



May 12, 2024

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# Johnson

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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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## Johnson



Johnson County Courthouse

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## Chapter I - Administration

### Excavation

#### Private Acts of 1997 Chapter 29

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

- (1) "Excavate or excavation" means the removal from, or addition of soil to, a site for the removal, extraction, or mining of soils, limestone, gravel, rock, clays, or of any other mineral by whatever process. Excavation shall also be defined as including any earthmoving activity, other than mineral extraction, which involves over fifty (50) acres.
- (2) "Process or processing" means all functions, work, facilities, and activities conducted or constructed on a site of any size, the purpose of which is the development, extraction, or benefaction of mineral deposits. This definition shall also be deemed to include pre-mining site preparation activities, all uses reasonably incidental to, with the exception of chemical processing plants, and all post-mining reclamation activities; and
- (3) "Grade or grading" means any earthmoving which affects an area between two (2) and fifty (50) acres, and which is being conducted for purposes other than the extraction of any type of rock or mineral which has commercial value.

**SECTION 2.** The purpose of this act is to provide minimum development standards for earth products excavation and processing in the unincorporated areas of Johnson County so that they will be developed in a manner such as to preserve and protect the health, safety, convenience, order, prosperity and general welfare of the citizens of Johnson County through a lessening of traffic hazards and congestion, the abatement of noise, air and water pollution, the prevention of soil erosion and preserving and protecting soil stability, the preservation of aesthetic qualities, and the protection of persons and property who may otherwise be adversely affected by blasting effects and other dangers, if any, presented by such operations. It shall be unlawful to excavate or process earth products unless such operation meets the requirements of this act.

**SECTION 3.** The minimum standards which may be required for the excavation or processing of earth products shall be as follows:

- (1) That the proposed excavation and its finished slopes and banks will not impair the potential future utility and development of the property after excavation operations have been completed.
- (2) That no permanent machinery or structures shall be erected or maintained on the property which would tend to impair the potential future utility and development of the property after excavation operations have been completed.
- (3) That appropriate measures shall be taken to protect and preserve creeks or other bodies, sources or supplies of water, both surface and ground, and adjacent or nearby flora, fauna, or other vegetation.
- (4) That appropriate measures shall be taken so as not to depress land values around the proposed excavation and processing operations, or otherwise adversely affect surrounding persons or property in the neighborhood; including, but not limited to, establishing hours of excavation operations, noise and vibration standards.
- (5) That appropriate measures shall be taken for management of storm water on the property both during and after excavation operations have been completed.
- (6) That appropriate measures shall be taken to provide for management of any nuisance from dust, or wind erosion, at storage areas, yards, access roads, service roads, or other untreated open area within the property.
- (7) That appropriate measures shall be taken to provide for soil erosion and sediment control management on the property both during and after excavation operations have been completed.
- (8) That appropriate measures shall be taken to provide for management of truck access to and from excavation and processing operations so as to minimize danger to traffic and nuisance to surrounding properties.
- (9) That appropriate measures shall be taken to control outside access to any part of the property in which excavation and processing operations or terrain factors may cause danger; including, but

not limited to, suitable fencing, embankments or other barriers necessary for the protection and safety of vehicular and pedestrian traffic.

(10) That appropriate measures shall be taken to provide for the reclamation of the property after excavation and processing operations, or any phase thereof, have been completed.

(11) That appropriate measures shall be taken to guarantee faithful performance and completion of the reclamation work in accordance with plans as approved and any conditions of approval; including, but not limited to, permit expiration and renewal requirements, topsoil stockpile requirements, landscaping requirements and the filing of a corporate surety bond with the County Clerk in a form satisfactory to the County Attorney and in an amount approved by the County Commission to guarantee faithful performance and completion of the reclamation work in accordance with plans as approved and any conditions of approval, which bond shall cover a period of time not less than three (3) months beyond the period during which any permit obtained from Johnson County pursuant to this act is effective.

(12) That appropriate measures shall be taken to provide for the minimum setback of excavation and processing operations from any property line, public road (highway, street or similar right-of-way), publicly owned facility (park, school, or any building or similar structure), place of public assembly (church, store, office, restaurant or similar facility) or residence, necessary for the protection and safety of persons or property, or to insure the appropriate and reasonably neat appearance of excavation and processing operations from the surrounding neighborhood until final reclamation of the property after operations, or any phase thereof, have been completed.

(13) That appropriate measures shall be taken to provide for a fence or suitable barrier for the purpose of minimizing objectionable noise and screening operations from the view of vehicular or pedestrian traffic and neighboring property owners.

(14) That in considering any matter relevant to the authority granted by this act, in addition to the foregoing matters, the Planning Commission shall also be guided by the purpose of this act.

**SECTION 4.** In exercising the powers granted to it by this act, the Johnson County Planning Commission shall adopt regulations governing earth products excavation or processing operations, which regulations may provide as follows:

(a) The owner and any lessee of the land parcel proposed for earth products excavation or processing operations may be required to submit an application and plan for development to the Johnson County Planning Commission. The application and plan may be required to contain, but not be limited to, the following:

(1) A narrative describing:

- (i) The development, including location of development and adjacent properties;
- (ii) The schedule for grading and construction activities including: start and completion dates; sequence of grading and construction activities; sequence for installation and/or application of soil erosion and sediment control measures; sequence for final stabilization of the project site;
- (iii) The design criteria for proposed soil erosion and sediment control measures;
- (iv) The construction details for proposed soil erosion and sediment control measures;
- (v) The installation and/or application procedures for proposed soil erosion and sediment control measures;
- (vi) The operations and maintenance program for proposed soil erosion and sediment control measures;
- (vii) Proposed record-keeping program; and
- (viii) The identification of the person responsible for recordkeeping and monitoring required control measures, and who will be the Planning Commission's contact.

(2) A site plan map prepared by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at an appropriate scale to fit on 2' x 3' sheets, showing:

- (i) The boundaries of the property where the excavation is proposed and the area to be excavated, including principal wooded areas, any rock outcrops, any surrounding streets and property lines;
- (ii) The existing and proposed topography (including bottom limits of the proposed

excavation) using two (2) foot contours including soil types, wetlands, watercourses and water bodies, which contours shall be prepared from an actual field survey and based on a benchmark noted and described on the map, the proposed area alterations including cleared, excavated, filled or graded areas and, if applicable, new property lines;

(iii) Location of all land subject to flooding;

(iv) Dimensions and calls of all property lines;

(v) North point, scale, acreage of site, an location map;

(vi) Location and dimensions of all existing and proposed structures (including signs and utilities), street or road rights-of-way, sidewalks, and easements;

(vii) Plans for vehicular and pedestrian access to the property and internal circulation to and from the excavation area, utilities, solid waste disposal, landscaping and open space, signage, and off-street parking;

(viii) Plans for storm water drainage showing existing and proposed drainage on the property;

(ix) Proposed location of and design details for all proposed soil erosion and sediment control measures and the sequence for installation and/or application of those soil erosion and sediment control measures; and

(x) Any other information deemed necessary and appropriate by the applicant or requested by the Planning Commission.

(3) A key map at an appropriate scale (not less than 1" = 1,000') to fit on 2' x 3' sheets, showing any and all public roads, publicly owned facilities, places of public assembly and residences within two thousand (2,000) feet of the outer boundary of the property.

(4) A certified plan for storm water drainage shall be included with the site plan that identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated storm water runoff based on an appropriate storm frequency design, to be approved by the Johnson County Planning Commission, shall be calculated for predevelopment and post-development condition. Any increase in storm water runoff resulting from the development shall be detained on-site by appropriate means, such as detention basin, or other acceptable methods, and shall be released from the site so that downstream property, watercourses, channels, or conduits shall not receive storm water runoff from the site at a higher peak flow rate than that which existed prior to the development of the site. The Planning Commission may require the use of a larger storm frequency design in areas of critical concern.

Any discharge plans and/or permits required by any local, state or federal governmental agency having jurisdiction shall be submitted with the site plan.

(5) The Planning Commission may require the submission of such additional information, including, but not limited to, data on soil conditions, location and depth of rock ledge, ground water conditions and any other appropriate matters that it deems necessary to protect the public health, safety, convenience, order, prosperity and general welfare, or to make a reasonable review of the application.

The Planning Commission may waive in whole or in part any requirement for submission of an application in cases where such are not deemed necessary for reasonable review of the application.

(b) Each proposed earth products excavation or processing operation may be required to meet the minimum standards established pursuant to this act.

**SECTION 5.** It shall be unlawful for any person to excavate for earth products in the unincorporated part of Johnson County unless a permit is obtained from Johnson County or its designated agent.

**SECTION 6.** This act shall be enforced by the Johnson County Planning Commission.

(1) Any person who shall willfully neglect or refuse to comply with any of the provisions of this act shall be guilty of violating this act and, upon conviction, shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense.

(2) Any excavation for earth products in violation of these regulations shall be deemed an unlawful

excavation and the County Attorney or other official designated by the Johnson County Board of Commissioners, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action to cause the excavation to be abated.

**SECTION 7.** This act shall be administered by the Johnson County Planning Commission.

(1) All plans and plats for excavation for earth products may be required to be submitted a specified number of working days before the regular meeting date of the Planning Commission. These plans will be given preliminary and final approval by the Planning Commission.

(2) Lawful pre-existing non-conforming excavations for earth products may be required to provide the Johnson County Planning Commission with all facts and data which demonstrate that a lawful pre-existing non-conforming excavation for earth products does exist. If the Johnson County Planning Commission shall find that a lawful pre-existing non-conforming excavation for earth products does exist, the Johnson County Planning Commission may waive any standard that is inapplicable to existing operations. If the Johnson County Planning Commission shall not find that a lawful pre-existing non-conforming excavation for earth products does exist, the Johnson County Planning Commission may require the owner and any lessee to conform to all of the standards in this act.

(3) Expansion of lawful pre-existing non-conforming excavations for earth products may be required to be approved by the Johnson County Planning Commission, and conform to the standards in this act.

**SECTION 8.** Variances may be granted to any part of this act by the Planning Commission for good and sufficient reasons.

**SECTION 9.** The provisions of this act shall supersede any less stringent provisions of any ordinance of Johnson County.

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

**SECTION 11.** Specific standards authorized to be set by this private act, and amendments to these standards, may be initiated by the Johnson County Planning Commission, the Johnson County Board of Commissioners, a resident of Johnson County, or other persons or agents interested in these regulations. Proposed standards or amendments to them must first be submitted to the Johnson County Planning Commission for approval, disapproval, or suggestions.

The Johnson County Board of Commissioners will approve or disapprove such standards or amendments to them at their next regularly scheduled and/or called meeting. Standards and amendments to them shall become effective upon approval by the Johnson County Board of Commissioners, the public welfare requiring it.

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Johnson County. Its approval or non-approval shall be proclaimed by the presiding officer of such body and certified by him to the Secretary of State.

**SECTION 13.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 12.

Passed: April 21, 1997.

## Mobile Home Parks

## Private Acts of 1997 Chapter 38

**SECTION 1. PURPOSE AND SCOPE** The purpose of these regulations is to provide areas within the confines of Johnson County outside the city limits of Mountain City for the location and development of planned mobile home parks. These areas shall be developed and located so as to provide safe and sanitary living conditions for mobile home occupants and to be convenient to employment, shopping centers, schools and other community facilities. **SECTION 2. DEFINITIONS**

1. "Mobile home" means a detached single-family dwelling unit with all of the following characteristics:



- a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
  - b. Designed to be transported after fabrication on its own wheels, or on flatbeds or other trailers or detachable wheels.
  - c. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities, and the like.
2. "Mobile Home Park" means any plot of ground containing a minimum of two (2) acres upon which three (3) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. A mobile home park cannot be developed on a site that is less than two (2) acres in size.
  3. "Buffer Strip" means a planted material or other material as may be approved by the Johnson County Planning Commission which will provide a screen not less than six (6) feet in height.
  4. "Health Officer" means the health officer of Johnson County, Tennessee or his authorized representative.

