943, Chapter 187, appointed the Maury County Sheriff as the custodian of the County Courthouse, empowering the said custodian to regulate and designate office space in the courthouse for all Judges, Chancellors, and County Officers.
11. Private Acts of 1967-68, Chapter 196, placed the salary of the Sheriff and deputies on the basis of T.C.A. 8-2404 but also gave the deputies tenure after six months employment so that the Sheriff could not discharge them without cause. Any discharge after the six month period would only serve as a suspension until the said action was confirmed by a Board elected by the County Court. The act was not approved locally and did not become law.
12. Private Acts of 1978, Chapter 248, repealed Private Acts of 1823, Chapter 186 .

## Chapter XI - Libraries

### Libraries - Historical Notes

1. Private Acts of 1970, Chapter 334, established a "Maury County Governmental Library Commission" composed of five members, three to be appointed by various judges of the courts and two by the Maury County Bar Association. The Commission would acquire, maintain, and operate, a governmental library for the assistance of various public officials to be partially financed by a litigation tax of \$1. The act was disapproved by the Quarterly County Court and failed therefore to become effective.

## Chapter XII - Parks and Recreation

### Arrow Lake

#### Private Acts of 1935 Chapter 200

**SECTION 1.** That Arrow Lake, lying in the 7th Civil District of Maury County, and being a body of water compounded by a dam erected for the purpose of catching drainage or rain waters on the property of the Charleston Mining Company; the said lake having an overflow or inflow only two or three months in the year, be and the same is hereby declared and established as a private lake.

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

Passed: February 20, 1935.

### Maury County Park

#### Private Acts of 1957 Chapter 296

**SECTION 1.** That Maury County, Tennessee, is hereby authorized and empowered to own, purchase, lease, construct, operate, equip, and maintain a general park in said County, acting by and through its Quarterly County Court with authority to accept a legal title to such park and to own such park and either operate or maintain same under the provisions of a Board of Park Commissioners; or to lease the park facilities or any portion thereof to a non-profit corporation only by and with the approval of the Maury County Quarterly Court.

**SECTION 2.** That said Maury County, Tennessee, is hereby authorized and empowered to acquire by gift, purchase or the exercise of eminent domain, lands or rights in lands upon which to construct, equip, maintain, and operate such park, and to accept gifts and donations, funds, money, aids, grants, and assistance of any kind for the purpose aforesaid from any person, firm association, corporation or group of persons, including the United States of America, or any agency thereof, and the State of Tennessee and any agency thereof, and any County or Municipality in the State of Tennessee.

**SECTION 3.** That the said Park shall be known and designated as the Maury County Park and shall be comprised of and situated on the following described tract or parcel of land together with all buildings and other improvements and all appurtenances thereunto belonging, together with any other land which may be hereinafter acquired, and more particularly described as follows:

Located and situated in the Ninth Civil District of Maury County, Tennessee.

BEGINNING at a point in center of L & N Railroad, in the center of the Experiment Lane, said point being the center of the railroad trestle over the Experiment Lane; thence with center of said railroad N. 85 deg.

34' W. 2224.1 ft. to a point of curve; thence with a 3 deg. curve to the left a distance of 862.1 ft. to a point in center of said tract; thence leaving said railroad and with existing fence S. 89 deg. 15' W. 1899.3 ft. to a concrete monument; thence N. 4 deg. 15' E. 1578 feet to a concrete monument; thence S. 85 deg. E. 1450 ft. to a concrete monument; thence S. 9 deg. 45' W. 550 ft.; thence S. 85 deg. E. 550 ft.; thence N. 9 deg. 45' E. 550 ft.; thence S. 85 deg. E. 1137.5 ft.; thence N. 9 deg. 47' E. 291.3 ft. to the point of intersection of the Experiment Lane; thence with said Land S. 38 deg. 49' E. 1301.84 ft. to the point of curve; thence with same on a 7 deg. curve to the left, a distance of 721.9 ft.; thence with same S. 89 deg. 21' E. 86.25 ft. to the point of curve; thence with a 56 deg. curve to the right, a distance of 157.74 ft. thence with same S. 1 deg 91' E. 109 ft. to the point of beginning. Being a portion of the property conveyed to Monsanto Chemical Company by deed of record in Book 8, Page 213, Register's Office of Maury County, Tennessee. And being the same property conveyed to Maury County, Tennessee, by deed executed by Monsanto Chemical Company, by deed recorded in Book 303, Page 551 of the Register's Office of Maury County, Tennessee.

**SECTION 4.** That all parks and recreation areas now or hereafter owned or operated by Maury County shall be operated and controlled by a Board of Park Commissioners, seven (7) in number, and all shall be citizens and residents of Maury County, greater than twenty-one (21) years of age who shall serve without compensation (said office being honorary and not constituting a County office), in the manner and for the terms hereinafter provided; and provided that no member of said Board of Park Commissioners shall be a member of the Maury County legislative body; and provided further that no member of the Board of Park Commissioners or no member of the legislative body of Maury County shall profit financially by reason of the operation of the parks and recreation areas owned or operated by Maury County; and further that no property operated and controlled by a Board of Park Commissioners shall be subject to a debt of the County.

As amended by: Private Acts, 2019, Chapter 21.

