



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

May 01, 2025

---

# Bradley

---

Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://ctas.tennessee.edu)). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

<b>Bradley .....</b>	<b>4</b>
<b>Chapter I - Administration .....</b>	<b>5</b>
<b>Budget System .....</b>	<b>5</b>
<b>Private Acts of 1935 (Ex. Session) Chapter 140 .....</b>	<b>5</b>
<b>Employee Death or Injury .....</b>	<b>9</b>
<b>Private Acts of 1955 Chapter 126 .....</b>	<b>9</b>
<b>Port Authority .....</b>	<b>10</b>
<b>Hiwassee River Tri-County .....</b>	<b>10</b>
<b>Public Acts of 1963 Chapter 357 .....</b>	<b>10</b>
<b>Purchasing .....</b>	<b>17</b>
<b>Private Acts of 1951 Chapter 313 .....</b>	<b>17</b>
<b>Administration - Historical Notes .....</b>	<b>18</b>
<b>Chapter II - Animals and Fish .....</b>	<b>22</b>
<b>Animals and Fish - Historical Notes .....</b>	<b>22</b>
<b>Chapter III - Bond Issues .....</b>	<b>23</b>
<b>Bond Issues - Historical Notes .....</b>	<b>23</b>
<b>Chapter IV - Boundaries .....</b>	<b>27</b>
<b>Creation of the County .....</b>	<b>27</b>
<b>Private Acts of 1835-36 Chapter 32 .....</b>	<b>27</b>
<b>Change of Boundary Lines .....</b>	<b>28</b>
<b>Private Acts of 1917 Chapter 188 .....</b>	<b>28</b>
<b>Private Acts of 1949 Chapter 791 .....</b>	<b>28</b>
<b>Private Acts of 1957 Chapter 16 .....</b>	<b>29</b>
<b>Public Acts of 1980 Chapter 801 .....</b>	<b>29</b>
<b>Boundaries - Historical Notes .....</b>	<b>29</b>
<b>Chapter V - Court System .....</b>	<b>30</b>
<b>District Attorney General .....</b>	<b>30</b>
<b>Criminal Investigator .....</b>	<b>30</b>
<b>Public Acts of 1977 Chapter 356 .....</b>	<b>30</b>
<b>General Sessions Court .....</b>	<b>31</b>
<b>Private Acts of 1955 Chapter 17 .....</b>	<b>31</b>
<b>Cash Deposits .....</b>	<b>34</b>
<b>Private Acts of 1957 Chapter 231 .....</b>	<b>34</b>
<b>Division II .....</b>	<b>35</b>
<b>Private Acts of 1982 Chapter 299 .....</b>	<b>35</b>
<b>Environmental Court .....</b>	<b>35</b>
<b>Private Acts of 2006 Chapter 86 .....</b>	<b>35</b>
<b>Court System - Historical Notes .....</b>	<b>36</b>
<b>Chapter VI - Education/Schools .....</b>	<b>43</b>
<b>Board of Education .....</b>	<b>43</b>
<b>Private Acts of 2002 Chapter 163 .....</b>	<b>43</b>
<b>Textbooks .....</b>	<b>44</b>
<b>Private Acts of 1949 Chapter 912 .....</b>	<b>44</b>
<b>Education/Schools - Historical Notes .....</b>	<b>45</b>
<b>Chapter VII - Elections .....</b>	<b>47</b>
<b>Campaign Materials .....</b>	<b>47</b>
<b>Private Acts of 1982 Chapter 336 .....</b>	<b>47</b>
<b>Civil Districts .....</b>	<b>48</b>
<b>Acts of 1905 Chapter 475 .....</b>	<b>48</b>
<b>Acts of 1917 Chapter 652 .....</b>	<b>48</b>
<b>Elections - Historical Notes .....</b>	<b>49</b>
<b>Chapter VIII - Health .....</b>	<b>51</b>
<b>Hospitals .....</b>	<b>51</b>

Private Acts of 1947 Chapter 846 .....	51
Private Acts of 1953 Chapter 197 .....	54
Health - Historical Notes .....	54
Chapter IX - Highways and Roads .....	55
Road Law .....	55
Private Acts of 1947 Chapter 354 .....	55
Excavation Permits .....	57
Private Acts of 1971 Chapter 139 .....	57
Highways and Roads - Historical Notes .....	57
Chapter X - Law Enforcement .....	59
Sheriff .....	60
Employment Plan .....	60
Private Acts of 1995 Chapter 70 .....	60
Sheriff's Patrol .....	61
Private Acts of 1957 Chapter 254 .....	61
Law Enforcement - Historical Notes .....	62
Chapter XI - Libraries .....	62
Governmental Library Commission .....	62
Private Acts of 2008 Chapter 63 .....	62
Public Library .....	63
Private Acts of 1917 Chapter 651 .....	63
Libraries - Historical Notes .....	65
Chapter XII - Taxation .....	65
Assessor of Property .....	65
Private Acts of 1947 Chapter 702 .....	65
Building Permits .....	66
Private Acts of 1975 Chapter 123 .....	66
Deputy Assessor .....	67
Private Acts of 1957 Chapter 208 .....	67
Hotel/Motel Tax .....	67
Private Acts of 1991 Chapter 19 .....	67
Poor Persons Tax .....	69
Private Acts of 1935 Chapter 705 .....	69
Taxation - Historical Notes .....	69
Chapter XIII - Utility District .....	71
Hiwassee Solid Waste .....	71
Public Acts of 1969 Chapter 289 .....	71

# Bradley



Bradley County Courthouse

**Revised and Edited by:** Steve Lobertini, Legal Consultant, Theodore Karpynek and Stephany A. Skaggs, Administrative Assistants, 1995

**Updated by:** Stephen Austin, Legal Consultant, 2022

# Chapter I - Administration

## Budget System

### Private Acts of 1935 (Ex. Session) Chapter 140

**SECTION 1.** That in all counties of the State of Tennessee having a population of not less than 22,850, nor more than 22,880 under the Federal Census of 1930, or any subsequent Federal Census, that it shall be the duty of the Pike Road Superintendent of such counties on or before the first Monday in April of each year, to prepare and file with the County Court Clerk an itemized statement or budget of the funds which said Superintendent estimates to be necessary for the construction, maintenance, upkeep, and operation of the roads, bridges, and county work house in such counties, and expenses incident thereto, for the year commencing on the first day of September following the making of said report; the said budget shall show in detail and in separate items the estimated amounts, necessary salaries and office expenses, new equipment, maintenance or repair of all equipment, bridges, lumber, gravel, maintenance of the County work house, etc., the said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall likewise be the duty of the County Board of Education on or before the first Monday in March of each year to prepare and file with the County Court Clerk of said County an itemized statement or budget of the funds which said Board of Education estimates to be necessary for the maintenance and operation of the schools in said County, and expenses incident thereto, for the year commencing on the first day of July following the making of said report; the said budget shall show in detail and in separate items the estimated amounts necessary for the office expenses and salaries of the County Superintendent and his assistants, salaries for the different county schools, the aggregate of the salaries for each individual school being shown, for the purchase of new equipment, for the maintenance and repair of old equipment, and school buildings, janitor service, bus service, insurance, and all other expenses of said department. The said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall likewise be the duty of the County Judge of said County on or before the first Monday in April of each year to prepare and file with the County Court Clerk an itemized statement or budget of the funds which he estimates necessary to be expended from the general county fund during the year commencing on the first day of September following the making of his said report, for the payment of salaries, mothers' pensions, maintenance of insane patients, jail bills, improvements and repairs of courthouse and jail, court costs, jail buildings, etc., and all expenses which are properly paid out of the General County Fund.