**SECTION 3.** It shall be unlawful for any person to place or maintain three (3) or more mobile homes for living or sleeping purposes on any premises or tract of land in Johnson County outside the city limits of Mountain City unless they are contained within a planned mobile home park duly permitted and pursuant to the provisions of these regulations.

**SECTION 4.** The Johnson County Planning Commission shall grant approval of a mobile home park when all the provisions of this ordinance have been met. An application and all accompanying plans and supporting data shall be filed in duplicate with the Planning Commission at least seven (7) days prior to a regular meeting of the commission.

**SECTION 5.** The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Johnson County Planning Commission for approval. This plan shall show:

1. The park plan drawn to scale.
2. The area and dimensions of the proposed park.
3. The location and width of all driveways and walkways.
4. The location and dimensions of any proposed service buildings and structures.
5. The location of all water and sewer lines.
6. The location of all equipment and facilities for refuse disposal and other park improvements.
7. A plan for drainage of the park.
8. A certificate of accuracy signed by the surveyor or engineer that the boundary survey is correct.
9. A certificate and signature of the health officer.
10. A certificate for Planning Commission approval.
11. Any other information deemed pertinent by the Planning Commission.

#### **SECTION 6. MINIMUM STANDARDS**

1. The site shall be located on a well-drained and flood-free site with proper drainage.
2. The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
3. The site shall be located with direct access to an open public street.
4. The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property from such elements as noise, light and dust. Where required to serve these ends, walls, planting, surfacing or other material or artificial means for protection may be required as a part of such special conditions.
5. The mobile home park shall contain not more than five (5) individual mobile home spaces per gross acre.
6. Service buildings shall be of permanent construction, adequately ventilated and lighted.
7. An approved water supply and sewer shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the county health officer.

8. The Planning Commission shall determine if common areas are needed. If required, the area shall contain a minimum of five hundred (500) square feet for mobile home space, exclusive of roadways, mobile home spaces and parking spaces.
9. All service buildings shall be convenient to the spaces which they serve and shall be maintained in a clean and sanitary condition.
10. The drives, walks, and parking areas shall be paved with hard surface material which shall be not less than double bituminous surface.
11. Roadways shall be a minimum of twenty (20) feet in width.
12. Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park, and shall be located and designed as prescribed by the Johnson County Planning Commission.
13. Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.
14. The park shall be adequately lighted. At the discretion of the Planning Commission on all sizable mobile home parks, all interior drives and walkways within the park shall be lighted at night with security lights.
15. Each mobile home shall be set back a minimum of thirty (30) feet from any public street and a minimum of fifteen (15) feet from all property lines.
16. Each mobile home park shall provide at least two (2) off-street parking spaces for each mobile home unit. The parking spaces shall be located for convenient access to the mobile home units.
17. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free from any conditions that will menace the health of any occupant or the public or constitute a nuisance.
18. Fire hydrants will be required if sufficient size water lines are available to serve the hydrants.
19. In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities and equipment in a clean, orderly, safe and sanitary condition.
20. It shall be unlawful for any person to maintain or operate a mobile home park within the Johnson County Planning Region, unless such person first obtains approval from the Johnson County Planning Commission.

#### **SECTION 7. ENFORCEMENT**

1. Any person or persons who willfully neglects or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty (\$50.00) for each offense. Each day of violations shall constitute a separate offense.

**SECTION 8. REVIEW POWERS OF THE COMMISSION** Any of the foregoing regulations may at the discretion of the Johnson County Planning Commission be waived for good and sufficient reasons. However, all mobile home park requests shall be submitted to the commission for review and shall be accompanied by a mobile home park development plat. The Planning Commission shall review all mobile home park plans for preliminary and final approval.

Expansion of existing mobile home parks shall be submitted to the Johnson County Planning Commission for approval and must conform to the standards set forth in these regulations.

**SECTION 9. CONFLICT WITH OTHER ORDINANCES** In case of conflict between these regulations or any part thereof, and the whole or part of any existing or future ordinance of Johnson County, Tennessee, the most restrictive shall in all cases apply.

#### **SECTION 10. VALIDITY**

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

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the County Legislative Body of Johnson County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the County Legislative Body of Johnson County 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: April 23, 1997.

## Mountain Ridge Protection Act

### Private Acts of 1996 Chapter 197

**SECTION 1.** This act shall be known and may be cited as "The Mountain Ridge Protection Act of Johnson County."

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

(a) "Crest of a protested mountain ridge" means the uppermost line of a mountain or chain of mountains from which the land falls away on at least two (2) sides to a lower elevation, has an elevation of three thousand feet (3000'), and has an elevation which is five hundred (500) or more feet above the elevation of an adjacent valley floor.

(b) "Map" means any drawing or document based on information provided by the United States Geological Survey.

**SECTION 3.** No building in Johnson County may protrude more than thirty-five feet (35') above the crest of a protected mountain ridge. This restriction applies to the uppermost portion of the roof and not protuberances such as chimneys, flag poles or like, nor does it include equipment used for the transmission of electricity, communications or other public utilities.

**SECTION 4.** A map identifying the crests of protected mountain ridges within Johnson County shall be filed with the Board of County Commissioners and with the Register of Deeds in Johnson County where it will be made available for inspection during regular business hours.

**SECTION 5.** It is the intent and purpose of this act to grant the Governing Body of Johnson County the authority to enforce the provisions of this act through a five hundred dollar (\$500) civil penalty to be assessed for each separate violation. In addition, any person injured by a violation or any person who resides in the county may bring a civil action against the person alleged to be in violation. The General Sessions Court, in issuing any final order, may award all costs of litigation to the plaintiff in any case in which the plaintiff prevails.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Legislative Body of Johnson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Legislative Body of Johnson County and certified by him to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: April 24, 1996.

## Planning and Zoning

### Private Acts of 1937 Chapter 904

**SECTION 1.** *Grant of Power.* That the Quarterly County Courts of counties coming under the provisions of this Act are hereby empowered, in accordance with the conditions and the procedure specified in the subsequent sections of this Act, to regulate, in the portions of counties which lie outside of municipal corporations, the location, height, and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes.

**SECTION 2.** *Regional Zoning to be Preceded by and Based on Plans Submitted by Regional Planning Commission.* That from and after the time when the Regional Planning Commission of the planning region defined and created by the State Planning Commission makes and certifies to the Quarterly County Court of any county located in whole or part in such region a zoning plan, including both the text of a zoning resolution and [sic] the zoning maps, representing the recommendation by districts or zones of the location, height and size of buildings and other structures, the percentage of lots that may be occupied,

the sizes of yards, courts and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation or other purposes and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes, then such County Court may, by resolution, exercise the powers granted in Section 1 of this Act and, for the purpose of such exercise, may divide the territory of the county which lies within said region but outside of municipal corporations into districts of such number, shape or area as it may determine and within such districts may regulate the erection, construction, alteration and uses of buildings and structures and the uses of land.

All such regulations shall be uniform for each class or kind of buildings throughout any such district, but the regulations in one district may differ from these in other districts. The Regional Planning Commission may take and certify a single plan for all the territory of the county within said region but outside of municipal corporations, or may make and certify separate and successive plans for parts of such territory which it deems to be suitable for urban or non-urban development or which for other reasons it deems to be an appropriate territorial unit for a zone plan; and correspondingly any ordinance enacted by the County Court may cover and include the said whole territory of the county which lies within said region but outside of municipal corporations covered and included in any such single plan or in any such separate and successive plans. No resolution covering more or less than the entire area covered by any such certified plan shall be enacted or put into effect until or unless it be first submitted to the Regional Planning Commission and be approved by said commission or, if disapproved, receive the favorable vote or not less than two-thirds of the entire membership of said County Court.

**SECTION 3. *Purposes of Zoning Regulations.*** That such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the State of Tennessee in the counties covered by the provisions of this Act, including, among other things lessening congestion in the roads or reducing the wastes of excessive amount of roads, securing safety from fire and other dangers; promoting adequate light and air; preventing on the one hand excessive concentrations of population and; on the other hand, excessive and wasteful scattering of population or settlement; promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunity, recreation, soil fertility, food supply and the protection of both urban and non-urban development.

**SECTION 4. *Method of Procedure.*** That after the certification of a zone plan from the Regional Planning Commission and before the enactment of any such zoning resolution the County Court shall hold a public hearing thereon of the time and place of which at least thirty (30) days notice, shall be given by one publication in a newspaper of general circulation in the county. Such notice shall state the place at which the text and maps as certified by the planning commission may be examined. No change in or departure from the text or maps as certified by the Regional Planning Commission shall be made, unless such change or departure be first submitted to the certifying planning commission for its approval, disapproval or suggestions, and if disapproved, shall receive the favorable vote of a majority of the entire membership of the County Court; and the planning commission shall have thirty days from and after such submission within which to send its report to the County Court. Any such ordinance shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county, and shall not be in force until it is so published.

**SECTION 5. *Amendments.*** That the County Court may from time to time amend the number, shape, boundary, area or any regulation of or within any district or districts or any other provision of any zoning resolution but any such amendment shall not be made or become effective unless the same be first submitted for approval, disapproval or suggestions to the Regional Planning Commission of the region in which the territory covered by the resolution is located, and, if such Regional Planning Commission disapproves within thirty (30) days after such submission, such amendment shall require the favorable vote of a majority of the entire membership of the County Court. Before finally adopting any such amendment, the County Court shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county.

**SECTION 6. *Board of Appeals.*** That the County Court of any county which enacts zoning regulations under the authority of this Act shall create a County Board of Zoning Appeals of three or five members. The County Court shall be the appointing power of the members of such Board of Appeals and may fix their compensation and their terms, which terms shall be of such length and so arranged that the term of one member will expire each year. The County Court may remove any member for cause upon written charges and after a public hearing.

Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The County Court may appoint associate members of said board, and, in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board, or other cause, his place may be taken during such temporary disability by an associate member designated for the purpose by the County Court. The County Court of two or more counties may, by resolution enacted by both or all of them, arrange and provide for a joint or common Board of Zoning Appeals.

The County Court may provide and specify, in its zoning or other resolution, general rules to govern the organization, procedure and jurisdiction of said Board of Appeals, which rules shall not be inconsistent with the provisions of this Act; and the said board may adopt supplemental rules of procedure, not inconsistent with this Act or such general rules.

The zoning resolution may provide that the Board of Appeals may, in appropriate cases and subject to appropriate principles, standard, rules, conditions and safeguards set forth in the resolution, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. The County Court may also authorize the Board of Appeals to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations.

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the county affected, by any grant or withholding of a building permit or by any other decision of a building commissioner or other administrative official based in whole or part upon the provisions of any resolution under this Act. The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the County Building Commissioner or any other administrative official in the carrying out or enforcement of any resolution enacted pursuant to this Act.
2. To hear and decide, in accordance with the provisions of any such resolution; requests for special exceptions or for interpretation of the map or for decisions upon their special questions upon which such board is authorized by any such resolution to pass.
3. Where, by reason or exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such district application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolution.

**SECTION 7. *Building Commissioner.*** That the County Court may provide for the enforcement of its zoning regulations by means of the withholding of building permits and, for such purpose, may establish and fill a position of County Building Commissioner and may fix the compensation attached to said position. From and after the establishment of such position and the filling of same, it shall be unlawful to erect, construct, reconstruct, alter or use any building or other structure without obtaining a building permit from such County Building Commissioner and such Building Commissioner shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning regulations then in effect.