**SECTION 5.** That the initial members of the Board of Commissioners shall be: DeWitt H. Viar; Thomas H. Reynolds; Charlie Skillington; James B. McLaren; Sam R. McGaw; Ralph L. Newbert; and J. B. Erwin. The term of office of each member of said initial Board of Park Commissioners shall be three (3) years from and after April 8, 1957, and upon the expiration of the three (3) year term as herein provided and at the regular April, 1960 term of the Maury County Quarterly Court, or if vacancies occur for any causes before that date, such vacancies shall be filled in the same manner by the said Quarterly Court at its next regular session or at such sessions called for that purpose, provided however if deemed advisable by the said Quarterly Court, the said Quarterly Court shall elect a Board of Park Commissioners, as follows: Two (2) members for one year; two (2) members for two years; three (3) members for three years; and thereafter upon the expiration of the terms of said members of said Board of Commissioners or upon any vacancy which may occur for any reason, or otherwise, shall be filled by an election by the Maury County Quarterly Court for the regular terms as hereinabove provided or for the unexpired term of any member creating a vacancy. The election and acceptance of each respective member of said Board of Park Commissioners shall be duly filed in the office of the County Court Clerk of Maury County, Tennessee. Any member of the Board of Park Commissioners shall be eligible for re-election. The Board of Park Commissioners shall elect a Chairman, Vice-Chairman, Secretary, Treasurer; or Secretary and Treasurer; provided that nothing contained herein shall prevent the Board from electing and designating the Park Superintendent as Secretary of said Board of Park Commissioners. The said Board of Park Commissioners shall meet at least once each quarter, and oftener, if necessary, and shall keep complete, permanent and public records and minutes, reflecting all business and transactions of the said Board of Park Commissioners. All checks or warrants drawn on funds belonging or appropriated to said Maury County Park shall be signed by the Treasurer and countersigned by the Chairman of the Board, or in lieu thereof countersigned by some other member of the Board duly designated by the Board.

**SECTION 6.** That the Board of Park Commissioners shall be vested with full, absolute, and complete authority and responsibility for the operation, maintenance, management, conduct, and control of the business and affairs of all parks and/or recreation areas now or hereafter owned or operated by Maury County; such operation maintenance, management, conduct, and control, however, shall not be inconsistent with existing contractual obligations of Maury County, Tennessee. Said authority shall include, but shall not be limited to, the establishment, promulgation, and enforcement of rules, regulations, and policies necessary to direct and supervise the operation, maintenance, and control of all parks and/or recreation areas now or hereafter owned or operated by Maury County, including, but not limited to, the regulation of the dates and hours of the opening and closing of said Park and the regulations and routing of traffic along and over the roads and passage-ways therein, the administration of all financial affairs, the execution of all contracts, agreements, and other instruments, and the employment, compensation, discharge, and supervision of all personnel in conjunction with Maury County policies, and to adopt the

necessary and proper bylaws.

As amended by: Private Acts, 2019, Chapter 21.

**SECTION 7.** That the Board of Park Commissioners shall have authority to employ and fix the compensation of a Park Superintendent, and such other personnel and employees as may be necessary, whose duties and responsibilities shall be determined and prescribed by the Board of Park Commissioners.

**SECTION 8.** The entire Maury County Legislative Body shall constitute the park committee of the Maury County Legislative Body whose duties shall be to advise and consult with the Board of Park Commissioners concerning measures and matters pertaining to and affecting the welfare of the Maury County park system.

As amended by: Private Acts of 1989, Chapter 53

**SECTION 9.** That said Board of Park Commissioners shall annually prepare and submit to the Maury County Quarterly Court a budget reflecting in detail all estimated receipts and disbursements of all parks and recreation areas owned or operated by Maury County, together with the receipts and disbursements of the previous year. Said budget shall be submitted not later than April 1, for approval of the Quarterly Court at the regular July term of each year, and the said Park Commission is without authority to make contracts beyond the budget approved by the said Quarterly County Court.

As amended by: Private Acts, 2019, Chapter 21.

**SECTION 10.** That the Board of Park Commissioners shall prepare and submit to the Quarterly Court of Maury County, prior to each regular January and July meetings of said Court, a complete financial statement and report, which among other things, shall reflect a comparison of actual receipts and disbursements with budgeted receipts and disbursements for the latest available period. Provided that the Quarterly Court may provide for an audit of the books, records, and financial affairs of all parks and recreation areas owned or operated by Maury County at any time it may deem same advisable or necessary.

As amended by: Private Acts, 2019, Chapter 21.

**SECTION 11.** That the Quarterly Court of Maury County be and the same is hereby authorized to appropriate to the Maury County Park from the general funds of the County, such sums as may be required to commence the operation of said Park, and thereafter such sums as may be required to pay any deficits arising in the operation and maintenance of said Park; and said Quarterly Court of Maury County is further authorized and empowered to levy a park tax sufficient for this purpose upon all the taxable property located in said County. Said tax to be a special tax not to exceed Ten (\$0.10) Cents upon each One Hundred (\$100.00) Dollars worth of taxable property; and provided that the funds derived from such levy shall be carried upon the official books and records of said County, separate and apart from other accounts, and which tax shall be in addition to the levy for general County purposes.

**SECTION 12.** That all Acts resolutions, including resolutions appropriating funds and resolutions accepting gifts of land and other gifts, heretofore done by the Maury County Quarterly Court be and the same is hereby ratified.