It shall also be the duty of the County Judge at the same time to prepare and file with the Clerk a statement or budget showing the amounts that will be necessary to pay the various County bonds, together with interest thereon, which have been issued by the County, which will mature or become due during the ensuing year. The budgets of the County Judge will likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall be the duty of all other County agencies and parties not hereinabove specifically mentioned, having authority to expend or expending County funds to file with said Clerk each year on or before the first Monday in April an itemized statement or the budget of the funds estimated to be necessary to be expended by said agencies or Departments for the year commencing on the first day of September following.

That it shall be the duty of the County Trustee on or before the first Monday in April of each year to prepare and file with the County Court Clerk an itemized statement or estimate of all funds, exclusive of the funds to be derived from the County tax on property, which he has reasonable grounds to believe will be paid into his office during the year commencing on the first of the following September, and which will be available for the purpose of defraying the expenses of the County Government during said year; and said statement shall show the source of each fund and said Trustee shall likewise show in a parallel column the amount received for the same purposes from the same sources during the year ending on the preceding August 31st, as near as may be practicable, and he shall likewise show in said statement the actual amount collected from the County tax on property during the year ending on the preceding August 31st.

It shall be the duty of the County Court Clerk to record the budgets herein referred to in a well bound book kept for that purpose and in a manner that shall make a permanent record of the same.

**SECTION 2.** That it shall be the duty of the County Judge of said Counties with the approval and confirmation of the Quarterly County Court at its January Term each year, to appoint a Committee of three persons who shall be and constitute the Budget Commission of such County. All of said persons so appointed shall be freeholders of said County, one shall be a resident of an incorporated City in such County, one shall be a resident outside the limits of an incorporated City, and only one shall be a member of Quarterly County Court of said County. That no member of said Budget Commission, with the exception of the member of the Quarterly Court, shall have any official connection with said County, or be related by affinity or consanguinity to any official or employee of said County within the third degree computed by the civil law. That the Quarterly Court may in its discretion allow the members of said Commission such compensation for their services as said Court may deem right and proper.

That immediately upon their selection said Budget Commission shall organize by electing a Chairman; and two members of said Commission shall constitute a quorum for the transaction of business. The County Court Clerk or one of his duly authorized deputies, at the option of the said Commission, shall act as the Secretary of said Commission but shall have no voice or vote in the deliberations of said Commission. That the duties of the Secretary shall be to keep all records of the Commission, including a complete record of the proceedings thereof, assist it in the compilation of the data necessary for the Commission to prepare the budget herein provided for and to assist in the preparation of said budget, and he shall perform such other duties as shall be prescribed by said Commissioner. That the County Court in its discretion may compensate said Secretary for services rendered in said capacity, but in no event shall such compensation exceed \$5.00 per day for every day actually required to perform his duties as Secretary to said Commission; and said Commission shall certify to the Quarterly Court at the time it submits its budget as hereinafter provided for, the number of days the said Secretary has been actually engaged in the performance of his said duties.

That each year prior to the meeting of the July Term of the Quarterly Court of said County, it shall be the duty of said Budget Commission to consider and examine the budgets referred to in Section 1 hereof and such other records and data as may be necessary, and to prepare on appropriate forms a complete itemized budget covering all of the proposed expenditures of every kind and description to be made by or on behalf of the County for the year beginning on September 1st, following. And in preparing said budget, said Commission is not to be bound by the amounts fixed in the several budgets of the various Departments of the County referred to in Section 1 hereof, but shall make such changes therein as in the opinion of said Commission are to the best interest of the County.

That immediately upon its organization, said Budget Commission shall cause to be prepared appropriate printed forms on which the budgets of the various Departments of the County referred to in Section 1 hereof are to be submitted and also appropriate forms for the budget herein provided for to be prepared and submitted by said Commission. That said forms shall be of such a nature as to enable said Commission to submit to the Quarterly Court as hereinafter provided a complete itemized budget and financial statement of the County in simple, intelligible form, to the end that the Quarterly Court shall have before it in said budget all of the data necessary to enable it to intelligently determine the proper amount to be allowed the various Departments of the County during the year for which the budget is proposed and the amount of revenue that will be available to pay the amounts so allowed. And in determining the nature and kind of said forms, said Budget Commission shall seek such expert advice in respect to this matter as will enable it to accomplish the desired end.

That said Budget, when prepared by said Budget Commission, shall be filed with the County Court Clerk and by him recorded along with the budgets prepared by the several departments of the County, as hereinabove provided for, in a well bound book and kept as a permanent record in the office of the County Court Clerk; and shall be submitted by the Chairman of the Commission each year to the July Term of the Quarterly Court of said County in open Court; and it shall be the duty of said court before fixing the tax rate for the current year to fully consider in open Court said Budget prepared by said Budget Commission, but the same shall not be in any way binding on said Court. That said Court shall have full right and power to alter, vary or change in any way it deems right and proper said budget so submitted by said Budget Commission or any part thereof, but it shall be the positive duty of said Court at its July Term each year, to fix, establish and adopt a complete, itemized budget of the amounts to be expended by each Department of the County government during the year beginning on the first day of September following, and no warrant drawn against County funds after September 1, 1936, shall be binding on the county unless the items or expense for which said warrant is issued shall have been included in a budget adopted by said Court as herein provided for; and no warrant shall be valid or binding on the County after the aggregate amount of warrants theretofore drawn during the fiscal year by or on behalf of any Department of the County government, shall equal the amount allowed said Department in the budget adopted for that year.

That in preparing said budget herein provided for, it shall be the duty of said Budget Commission to take

into consideration any unexpended balances that may remain at the end of the year to the credit of any Department from the amount allowed such Department for the previous year.