**SECTION 8. *Other Enforcement and Remedies.*** That it shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation in or of any provision of any resolution or any amendment thereof enacted or adopted by any County Court under the authority of this Act. Any person, firm or corporation violating any such regulation or provision or any provision of this Act shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of this Act or of any regulation or provision enacted or adopted by any County Court under the authority granted by this Act, such County Court, the Attorney General, the District Attorney for the judicial circuit in which such violation occurs or is threatened, the County Building Commissioner or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent or enjoin or abate or

remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

**SECTION 9. *Conflict with Other Laws.*** That wherever the regulations made under authority of this Act require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or less number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute, the provisions of the regulations made under authority of this Act shall govern. Whenever the provisions of any other statute require a greater width of size of yards, courts or other open spaces, or require greater percentage of lot to be left unoccupied, or impose other higher standards that are required by the standards that are required by the regulations made under authority of this Act, the provisions of such statute shall govern.

**SECTION 10.** That, for the purpose of this Act, "Regional Planning Commission" means the Regional Planning Commission established by the State Planning Commission as authorized by law; provided further, that where the word county or County Court appears in this Act either or both shall be construed to include only counties within a planning region as officially designated by the State Planning Commission, having a population of at least twelve thousand two hundred (12,200) and not more than twelve thousand two hundred fifty (12,250); provided, further, that the population of a county or of counties shall be determined by reference to the Federal Census of 1930 or any subsequent Federal Census.

**SECTION 11.** That this Act shall not be construed as repealing or modifying any provision of any Private Act heretofore enacted relating to the powers of any county therein designated or of any municipality therein designated to enact zoning regulations in such county or in territory lying outside of such municipality.

**SECTION 12.** That should any section or provision of this Act, be held to be unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof other than the part so held to be unconstitutional.

**SECTION 13.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 19, 1937

## Private Acts of 1976 Chapter 257

**SECTION 1.** No action of the regional planning commission for Johnson County which affects the property rights of any real property owner in the county or which affects property owned or under the control of Johnson County shall become effective unless it is approved by majority vote of the Quarterly County Court of Johnson County.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Johnson County before December 1, 1976. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

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

Passed: March 10, 1976.

## Private Acts of 1997 Chapter 61

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

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

Yes \_\_\_\_\_  
No \_\_\_\_\_

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

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Legislative Body of Johnson County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the Legislative Body of Johnson County and certified to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon

becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: May 21, 1997.

## Administration - Historical Notes

### **County Legislative Body**

The following act once applied to the quarterly court or the county legislative body of Johnson County and is included herein for historical purposes.

1. Private Acts of 1921, Chapter 921, provided that the compensation for justices of the peace attending a regular or special session of the Johnson County Quarterly County Court be \$4.00 for each day's attendance.

### **County Trustee**

The following act once affected the office of county trustee in Johnson County, but is no longer operative.

1. Private Acts of 1933, Chapter 53, required the Johnson County Trustee to collect all delinquent land taxes, at his own expense.

### **General References**

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

1. Private Acts of 1867-68, Chapter 54, authorized the Johnson County Court to subscribe to the capital stock in Home Mineral R. R. Company, up to an amount of \$25,000.
2. Private Acts of 1897, Chapter 174, directed the comptroller to issue a warrant upon the treasurer of the state for \$100 in favor of Isaac R. Love for the arrest and conviction of J. Frank Tinker, who was charged with the murder of Crockett Carter.
3. Private Acts of 1921, Chapter 679, enabled the trustees of cemeteries, cemetery corporations and other cemetery organizations in Johnson County to condemn land for burial purposes.
4. Private Acts of 1949, Chapter 597, required coal truck drivers to have weight tickets or be subject to a fine up to \$50 for each offense.

## Chapter II - Animals and Fish

### Foxes

### Private Acts of 1953 Chapter 543

**SECTION 1.** That there shall be a closed season upon foxes at all times, and that foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 12,270 and not more than 12,280 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census. Should the Game and Fish Commission determine that there is need for an open season in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

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

Passed: April 9, 1953.

### Livestock Inspector

### Private Acts of 1951 Chapter 529

**SECTION 1.** That in counties of this State having a population of not less than Twelve Thousand Nine Hundred (12,900), nor more than Thirteen Thousand (13,000) according to the Federal Census of 1940, or any subsequent Federal Census, there is hereby created the office of Livestock Inspector which office shall be filled by election by the Quarterly County Court at its April Term in the year 1951 and each fourth

year thereafter.

**SECTION 2.** That the duties of said Livestock Inspector shall be to establish quarantines for livestock on any farm or number of adjacent farms in the counties to which this Act applies when livestock in that neighborhood is suffering from an infectious stock disease. For his services as Livestock Inspector he shall be paid from the funds of the county One (\$1.00) Dollar per year, and he shall be entitled to receive for each inspection of livestock found by him to be suffering from some disease a fee to be determined and set by the Quarterly County Court from the owner of such stock.

**SECTION 3.** That the Livestock Inspector in counties to which this Act applies is hereby authorized and empowered to diagnose, treat, attend, operate on and otherwise care for a sick and injured stock in the counties to which this Act applies whenever called upon to do so by the owner of any stock. For such services he shall be entitled to charge reasonable fees.

**SECTION 4.** That each person elected to the office of Livestock Inspector shall take an oath to faithfully perform the duties of his said office, which oath shall be filed in the office of the County Court Clerk.

**SECTION 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1951.

## Sawdust in Streams

### Acts of 1903 Chapter 180

**SECTION 1.** That it shall be unlawful for any person, firm or corporation to place, cause to be placed in any of the running streams, lakes and ponds in Johnson County, Tennessee, or place so near the banks of said running streams, lakes and ponds so that the same will be washed therein by high tides or overflows, any sawdust, shavings or off fallings from sawmills or planing machines. Provided, that this Act shall not apply to sawmills that do not cut exceeding 2,000 feet of lumber in any one day that is run by water power on any of the streams of Johnson County.

As amended by: Private Acts of 1909, Chapter 65

**SECTION 2.** That any violation of this Act shall be a misdemeanor and the punishment for each offense shall, upon conviction, be a fine of not less than fifty nor more than two hundred dollars.

**SECTION 3.** That the grand juries of Johnson County have inquisitorial power under this Act.

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

Passed: March 24, 1903.

## 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 Johnson 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 1893, Chapter 59, made it unlawful to hunt, kill or capture wild deer in Johnson County from December 1st to September 30th. Any person violating this act was guilty of a misdemeanor and fined not more than \$50.
2. Public Acts of 1899, Chapter 396, made it lawful to fish in Johnson County by means of snare, hook or hands.
3. Private Acts of 1911, Chapter 31, was a fence law for Johnson County, making the owners of domestic animals liable for all damages done by their trespassing upon the cultivated lands or the enclosed uncultivated lands of another.
4. Private Acts of 1915, Chapter 593, made it unlawful for any person to shoot a fox, or to catch, destroy or injure any fox by means of any snare, trap or other device.
5. Private Acts of 1915, Chapter 611, made it lawful to catch fish from any of the streams in Johnson County with hook and line, snare, trot line, gig, or set net during any month except May. Private Acts of 1915, Chapter 666 is identical to Chapter 611.
6. Private Acts of 1921, Chapter 405, exempted Johnson County from the general law regulating the possession and ownership of dogs.
7. Private Acts of 1925, Chapter 305, made it lawful to catch fish by means of gig or fish basket in streams in Johnson County.



8. Private Acts of 1927, Chapter 257, exempted Johnson County from a state-wide law which made it lawful to hunt rabbits or hares in any and all seasons or time of the year and made it lawful to buy and sell, ship or transport rabbits or hares between points within the state.
9. Private Acts of 1929, Chapter 207, made it unlawful to take, kill, wound or chase any male or female deer or fawn in Johnson County, any person violating this act was subject to a fine of \$50.
10. Private Acts of 1931, Chapter 265, made it lawful to kill pheasants, quail and doves from November 1st to January 15th in Johnson County. This act also forbade the killing or trapping of any fur-bearing animals in Johnson County for the next five years.
11. Private Acts of 1931, Chapter 717, was a general game law for Johnson County, setting the open season on pheasants from November 1st to January 1st and a bag limit of five on squirrels.
12. Private Acts of 1935, Chapter 317, set the open season on pheasants, quail and doves from November 25th to February 1st and also provided that landowners could trap fur-bearing animals when they were a menace to crops and poultry.
13. Private Acts of 1937, Chapter 825, regulated the practice of veterinary surgery and prescribed the qualifications for same, and permitted J. Louie Freeman to practice veterinary medicine and surgery in Johnson County.
14. Private Acts of 1939, Chapter 294, set the open season on squirrels in Carter and Johnson counties from September 1st to January 1st.
15. Private Acts of 1967-68, Chapter 266, regulated the hunting of deer in Johnson County and prescribed the penalty for the violation thereof. This was repealed by Private Acts of 1971, Chapter 122.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Debts**

1. Public Acts of 1866-67, Chapter 41, authorized the Johnson County Court to issue, by two-thirds majority vote, coupon bonds for the amount of Johnson County's indebtedness. This act further provided that no debt was to be paid which had been incurred "to aid the rebellion."
2. Private Acts of 1931, Chapter 191, provided for a bond issue of \$60,000 to retire county indebtedness. These bonds were to have a maximum rate of 6% and were to mature within twenty years from their date of issue.
3. Private Acts of 1937, Chapter 28, validated a funding bond issue of \$130,000, dated February 1, 1937, annual interest of 4½% and maturing serially from 1938 to 1950.

#### **Railroads**

1. Private Acts of 1867-68, Chapter 71, authorized Johnson County to issue coupon bonds in an amount not exceeding \$25,000 to provide funds for the county to buy stock in the Mineral Home Railroad Company. These bonds were to bear interest at an annual rate of 6% and were to mature within thirty years.

#### **Roads**

1. Private Acts of 1911, Chapter 302, was a bond issue of not more than \$200,000 and not less than \$50,000, to mature within thirty years and to be used for "constructing good roads." This act also provided for three commissioners to sell these bonds and to oversee the use of their proceeds.
2. Private Acts of 1917, Chapter 15, authorized Johnson County to issue \$200,000 in coupon bonds for the building of turnpikes and the improvement and maintenance of public roads, upon an affirmative vote by the citizens of Johnson County. The act further provided for the levy of a tax and created a sinking fund for the payment of same and provided for the appointment and payment of commissioners and the regulation of same. This act was amended by Private Acts of 1925, Chapter 393, which provided that the two members composing the sinking fund commission be paid \$3.00 per day.

#### **Schools**

1. Private Acts of 1921, Chapter 625, authorized Johnson County to issue and sell \$30,000 in coupon bonds for the purpose of building and equipping a high school building and other buildings for said

county. In addition, the act provided for the levy and collection of taxes to pay the interest on said bonds and created a sinking fund for their redemption.

## Chapter IV - Boundaries

### Creation of the County

#### Private Acts of 1835-36 Chapter 31

**SECTION 1.** That a new distinct county be and the same is hereby established, to be known and distinguished as the county of Johnson; beginning at the line of Sullivan county, at a place called the Rich End, where the cross ridge commences that divides the waters of Beaver Dam and Stoney creeks; thence running with the heights of said ridge to the Iron mountain; thence with the extreme heights of said mountain to a point opposite the ridge running from said mountain between Dugger's and Vanhouse's; then with said ridge to the Watauga river; then up said river to the mouth of Elk creek; then with the ridge dividing Elk creek from the Watauga river, to the North Carolina line; then with the line between Carter county and the North Carolina line to the Virginia line; then with the Virginia line to the corner between Carter and Sullivan counties, from thence to the beginning.

**SECTION 2.** That William Gott, Robert Reeve and James O'Brien be and they are hereby appointed commissioners under this act to designate a proper place for the permanent location of the seat of justice for said county, (with due regard to population and territory,) and the said commissioners shall proceed, on or before the first day of March, to the selection of said site.

**SECTION 3.** That the county courts shall, at their first or second session appoint five or seven at their discretion, good and lawful men, citizens of said county, commissioners, who shall proceed and procure, by purchase or otherwise, from ten to one hundred acres of land, at such place as the commissioners named in this act may designate, upon which the county seat shall be located, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warranty; and said county seat, when so located, shall be called Taylorsville; and the said commissioners, under the direction of said county court, shall proceed to lay off the town into lots, sell the lots, collect and appropriate the monies, and do all other things touching said county or county seat, not mentioned in nor incompatible with this act or the amended constitution.