**SECTION 13.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly Court of Maury County on or before the next regular meeting of such Quarterly Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Quarterly Court and shall be certified by him to the Secretary of State.

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

Passed: March 20, 1957.

## Park Rules

### Private Acts of 2003 Chapter 39

**SECTION 1.** Whenever used in this act, the respective terms have the following meanings unless

otherwise herein expressly defined:

- (1) "Board" means board of county commissioners of Maury County.
- (2) "Bridle path or trail" means any path or trail maintained for persons riding on horseback.
- (3) "Commission" means the Maury County board of park commissioners established and authorized by Chapter 296 of the Private Acts of 1957, to serve as the recreation advisory board for Maury County.
- (4) "County" means Maury County.
- (5) "Department" means the department of parks and recreation.
- (6) "Foot path or trail" means any path or trail maintained for pedestrians.
- (7) "Holder" means any person to which a permit is issued and which is nontransferable.
- (8) "Owner" means any person, firm, association, co-partnership, or corporation, owning, leasing, operating, or having the exclusive use of a vehicle, animal, or any other similar item which item is used in recreation areas and structures owned, operated, or leased by the county.
- (9) "Park", unless specifically limited, means all parks, playgrounds, recreation centers, parkways, water areas, or other recreation areas and structures owned, operated, or leased by the county.
- (10) "Permit" means any written license issued by or under authority of the department, permitting the performance of a specified act or acts.
- (11) "Person" means any natural person, corporation, company, association, joint stock association, firm, or co-partnership.
- (12) "Regulation" means any regulation duly adopted by the commission and posted as a parks and recreation centers regulation.
- (13) "Unnecessary stopping" means bringing a vehicle to a complete stop at a point other than a parking place, other than in conformity with the state vehicle and traffic laws and other than because of a defect in said vehicle.
- (14) "Vehicle" means any wheeled conveyance, whether motor powered or animal driven, including, but not limited, to automobiles, trucks, go-carts, four-wheelers, motor bikes, and motorcycles. "Vehicle" does not include self-powered bicycles, wheelchairs and similar devices for the disabled, baby carriages, and vehicles in service of the county parks.
- (15) "Excessive noise" means any noise by radio or amplification device or other reason that is disturbing or distracting (at a distance of fifty feet (50') or more) to the public or employee of the park.

**SECTION 2.** In the interpretation of this act:

- (1) Any terms in the singular shall include the plural;
- (2) Any term in the masculine shall include the feminine and the neuter;
- (3) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act;
- (4) No provision hereof shall make unlawful any act necessarily performed in line of duty or work as such, or by any person, his agents, or employees, in the proper and necessary execution of the terms of any agreement with the county or the department.
- (5) Any act, the performance of which is deemed prohibited by local ordinance unless performed in compliance with a duly authorized permit, shall be lawful if performed under, and in accordance with any restrictions of, such a permit; and
- (6) This act is in addition and supplemental to state vehicle and traffic laws which are in force in all parks, and such laws incorporated herein and made apart hereof. If, however, any provision of this act conflicts with general law in any provision, the provisions of general law shall control.

**SECTION 3.** This act shall be effective within and upon all parks, as defined by this act, and shall regulate the use thereof by all persons.

**SECTION 4.** The department may issue permits, consistent with the rules and regulations of the commission for the use of parks. A permit to do any act shall authorize the same only insofar as it may be performed in strict compliance with the terms of the permit and any applicable provisions of local or state law. Noncompliance with the terms of a permit shall constitute grounds for its revocation by the department, or by its authorized representative, and such action by the department shall be final after the

permit holder has had an opportunity for a hearing regarding the revocation by the department.

In case of revocation of any permit, all moneys paid for or on an account thereof shall, at the option of the department, be forfeited to and be retained by the department. The holder of such permit, together with its agents and employees who violated such terms and conditions, shall be jointly and severally liable to the county for all damages and losses suffered by it in excess of money so forfeited and retained. Neither such forfeiture or retention by the county of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability for punishment for any violation of any provisions of this act.

**SECTION 5.** No person shall remove, destroy, cut down, scar, mutilate, injure, take, or gather in any manner any tree, flower, fern, shrub, rock, or other plant or mineral in any park unless authorized by permit.

**SECTION 6.** No person shall in any manner injure, deface, disturb, destroy, or disfigure any part of any park, nor any building, sign, equipment, or other property found therein.

**SECTION 7.** No person shall deposit in any part of any park any garbage, sewerage refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or other waste material of obnoxious material, except in containers designated for such purposes.

**SECTION 8.** No person shall pollute the streams, lakes, or other waters of any park in any manner, bathe pets, wash vehicles or clothing, or throw, cast, lay, drop, or discharge into or leave in the streams, lakes, or other waters of the park or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid which may or shall result in the pollution of said waters. Bathing of farm animals in provided areas is permitted.

**SECTION 9.** No person shall drive a vehicle in any park within or upon a safety zone, walk, bridle path, bicycle trail, jogging trails, fire truck trail, service road, or any part of any park not so designated by the department as a roadway.

**SECTION 10.** No person in a park shall operate any go-cart, minibike, dirt bike, or motorized cycle; provided, however, regularly licensed vehicles and operators may have access to streets and roadways within the parks to the same extent as public streets, subject to the traffic rules of this act and general law.