That as nearly as may be practicable, said Commission shall show in its budget the amount of actual expenditures of each Department of the County government during the preceding year covering each item or head in the budget, said amounts for such previous year to be shown in a column parallel to that containing the amounts proposed for the ensuing year, so that when completed said budget will show not only the proposed expenditures for the ensuing year, but the actual expenditures under each head for the preceding year.

That from the data and information herein required to be prepared and filed by the County Trustee and such other data as it may be necessary to examine, said Budget Commission shall likewise show in its budget an itemized statement or estimate of all funds, exclusive of the funds derived from the County tax on property, which said Commission has reasonable grounds to believe will be available during the year for payment of the amounts allowed in its said budget for said year, and it shall also show as nearly as may be practicable, the amounts of revenue derived from the same sources during the preceding year, together with the amount actually collected from the County tax on property during such preceding year.

That said Budget Commission shall, along with its budget, submit its recommendation to the Court with respect to the tax rate on property for the current year together with its estimate of the amount beginning on the 1st day of the following September from the tax so recommended. That at the same time and in the same report said Budget Commission shall submit to the Quarterly Court a full and complete statement of all outstanding and unpaid warrants and the outstanding bonded indebtedness of the County, showing the amounts and maturities of all outstanding bonds, the purpose for which issued and any other information relative thereto which said Commission shall deem pertinent.

That along with its budget and report said Commission shall submit to said Court such other data, information and recommendations as it may deem advisable and necessary to enable the said Quarterly court and the public to fully understand the financial condition of the County and the necessity for the amounts fixed in said budget and the tax rate on property recommended by said Commission.

That the Secretary of said Commission shall mail a full and complete copy of the report and budget prepared by said Commission to each member of the Quarterly Court at least ten days before the July term of said Court, and shall also cause said report and budget to be published at least once in a newspaper published in said County, said publication to be at least ten days before each July term of said Court.

**SECTION 3.** That in the event that said Budget Commission fails, refuses or neglects to prepare and submit the budget herein provided for to the said Quarterly Court at its July Term, then it shall be the duty of said Quarterly Court, at said term of said Court to establish and adopt an itemized budget covering the amounts to be expended by each Department of the County government for the year beginning on the 1st day of the following September, said budget be of the same kind and form as that herein required to be prepared by said Budget Commission, and it shall be a misdemeanor in office for any official of said County from and after September 1, 1936, to draw, sign or issue the warrant of said county against any fund of said County unless a budget has been adopted by said Quarterly Court as herein provided for; and no warrant shall be valid or binding on the said County unless the item of expense for which said warrant is drawn shall have been included in a budget adopted according to the provisions hereof; and such official and his bondsmen shall be liable personally to the County in the amount of any such prohibited expenditure, to be recovered by suit of any taxpayer or tax payers of said County in a Court of competent jurisdiction.

That the budget as finally adopted by the Quarterly Court at its July Term each year shall be spread on the minutes of said court, and from and after September 1, 1936, no warrants shall be drawn against any funds of said County by any official of said County unless and until a budget has been adopted by said Quarterly Court as herein required; provided that warrants may be issued prior to September 1, 1936, covering any obligation or indebtedness of said County actually incurred to said date.

**SECTION 4.** That it shall be the duty of each department of the County government that disburses public funds, including the County Board of Education, Pike Road Superintendent, and the County Court Clerk, and County Judge in regard to the fund designated as the "General County Fund", to keep all such books and records as will enable them to fully and specifically comply with the provisions of this Act. Each of said departments and officials shall close the books kept by it or him as of the 31st day of August each year, showing the balance to its or his credit, said balance to represent the difference between the amount allowed said department or fund in the budget for the year ending on that date and the aggregate amount of the warrants issued and chargeable against said amount allowed in said budget, regardless of whether said warrants have been paid or not; and it shall likewise be the duty of each of said departments and said officials to open its or his books on the first day of September of each year bringing forward the balance, if

any, arrived at in the manner herein provided for, remaining to the credit of said department or fund from the previous year to which shall be added the amount allowed said department or fund in the budget adopted by the Quarterly Court at its July Term next preceding.

That said books shall be kept in such manner as to at all times show the amount allowed that department or fund in said budget adopted at the July Term of the Quarterly Court and the amount of all warrants drawn and chargeable against said fund, regardless of whether said warrants have been paid or not, said warrants to be posted in said books as the same are issued.

That on the first day of each September hereafter the amount allowed each Department or disbursing agency of the County government or County fund in said budget shall also be placed at an appropriate place on the stubs in the several warrant books containing the warrants to be used by said department or County agency in drawing on County funds and said amount shall be added to any balance remaining from the previous year; and at the end of each day it shall be the duty of every official issuing warrants of any kind against any such funds to subtract the aggregate of the warrants issued that day from the previous balance arrived at as herein provided for, and the balance thus arrived at shall be brought forward each day at an appropriate place on the stubs remaining in said warrant books; and at the end of each month it shall be the duty of every official drawing warrants against any fund of said County to reconcile the balance to the credit of the fund drawn against as shown on the warrant stubs with the balance to the credit of said fund as shown by the books required to be kept by said official; provided that for the year beginning the 1st day of September, 1936, the books of each department shall be opened by placing to the credit of each department the amount allowed it in the budget adopted at the July term, 1936, of the Quarterly Court without regard to the number of warrants theretofore issued by said department or the head thereof which have not been paid; and said amount so allowed said department for the year beginning September 1, 1936, shall also be placed at an appropriate place on the stubs of the warrant book used by said department before any warrants are drawn or issued by said department after the beginning of said year, and thereafter the balance from day to day shall be arrived at and carried in said warrant stubs as herein provided for.

**SECTION 5.** That it shall be unlawful and a misdemeanor in office for any official or employee of said County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any warrant against any fund of said County, when the aggregate of the warrants theretofore issued or signed, whether the same have been paid by the Trustee or not, equals the amount allowed in the budget adopted by the Quarterly Court to that department or fund of the County against which said warrant would otherwise be chargeable, plus the balance, if any, that may have been brought forward to the credit of such department or fund from the previous year, and it shall also be a misdemeanor in office for any official to sign or issue, or authorize the signing or issuance of a warrant or warrants against any County fund, in excess of the amount allowed said fund in the budget adopted by the Quarterly Court plus any balance remaining to the credit of such fund from the previous year.