**SECTION 4.** That for the due administration of justice, the different courts to be holden in said county of Johnson, shall be held at the house of Thomas Johnson, deceased, until the county seat shall be located, and a house erected for that purpose; the county court shall, in the intermediate time, have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice, when in their judgment the necessary arrangements are made, and all writs and all other precepts returnable to either place, shall and may be returned to the place to which the said court may have been removed by the county court aforesaid; and the said court to be holden in and for said county of Johnson, shall be under the same regulations and restrictions, and shall have, hold, exercise and possess the same power and jurisdiction as is provided by said court in other counties in this State.

**SECTION 5.** That all officers, civil and military, in said county, shall continue to hold their offices and exercise all the powers and functions thereof until others are elected under the provisions of the amended constitution, and the laws made in pursuance thereof; and the said county of Johnson shall elect her officers, civil and military, under the amended constitution, at the same time and under the same rules and regulations, and in the same manner that may be provided by law for the election of officers in the other counties of this State; and the said county of Johnson shall placed upon an equal footing, possess equal powers and privileges in all respects, as other counties in this State; Provided, that nothing contained in this act shall be so construed as to deprive the county of Carter from holding and exercising jurisdiction over the territory of the said county of Johnson and the citizens thereof, in as full and ample manner as it now has, until the election of county officers under the amended constitution; Provided, also, that nothing in this act contained shall be so construed as to prevent the county of Carter from entering up judgments, or the sheriff of said county, from selling under such judgments, any lands or other property within the bounds of said new county, and for collecting taxes, costs and charges, for the present or any preceding year.

**SECTION 6.** That the citizens of Johnson county, in all elections for governor, members of congress, and for members of the general assembly, shall vote with the county of Carter, until the next apportionment of members of the general assembly, agreeable to the provisions of the 5th section of the tenth article of the amended constitution.

**SECTION 7.** That the commissioners appointed by this act, and such as may be appointed by the county court, shall, before entering upon the discharge of the duties assigned by this act, take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined, according to the best of their judgment; and those appointed by the court shall enter into bond, with approved security, payable to the chairman of the county court of Johnson and his successors in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined by this act, and the court of said county of Johnson; which bond, when so taken, shall be deposited in the county court clerk's office in said county.

**SECTION 8.** That the said commissioners, appointed by the court aforesaid, shall keep a fair and regular statement of monies, by them received and expended; which statement, when required, shall from (time) to time, be laid before the county courts; and if, after erecting public buildings, there should be a surplus of money, the said commissioners shall pay over the same to the county trustee, to be used for county purposes.

**SECTION 9.** That the commissioners appointed by this act, and such as may be appointed by the court of said county, shall receive for each day that they may be necessarily employed in performing the duties assigned or required of them by this act, such sum as the said court may consider a fair compensation for their services, to be paid by the trustee of said county, out of the first monies not otherwise appropriated.

Passed: January 2d, 1836.

## County Seat

## Change Name

### Public Acts of 1885 Chapter 40

**SECTION 1.** That the name of the county site of Johnson county, in this State, be and the same is hereby changed from Taylorsville to Mountain City.

**SECTION 2.** That in no case where any person has entered into bond or recognizance for their appearance at the circuit court for Johnson county to be held at Taylorsville, shall the change of the name of said county site affect the validity or legal binding effect thereof, but the same shall be as binding and have the same legal effect as if no change of name was made.

**SECTION 3.** That all process issuing from any of the courts of said county directing or commanding any person to appear at any of said courts at Taylorsville to answer the same, shall have the same legal effect as if no change of the name of said county site had been made. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 6, 1885.

### Public Acts of 1895 Chapter 61

**SECTION 1.** That the line between Johnson and Carter Counties be, and is hereby, changed as follows: Beginning on the county line at the top of the dividing ridge between said counties, then with the old stage road to the branch at the residence of Eli Oliver; thence up the McQueen branch to the northern boundary of Dicey Marley's land; then west with her line to the county line of Johnson; thence with said county line to the beginning.

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

Passed: April 11, 1895.

## Boundaries - Historical Notes

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

1. Acts of 1837-38, Chapter 211, authorized the Johnson County Court to hire some suitable person to run the lines between Johnson and Carter counties and to return a fair plat of such line to the Johnson County Court.
2. Acts of 1851-52, Chapter 249, changed the boundary between Carter and Johnson counties so as to include in Carter County the tracts of land on which Joshua Perkins and Richard G. Perkins lived.
3. Private Acts of 1911, Chapter 275, changed the county line between Johnson and Carter counties

so as to include all the lands of I. W. McQueen and V.A.S. Rainbolt in Johnson County.

## Chapter V - Court System

### Circuit Court

#### Public Acts of 1968 Chapter 449

**COMPILER'S NOTE:** This act, which created a second division to the first judicial circuit, has special effect and is not found in Tennessee Code Annotated.

**SECTION 1.** A Second Judge to be designated as "Judge, Part II" for the First Judicial Circuit is established.

**SECTION 2.** The Judge in the said Circuit senior in point of service shall be the Senior Judge. If neither Judge is senior in terms of length of service, then the Judge who received the greater number of votes in the last election for the office shall be considered the Senior Judge.

**SECTION 3.** The Senior Judge of the said circuit shall designate which cases will be tried by each Judge.

**SECTION 4.** The provisions of this Act shall not apply to the criminal division of the said circuit, and the Criminal Judge of the said circuit shall not be the Senior Judge referred to in this Act.

**SECTION 5.** The Judge, Part II for the First Judicial Circuit, and his successors, shall be learned in the law and not less than thirty (30) years of age. No appointment shall be made to fill the office created by this Act prior to the August 1968 election, but the Judge, Part II shall be elected at the August election in 1968 by the qualified voters of the First Judicial Circuit and shall hold office from the date of his election until September 1, 1974, and until his successor is elected and qualified; and, at the August election of that year, and thereafter every eight (8) years, there shall be elected by the qualified voters of the said Judicial Circuit a Judge, Part I and a Judge, Part II. The Judge, Part II will receive the same salary, payable in like manner, and have the same powers of the Circuit Judges of this State and may interchange with any of the Circuit Judges and Chancellors of this State.

**SECTION 6.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 14, 1968.

### Criminal Court

#### Public Acts of 1957 Chapter 54

**COMPILER'S NOTE:** This is a special act which does not appear in Tennessee Code Annotated.

**SECTION 1.** That a Criminal Court is hereby created and established in the First Judicial Circuit of Tennessee, for the Counties of Washington, Carter, Unicoi and Johnson, to be known as the "Criminal Court of the First Judicial Circuit of Tennessee."

**SECTION 2.** That the said Criminal Court shall have general, common law and statutory jurisdiction, original and appellate and exclusive over all criminal cases existing and arising in said counties to the same extent as is now or may hereafter be conferred upon the Circuit Courts and Criminal Courts of this State under the common laws or the statutes and to hear, try and determine all criminal cases.

**SECTION 3.** That upon the passage of this Act, the Governor of the State of Tennessee, is hereby authorized and directed to appoint a judge of the Criminal Court created hereunder; and said Judge shall serve until the next general election, as provided for in Section 4 of this Act. Said Judge shall be clothed with the same powers and jurisdiction as to extraordinary process as are now provided by law for such criminal judges, circuit judges and chancellors in this State, and his salary shall be the same and shall be paid in like manner by the State as that of other criminal and circuit judges of the State.

**SECTION 4.** That at the general election to be held on the first Thursday in August, 1958, and at all regular elections for judges held thereafter, there shall be elected by the qualified voters of said counties a judge for said Criminal Court for the First Judicial Circuit of Tennessee, in the same manner and with the same tenure of office as other Criminal and Circuit Judges of this State.

**SECTION 5.** That the District Attorney General of the First Judicial Circuit for Tennessee shall perform the duties of the District Attorney General in the said Criminal Court in the Counties herein named.

**SECTION 6.** That the Circuit Court Clerks and Sheriffs of the several counties herein named, shall be the Clerks and Sheriffs for the said Criminal Court in said Counties and they shall perform the same duties and

receive the same compensation now provided by law for them.

**SECTION 7.** That all bonds and recognizances heretofore or hereinafter taken and of process heretofore or hereinafter issued, shall be made returnable to the Court at the times and places fixed by this Act for the holding the said Court in said Counties herein named.

**SECTION 8.** That it shall be lawful for the Judge of the Criminal Court and the Judge of the First Judicial Circuit to hold each of their Courts in any of the different counties, including the same county, or said Circuit at the same time.

**SECTION 9.** That the County Courts, Jury Commissioners or other duly existing and authorized authorities of the various counties above set out, shall appoint and select juries for said Criminal Court, according to the law now controlling in the above counties respectively, who shall be summoned to attend and bound to appear at said criminal court and shall have the same pay, qualifications, powers and privileges and shall be organized as now, under existing law as the law provides with reference to Grand Juries and all other juries of courts, but all bills of indictment, presentment and information shall be returned to said Criminal Court.

**SECTION 10.** That all criminal cases now existing or pending in the Circuit Courts of said named counties, on the passage of this Act, shall by virtue of the provisions of this Act, automatically be transferred to the said Criminal Court herein established in said counties respectively and said cases shall be tried and determined therein by this said Criminal Court. The Clerks of the respective Circuit Courts in the aforesaid counties shall immediately upon the passage of this Act, transfer all Criminal proceedings and papers from the Circuit Court for said Counties to the Criminal Court and shall procure and keep the proper books, records and minutes for the said Criminal Court. The Clerk shall keep the records, papers, minutes and proceedings of the Circuit Court and the Criminal Court separate. All Courts of General Sessions and Justices of the Peace or other inferior courts in the various herein named counties shall bind over offenders against the State laws to said Criminal Court as heretofore they have been bound over to the Circuit Court.

**SECTION 11.** That all appeals, writs of error and appeals in the nature of writs of error, shall be prosecuted from the judgments of the said Criminal Court to the Supreme Court and as from other Criminal Courts of this State.

**SECTION 12.** [Deleted by Public Acts of 1984, Chapter 931, Section 15]

**SECTION 13.** That all laws and parts of laws now existing in conflict with this Act and its full intentions be and the same are hereby repealed.

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

Passed: February 20, 1957.

## District Attorney General

## Assistants and Criminal Investigators

## Public Acts of 1967 Chapter 135

**COMPILER'S NOTE:** The provisions of this public act have special effect and are not found in Tennessee Code Annotated.

**SECTION 1.** There is created the office of an additional assistant district attorney general for the first judicial circuit. The district attorney general of the first judicial circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the district attorney general. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law and shall be licensed to practice law in the State of Tennessee.

**SECTION 2.** The additional assistant attorney general shall perform such duties and functions as may be assigned and directed by the district attorney general of the first judicial circuit.

**SECTION 3.** The additional assistant district attorney general shall receive an annual salary of four thousand eight hundred dollars (\$4,800) payable in equal monthly installments out of the treasury of the state, upon warrant of the Commissioner of Finance and Administration. If the general assembly should by general law increase the salaries of assistant attorneys general as provided in Section 8-708, Tennessee Code Annotated, the compensation of the additional assistant attorney general for the first judicial circuit shall be the same amount per year as that provided by general law for such assistants.

**SECTION 4.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 25, 1967.

## Public Acts of 1971 Chapter 196

**COMPILER'S NOTE:** The provisions of this public act have special effect and are not found in Tennessee Code Annotated.

**SECTION 1.** There is created the office of an additional Assistant District Attorney General for the First Judicial Circuit. The District Attorney General of the First Judicial Circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the District Attorney General. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law, and shall be licensed to practice law in the State of Tennessee.

**SECTION 2.** The Assistant District Attorney General shall perform such duties and functions as may be assigned and directed by the District Attorney General of the First Judicial Circuit.