**SECTION 11.** No person shall ride a bicycle on other than the right-hand side of a paved vehicular road or paths designated for that purpose, or fail to keep in single file when two (2) or more bicycles are operating as a group. Bicyclists shall be permitted to ride on trails designated for bicycles or any other areas not reserved for pedestrian use only. A bicyclist shall wheel or push a bicycle by hand over any grassy area, wooded trail or paved area reserved for pedestrian use only. In addition, the use of bikes, scooters, skateboards, or skates in spectator or other designated areas is prohibited.

**SECTION 12.** No person shall ride any other person over the age of six (6) years of age on a single passenger bicycle in any park, or ride a bicycle in violation of the height and weight requirements of Tennessee Code Annotated, Section 55-52-105. All persons under the age of sixteen (16) shall wear helmets for bicycles pursuant to Tennessee Code Annotated, Section 55- 52-105, and all persons under the age of eighteen (18) shall wear protective pads and helmets for skating and skateboarding.

**SECTION 13.** No person shall ride a bicycle in any park at nighttime without an attached headlight in accordance with Tennessee Code Annotated, Section 55-8-177.

**SECTION 14.** No owner or drive shall cause or permit a vehicle to stand anywhere in any park outside of designated parking spaces, except for a reasonable time in a driving area in order to receive or discharge passengers.

**SECTION 15.** No person shall cause or permit a vehicle to obstruct traffic by unnecessary stopping in a park.

**SECTION 16.** Rate of speed in excess of fifteen (15) miles per hour is prohibited in a park.

**SECTION 17.** No person shall use, ride, or walk a horse in a park, except to, from, or along a bridle path or other designated areas.

**SECTION 18.** Pets allowed in parks shall be attended and on a leash not more than six feet (6') long.

**SECTION 19.** No pets of any kind, with the exception of service dogs (seeing eye dogs, handicap assistance, or hearing dogs) shall be permitted in spectator areas or other designated areas of a park.

**SECTION 20.** No person within the confines of any park shall hunt, pursue, trap, shoot, injure, kill, or molest in any way, any bird or animal, except with permission of the department and only if such person possesses the necessary permit required by general law; provided, however, any such activities must be

performed in compliance with all applicable general law.

No person shall have any wild or dangerous bird or animal in his possession within any park.

**SECTION 21.** No person shall carry, possess, or discharge firearms of any description (including air guns or paint ball guns) within any park, except duly authorized law enforcement officers in accordance with general law.

**SECTION 22.** Unless otherwise authorized by law, no person shall bring into or have in any park an explosive or explosive substances, including, but not limited to, fireworks.

**SECTION 23.** No person shall kindle, build, maintain, or use a fire other than in places provided or designated for such purposes, except by permit. Any fire shall be continuously under the care and direction of a competent person over sixteen (16) years of age from the time it is kindled until it is extinguished. No person within the confines of any park shall throw away or discard any lighted match, cigarette, cigar, or other burning object. All objects must be entirely extinguished before being thrown away or discarded.

**SECTION 24.** No person shall consume or possess alcoholic beverages of any kind in any park, nor shall any person possess or consume any illegal drug in the park.

**SECTION 25.** No person in a park shall willfully and intentionally disobey a lawful order or a park superintendent, warden, caretaker, ranger, law enforcement officer; use obscene language; unreasonably disturb or annoy others; be under the influence of intoxicants; do any act tending to or amounting to a breach of the peace; or conduct himself in any disorderly manner whatsoever.

**SECTION 26.** Enforcement of the provisions of this act shall be as provided herein. So long as such is consistent with general law, park rangers and any other state law enforcement officer or law enforcement officer of Maury County or a local municipality shall have the duty and responsibility to enforce this act and shall be empowered to issue citations when in their judgment any provisions of this act have been violated.

**SECTION 27.** No person in a park shall willfully cause excessive noise, either by radio, amplification, or by other means, that is disturbing to the public or park staff at a distance of fifty feet (50') or more.

**SECTION 28.** No person shall, in any park, sell or offer for sale, hire, lease, or let out any object or merchandise, any building, booth, tent, staff, or any other structure whatsoever or charge admission to any meeting, exhibition, contest, or event, except under permit.

**SECTION 29.** No sign, notice, or advertisements of any nature shall be erected or posted at any place within any park without permission in writing from the department; nor shall any musical instrument, radio, talking machine, or drum be operated or any noise be made for the purpose of attracting attention to any exhibition of any kind, except by permit.

**SECTION 30.** No person shall, within any park, solicit alms or contributions for any purpose, except by permit.

**SECTION 31.** The commission shall have the authority to establish open and closing hours of all parks. All persons shall leave the park as specified by the commission or under permit.

**SECTION 32.** No person shall use or gain admittance to, or attempt to use or gain admittance to, the facilities in any park for use in a manner for which a charge is made by the department unless the person pays the charge or pays a price fixed by the board.

**SECTION 33.** The violation of any of the provisions of this act shall be subject to a civil penalty not to exceed fifty dollars (\$50.00), except that violations of general law shall be punished according to such law.

**SECTION 34.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer and certified to the secretary of state.

**SECTION 35.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 34.

Passed: May 12, 2003.

## Parks and Recreation - Historical Notes

The following act has no current effect but is included here for reference purposes as it once applied to the Board of Park Commissions.

1. Private Acts of 1971, Chapter 197, amended the Private Acts of 1957, Chapter 296 by increasing the number of commissioners serving on the park board and providing for the election of a chairman.