That it shall be the mandatory duty of every official drawing warrants against any county fund to keep advised and know before he signs, issues or delivers any warrant, whether or not the aggregate of the warrants theretofore issued against said funds out of which said warrant is payable equals the amount allowed said fund or department in the budget for that year plus any balance brought forward from the previous year, and it shall be the duty of said Budget Commission before submitting its annual report to the Quarterly Court to examine the books and records of each department of the County government for the purpose of ascertaining whether or not the warrants issued by or on behalf of any said departments during the year ending on the preceding August 31st have exceed the amount allowed said department in the budget adopted for that year, and said Commission shall show in its report to be filed with its budget each year the departments, if any, that have issued warrants in excess of the amounts allowed such department in the budget for said year, and it shall be the mandatory duty of the Quarterly Court to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act; and such County official and his bondsmen shall also be liable personally to the County in the amount of any such prohibited expenditure, to be recovered by suit of any taxpayer or taxpayers of said County in a court of competent jurisdiction.\

**SECTION 6.** That it shall be a misdemeanor in office for any county officer or agent or employee, including the Pike Road Superintendent, the members of the County Board of Education, the County Superintendent of Education, the County Judge, and the County Court Clerk, to violate any provision of this Act or to fail or refuse to do or perform any of the duties placed upon them or any of them by this Act, and any such officer or officers failing to perform the duties imposed by this Act, shall be subject to a fine of \$50.00 and be subject to removal from office, in any appropriate legal proceeding brought for that purpose, and shall be personally liable as provided in Section 3 and 5 of this Act.



**SECTION 7.** That all purchases or contracts made in excess of any item of the budget shall be void and unenforceable against said County, either by quantum meruit or under the contract, but any such official so exceeding his budget shall be liable individually on his official bond therefor.

**SECTION 8.** That all laws in conflict with this Act are hereby repealed.

**SECTION 9.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: August 3, 1935.

## Employee Death or Injury

### Private Acts of 1955 Chapter 126

**SECTION 1.** That quarterly county courts in counties having a population of not less than 32,320 and not more than 32,345 inhabitants according to the Federal Census of 1950, or any subsequent Federal Census, be and they are hereby authorized to pay out of the ordinary funds of the county all claims for money damages now accumulated, or which may hereafter accumulate, growing out of the injury or death of any employee of any department, division, bureau, commission or agency of said county, received by such employee in the line of duty and in the course of employment, whether such injury shall be accidental or otherwise. Said counties are hereby authorized to pay and compensate dependents of such employee (as defined in the Workmen's Compensation Laws of this State) in cash for death arising out of such injury; provided however, that any award or settlement made under this Act shall in no event exceed the amount which would be allowable under the provisions of the Workmen's Compensation Law of this State.

Said counties may allow less than the amount provided by the Workmen's Compensation Law, or, if the claim is not deemed meritorious, may disallow the same entirely.

**SECTION 2.** That any settlement or award made by any such county courts shall be made after a careful and thorough investigation of all the facts and circumstances in controversy, and no award or settlement shall be made unless the facts found by said court or its duly authorized committee as hereafter provided, shall establish such a case of liability on the part of the county as would entitle the claimant to a judgment in an action at law, if the county were amenable to such.

No claim provided for under this Act may be considered by the quarterly county court which has not been presented to it by sworn petition duly filed within four years from the date on which the claim first accrued.

**SECTION 3.** That such quarterly county courts be and the same are hereby authorized to establish and promulgate such rules, not inconsistent with the provisions of this Act, as may be necessary for the ordinary procedure in the filing, investigation hearing and disposition of such claims before them.

Such quarterly county courts shall designate a standing committee of not more than three members, composed of the members of said courts, to hear evidence and make recommendations to the court with respect to the disposition of any such claim, and such court or its said standing committee is authorized to promulgate rules for the taking of evidence at such times and places as may be conducive to economy of expenses and convenience of the witnesses for both the claimant and the county, in so far as possible.

The claimant shall be given written notice of such hearing at least five days prior to the date set therefor. The members of such standing committee shall be chosen and vacancies shall be filled according to the procedure of the county courts for the selection and appointment of the members of its regular standing committees.

**SECTION 4.** That the decision of such quarterly county court upon any claims filed hereunder shall be final.

**SECTION 5.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the quarterly county court of any county to which it may apply on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the county judge or chairman, and shall be certified by him to the Secretary of State.

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

Passed: February 23, 1955

# Port Authority

## Hiwassee River Tri-County

### Public Acts of 1963 Chapter 357

**COMPILER'S NOTE:** Although this is a public, rather than a private act; it is one of special effect and is not found in Tennessee Code Annotated.

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

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

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

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

(a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of Bradley, McMinn, and Polk Counties, Tennessee (except not within the present corporate limits of any other municipality now within said area, without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof and any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.

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

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

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

(e) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and

execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

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

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

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

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

**SECTION 5.** That, except as otherwise expressly provided in this Act, The Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration of facilities constructed or acquired pursuant to this Act; provided, however, that said Authority may lease or license lands or facilities under its jurisdiction, for operation by private persons or corporations, as provided in Section 4(e) of this Act.

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

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

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

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

**SECTION 10.** That the Board of Commissioners of the Port Authority shall consist of nine members. Three of the nine initial members of the Board of Commissioners of the Port Authority shall be elected by a majority vote of the members of each of the County Courts of Bradley and Polk Counties and the County Council of McMinn County on the first Thursday of March, 1963, or as soon as practicable, and their respective terms of office shall be as follows: The term of office of the first member selected by each respective county court or council shall expire the first Thursday of March 1965; the term of office of the second member selected by each respective county court or council shall expire the first Thursday of

March 1967; the term of office of the third member selected by each respective county court or council shall expire the first Thursday of March 1969.

The successors in office, for each of the respective nine initial members of the Board of Commissioners of the Port authority whose full terms of office have expired, shall be elected by the county court or council which originally selected such initial member, as hereinafter provided, for regular terms of office of six years each thereafter, whose respective terms of office shall expire on the first Thursday of March of the respective years applicable.

The County Court or Council of each of the said counties, approximately thirty days prior to the expiration of the respective terms of office of the respective members of the Board of Commissioners of the Port Authority elected by it, shall elect their respective successors from among three nominees for the office, whose names shall be submitted to the respective county courts or council of the said counties by the Board of Commissioners of The Port Authority, and whose names shall be filed with the clerks of the County Courts of Bradley and Polk counties and the County Manager of McMinn County not less than sixty days prior to the expiration of the term of the respective member and Commissioner; provided, however, that the county court or council by a two-thirds vote of all of the members of said court or council, may elect as said successor some person not nominated by the Board of Commissioners of The Port Authority. In the event of failure to elect a successor to any member of said board, the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member and Commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the county court or council originally electing him in the same manner last above provided, except that the names of the three nominees for the office shall be submitted to the clerks of the county courts of Bradley and Polk counties and the County Manager of McMinn County not less than thirty days prior to the election of said successor by said county court or council and such successor Commissioner shall be elected for the unexpired term of the deceased or retiring Commissioner, whose office is vacant.