**SECTION 3.** The Assistant District Attorney General for the First Judicial Circuit shall receive an annual salary in equal monthly installments out of the treasury of the state as provided in Section 8-708, Tennessee Code Annotated.

**SECTION 4.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 10, 1971.

## Public Acts of 1976 Chapter 545

**COMPILER'S NOTE:** This is special legislation and is not printed in the Tennessee Code Annotated.

**SECTION 1.** There is established one (1) additional position of Assistant District Attorney General for the First Judicial Circuit of the State of Tennessee. That one (1) additional position of full-time Assistant District Attorney General shall be compensated according to the provisions of Tennessee Code Annotated, Section 8-708.

**SECTION 2.** The aforesaid one (1) additional position of Assistant District Attorney General shall be appointed by the District Attorney General for the First Judicial Circuit and shall serve at his pleasure.

**SECTION 3.** This act shall take effect on becoming a law, the public welfare requiring it. No state funds shall be expended to fund the provisions of this act prior to July 1, 1976 and all acts creating additional District Attorney General or Assistant District Attorney General, Criminal Investigator or Judicial positions which are enacted during the 1976 session of the Eighty ninth General Assembly shall be given priority in funding over this act, and no appropriation shall be made for the fiscal year 1976-77 except through the General Appropriations Bill and amendments thereto, or surplus funds otherwise available in the Judicial Budget, and no District Attorney General appointed or elected until said funds are available.

Passed: March 11, 1976.

## Secretary

## Public Acts of 1971 Chapter 324

**COMPILER'S NOTE:** This is an uncodified public act that is not printed in the Tennessee Code Annotated.

**SECTION 1.** There is created the position of a secretary to the District Attorney General for the First Judicial Circuit. The District Attorney General is authorized to employ a suitable person as secretary, to be employed at the pleasure of the Attorney General, and shall perform such duties as may be assigned and directed by the District Attorney General. The compensation of the secretary shall be four thousand eight hundred dollars (\$4,800.00) per annum, payable in equal monthly installments out of the treasury of the state upon the warrant of the Commissioner of Finance and Administration.

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

Passed: May 13, 1971.

## Juvenile Court

## Private Acts of 1983 Chapter 139

**SECTION 1.**



(a) In Johnson County, all jurisdiction relating to juveniles and related matters heretofore vested in the County Court, the County Judge, or the County Chairman, is hereby vested in the Court of General Sessions. The Court of General Sessions shall have exclusive jurisdiction over juveniles, and all matters relating thereto, heretofore vested in the County Court.

(b) The Clerk of the Court of General Sessions, as provided for by general law or special act, shall be authorized and empowered to take all actions relative to juveniles, and all matters relating thereto, which heretofore could be performed by the County Court Clerk. All actions taken by the Clerk of the Court of General Sessions shall be subject to review by the judge of the court of general sessions by simple motion, petition, or the filing of exceptions as may be appropriate.

(c) Jurisdiction of appeals from the decisions of the Court of General Sessions shall be to the Circuit Court in accordance with the provisions of Tennessee Code Annotated, Section 37-258.

**SECTION 2.** All sections of Tennessee Code Annotated conferring jurisdiction in juvenile and related matters in the County Courts, the County Judge, or the County Chairman, hereafter shall be construed to be applicable to the Court of General Sessions and its judge in those counties of Tennessee to which this part applies and such sections shall be deemed as amended accordingly.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Johnson County before October 1, 1983. 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 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: May 10, 1983.

## Court System - Historical Notes

### Chancery Court

The following acts form an outline of the development of equity jurisdiction in Johnson County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Public Acts of 1835-36, Chapter 20, Section 10, attached Johnson County to the first chancery district.
2. Acts of 1855-56, Chapter 150, established a separate chancery division at Taylorsville in Johnson County which was held on the third Mondays of April and October.
3. Public Acts of 1857-58, Chapter 88, set the time for holding the Johnson County Chancery Court on the first Wednesdays after the third Mondays of April and October at Taylorsville.
4. Public Acts of 1865-66, Chapter 41, provided that Johnson County Chancery Court would meet on the second Mondays in March and September.
5. Public Acts of 1866-67, Chapter 15, changed the time for holding the Johnson County Chancery Court to the fourth Mondays of March and September.
6. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the state into chancery districts. The first chancery district was composed of the counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Powell and Hamblen.
7. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the time for holding the Johnson County Chancery Court on the fourth Mondays of March and September.
8. Acts of 1885 ( Ex. Sess.), Chapter 20, placed Johnson County in the first chancery division and set the time for holding said court on the third Mondays in February and the second Monday in August.
9. Public Acts of 1895, Chapter 73, changed the time for holding the Johnson County Chancery Court to the second Mondays in April and October.
10. Public Acts of 1899, Chapter 427, placed Johnson County in the first chancery division and set the time for holding said court on the first Mondays in February and August.
11. Private Acts of 1927, Chapter 407, set the time for holding Johnson County Chancery Court on the second Mondays in May and November.
12. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Johnson County in the first chancery

division and set the time for holding said court on the second Mondays in May and November.

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

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

1. Private Acts of 1911, Chapter 93, set the salary of the Johnson County Chancery Court Clerk and Master at \$600 per year, with any difference to be paid from the county treasury. This act was amended by Private Acts of 1935, Chapter 360, which raised the salary to \$1,080 per year.
2. Private Acts of 1943, Chapter 376, set the salary of the Johnson County Clerk and Master at \$1,500 per year.

### **Circuit Court**

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

1. Public Acts of 1835-36, Chapter 5, divided the state into eleven judicial circuits. The first judicial circuit was composed of the counties of Johnson, Greene, Washington, Carter, Sullivan, Hawkins, Grainger and Claiborne. The time for holding the Johnson County Circuit Court was set on the fourth Mondays of March, July and November.
2. Acts of 1837-38, Chapter 116, set the time for holding the Johnson County Circuit Court on the second Mondays in March, July and November.
3. Public Acts of 1857-58, Chapter 98, set the time for holding the Johnson County Circuit Court on the second Mondays of March, July and November.
4. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided the state into judicial circuits. The first judicial circuit was composed of the counties of Johnson, Hancock, Hawkins, Greene, Carter, Sullivan, Washington and Boone.
5. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the time for holding the Johnson County Circuit Court on the third Mondays of March, July and November.
6. Acts of 1885 (Ex. Sess.), Chapter 20, placed Johnson County in the first judicial circuit and set the time for holding said court on the third Mondays in March, July, and November.
7. Public Acts of 1899, Chapter 427, placed Johnson County in the first judicial circuit and set the time for holding said court on the first Mondays in January, May and September.
8. Acts of 1903, Chapter 198, set the time for holding the Johnson County Circuit Court on the first Mondays in January, May and September.
9. Private Acts of 1921, Chapter 303, set the time for holding the Johnson County Circuit Court on the first Mondays in February, June and October.
10. Private Acts of 1927, Chapter 407, set the time for holding the Johnson County Circuit Court on the first Mondays in February, June and October.
11. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Johnson County in the first judicial circuit and set the time for holding said court on the first Mondays in February, June and October.
12. Public Acts of 1953, Chapter 18, set the time for holding the Johnson County Circuit Court to the first Mondays in February, June and October.
13. Private Acts of 1975, Chapter 38, attempted to create a general sessions court for Johnson County which would also have had juvenile jurisdiction, but this act failed to gain local approval.

### **Circuit Court - Clerk**

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

1. Acts of 1855-56, Chapter 127, provided that the secretary of state was to furnish the Johnson County Circuit Court Clerk's office with copies of the 7th and 9th of Yergers' Supreme Court Reporter and 11th reporter by Humphreys.
2. Private Acts of 1911, Chapter 297, set the annual salary of the Johnson County Circuit Court Clerk at \$600. This act was amended by Private Acts of 1935 (Ex. Sess.), Chapter 75, which raised the salary to \$1,080 per year, with any excess fees to be placed in the school fund.
3. Private Acts of 1919, Chapter 354, provided that the salary of the Johnson County Circuit Court Clerk was to be paid in quarterly installments by the Johnson County Trustee on warrants of the chairman of the county court, issued on order of the quarterly county court at their regular session in each year.



4. Private Acts of 1949, Chapter 186, authorized the Johnson County Quarterly County Court to set the salary of the Johnson County Circuit Court Clerk at \$1,800 per annum.

### **Criminal Court**

The following acts once pertained to the Johnson 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 1867-68, Chapter 49, Section 3, authorized the sheriff of Johnson County to hold an election for the purpose of electing a judge for the criminal district.
2. Public Acts of 1867-68, Chapter 90, Section 5, placed Johnson County in a judicial criminal district, along with Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger and Claiborne counties. The time for holding the Johnson County Criminal Court was set for the first Mondays of February, June and October. This act was repealed by Public Acts of 1869-70 (1st Sess.), Chapter 11.
3. Acts of 1885 (Ex. Sess.), Chapter 20, set the time for holding the Johnson County Criminal Court to the third Mondays in March, July and November.
4. Public Acts of 1899, Chapter 427, set the time for holding the Johnson County Criminal Court on the first Mondays in January, May and September.

## Chapter VI - Education/Schools

### Board of Education

### Commissioners

### Private Acts of 1949 Chapter 183

**SECTION 1.** There is hereby created in Johnson County a county Board of Educational Commissioners to be composed of five (5) members.

As amended by: Private Acts of 1992, Chapter 231

**SECTION 2.** There shall be established three (3) educational districts composed of the following commissioner districts:

Commissioner Districts 1 shall constitute the First Educational District.

Commissioner Districts 2, 3, and 7 shall constitute the Second Educational District.

Commissioner Districts 4, 5, and 6 shall constitute the Third Educational District.

As amended by: Private Acts of 1974, Chapter 190

Private Acts of 1992, Chapter 231

Private Acts of 2002, Chapter 115.

**SECTION 3.**

(a) At the August General Election, 2002, and each four (4) years thereafter, there shall be elected from each Educational Districts One and Three the following number of members of the County Board of Educational Commissioners:

Educational District One - one (1) member. Educational District Three - two (2) members.

Educational District Three - one (1) member.

(b) At the August General Election, 2004, and each four (4) years thereafter, there shall be elected from Educational District Two the following number of members of the County Board of Educational Commissioners: Educational District Two - two (2) members.

(c) All members shall possess the qualifications, perform the duties, and their compensation shall be fixed in the manner now or hereafter prescribed by the general law.

As amended by: Private Acts of 1974, Chapter 190

Private Acts of 1992, Chapter 231

Private Acts of 2002, Chapter 115.

**SECTION 4.** That the members of the Board of Education now in office in said Counties shall serve as the Board of Educational Commissioners until the first day of September, 2002, when they shall be succeeded by the Board elected as hereinabove provided.

As amended by: Private Acts of 1974, Chapter 190

Private Acts of 2002, Chapter 115.

**SECTION 5.** That any vacancy or vacancies which may occur on said Board between elections shall be filled by the Quarterly County Court of such Counties.

**SECTION 6.** That each of the members of said Board of Educational Commissioners shall, before entering upon their duties, take and subscribe to an oath for the faithful performance of their duties and shall execute a bond in the penal sum of One Thousand (\$1,000.00) Dollars, payable to the State of Tennessee, conditioned for the faithful performance of their duties, with two or more sureties thereon.

**SECTION 7.** That if any section or part of this Act shall be held invalid it is hereby expressed as the legislative intent that the same may be elided and that the remainder of this Act shall remain in full force and effect.