## Chapter XIII - Taxation

### Assessor of Property

#### Private Acts of 1949 Chapter 449

**SECTION 1.** That in the counties having a population of not less than 40,300, nor more than 40,400, according to the Federal Census of 1940, or any subsequent Federal Census, there is hereby provided a more efficient method of assessing the taxable property in such counties for State and County purposes.

**SECTION 2.** That every conveyance in writing of real property, located within the County, excepting mortgages and deeds of trust, shall be presented to the Tax Assessor or duly authorized Deputy Tax Assessor of such counties wherein said property is located for notation of the change or changes in ownership occasioned by said conveyance. Upon presentment it shall be the duty of the Tax Assessor or Deputy Tax Assessor to note the information, as outlined herein, in a well-bound book to be furnished by said counties. Said book shall show the names of the grantors or lessors; the names of the grantees or lessees; the number of acres or town lots conveyed; whether there are buildings, dwelling, or other improvements on said property; whether the number of acres or lots conveyed be all or a portion of the property previously assessed in the name of the grantors or lessors thereof; the general boundaries of said property in accordance with the abutting or adjacent owners of said property; and under the title "Remarks" show such other information as will enable the County Tax Assessor or Deputy Tax Assessor to keep current the records of his office to the end that all real estate shall be assessed for taxation in the name of the true owner or in the name of the person or persons responsible for the payment of the taxes.

**SECTION 3.** That no conveyance in writing of real property, except mortgages and deeds of trust, shall be received by the Register of any County under this Act for registration unless it bears a stamp or notation evidencing that such conveyance has been presented to the Tax Assessor or Deputy Tax Assessor, together with the date of said presentment and a signature or initial of the Tax Assessor noted thereon.

**SECTION 4.** That mortgages, deeds of trust, or other like instruments are specifically exempt from the provisions of this Act.

**SECTION 5.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 6.** That in the event any section or part of any section of this Act shall be held invalid, the remainder of the Act shall not be invalidated, but shall remain in full force and effect.

**SECTION 7.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 1, 1949.

### Hotel/Motel Tax

#### Private Acts of 1991 Chapter 117

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

(1) "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.

(2) "County" means Maury County, Tennessee.

(3) "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, campground, tourist court, tourist cabin, motel, campspace or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(4) "Occupancy" means the use or possession, or the right to the use or possession, of any room,



lodgings or accommodations in any hotel.

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

(6) "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 entity other than the United States or any of its agencies, or any other group or combination acting as a unit.

(7) "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.

(8) "Trustee" means the county trustee of Maury County, Tennessee.

**SECTION 2.** The legislative body of Maury County is authorized to levy a privilege tax, by resolution of the county legislative body, upon the privilege of occupancy in any hotel of each transient in an amount not to exceed five percent (5%) of the rate 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 of the tax authorized by this act shall be paid into the county general fund and used for industrial development, tourism promotion, county beautification, and county recreation. Actual disbursement of funds received from the tax for these purposes shall be specified by resolutions 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 trustee 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 trustee 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 trustee 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 trustee, 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 trustee by the operator with such number of copies thereof as the trustee 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 trustee and approved by the county legislative body prior to use. The trustee 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 trustee 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 trustee has the right to inspect such records at all reasonable times.

**SECTION 10.** The trustee 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.

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 trustee under authority of this act shall be refunded by the trustee. Notice of any tax paid under protest shall be given to the trustee and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**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 Maury 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: May 30, 1991.

## New Development Privilege Tax

### Private Acts of 1991 Chapter 118

WHEREAS, after an intense national competition, the state of Tennessee successfully negotiated with the General Motors Corporation to locate its SATURN plant in Tennessee; and

WHEREAS, General Motors Corporation has constructed the SATURN automotive assembly plant in an unincorporated area of Maury County; and

WHEREAS, the investment in said plant is anticipated to be approximately \$3.5 billion when the plant is complete; and

WHEREAS, pursuant to a Payment In Lieu Of Tax (PILOT) Agreement entered into between General Motors and Maury County, the SATURN plant will make payments in lieu of property tax in an amount less than the property tax payments that would be required under the present County property tax rate of \$2.68 per \$100 of assessed valuation; and

WHEREAS, the SATURN plant is anticipated to stimulate other commercial, office, industrial and warehouse development in Maury County in the vicinity of the SATURN plant as well as in neighboring counties; and

WHEREAS, the projected non-residential development and the availability of jobs is anticipated to stimulate a significant demand for new dwelling units; and WHEREAS, in anticipation of and for the purpose of more accurately identifying the impacts of the SATURN plant and associated development on Maury County, the County retained a Consultant Team (1) to project population and employment growth in Maury County to the Year 2000 and to convert the projected population and employment forecasts into land use demand; (2) to identify the County responsibility for the provision of the additional capital facilities and improvements that would be needed as a result of such growth and to estimate the cost thereof; (3) to undertake a fiscal impact analysis to project County revenues and necessary County

expenditures, given the projected growth, to the Year 2000 and to determine, at current tax and fee rates, whether revenues will be adequate to meet the projected needs; and (4) if revenues are inadequate, to explore alternative revenue sources that may now or in the future be available to increase County revenues to fund the necessary public facilities at current service levels; and

WHEREAS, the results of the Consultant Team Report, undertaken with the assistance and cooperation of the County staff and officials, show that:

- (1) County population will be 75,400 persons in the Year 2000, an increase of 50% from 1980 to 2000; employment will reach 39,100 in the Year 2000, an increase of 63% from 1980; there will be a demand for approximately 12,000 additional dwelling units between 1985 and 2000; and new residential and non-residential development will consume an additional 5,000 acres of land in Maury County;
- (2) Projected growth and land use development will cause a demand for Countyprovided capital facilities (schools, jail, parks, County government facilities, etc.) in the amount of approximately \$26 to \$28 million over the next 15 years;
- (3) The cost of and additional demand for public facilities as well as increased operating expenses, staff and maintenance costs will create a budget deficit which is projected to range from \$1 million to more than \$4 million per year through the Year 2000.
- (4) 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, Maury County is committed to both present and future County residents to maintaining a level of public facilities and services commensurate with that presently provided; and

WHEREAS, Maury County is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of the County; and

WHEREAS, the County's present population, employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to service new growth without a 50% increase in the property tax rate on existing development; and

WHEREAS, the introduction of the SATURN plant in Maury County represents both an extraordinary economic opportunity for the State of Tennessee as well as a potential economic burden on the existing residents of Maury County; and

WHEREAS, due to these unique circumstances, it is necessary and appropriate that Maury County be given authorization to extend its taxing power to enable the County to impose a fair and reasonable share of the costs of public facilities necessitated by new development on that development so as not to create an unfair and inequitable burden on existing County residents; and

WHEREAS, there is precedent in the State of Tennessee for such additional tax measures to impose costs on those who benefit from improvements and where the result would otherwise be to impose an unfair burden on existing residents; and

WHEREAS, the most logical and effective mechanism to accomplish the intended result would be the imposition of a new privilege tax on new development in Maury 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 Maury County Adequate Facilities Tax.

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

(a) "Board of Adjustments and Appeals" is a three (3) member board who shall have four (4) year terms. Members shall be recommended by the Administrative Committee of the County Commission and confirmed by the County Commission

As amended by: Private Acts of 2000, Chapter 123

(b) "Building" means any structure built for the support shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home. This will not pertain to buildings used for agricultural purposes.

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

(d) "Capital Improvement Program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All

major projects requiring 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.

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

(f) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which provides, adds to or increases the floor area of a residential or nonresidential use.

(g) "Dwelling Unit" means a room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupant, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(h) "Floor Area" 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 of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the room 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, service, or production areas.

(i) "Governing Body" means the County commission of Maury County, Tennessee.

(j) "Nonresidential" means the development of any property for any use other than residential use, except as may be exempted by this Act.

(k) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.

(l) "Place of Worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, that a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

(m) "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 necessarily limited to counties, cities, school districts and special districts, or the federal government or any agency thereof.

(n) "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.

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

(p) "Subdivision Regulations" means the regulations adopted by the Maury County Regional Planning Commission pursuant to state statutory authorization on December 19, 1985, as amended, by which the County regulates the subdivision of land.

(q) "Zoning Resolution" means the resolution adopted by the governing body pursuant to state statutory authorization on April 21, 1986, 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 Maury County to impose a tax on new 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 development share in the burdens of growth by paying their fair share for the cost of new and expanded public facilities made necessary by such development.

**SECTION 4.** Engaging in the act of development within Maury County, except as provided in Section 6 herein, is declared to be a privilege upon which Maury 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 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 of buildings taken by eminent domain by any public body; replacement structures for previously existing buildings destroyed by fire, or other disaster; or replacement on the same site of any building which either has had a privilege tax paid upon it, or has been utilized as a residence for three years immediately preceding the date of application for a building permit.
- (e) Additional to an existing single-family dwelling which was originally completed at least one year prior to such addition.
- (f) A structure owned by a non-profit corporation which is a qualified 501(c) corporation under the Internal Revenue Code.
- (g) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty days of the issuance of the certificate of occupancy for the permanent residential structure, provided that the permanent structure is a residence for the owner and occupant of the mobile home and that owner and occupant has resided on the property for a period of not less than three years.
- (h) Buildings which either have previously had a privilege tax paid upon them, or which have been continuously occupied for three years immediately preceding the date of application for a building permit, and which are moved from one site within the County to another site within the County, provided that no new building replaces the building being moved. If a building, which has been continuously occupied for three consecutive years immediately prior to the date of application for a building permit, is move to another site within the County and a new building is placed on the originating site, then the moved building will pay the privilege tax at its new site.

**SECTION 7.** For the exercise of the privilege described herein, Maury County may impose a tax on new development not to exceed fifty cents (\$.50) per gross square foot of new residential development and thirty cents (\$.30) per gross square foot of new nonresidential development. The County may develop a tax rate schedule by which residential and nonresidential 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 due and collected at the time of application for a building permit for development as herein defined or, if a building permit is not required, at the time of application for a certificate of occupancy to the County or city official duly authorized in such jurisdiction to issue building permits or certificates of occupancy. No building permit or certificate of occupancy shall be issued until the tax is paid. If the tax is collected by the County, the County director of community development or other responsible official shall receive payment in full in cash or other negotiable instrument as specified by resolution of the County. Before issuance of the building permit or certificate of occupancy, any city shall receive a receipt from the County director of community development indicating full payment of the tax by the applicant. No building permit for development as herein defined, or certificate of occupancy if no building permit is required, shall be issued in Maury County unless the tax has been paid in full to the County.