Any person at least twenty-one years of age who has resided within the boundaries of the county whose court or council may elect him, for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of the Port Authority, except the members of the County Courts of Bradley and Polk Counties and the members of the County Council of McMinn County shall not be eligible to serve as a member of said Board of Commissioners. Any Commissioner who ceases to regularly reside within the boundaries of the county electing him shall automatically become ineligible to serve in said Office. All Commissioners shall be eligible for re-election, provided they are qualified as herein required.

Before entering upon their duties, all Commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, copies of the said oath of each Commissioner shall be filed with the Clerk of the County Court of his respective county, and additional copies of the oaths of the commissioners elected by the McMinn County Council shall be filed with the County Manager of said County.

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

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

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

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

of Tennessee.

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

All members of the Board of Commissioners shall serve as such without compensation, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the County Courts of Bradley and Polk Counties and the County Council of McMinn County.

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

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

**SECTION 13.** That the Counties of Bradley, McMinn, and Polk in the State of Tennessee, shall have power and authority to issue and sell their bonds to finance the acquisition, construction, improvement and/or expansion of the facilities herein authorized, and to refund bonds previously issued, or refinance indebtedness previously incurred for such purposes. The Counties of Bradley, McMinn, and Polk may, in all respects, provide for the rights of the holders of all bonds, including the manner in which future bonds may be issued on a parity with such bonds.

The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of redemption with or without premium, may be declared or become due after the maturity date thereof, and may be in such amount as may be provided by resolution or resolutions of the County Courts or Council, as the case may be, of said counties. Such bonds may be issued for money or property, at public or private sale, for such price or prices and at such rate or rates of interest, and may be hypothecated in such manner as the said County Courts or Council may determine, but the interest cost to maturity of the bonds, when the interest cost to maturity bonds, when issued for property (at the value determined by said County Courts or Council, which determination shall be conclusive), or the money received for any issue of said bonds, shall not exceed the maximum rate fixed by law, payable semi-annually. Such bonds shall have all the qualities and incidents of negotiability.

Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the said County Courts or Council may determine, in the resolution authorizing said bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable.

In case any of the officers whose signatures or countersignatures appear on such bonds shall cease to be such officers before the delivery of the bonds, such signatures and countersignatures shall nevertheless be valid and sufficient for all purposes, the same as though such officers had remained in office until the bonds had been delivered. Such bonds may be issued, notwithstanding and without regard to any limit or restriction on the amount or percentage of indebtedness, or of outstanding obligation of the Counties of Bradley, McMinn, and Polk, contained in any other statute, general or special, and notwithstanding and without regard to the requirements of any other general or special statute including requirements as to elections for the approval of such bonds.

In the case of bonds payable solely out of the revenues of The Port Authority, it shall be the duty of the County Courts or Council, as the case may be, of Bradley, McMinn, and Polk Counties to provide, by resolution, for the issuance of such bonds, as requested by the Port Authority Commissioners.

Prior to a vote by the County Courts and Council of said counties authorizing the issuance of bonds to be financed wholly or in part through tax levies by the said County Courts and Council, the Port Authority Commissioners shall prepare and submit to the County Courts of each of the counties of Bradley and Polk and to the County Council of McMinn County, a recommendation that bonds in a stated amount be issued hereunder, and the equal pro rata amount to be issued by each county, supported by a report on the need for, and projected use of the facilities for the financing of which such bonds issue is proposed, including a

review of alternate solutions, if any, and a justification of the solution proposed.

Bonds may be issued as direct and general obligations of each of the Counties of Bradley, McMinn, and Polk payable out of their several and separate general income and revenue, or at the election and subject to the determination of the Port Authority Commissioners, may be made payable only out of the revenues from the facilities of the Port Authority. In case the bonds are issued as general obligations of the said counties, it shall be the duty of the County Court or Council, as the case may be, of each of the said counties to levy a tax each year, over and above the taxes levied for general county purposes and other special county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but said County Courts shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose, will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of each of the said County Courts and Council authorizing their issuance. Said bonds shall contain a recital that they are issued pursuant to and in accordance with this Act and such recital shall be conclusive evidence of their legality.

**SECTION 14.** That in order to secure the payment of any of the bonds issued pursuant to this Act, the interest thereon, or in connection with such bonds, the County Courts of Bradley and Polk Counties, and the County Council of McMinn County shall have power, as to such bonds, to the extent not inconsistent with the mandatory provisions of this Act;

(a) To pledge the full faith and credit and unlimited taxing power of each of the said counties to the punctual payment of the principal of and interest of such bonds.

(b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized, and to pledge all or any part of the proceeds derived from the sale, transfer, lease, or other disposition of any land or other facilities as provided for in this Act.

(c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.

(d) To provide for the replacement of lost, destroyed or mutilated bonds.

(e) To covenant as to the use and disposition of the proceeds from the sale of such bonds

(f) To covenant as to the rates and charges for the use of facilities of the Port Authority, and for its services.

(g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default", and the terms and conditions upon which any or all of such bonds shall become or may be declared due, before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(j) To vest in a Trustee or Trustees, the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; and to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such trustee or trustees, and limiting the liability thereof, and describing what occurrences shall constitute "events of default", and prescribing the terms and conditions upon which such trustee or trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this Act.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

**SECTION 15.** That any holder or holders of bonds, including trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, or any other proper officer, agent or employee of any of them, including, but without limitation, the right to require the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, and any proper officer, agent or employee of any of them, to assess, levy and collect taxes, and to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of taxes or Authority revenues, and to require the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, and any officer, agent or employee of them, to carry out any other covenants and agreements and to perform its and their duties under this Act.

(b) By action or suit in equity to enjoin any acts or things, which may be unlawful or in violation of the rights of such holders of bonds.

**SECTION 16.** That the County Court or Council, as the case may be, authorizing and issuing said bonds shall have power, by resolution, to confer upon any holder or holders of a specified amount or percentage of bonds, including a trustee or trustees, for such holders, the rights, in the event of an "event of default", as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds, or trustee or trustees thereof:

(a) By suit, action or proceedings in any court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising therefrom, in the same manner as the Authority itself might do, and shall deposit such monies in a separate account or accounts, and apply the same in accordance with the obligations of the bonds issued under this Act, as the court may direct.

(b) By suit, action or proceedings in any court of competent jurisdiction, to require the County Court or Council, as the case may be, authorizing and issuing said bonds, or the Port Authority Commissioners, to act as if they were the trustees of an express trust.

Any such resolution shall constitute a contract between the County and the holders of bonds of such issue.