**SECTION 8.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1949.

## Superintendent or Director of Schools

### Election by Popular Vote

## Private Acts of 1949 Chapter 182

**COMPILER'S NOTE:** This Act may be superceded by general law found at [Tennessee Code Annotated § 49-2-301](#)

**SECTION 1.** That on and after the date herein set out the County Superintendent of Public Instruction in and for the Counties of the State of Tennessee having a population of not less than 12,990 and not more than 13,000, according to the Federal Census of 1940, or any subsequent Federal Census, shall be elected by the qualified voters of said Counties at the general August election of 1952 and every four years thereafter. The term of office of the first person elected hereunder shall begin on the first day of September, 1952, and continue until the first day of September, 1956, and until a successor is elected and qualified. The qualifications and duties of the Superintendent of Public Instruction shall be the same as those provided by the general law for County Superintendents of Schools and his compensation shall be fixed in the manner now provided by the general law.

**SECTION 2.** That the present Superintendents of Schools in said Counties shall serve as Superintendents of Public Instruction until the first day of September, 1952.

**SECTION 3.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1949.

## Teacher Pensions

## Private Acts of 1943 Chapter 462

**SECTION 1.** That the County of Johnson be and it is hereby authorized to make the necessary contracts with any insurance company or companies authorized to do business in the State of Tennessee to provide for the retirement of the public school teachers of the County from active service, and to provide group annuity, insurance, pensions or retirement allowances for teachers thus retired.

**SECTION 2.** That the contract or contracts referred to in Section 1 shall provide for the payment of the teachers' share of the maintenance cost by making payroll deductions from the salaries of teachers by the County, and the County is hereby authorized to make such deductions from such salaries.

**SECTION 3.** That the contract or contracts referred to in Section 1 shall also provide for the County of Johnson to make financial contributions to the cost of maintaining the group pension or retirement system, and the County is hereby authorized to make such contributions.

**SECTION 4.** That the County is hereby given authority to take all necessary steps for inaugurating and maintaining said group pension or retirement system.

**SECTION 5.** That the power or authority vested by this Act in the County may be exercised by resolution adopted by the affirmative vote of a majority of the entire membership of the Quarterly County Court of the County at any regular meeting of said Court. The amount or proportion of the teachers' contribution to

the cost of said system, the amount or proportion of the County's contribution thereto and all provisions of such contract or contracts may also be fixed by such resolution, and such resolution may authorize and direct the proper officials of the County to execute said contract and provide for the carrying of the same into effect.

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

Passed: February 9, 1943.

## Education/Schools - Historical Notes

### **Board of Education**

The following act once affected the board of education in Johnson County but is no longer operative.

1. Private Acts of 1998, Chapter 153, attempted to amend the Private Acts of 1949, Chapter 183, increasing the number of County Board of Educational Commissioners from 5 to 7. This act never received ratification locally.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Johnson 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 repealed prior law without providing new substantive provisions.

1. Acts of 1837-38, Chapter 275, incorporated Pine Grove Academy, which was to be located near or at Taylorsville as the county academy of Johnson County.
2. Acts of 1907, Chapter 151, created an independent school district out of portions of the fifth and sixth districts of Johnson County, Tennessee to be known as the "Eleventh School District." This independent school district was abolished when the first county-wide school board was established in 1929.
3. Acts of 1909, Chapter 234, was a compulsory school attendance law for Johnson and Carter counties, requiring parents and guardians of children between the ages of 8 and 16 years to send their children to school for 16 weeks or 80 days of each academic year. Violation of this act was a misdemeanor, punishable by a \$10 to \$50 fine.
4. Acts of 1909, Chapter 494, required parents and guardians to cause children between the ages of 8 and 14 years to attend public school at least four months or eighty days consecutively each year. This act was repealed by Public Acts of 1978, Chapter 716.
5. Private Acts of 1911, Chapter 342, provided that children between the ages of 8 and 16 years were to attend school at least fifteen days of each school month. Temporary absence of not more than five days per month could be excused, but violation of the act would subject the parents or guardians of the children to a fine of \$1.00 for each day missed.
6. Private Acts of 1929, Chapter 438, established the first county-wide school board for Johnson County and also provided for the election of a county superintendent of public instruction.
7. Private Acts of 1933, Chapter 298, abolished the office of truant officer in Johnson County.
8. Private Acts of 1937, Chapter 817, allowed teachers to retire after 25 years of service with a pension up to \$50 per month.

## Chapter VII - Elections

## Districts - Reapportionment

## Private Acts of 1949 Chapter 789

**COMPILER'S NOTE:** See also Private Acts of 1961, Chapter 8, immediately following this act, and which is amendatory to it.

WHEREAS, the existing Districts of Johnson County, Tennessee, were laid out by Commissioners appointed pursuant to Chapter 1, Public Acts of 1836; and,

WHEREAS, the Fifth Civil District of Johnson County, Tennessee, is being, to a large extent, inundated by the Tennessee Valley Authority's Watauga Lake; and,

WHEREAS, the Town of Butler, Tennessee, which was the principal center of population in the District, has been abolished and the population thereof entirely removed;

**SECTION 1.** That the part of the Fifth Civil District of Johnson County, Tennessee, lying North of the center of the bed of Roans Creek as it meanders from East to West through the old Fifth Civil District and lying West of the center of the bed of Doe Creek as it meanders from North to South through the old Fifth Civil District to Roans Creek be and the same is hereby attached to, incorporated in and made a part of the Sixth Civil District of said Johnson County, Tennessee, the boundaries of which are hereby enlarged so as to encompass all of said old Fifth Civil district lying North of the center of the bed of Roans Creek and West of the center of the bed of Doe Creek.

As amended by: Private Acts of 1953, Chapter 184

**SECTION 2.** That all of the old Fifth Civil District of Johnson County, Tennessee, lying East of the center of the bed of Doe Creek as it meanders from North to South to Roans Creek and all of the old Fifth Civil District of Johnson County, Tennessee, lying South of the center of the bed of Roans Creek as it meanders from East to West through the old Fifth Civil District, whether East or West of Wautauga River, be and the same is hereby attached to, incorporated in and made a part of the old Tenth Civil District of said County, hereinafter renumbered the Fifth Civil District, the boundaries of which are hereby enlarged so as to encompass all of said Fifth Civil District lying East of the center of the bed of said Doe Creek and South of the center of the bed of said Roans Creek, whether East or West of Wautauga River.

As amended by: Private Acts of 1953, Chapter 184

**SECTION 3.** That the present Fifth Civil District is abolished and the present Tenth Civil District, as enlarged, is renumbered Civil District No. 5.

**SECTION 4.** That the officers elected from and for Civil Districts Six and Ten, herein renumbered Five, shall continue to serve as the officers of these Districts as extended and regardless of the renumbering thereof, it being the expressed intent of the Legislature that no change shall be effected by this Act, with regard to this matter, other than the abolition of the old Fifth Civil District and the addition of the territory formerly embraced in the old Fifth Civil District to the adjacent Sixth Civil District and Tenth Civil district, renumbered Civil District No. 5.

**SECTION 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1949.

## Private Acts of 1961 Chapter 8

**SECTION 1.** That Chapter 789 of the Private Acts of 1949, the caption of which is quoted in the caption of this Act, be and the same is hereby amended so as to restore the Tenth Civil District of Johnson County as same existed prior to the effective date of Chapter 789 of the Private Acts of 1949, thereby bringing the number of civil districts in said county to ten (10).

**SECTION 2.** That this Act shall take effect on September 1, 1962, but that the magistrates for the new Tenth Civil District shall be elected at the general election to be held in August of 1962.

**SECTION 3.** That this Act shall be of no effect unless it shall be approved by a twothirds vote of the quarterly county court of Johnson County at the next regular meeting of such court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of said court and shall be certified by him to the Secretary of State.

Passed: January 25, 1961.

## Elections - Historical Notes

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

1. Public Acts of 1835-36, Chapter 2, Section 7, provided that the sheriff or coroner of Carter County hold the first election for Johnson County for justices of the peace and constables.
2. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Johnson, Carter, Sullivan and Washington composed the first senatorial district. Johnson and Carter counties jointly elected one representative, the polls of which were compared at Fish Springs in Carter County. Acts of 1843-44, Chapter 150, amended this act so as to provide that the polls be compared at Elizabethton in Carter County, instead of in Fish Springs, on the first Monday after the election of a representative. This act was repealed by

Public Acts of 1978, Chapter 597.

3. Acts of 1842 (2nd Sess.), Chapter 7, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Johnson, Carter, Sullivan, Washington, Hawkins, Greene and Cocke were placed in the first congressional district.
4. Acts of 1851-52, Chapter 196, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Johnson, Carter, Sullivan and Washington composed the first senatorial district. Johnson and Carter counties jointly elected one representative, the polls of which were compared at Elizabethton.
5. Acts of 1851-52, Chapter 197, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. Johnson, Carter, Washington and Carter counties composed one senatorial district. The counties of Johnson and Carter jointly elected one representative the polls of which were compared at Elizabethton.
6. Public Acts of 1865, Chapter 34, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Johnson, Carter, Sullivan, Washington, Hancock, Hawkins, Grainger, Greene, Sevier, Jefferson and Cocke were placed in the first congressional district.
7. Public Acts of 1871, Chapter 146, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Johnson, Carter, Washington and Greene composed the first senatorial district. Johnson and Carter counties jointly elected one representative.
8. Acts of 1872 (Ex. Sess.), Chapter 7, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Johnson, Carter, Sullivan, Washington, Hancock, Hawkins, Grainger, Union, Hamblen, Greene and Cocke were placed in the first congressional district.
9. Public Acts of 1873, Chapter 27, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Johnson, Carter, Sullivan, Washington, Greene, Hawkins, Hancock, Claiborne, Grainger, Hamblen and Cocke were placed in the first congressional district.
10. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Johnson, Carter, Washington, Sullivan and Unicoi composed the first senatorial district. Johnson and Carter counties jointly elected one representative. Johnson County also jointly elected another representative with the following counties: Carter, Washington, Unicoi, Greene and Sullivan.
11. Public Acts of 1882 (2nd Ex. Sess.), Chapter 27, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger were placed in the first congressional district.
12. Public Acts of 1891, Chapter 131, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger were placed in the first congressional district.
13. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Johnson, Carter, Washington, Greene and Unicoi composed the first senatorial district. Johnson, Sullivan and Washington counties jointly elected one representative.
14. Public Acts of 1901, Chapter 109, divided the state into congressional districts for the election of representatives to United States Congress. The counties of Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Sevier, Hancock, Claiborne, Cocke and Grainger were placed in the first congressional district.
15. Public Acts of 1901, Chapter 122, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Johnson, Carter, Washington, Greene and Unicoi composed the first senatorial district. Johnson and Carter Counties jointly elected one representative.

16. Private Acts of 1951, Chapter 235, set the pay of Johnson County Election Officials at \$5.00 per day. This was amended by Private Acts of 1963, Chapter 187, which increased their salary to \$7.00 per day.
17. Private Acts of 1955, Chapter 152, attempted to repeal the redistricting act found in Private Acts of 1949, Chapter 789, but it was not ratified on the local level.
18. Private Acts of 1963, Chapter 185, set the time for opening and closing the primary and general election polls in Johnson County from 9:00 A.M. to 6:00 P.M.
19. Private Acts of 1976, Chapter 284, was the legal authority for the quarterly county court of Johnson County to call by a resolution of the court for an advisory referendum of the people to take place at the May 25, 1976 presidential preference primary on the question of sale of beer and alcoholic beverages of less than 5%. This act was rejected by the quarterly county court of Johnson County and never took effect.

## Chapter VIII - Health

### Massage Parlors

### Private Acts of 1978 Chapter 282

**SECTION 1.** This Act shall be known and may be cited as the Johnson County Massage Registration Act of 1978. **SECTION 2.** As used in this Act, unless the context otherwise requires:

- (a) "Massage" means the art of body massage, by hand or with a mechanical or vibratory device, for the purpose of massaging, reducing or contouring the body, and may include the use of oil rubs, heat lamps, salt gloves, hot and cold packs, tub, shower or cabinet baths. The procedures involved include, but are not limited to, touching, stroking, kneading, friction, vibration, percussion and medical gymnastics.
- (b) "Masseur" or "Masseuse" means a person engaged in activity set forth in subsection (a).
- (c) "Massage establishment" means a place of business wherein the practice of massage, as defined in subsection (a) is practiced. (d) "Board" means the Johnson County Massage Registration Board.