The tax due herein is declared to be a lien against the real property upon which the development has occurred until paid unless the development occurs on real property leased at the time the tax is due and shall be superior to all other liens on such property except for property tax liens. Interest of one percent (1%) per month, and a penalty of one-half percent ( $\frac{1}{2}\%$ ) per month or fraction thereof shall be added to the tax due if not paid when first due, unless the taxpayer successfully contests the applicability of such tax by appeal as provided in this act. Notice of such lien may be, but is not required to be recorded in the office of the register of deeds. Such lien may be enforced by action instituted in the Chancery County of Maury County for sale of the real property to enforce this lien.

**SECTION 9.** All tax funds collected by the County shall be used for the purpose of providing public facilities, the need for which is reasonably related to new development.

**SECTION 10.** Appeals. 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 Maury County and by notifying the official that the payment is made under protest; and

(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 Maury County Board of Adjustment and Appeals. Hearing shall be scheduled within forth-five (45) days of the written request for appeal.

The board of adjustment 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.

The board of adjustment 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 will not be bound by formal rules of evidence applicable to the various courts of the state.

Hearings before the board shall proceed as follows:

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

(2) The appellant shall explain his reasons for protesting the ruling.

(3) The board may request further information from any County official, including, but not limited to the County executive, County commissioners or committee members, the County attorney, or the County planning staff. The board will not have the power to subpoena.

(4) The board will deliberate and render a decision by a majority vote. Decisions will be reduced to writing and copies shall be sent to all parties and shall become a part of the minutes of the board. Decisions of the board of adjustment 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 Maury County, Tennessee, provided that an application to the Court is made within sixty (60) days of the written decision of the board.

**SECTION 11.** The authority to impose this privilege tax on new development in Maury 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 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 Maury County. This Act shall be deemed to create an additional and alternative method for Maury County to impose and collect taxes for the purpose of providing public facilities made necessary by new development in the County.

**SECTION 13.** If any provisions of this Act or the application thereof to any person or circumstances 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 Maury County before October 1, 1991. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 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 30, 1991.

## Motor Vehicle Privilege Tax

### Private Acts of 1995 Chapter 119

**SECTION 1.** For the privilege of using the public roads and highways in Maury County, Tennessee, there is levied upon motor-driven vehicles, including motorcycles and motor-driven bicycles and scooters, and upon the privilege of the operation thereof, except farm tractors, selfpropelled farm machines not usually used for operation upon public highways or roads, and motor-driven vehicles owned by any governmental agency or governmental instrumentality and except for other exemptions provided by general law, a

special privilege tax for the benefit of such county. The tax shall be in the yearly amount of twenty-five dollars (\$25.00) for each such motor vehicle the owner of which resides within the county except the tax shall be in the yearly amount of ten dollars (\$10.00) for motorcycles, motor-driven bicycles and scooters. Each statelicensed antique vehicle shall have a one (1) time tax of twenty-five dollars (\$25.00). Each new county resident shall comply with this tax within thirty (30) days after establishing residence in Maury County. The tax is levied upon and shall be paid on each taxable motor-driven vehicle whose owner resides in the county.

**SECTION 2.** The tax herein levied shall be paid to and collected by the County Clerk of Maury County, who is authorized by Tennessee Code Annotated, Section 67-4-103, to collect such privilege taxes. The County Clerk shall collect this tax at the same time he or she collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this State. The County Clerk shall deduct a fee of five percent (5%) as authorized in Tennessee Code Annotated, Section 8-21-701(55), from the amount of taxes collected and paid over to the trustee monthly. The clerk shall not issue to a county resident a state license for the operation of a vehicle taxable hereunder unless at the same time the owner pays the privilege tax levied hereunder.

**SECTION 3.** Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the County Clerk, the original of which shall be kept by the owner of the motor-driven vehicle, and by a decal also issued by the county clerk, which shall be displayed by affixing the decal on and to the lower right corner of the license plate in the space provided for such decal. The design of the decal shall be determined by the County Clerk, and the decal shall be the same size as the present state renewal decal. The expense incident to the purchase of such decals herein required, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein incumbent upon the county clerk shall be paid from the county general fund.

**SECTION 4.** The privilege tax or wheel tax herein levied, when paid together with full, complete and explicit performance of the compliance with all applicable requirements by the owner, shall entitle the owner of the motor-driven vehicle for which such tax was paid on and which the decal has been affixed as herein provided, to operate or allow to be operated the owner's vehicle over the streets, roads, and highways in the county for a period of one (1) year, which will run concurrently with the period established for the state registration fees by Tennessee Code Annotated, Section 55-4-104.

If the wheel tax decal is sold by the Count Clerk for a period of more or less than a calendar year, the tax imposed shall be proportionate to the annual tax fixed for the vehicle in the same manner as state licenses are prorated and modified in no other manner, except that the proportional tax shall be rounded off to the nearest quarter of a dollar.