**SECTION 17.** That an equal one-third share of all expenses actually incurred by the Port Authority Commissioners in the making of surveys, estimates of cost and of revenue, employment of engineers, attorneys, or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which said Commissioners deem necessary in connection with or precedent to the acquisition or improvement of any of the facilities herein provided for, and which they deem necessary to be paid prior to the issuance and delivery of the bonds issued pursuant to the provisions of this Act, may be met and paid out of the general funds of each of the counties of Bradley, McMinn, and Polk, not otherwise appropriated, or from any other fund available, as may be provided by the County Courts and Council of the said counties.

All such payments from the general or other funds shall be considered as temporary, non-interest bearing loans, and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of such bonds.

**SECTION 18.** That the County Courts of Bradley and Polk Counties and the County Council of McMinn County are authorized to appropriate to the Port Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Port Authority Board of Commissioners, or expenses or operation of any of the facilities authorized by this Act, and said County Courts or Council are authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within each said county, sufficient to pay the appropriation made by it to the Port Authority.

**SECTION 19.** That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this Act, shall be paid to the Treasurer of the Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts, separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as the Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

**SECTION 20.** That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as follows:

(1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from

the sale, transfer, lease or other disposition of any land or other facilities shall not be used for this purpose.

(2) The payment of the interest on the bonds issued pursuant to the provisions of this Act, and the principal of said bonds, as they severally mature, and or payments into sinking fund reserves for this purpose.

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

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

**SECTION 21.** That, except as otherwise herein expressly provided, all contracts of the Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies involving more than Five Hundred Dollars (\$500.00), or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than One Thousand Dollars (\$1,000.00) shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

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

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

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

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

Provided further, that after advertisement for bids, as provided in this section, if no acceptable bid is received, the Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or suppliers, to secure the construction of facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction", that is, the Board of Commissioners may employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this Act with its own employees.

**SECTION 22.** That the Port Authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or municipality in the State of Tennessee, provided such governmental agency shall consent to such use.

**SECTION 23.** That the Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of the Port Authority. The Commissioners may also as the agent of the counties of Bradley, McMinn, and Polk, sell, transfer, lease, or otherwise dispose of any real property in the custody and control of the Port Authority, except that any land that has been acquired through condemnation proceeding may be sold, transferred, leased or otherwise disposed of only with the approval of the County Court or Council of the County containing such property, and any vote as to such approval shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

**SECTION 24.** That the powers, authority and rights conferred by this Act shall be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

**SECTION 25.** That if any clause, sentence, paragraph, section or any part of this Act shall be held or



declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

**SECTION 26.** That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Hiwassee River, facilitating the movement and transfer of goods and merchandise to, from and through the counties of Bradley, McMinn and Polk, encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said counties.

**SECTION 27.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of each of the County Courts of Bradley and Polk Counties and the County Council of McMinn County except that failure to approve this Act by one or more of the said county courts or council within 90 days after enactment of this Act shall not prevent the one or more of said county courts or council remaining from approving this Act which shall take effect as though written for the one or more counties approving it. Its approval or non-approval shall be proclaimed and countersigned by the clerks of each of the County Courts of Bradley and Polk Counties, and the County Manager of McMinn County, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

**SECTION 28.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1963

## Purchasing

### Private Acts of 1951 Chapter 313

**SECTION 1.** That in Bradley County, Tennessee, the County Executive is hereby designated as "County Purchasing Agent" and it shall be his duty as such County Purchasing Agent to purchase any and all supplies and equipment for use by the said County and the officials, employees and departments of said County. Said County Executive as County Purchasing Agent is hereby expressly authorized to enter into contracts for the purchase of such supplies and equipment upon requisition for the various county officials and departments and is hereby charged with full responsibility to carry out the provisions of this Act.

The said County Executive as County Purchasing Agent is hereby given exclusive power and authority to purchase materials, supplies and equipment of any kind whatsoever, including insurance, for the use of all officials, agents, servants, and departments under the control of the County government or for which the county may be chargeable. He shall likewise have exclusive power and authority to arrange for the purchase or rental of any and all real estate, machinery and other equipment whenever the price thereof is to be paid out of any funds belonging to the County or any department or agency thereof.

Provided however, that nothing in this Act shall apply to the purchasing of any material, supplies, equipment, real estate, insurance or machinery for the public schools of said County or for the Highway Department thereof.

As amended by: Private Acts of 1987, Chapter 38

**SECTION 2.** That in carrying out the provisions of this Act the County Executive, as County Purchasing Agent, shall make such purchases only after he or she has received competitive bids from two (2) or more suppliers of such items, and in every case the purchase shall be made from the lowest and best bidder. Public advertisement and competitive bids shall not be required for:

(1) General fund, board of education, and road department purchases with a monetary value being less than twenty-five thousand dollars (\$25,000); and

(2) Any purchases that must be made in emergencies.

The County Executive, as County Purchasing Agent, shall in every case reserve the right to reject any bids submitted to him or her either in whole or in part, and whenever two (2) or more low bids are submitted to him or her for an item at the same price for the same character, kind, and quantity of supplies, he or she may in his or her discretion award the contract to either of such bidders or may apportion the requirements between or among the representative bidders.

As amended by: Private Acts of 1987, Chapter 38  
Private Acts of 2007, Chapter 29

Private Acts of 2022, Chapter 60

**SECTION 3.** That the County Executive as County Purchasing Agent, when in his judgment such would

be advantageous and expedient, may advertise for the submission of bids by notices published in one or more newspapers published in said County, or by notices posted on the bulletin board in the Bradley County Court House, in his discretion, and the said County Executive as County Purchasing Agent is hereby expressly authorized to require performance bonds to accompany bids and to fix the amounts thereof; and also to govern the procedure for the delivery and storage of such items as are purchased by him for the County.

The County Executive of Bradley County as County Purchasing Agent is expressly authorized to establish a system whereby the various county officials, departments and agencies shall requisition the purchase of any supplies, equipment, material or other matter handled through the office of the County Purchasing Agent and may if he deems advisable combine and consolidate requisitions from different county offices in order to procure more advantageous bids for the county, and distribute such items purchased among the various offices requisitioning such items.

The said County Executive as County Purchasing Agent is expressly authorized to purchase or contract to purchase any items on an annual or term basis instead of individually.

As amended by: Private Acts of 1987, Chapter 38

**SECTION 4.** That in carrying out the provisions of this Act the said County Executive as County Purchasing Agent shall keep complete and permanent records of all transactions, purchases, contracts, bids, advertisements, etc., including original copies of all bids submitted in compliance with this Act, all of which records shall at all times be open to public inspection by any interested party.