**SECTION 3.** There is hereby created the Johnson County Massage Registration Board. The Board shall consist of the County Board of Health. The terms of the Board members shall be coextensive with their terms on the County Board of Health and no member shall serve after the expiration of his term or removal from the County Board of Health. A majority of the members to which the Board is entitled shall constitute a quorum. The Board shall serve without compensation but the members shall receive their actual expenses for attending Massage Registration Board meetings.

The Board shall select a chairman from among its members and the chairman shall notify interested persons and members of Board meetings. The Board shall meet as often as required to carry out the provisions of this Act.

**SECTION 4.** All persons or massage establishments engaged in "massage" as defined herein, for compensation in Johnson County shall be required to register with the Johnson County Massage Registration Board. It shall be unlawful for any person to engage in massage for compensation without a current valid certificate of registration from the Massage Registration Board.

**SECTION 5.** The Board shall establish procedures and criteria for the issuance of certificates of registration to persons and establishments engaged in massage for compensation in Johnson County.

No person or establishment shall be issued a certificate of registration until the applicant and each person engaged in massage at a massage establishment has provided evidence satisfactory to the Board that:

- (1) the applicant is eighteen (18) years of age or older;
- (2) the applicant presently holds a current valid health certificate as provided in Tennessee Code Annotated, Section 52-1012;
- (3) that the certificate holder is engaged in massage as a bona fide occupation or vocation and is not utilizing the title masseuse or masseur, or turkish bath or any other title as a subterfuge to engage in unlawful activity;
- (4) has paid the required fees.

**SECTION 6.** In order to effectuate the provisions of this Act the Board, or its authorized representative shall be empowered to conduct investigation of persons engaged in massage or massage establishments

and inspect the registration of practitioners and establishments for compliance. Refusal of a practitioner or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue certificates of registration provided by this Act.

**SECTION 7.** The Board shall provide applicants denied issuance of a certificate or practitioners whose certificate is revoked or not renewed a hearing on such refusal, revocation or non-renewal, which is consistent with due process of law. All decisions of the Board on the revocation, refusal to issue or non-renewal of certificates of registration shall be reviewable in the circuit court of Johnson county only as to the existence of any substantial evidence upon which the Board could base its decision. Provided, however, that upon a decision of the Board to refuse to issue, revoke, or not to renew a certificate, the practitioner or establishment shall be prohibited from engaging in massage until the Board's decision is overturned.

**SECTION 8.** The following classes of persons shall not be required to register under this Act:

- (a) Persons authorized by the laws of this state to practice any branch of medicine, surgery, osteopathy, chiropractic or chiropody, or persons holding a drugless practitioner's certificate.
- (b) Registered nurses under the laws of this state.
- (c) Barbers duly licensed under the laws of this state.
- (d) Beauticians duly licensed under the laws of this state.
- (e) Registered physical therapists under the laws of this state.
- (f) Recreational facilities or their employees associated with the YWCA or YMCA religious organizations.

Any exemption granted under this Act is effective only insofar as and to the extent that the bona fide practice of the profession or business of the person exempted overlaps into the field comprehended by this Act, and exemptions under this Act are only for those activities which are performed in the course of the bona fide practice of the business or profession of the person exempted.

**SECTION 9.** The Board may charge a fee for each certificate of registration in massage which shall be sufficient to defer the expenses of administering this Act but in no case shall the fee for a certificate exceed ten dollars (\$10.00).

**SECTION 10.** If the Board ascertains that any masseur or masseuse may be in such physical condition as to jeopardize the health of those who seek massage from him or her, the board may require an applicant or certificate holder to have a physical examination by a competent medical examiner, and if found to have had, or has, any communicable disease, shall disqualify such person from obtaining, or renewing, a certificate to practice massage in this state. The granting of renewal of such certificates shall be denied until such person furnishes due proof of being physically and mentally competent and sound to practice massage.

The board may adopt reasonable rules and regulations regarding personal cleanliness of masseurs and masseuses, and the sanitary conditions of towels, linen, creams, lotions, oils and other materials, facilities and equipment used in the practice of massage.

**SECTION 11.** The certificate of registration a masseur or masseuse may be revoked, suspended or annulled, by the board for any of the following reasons:

- (a) The registrant is guilty of fraud in the practice of massage, or fraud or deceit in his admission to the practice of massage.
- (b) The registrant has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state.
- (c) The registrant is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.
- (d) The registrant is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.
- (e) The registrant is guilty of fraudulent, false, misleading or deceptive advertising, or that he or she prescribes medicines or drugs, or practices any licensed profession without legal authority.
- (f) The registrant is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.
- (g) The registrant has violated any of the provisions of this Act.



Charges may be preferred by any person, or the Board may, on its own motion, direct the Chairman of the Board to prefer charges. An accusation may be filed with the Chairman of the Board, charging any registered masseur or masseuse with any of the offenses herein enumerated. Such accusation shall be in writing, signed by the accuser, and duly verified under oath.

**SECTION 12.** (a) It is unlawful for any person or persons or massage establishment to engage in the practice of massage for compensation without a valid certificate of registration issued pursuant to the provisions of this Act.

(b) It is unlawful for any person or persons to operate or conduct any massage establishment which does not conform to the sanitary rules and regulations adopted by the Board, or to employ any person as a massage practitioner who does not hold a certificate of registration.

(c) Any person who shall violate any of the provisions of this Act shall upon conviction be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than one (1) year, or both, at the discretion of the trial court.

**SECTION 13.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this 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 ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Johnson County before December 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 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: March 27, 1978.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1923, Chapter 679, provided that all persons in Johnson County who had been practicing medicine for ten years at the time of passage of this act would be licensed to practice medicine without meeting any further requirements.
2. Private Acts of 1925, Chapter 279, was an act regulating the practice of dentistry in Johnson County. It provided that all persons who had been engaged in the practice of dentistry for five years in the State of Tennessee or who were "graduates of mechanical dentistry" schools and who could offer proof of such to the county court clerk would be issued a license to practice dentistry in Johnson County.
3. Private Acts of 1927, Chapter 117, authorized persons who had held permits from the state board of pharmacy for three consecutive years and who had owned and operated a drugstore for not less than three years and who could furnish sworn statements by three reputable physicians as to their fitness, to conduct a business as a druggist in Johnson County.
4. Private Acts of 1927, Chapter 336, provided that any physician licensed to practice medicine in the state was qualified to be the Johnson County Health Officer or hold the office of the Johnson County Jail Commission.
5. Private Acts of 1935, Chapter 308, authorized W. F. Cuthbert, a graduate of the Veterinary Science Association of Loudon, Ontario, Canada, to practice veterinary science in Johnson County.
6. Private Acts of 1937, Chapter 328, authorized Joe N. Stout, a graduate of the Veterinary Science Association of Detroit, Michigan, to practice veterinary medicine in Johnson County.
7. Private Acts of 1937, Chapter 596, provided that any person who had been engaged in the practice of medicine in this state for ten years was licensed to practice in Johnson County, under the provisions of this act without having to meet any other licensing requirements.
8. Private Acts of 1937, Chapter 825, authorized J. Louie Freeman, who had more than ten years actual experience, to practice veterinary medicine in Johnson and Lauderdale counties.

## Chapter IX - Highways and Roads



## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Johnson County, but which are no longer operative.

1. Acts of 1849-50, Chapter 64, authorized Benjamin Cole to open a turnpike road, beginning at Lewis Garland's on Stony Creek in Carter County, covering Iron Mountain and intersecting the Taylorsville Road, at or near William Shown's in Johnson County.
2. Private Acts of 1859-60, Chapter 114, was a general road law for thirteen of Tennessee's counties, including Johnson. This act provided that the county court was to classify county roads, employ a road superintendent and levy a road tax.
3. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in all the counties of the state, except those with a population of 70,000 inhabitants and over according to the Federal Census of 1900.
4. Private Acts of 1911, Chapter 302, was a bond issue of not more than \$200,000 and not less than \$50,000, to mature within thirty years and to be used for "constructing good roads." This act also provided for three commissioners to sell these bonds and to oversee the use of their proceeds.
5. Private Acts of 1917, Chapter 15, authorized Johnson County to issue \$200,000 in coupon bonds for the building of turnpikes and the improvement and maintenance of public roads, upon an affirmative vote by the citizens of Johnson County. The act further provided for the levy of a tax and created a sinking fund for the payment of same and provided for the appointment and payment of commissioners and the regulation of same. This act was amended by Private Acts of 1925, Chapter 393, which provided that the two members composing the sinking fund commission be paid \$3.00 per day.
6. Private Acts of 1921, Chapter 623, was a road law for Johnson County. It created a highway commission of three members, appointed by the quarterly county court, and a road superintendent, appointed by the highway commission. This act also contained provisions for a county road tax levy and for road duty. This act was amended by Private Acts of 1923, Chapter 338, to lower the maximum age for road duty from fifty years to forty-five years, and by Private Acts of 1925, Chapter 649, which provided that up to \$200 per year could be paid to the highway commissioners for their expenses. This was superseded by Private Acts of 1949, Chapter 567.
7. Private Acts of 1963, Chapter 56, attempted to amend Private Acts of 1949, Chapter 567, so as to provide that the road commission be elected every two years and the superintendent of roads every four years by the voters of Johnson County. This act was rejected by local authorities and therefore never became operative.
8. Private Acts of 1971, Chapter 117, attempted to amend Private Acts of 1949, Chapter 567, by raising the salary of the superintendent of roads to \$7,500 per year and providing a monthly expense account of \$50; but this act was also rejected by local authorities.
9. Private Acts of 1949, Chapter 567, created the Johnson County Highway Commission. This Act was repealed by Private Acts of 2012, Chapter 55.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Militia**

Those acts once affecting Johnson County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1835-36, Chapter 21, divided the state into militia companies, battalions, regiments, brigades and divisions, and prescribed the times and modes of electing officers. The militia of Johnson County composed the first regiment of the first brigade of the first division.
2. Acts of 1837-38, Chapter 157, was an overall militia law for the state. The act placed the militia of Johnson County in the first brigade and set the time for holding regimental musters on the first Friday and Saturday in September. This act was repealed by Public Acts of 1978, Chapter 595.
3. Acts of 1839-40, Chapter 56, was an overall militia law for the state. The militia of Johnson County composed the first regiment of the first brigade of the first division, and held regimental musters on the Thursday preceding the first Monday in October.

4. Private Acts of 1861, Chapter 1, was an overall militia law for the state. The militia of Johnson County composed the first regiment of the first brigade and held regimental musters on the Thursday preceding the first Monday in October.

### **Sheriff**

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

1. Acts of 1849-50, Chapter 203, legalized the acts of Alfred T. Wilson of Johnson County in assuming to perform the duties of constable of said county, as if the said Wilson had been lawfully elected and qualified as constable of Johnson County.
2. Private Acts of 1917, Chapter 741, provided that the sheriff would be paid \$750 on January 1st and July 1st of each year. This was amended by Private Acts of 1925, Chapter 102, to increase that amount to \$1,500 semi-annually, and amended again by Private Acts of 1931, Chapter 395, to provide that the sheriff's salary would be \$1,500 in addition to all the fees of the office.
3. Private Acts of 1919, Chapter 354, provided that the sheriff of Johnson County was to be paid in quarterly installments by the Johnson County Trustee on warrants of the chairman of the county court issued on order of the quarterly county court at their regular session in each year.
4. Private Acts of 1927, Chapter 536, required all sheriffs, constables, and police officers in Johnson County to search for, seize and capture all illicit distilleries, stills and all parts, equipment and fixtures used in the manufacture of intoxicating liquors.
5. Private Acts of 1949, Chapter 186, authorized the Johnson County Quarterly County Court to set the salary of the Johnson County Sheriff at not more than \$3,600 per annum and authorized him to employ not more than five deputies sheriff at an annual salary not to exceed \$1,500 per annum.