**SECTION 5.** If any motor-driven vehicle for which the wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable, obliterated, erased or defaced, or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of said county or if the owner transfers the title to the vehicle, and completely removes therefrom and destroys the decal or emblem issued for and placed thereon, and the owner makes proper application to the county clerk for the issuance of a duplicate decal to be used by the owner for the unexpired term for which the original decal was issued, and the county clerk is satisfied that the applicant is entitled to issuance of such a duplicate decal and the owner pays the county clerk the sum of four dollars (\$4.00), then the county shall issue to such owner a duplicate receipt, canceling the original receipt delivered to the owner by the County Clerk, and a duplicate decal shall be provided to be affixed as outlined above. **SECTION 6.** The proceeds of this tax shall be used only as follows:

Fifty percent (50%) to debt service for jail improvements, and after all indebtedness for jail improvements has been paid, to the general fund for jail operations.

Fifty percent (50%) to debt service for road paving projects, and after all indebtedness

for road paving projects has been paid, to the highway capital projects fund for highway and bridge capital projects.

As amended by: Private Acts of 2012, Chapter 45

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Maury 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 8.** For the purpose of approving or rejecting the provisions of this act, it shall become 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 7. The date the tax shall first be collected shall be established by resolution of the Maury County Legislative Body.

Passed: May 25, 1995.

# Taxation - Historical Notes

## **Assessor of Property**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the assessor in Maury County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 171, allowed the Tax Assessor to appoint two deputy tax assessors to hold their employment during the term of office of the Tax Assessor. Each Deputy would receive \$250 per year as compensation to be paid out of the County treasury. They would be responsible for discharging the duties assigned them by the Tax Assessor.
2. Private Acts of 1919, Chapter 679, amended Acts of 1907, Chapter 602, by establishing the salary of the Tax Assessor of Maury County at \$3,500, payable monthly from the County treasury. Further, the act gave the Assessor the authority to appoint such deputies as may be necessary, the compensation of the deputies to be fixed by him and paid by him from his salary. The act repealed Private Acts of 1911, Chapter 171.
3. Private Acts of 1933, Chapter 630, also amended Acts of 1907, Chapter 602, by deleting the amendment in the 1919 Act and reducing the salary of the Tax Assessor to \$2,750 annually, payable monthly from the County treasury and by providing that he would receive no other compensation. Further, the Assessor was authorized to appoint deputies and fix their compensation but the deputies would be paid out of the Assessor's salary. The act repealed Private Acts of 1919, Chapter 679, above, and Private Acts of 1911, Chapter 171, above, even though it had already been repealed. The act placed the job of making out the tax books, formerly performed by the County Court Clerks, and other tasks, upon the Tax Assessor at no additional pay.
4. Private Acts of 1937, Chapter 720, amended Private Acts of 1933, Chapter 630, by increasing the tax assessor's annual salary to \$3,000.
5. Private Acts of 1949, Chapter 623, set the salary of the Maury County Tax Assessor at \$3,600 annually, payable monthly. It required the Tax Assessor's office to be kept open to the public the same hours as other County offices and required the Tax Assessor or Deputy to be on duty during those hours. The Tax Assessor was authorized to appoint one Deputy Tax Assessor whose salary would be a sum not to exceed \$1,800. The County Court was authorized to appoint additional Deputies as needed, either part-time or full-time at a similar salary.
6. Private Acts of 1951, Chapter 289, amended Private Acts of 1949, Chapter 623 by setting the salary of the Deputy Tax Assessor at a sum not to exceed \$2,400.
7. Private Acts of 1957, Chapter 199, set the salary of the Deputy Tax Assessor at a sum not to exceed \$3,600.
8. Private Acts of 1957, Chapter 297, authorized the County Quarterly Court of Maury County to set the salary of the Tax Assessor at a sum not less than \$3,600 nor more than \$6,500.
9. Private Acts of 1971, Chapter 94, authorized the Quarterly County Court to increase the salary of the Deputy Tax Assessor by a maximum of \$250 over and above the monthly salary of the Deputy in the year 1970.

## **Taxation**

The following is a listing of acts pertaining to taxation in Maury County which are no longer effective.

1. Private Acts of 1819, Chapter 103, authorized the building of a bridge across Duck River adjoining the Town of Columbia and required the County Court of Maury County to levy a tax on all taxable property sufficient to pay the installments due the bridge contractor.
2. Private Acts of 1859-60, Chapter 12, authorized the Tax Collector to appoint two deputy Tax Collectors in the same manner he was permitted to do so prior to the passage of the then recent Code.
3. Private Acts of 1859-60, Chapter 84, provided that if the Maury County Tax Collector against whom judgment had been taken by the State, would pay the interest and principal of the revenue due the State before July 1 of next year then the Attorney General would release him from the damages taken upon him. The act extended the time of payment for another year if the sureties on the Collector's bond were compelled to pay the judgment.
4. Private Acts of 1919, Chapter 693, allowed any taxpayer of any municipality in Maury County to



appeal a final assessment to the State Board of Equalization which was authorized to hear and determine the complaint.

5. Public Acts of 1925, Chapter 10, amended Acts of 1907, Chapter 602, Section 48, which compelled all taxpayers to pay their State, County, railroad, municipal, highway, school, property and poll taxes to the County Trustee, by changing the date when penalties would begin to accrue on delinquent taxes. Maury County, among others, was exempted from the amendment.
6. Public Acts of 1974, Chapter 563, amended Public Acts of 1973, Chapter 119, by making it applicable to Maury County as well as Counties with more than 600,000 population according to the 1970 Census. The original act stated that County Trustees must correct clerical errors in receiving and reporting tax payments and any differences resulting from the errors would be reported in his release list.

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