As amended by: Private Acts of 1987, Chapter 38

**SECTION 5.** That for the additional duties imposed upon him in carrying out the provisions of this Act the said County Executive as County Purchasing Agent is hereby authorized to receive additional compensation of One Hundred and Fifty (\$150.00) Dollars per month, which amount shall include any additional compensation heretofore authorized and paid by the Quarterly County Court to the County Executive for services as County Purchasing Agent.

As amended by: Private Acts of 1987, Chapter 38

**SECTION 6.** That the provisions of this Act shall be deemed severable and if any portion of this Act shall be declared void or invalid, the remaining portions shall not be affected thereby.

**SECTION 7.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1951.

## Administration - Historical Notes

### County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Bradley County. These acts are included for historical reference only. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1935 (Ex. Sess.), Chapter 117, created the office of County Attorney at a salary of \$600 annually, who would be appointed by the Quarterly Court at its first session after the passage of this Act who would serve until the January term of court in 1937 when a successor would be elected for a term of two years. The County Attorney could be paid other fees by the Quarterly Court for extraordinary services in or out of court. The County Attorney would give aid and advice to all the county officials and their deputies, transact all the other legal business of the county, meet with the court at regular, or called, sessions, and with the proper committees of the court. He would represent the County in litigation and hearings when requested to do so by the court. The Quarterly Court could appropriate funds for the County Attorney's stenographic, printing, and office expenses when properly documented.
2. Private Acts of 1941, Chapter 179, created the position of County Attorney in Bradley County who would be appointed by the Quarterly Court for a period of one (1) year at a salary of no less than \$600 and no more than \$1,200 which would not be changed during the term. The County Attorney would transact all the legal business of the County either in court, or otherwise, and advise county officials on legal matters. The Act named Tyler Berry, Jr., as the first County Attorney and confirmed all the prior actions of the Quarterly Court in connection with the same.
3. Private Acts of 1967, Chapter 362, repealed Private Acts of 1941, Chapter 179.

### County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Bradley County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without

providing new substantive provisions.

1. Acts of 1835-36, Chapter 6, allowed a Quarterly Court in every County of Tennessee composed of Justices of the Peace who would meet on the first Monday of every month and stay in session until the business of the court was completed. Three of the Justices could form a court to hear the probate of wills and related matters of estate administration, etc. No jury trials were to be heard in this court although one of its functions was to select 25 jurors, one from each civil district, or 37 jurors, whichever number best suited the county's needs. The jurors would be paid \$1.00 each for each day's service as a juror for which a tax could be levied if no other resources were available for this purpose.
2. Private Acts of 1957, Chapter 223, set the compensation of the Justices of the Peace of Bradley County at \$10 per day for each day's regular attendance at any scheduled, or called, meeting of the Quarterly Court, without any additional mileage allowance or travel reimbursement. This Act was repealed by Private Acts of 1973, Chapter 63.
3. Private Acts of 1965, Chapter 262, amended Private Acts of 1957, Chapter 223, by increasing the per diem payments to the Justices of the Peace for their attendance at meetings of the Quarterly Court of Bradley County from \$10 to \$25 but did not change anything further. This Act was properly ratified but was also repealed by Private Acts of 1973, Chapter 63.
4. Private Acts of 1973, Chapter 63, set the per diem allowance for the Justices of the Peace of the Bradley County Court at \$25 per day, unless a Resolution was adopted by the majority of the Court to increase that amount but in any event not to exceed \$50.00. No additional allowance was made for mileage, or travel. This act was repealed by the one following.
5. Private Acts of 1986, Chapter 126, repealed the Private Acts of 1973, Chapter 63 and all amendatory acts thereto.

### **County Mayor**

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

1. Acts of 1856, Chapter 253, created the office of County Judge in every county of the State who would be learned in the law and elected by popular vote to a four year term, the first election hereunder to occur on the first Saturday in May, 1856. The County Judge would be commissioned as any other Judge, and sworn into office in the proper manner. Quorum Courts were abolished and all their functions and responsibilities were transferred to the County Judge who would also preside over the Quarterly and County Court and exercise the other duties of the Chairman of the Court. The jurisdiction of the Court and regulations for court procedures were stipulated. The County Court Clerk would serve as the Clerk of the Court. The County Judge would further serve as the accounting officer and the general agent of the County and as such could exercise all the powers enumerated and spelled out in this section of the law. The County Judge was not precluded from the practice of law except in his own Court. This law was repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, and restored the Quorum Courts and the Chairman to their former status existing before the enactment of this law.
3. Private Acts of 1921, Chapter 816, as amended by Private Acts of 1965, Chapter 170, created the office of county judge in counties having a population of not less than 18,650 and not more than 18,655 according to the Federal Census of 1920.
4. Private Acts of 1943, Chapter 14, amended Private Acts of 1921, Chapter 816, by raising the annual salary of the County Judge of Bradley County from \$1,200 to \$3,000. This Act was repealed by the one following.

5. Private Acts of 1945, Chapter 78, repealed Private Acts of 1943, Chapter 14, which increased the annual salary of the County Judge.

### **County Register**

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

1. Acts of 1837-38, Chapter 27, required the General Assembly of Tennessee to appoint a Register for the Ocoee District's vacant and unappropriated lands who was directed to open and keep his office in Cleveland in Bradley County. The Register must be sworn into office and bonded by the County Judge. The Register would issue grants of land based upon the certificate of the Entry Taker.
2. Private Acts of 1933, Chapter 659, made it the duty of the Quarterly Court of Bradley County (identified by the 1930 Federal Census) to appropriate no less than \$480 nor more than \$600 yearly as the salary of a Deputy who would assist the Register of Deeds. The salary would be paid in equal monthly installments out of general funds on the warrant of the County Judge or Chairman. The Register had the authority to appoint the Deputy, and then notify the County Judge, or Chairman, of the appointment, which would be sufficient authorization for the Judge to issue the salary warrants.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Bradley County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1837-38, Chapter 2, directed the General Assembly to select Entry Takers to receive entries on the vacant and unappropriated land in the Ocoee District. The Entry Taker would keep his office at Cleveland in Bradley County and have it open for business at reasonable hours.
2. Acts of 1837-38, Chapter 189, established the city of Cleveland as the county seat of Bradley County, appointing Levi Trewwhite, Nicholas Spring, P. J. G. Lea, James Berry, Robert Swan, John C. Kennedy, John Hardwick, Robert S. Bashears, and Burrow Buckner as Commissioners, who must organize themselves, and be incorporated as a body politic, and as such would have and exercise all powers and privileges of municipal corporations. Each must be sworn to office and bonded to do their duty in the amount of \$15,000. They would lay off and sell at public auction all unsold lots in the City and use the proceeds to assist in the building of a courthouse and jail. Any deficiency in funds may be made up by the levy of a tax on the property in the city according to its value. The sum of \$1,000 was to be paid to the Entry Taker of the Ocoee District for some of the land in the city. The mechanics of sale and title transfer were written into the Act. If commissioners of the city and county cannot agree on these matters, the Act named William Champion, Ezekiel Spriggs, George Real, Isacc Brazelton, and John Hammonds as other commissioners to settle these affairs.
3. Acts of 1837-38, Chapter 302, declared that the Ocoee River was navigable in Bradley County from its mouth to the property of Samuel Pharris. This Act was repealed by the Acts of 1841-42, Chapter 104.
4. Acts of 1839-40, Chapter 31, directed the Branch Bank of the Bank of Tennessee located at Athens in McMinn County to refund \$75 to Erby Boyd, of Bradley County, which was the amount overpaid by him to the Entry Taker of the Ocoee District in an entry of the Northwest fractional quarter of Section 13 of Township Two.
5. Acts of 1839-40, Chapter 44, declared the Ocoee River to be navigable in Bradley County from its mouth to a place known as Standing Rock in the said river. Every person erecting a dam across the river hereafter would be compelled to make and to keep in repair a slope, or gate, in the said