## Chapter XI - Public Utilities

### Carderview Utility District

#### Private Acts of 1949 Chapter 598

**SECTION 1.** That the Carderview Utility District of Johnson County, Tennessee, heretofore created by order of the County Chairman of said County rendered on November 12, 1948, pursuant to a petition, notice, and hearing, is hereby found and declared to be a validly organized and existing utility district of the State of Tennessee under the provisions of the Utility District Act of 1937, same being Chapter 248 of the 1937 Public Acts of Tennessee, together with all amendments thereto, and said Utility District shall consist of all of the parcels or tracts of land comprising the unincorporated Town of Carderview as shown by a plat of record in the Register's Office of Johnson County in Deed Book 50, at page 568, and also all parcels or tracts of land comprising the unincorporated Town of New Butler, as shown by a plat of record on the Register's Office of Johnson County in Deed Book 50, at page 471.

**SECTION 2.** That all proceedings heretofore taken by the Board of Commissioners of said district in connection with obtaining a water system for said district are hereby validated and legalized.

**SECTION 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.  
Passed: April 5, 1949.

## Chapter XII - Taxation

### Coin Operated Machine Tax

#### Private Acts of 1963 Chapter 280

**SECTION 1.** That the Quarterly County Court of any county of this State having a population of not less than 10,750 nor more than 10,800, according to the Federal Census of 1960, or any subsequent Federal Census, is authorized to levy a tax of twenty-five dollars (\$25.00) on coin-operated pinball machines and coin-operated record machines regularly licensed and used in such county and to provide for the collection and enforcement of such tax levy.

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by the Quarterly County Court of any county to which it may apply on or before the next regular meeting of said Quarterly County Court occurring more than thirty (30) days after its approval by the Governor or after its otherwise

becoming a law. Its approval or non-approval shall be proclaimed by the presiding officer of said Quarterly County Court and shall be certified by him to the Secretary of State.

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

Passed: March 21, 1963.

## Hotel/Motel Tax

### Private Acts of 1989 Chapter 73

**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) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration;
- (3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel;
- (4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise;
- (5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit; and
- (6) "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 ninety (90) continuous days.

**SECTION 2.** A privilege tax is hereby levied in Johnson County upon the privilege of occupancy in any hotel of each transient in an amount not to exceed five percent (5%) of the consideration charged by the operator.

**SECTION 3.** (a) Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel and be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the county.

(b) When a person has maintained occupancy for ninety (90) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him or her, and the operator shall receive credit for the amount of such tax if previously paid or reported to Johnson County.

**SECTION 4.** (a) The tax hereby levied shall be remitted by all operators who lease, rent or charge for rooms or spaces in hotels within Johnson County to the county clerk, the tax to be remitted to such officer not later than the twentieth day of each month for the preceding month.

The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for 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 in accounting for remitting the tax levied pursuant to this act, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the county clerk in the form of a deduction in submitting his or her report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

**SECTION 5.** (a) (1) The county clerk shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein.

(2) A monthly tax return shall be filed under oath with the county clerk by the operator with such number of copies thereof as such collector may reasonably require for the collection of such tax.

(3) 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 county clerk and approved by the county legislative body prior to use.

(4) The county clerk shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body.

(b) The county legislative body is hereby authorized to adopt reasonable rules and regulations for the implementation of the provisions of this part, including the form for reports.

**SECTION 6.** 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 7.** (a) Taxes collected by an operator which are not remitted to the county clerk on or before the due dates shall be delinquent.

(b) An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for the 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.

(c) 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 hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00).

**SECTION 8.** It shall be the duty of every operator liable for the collection of 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 as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the county, which records the county clerk shall have the right to inspect at all reasonable times.

**SECTION 9.** (a) Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of the law which apply to the recovery of state taxes illegally assessed and collected shall apply to the tax collected under the authority of this act.

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

(c) Notice of any tax paid under protest shall be given to the county clerk, and suit for recovery may be brought against the county clerk.

**SECTION 10.** The proceeds of the tax levied by this act shall be placed and retained in the county general fund; provided, however, that the first fifteen thousand dollars (\$15,000) of such proceeds each year shall be appropriated by the county legislative body for the purpose of advertising and promoting tourism in Johnson County.

**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.** The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied, whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

**SECTION 13.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 14.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Johnson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Johnson County 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: April 26, 1989.

## Litigation Tax

## Private Acts of 1980 Chapter 258

**SECTION 1.** A litigation tax of Two (\$2.00) Dollars shall be taxed as part of the costs of all civil and criminal actions in the Court of General Sessions of Johnson County.

**SECTION 2.** The Clerk of said Court will collect the litigation tax and pay the same into a separate fund, which is to be designated as the "Courthouse and Jail Maintenance Repair and Improvement Fund", to be used exclusively for the maintenance, upkeep and repair of the Courthouse and Jail of Johnson County.

**SECTION 3.** All expenditures made from the funds are to be made by the County Executive upon the authorization of the Johnson County Legislative Body.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the County Legislative Body of Johnson County before October 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the Johnson County Legislative Body and certified by him to the Secretary of State.

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

Passed: March 24, 1980.

## Wheel Tax

## Private Acts of 1983 Chapter 68

**SECTION 1.** That for the privilege of using the public roads and highways, and for the privilege of operating a motor vehicle within Johnson County, Tennessee, there is levied upon motor-driven vehicles and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, antique automobiles, and except all motor-driven vehicles owned by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of the county, which tax shall be in addition to all other taxes, and shall be in the amount of twenty dollars (\$20.00) per each such motor-driven vehicle. In addition to the foregoing, this tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which lives within, or usually stays within, or operates such motor-driven on, over, or upon the streets, roads, or highways of the county. Provided further, that nothing in this act shall be construed as permitting and authorizing the levy of, and the collection of, a tax against non-residents of the county to which this act applies, and to owners of such vehicles using the streets, roads, and highways of the county, who live or reside without the bounds of the county, and who do not come within the provisions of this act.

**SECTION 2.** The tax herein levied shall be collected by the county clerk of Johnson County, who 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 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 tax shall be evidenced by a receipt, issued in duplicate by the clerk, the original of which shall be kept by the vehicle owner and by a decal or emblem also issued by the clerk, which shall be affixed on the lower right hand side of the vehicle windshield. Provided, however, that the privilege tax decal for motorcycles, motor-driven bicycles and scooters shall be placed on the top portion of the gasoline tank, but if such tank is not visible or exposed, then on any prominent and visible portion of that vehicle.

**SECTION 4.** The design of the decal or emblem shall be determined by the county clerk. The expense incident to the purchase of such decals and emblems 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 general fund of the county. For his or her services in collecting the tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, the clerk shall be entitled to a fee of one dollar (\$1.00) for each vehicle, motorcycle, motor-driven scooter and bicycle, it being the legislative intent that the clerk fee equal not more than five percent (5%) of the amount of tax paid; and further provided that this fee shall be deducted from the amount of tax paid. The clerk will faithfully account for, make proper reports of, and pay over to the county trustee at monthly intervals, all funds received by him or her for the payment of the tax.

**SECTION 5.** The privilege tax hereby levied, when paid together with full, complete, and explicit performance of and compliance with all provisions of this act, by the owner, shall entitle the owner of the



motor-driven vehicle for which said tax was paid, to operate this vehicle over the streets, roads and highways of the county from the purchase date of his state motor vehicle license plate or decal to the next succeeding date of renewal of such license plate or decal. If the privilege tax levied hereunder is paid at the time other than the purchase of state motor vehicle license plates or decals, such tax shall be prorated accordingly by the county clerk.

**SECTION 6.** In the event any vehicle for which the motor vehicle privilege tax has been paid and the emblem or decal issued and placed thereon by the owner, becomes unusable to the extent that it can no longer be operated over public roads; or in the event that the owner transfers the title to such vehicle, and completely removes therefrom and destroys the decal or emblem, and the owner makes proper application to the county clerk for the issuance of a duplicate decal or emblem to be used by him or another vehicle for the unexpired term for which the original decal or emblem was issued, and the clerk is satisfied that the applicant is entitled to the issuance of such duplicate decal or emblem, and the owner pays the hands of the county clerk the sum of two dollars (\$2.00), the clerk will then issue to such owner a duplicate receipt, canceling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the vehicle for which it is issued by the owner, as herein provided, and such duplicate decal or emblem shall entitle the owner to operate or allow to be operated the vehicle upon the roads for the remainder of the period for which the original decal or emblem was issued.

Likewise, in the event a decal or emblem becomes obliterated, erased or defaced, or is destroyed under the provisions of this act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the clerk showing such circumstances and facts to be true, then the county clerk, upon receipt from the owner of two dollars (\$2.00), may issue and deliver to the owner a duplicate decal or emblem.

**SECTION 7.** The proceeds from this tax shall be placed in the county general fund, and used exclusively for county purposes.

**SECTION 8.** It is the intent of the General Assembly of the State of Tennessee, that this act shall be construed as a measure providing for additional revenue for Johnson County.

**SECTION 9.** Any person violating the provisions of this act, or of any part thereof, shall upon conviction be guilty of a misdemeanor and shall be punished by imprisonment in the county jail or workhouse not more than one (1) year, or by fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00), or by both, in the discretion of the court.

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

**SECTION 11.** This act expressly repeals Chapter 343 of the Private Acts of 1974.

**SECTION 12.** This act shall have no effect unless the same shall have been approved by a two-thirds ( $\frac{2}{3}$ ) vote of the commissioners present and constituting a quorum of the board of county commissioners of Johnson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Johnson County, and the action of the Board of County Commissioners of Johnson County shall be certified by him to the Secretary of State.

**SECTION 13.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 12.

Passed: April 14, 1983.

## 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 Johnson County Assessor.

1. Private Acts of 1937, Chapter 610, fixed the salary of the Johnson County Tax Assessor at \$1,080 per annum, which was paid in equal monthly installments by warrants drawn by the county judge. The population figures for Johnson County, according to the 1930 Federal Census, did not meet the population requirements of this act. However, it is our judgement that Private Acts of 1937, Chapter 610, was intended for Johnson County because the author of the act represented Johnson County and it was also indexed under Johnson County in the 1937 Private Act Volume.

2. Private Acts of 1949, Chapter 186, authorized the Johnson Quarterly County Court to set the salary of the Johnson County Tax Assessor at \$1,800 per annum.
3. Private Acts of 1949, Chapter 694, provided that the salary of the Johnson County Tax Assessor should be \$1,800 per annum. This act was amended by Private Acts of 1951, Chapter 656, which provided a travel allowance for the Johnson County Tax Assessor. Chapter 694 was further amended by Private Acts of 1953, Chapter 173, which revoked the travel allowance granted to the Johnson County Tax Assessor by Private Acts of 1951, Chapter 656 and provided that the tax assessor be additionally compensated at the rate of \$600 per annum for traveling expenses.

### **Taxation**

The following is a listing of acts pertaining to taxation in Johnson County which are no longer effective.

1. Private Acts of 1915, Chapter 159, provided for a tax levy of "one and a half mills on the dollar" for the purpose of maintaining county high schools. This was amended by Private Acts of 1921, Chapter 737, to increase the tax levy to two mills on the dollar.
2. Private Acts of 1974, Chapter 343, attempted to levy a wheel tax upon motor driven vehicles in Johnson County. While it was approved by the quarterly county court, this act was rejected by the voters of Johnson County, so that this tax levy never became effective.
3. Private Acts of 1974, Chapter 376, was an attempt to levy a solid waste disposal tax in Johnson County. No local action was ever taken on this act and it never became law.
4. Private Acts of 1980, Chapter 263, authorized the legislative body of Johnson County to levy a privilege tax not to exceed 5% on the occupancy of any hotel room by transients and provided for the collection of the tax and the distribution of the proceeds. This act was never ratified by local officials and never became operative.

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