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Chapter XI - Public Utilities

Dear Reader:

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

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

Sincerely,

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Chapter XI - Public Utilities

Gibson County Utility District

Private Acts of 1953 Chapter 192

SECTION 1. That an Order of the County Court entered by the County Judge of Gibson County, Tennessee on June 29, 1951 creating the Gibson County Utility District of Gibson County, Tennessee and having as its territorial limits all that area presently served by the Gibson County Utility District of Gibson County, Tennessee, including but not limited to all of the Civil Districts of Gibson County, Tennessee, with the exception of the area presently served by the Humboldt Municipal Utility Department of Humboldt, Tennessee, and appointing J. O. Long of Trenton, Tennessee, C. C. Berry of Dyer, Tennessee, and Floyd Burrow of Milan, Tennessee as Commissioners of said District, is hereby validated, legalized and confirmed.

As amended by: Private Acts of 1990, Chapter 197

SECTION 2. That the minutes of the organization meeting of the Board of Commissioners on July 5, 1951, wherein C. C. Berry was elected as President of the Board and Floyd Burrow was elected Secretary of the Board, is hereby validated, legalized and confirmed.

SECTION 3. That the Resolutions adopted by the Board of Commissioners naming L. E. Haguewood, Rutherford, Tennessee, for a term of five years, and Joe Warren, Kenton, Tennessee, for term of six years as Co-Commissioners of said District is hereby validated, legalized and confirmed, and the said Co-Commissioners shall henceforth be known and designated as Commissioners and, together and equally with the Commissioners appointed by the County Court as aforesaid, shall constitute the Board of Commissioners of the Gibson County Utility District of Gibson County, Tennessee.

SECTION 4. Notwithstanding the provisions of this chapter or any other law to the contrary, the Gibson County Utility District of Gibson County, Tennessee, shall be governed by a board of commissioners, members of which shall be elected by the people at the county general elections in 2002 and every two (2) years thereafter. The Commissioners shall be elected from all of the voting precincts of Gibson County, with the exception of the area served by the Humboldt Municipal Utility Department of Humboldt, Tennessee. The Gibson County Legislative Body shall periodically prescribe and apportion electoral districts for the board of commissioners in such a way that the principle of "one man, one vote" is followed as closely as possible, without dividing voting precincts. Individuals may run for the office of commissioner from the district in which they reside or own property.

The terms of the commissioners of the Gibson County Utility District taking office September 1, 2002, shall be staggered as follows:

District No. 1 - -4 years
District No. 2 - -2 years
District No. 3 - -4 years
District No. 4 - -2 years
District No. 5 - -4 years

Thereafter, each commissioner shall be elected to a four (4) year term. The commissioners taking office September 1, 2002, shall serve no more than two (2) full four-year terms in addition to any term of less than four (4) years.

In the event of a vacancy in the office of commissioners as a result of death, resignation, removal or moving from the district from which the commissioner is elected, the county executive, with the approval of the county legislative body, shall have the power to appoint a qualified person to fill such vacancy.

All other duties, rights, compensation, and powers of the Commissioners of the Gibson County Utility district shall be governed by the Utility District Act of 1937.

As amended by: Private Acts of 2002, Chapter 141

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

Passed: March 19, 1953.

Waterworks System

Public Acts of 1973 Chapter 194

COMPILER'S NOTE: The following act purports to amend Tennessee Code Annotated, Title 53, Chapter

20. However, Title 53 contains only 14 chapters to date. The general law pertaining to Water and Waterworks Companies is found in Title 65, Chapter 27. This act is a public act of local application, and has not been codified in Tennessee Code Annotated.

SECTION 1. Chapter 20 of Title 53 of Tennessee Code Annotated is amended by adding a new section as follows:

Notwithstanding any provision of the law to the contrary, any waterworks system in counties having a population of not less than 47,400 nor more than 50,000, according to the Federal Census of 1970, or any subsequent census, may use pipe made of poly vinyl chloride solvent weld, commonly known as and hereinafter referred to as PVC, for distribution of a public water supply, if it complies with the provisions of this section. The minimum requirements for the use of PVC pipe shall be the National Sanitation Foundation Standard 14, and U. S. Department of Commerce Standards PS-22-70, and the American Society for Testing and Material ASTM D2241-SDR-PR for potable water and all fittings approved by such standards applicable to the use of PVC pipe, including tapped couplings with AWWA and IPS tap and the minimum class of such pipe shall meet a standard of one hundred sixty (160) pounds per square inch working pressure.

SECTION 2. This Act shall not apply to counties of this state having populations, according to the U. S. Census of Population of 1970 or any subsequent census, as follows:

not less than 17,300 nor more than 18,000
 not less than 24,300 nor more than 24,500
 not less than 58,000 nor more than 60,000
 not less than 13,000 nor more than 13,500
 not less than 29,100 nor more than 29,500
 not less than 43,000 nor more than 43,750
 not less than 15,000 nor more than 16,000
 not less than 45,000 nor more than 47,775
 not less than 22,000 nor more than 22,400
 not less than 29,000 nor more than 29,100

SECTION 3. This Act shall take effect on becoming a law, the public welfare requiring
 Passed: April 30, 1973.

Public Utilities - Historical Notes

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 public utilities in Gibson County.

1. Acts of 1909, Chapter 245, authorized the issuance of a single charter for the operation of water, electric and ice companies, so that the same entity could operate waterworks, ice plants, electric lighting plants, and water, ice and electric power plants or systems in cities and towns with a population of less than 5,000 in Gibson, Lauderdale, and Sevier Counties. This act subsequently was declared unconstitutional in *Etowah Light and Power Co. v. Yancey*, 197 F. 845 (E.D. Tenn. 1911).
2. Private Acts of 1927, Chapter 661, validated and cured any defects in the sale, lease or rental of water, electric, or other municipally owned utilities prior to the passage of the act, in Gibson, Carroll, Dyer, Henry and Weakley Counties. (This act was repealed as to Weakley County only, by Private Acts of 1975, Chapter 97.)
3. Private Acts of 1990, Chapter 163, was an alternative bill introduced at the same session as Private Acts of 1990, Chapter 197, and would have amended Private Acts of 1953, Chapter 192 (creation of Gibson County Utility District, reproduced hereinabove), with no change to Section 1. No action was taken by the county legislative body, and the act never went into effect.
4. Private Acts of 2016, Chapter 34, would have amended Private Acts of 1953, Chapter 192, as amended by Private Acts of 1990, Chapter 197 and Private Acts of 2002, Chapter 141, with regard to commissioners taking office September 1, 2002, however, the Act was not approved locally.

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