- dam at least 40 feet wide so that boats and crafts plying the river could pass up or down. This Act was repealed by Chapter 104, Acts of 1841-42.
6. Acts of 1839-40, Chapter 81, authorized the county courts of Bradley County and Polk County to appoint surveyors for their counties under the same rules and regulations as affected other surveyors.
  7. Acts of 1841-42, Chapter 104, expressly repealed all laws heretofore passed which declared any portion of the Ocoee River navigable in Bradley County, in their entirety. The appropriation heretofore made to improve the navigation of the Ocoee River would hereafter be applied to the improvement of the Hiwassee River.
  8. Acts of 1841-42, Chapter 183, incorporated the citizens of Cleveland with a charter containing a grant of several specific corporate powers and responsibilities. The Bradley County Sheriff was directed to hold an election at the courthouse in the City on the first Monday in April, 1842, to elect a mayor and six aldermen, and a constable for the city, all of whom would serve a one year term. The act required that a Recorder and a Treasurer be appointed in accordance with the instructions of the act.
  9. Acts of 1867-68, Chapter 43, incorporated all the area of the Sixth Civil District, as the same was described by metes and bounds in the Act, as the City of Cleveland in Bradley County, under the Mayor-Alderman form of government. Specific powers were granted to the Mayor and Alderman, one of whom was to be elected from each of the six wards of the city, and of whom a majority could transact business at proper times. A Recorder, a Constable, and a Treasurer would all be elected likewise, for one year terms. This Act was repealed by the one following.
  10. Acts of 1879, Chapter 105, repealed Acts of 1867-68, Chapter 43, which incorporated the City of Cleveland.
  11. Acts of 1893, Chapter 184, was the Charter of the City of Cleveland in Bradley County, which described the area embraced by the corporation providing for three Wards and a Mayor-Alderman type of government. The Mayor's salary was set at \$150 a year among many other explicit provisions of this lengthy and detailed charter of that city.
  12. Acts of 1897, Chapter 124, apparently was the first of many acts to follow which fixed the annual salary of most county officials according to the population of the particular county in which they served. According to this Act, in Bradley County, the Clerk and Master, the Trustee, the Sheriff, and the County Court Clerk would be paid \$1,800 a year each and the Clerks of the Circuit, Criminal and Special courts would be paid \$1,500 annually, and the Register, \$1,000. All the fees collected in the offices were declared to be the property of the county for which each official was accountable. This Act was very detailed about records and duties, and, although it was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900), nevertheless, it and many following it, combined to become the salary laws under which the state now operates.
  13. Private Acts of 1951, Chapter 663, required the County Judge, or Chairman, in Bradley County (identified by the 1950 Census), after passage of this Act, to advertise each week for four consecutive weeks in a newspaper in the county notifying all the holders of county warrants issued prior to September 1, 1950, to register the same with the Trustee within 90 days after publication of notice. No warrant filling these terms would be paid after the 90 days unless registered accordingly. The Trustee must register the warrants in a special book provided for that purpose and was barred from accepting, or paying, any warrant issued prior to the above date unless registered.

## Chapter II - Animals and Fish

### Animals and Fish - Historical Notes

#### **Animals and Fish**

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 Bradley County. They are included herein for reference purposes.

1. Acts of 1887, Chapter 153, repealed Section 2234 and Section 2238 through Section 2243 of the Code of Tennessee which generally regulated the taking of fish throughout the State as those Sections were applied to Bradley, and 37 other counties, except that it would continue to be unlawful in those counties to catch fish with poisonous substances, explosives, and seines.
2. Acts of 1893, Chapter 152, made it unlawful in Bradley County and in Greene County for any person to hunt, kill, or capture, from February 1 to November 1, of each year, any game bird, such as pheasant, grouse, quail, or partridge, or any song birds, as the red bird, robin, and mocking bird, or any bird which destroys insects, as sparrows, blue birds, woodpeckers, or yellow hammers. Fines for violators ran from \$5.00 minimum to \$50.00 and jail sentences could be imposed from five days upward.
3. Acts of 1897, Chapter 177, declared it to be illegal for any person in Bradley County to pursue, kill, or capture, in any manner, or to purchase, or have in one's possession any quail, or partridge, for the purpose of shipment for profit out of the County. All offenders could be penalized from \$5.00 to \$50.00 but this act was not to prevent anyone from killing birds on his own land for his own use, or from selling birds within the limits of the County.
4. Acts of 1899, Chapter 77, amended a general Act passed in 1895 so as to permit the taking of fish in Bradley County by any means except poison, explosives, traps, and wing nets.
5. Acts of 1901, Chapter 351, amended the 1899 Act, above, which amended the 1895 general law on fishing, so that the prohibition on taking fish by traps in Bradley County was removed, leaving only poison, explosives, and wing nets as unlawful methods of fishing.
6. Acts of 1903, Chapter 183, rendered it against the law for any person to kill fish in any of the streams, or water courses, in Bradley County, McMinn County, or James County, by the use of nets of any kind, or description, or by poisons and dynamite. Fines could be imposed from \$20 to \$50, one-half of which would be paid to the informer. The Grand Jury was given inquisitorial powers in connection with this Act.
7. Private Acts of 1905, Chapter 311, declared it a misdemeanor for cattle, horses, mules, hogs, sheep, or goats, to run at large in Bradley County (identified by the 1900 Census). Any person who knowingly permitted the same to occur would be guilty of the offense described and could be fined from \$2.00 to \$5.00 for each incident. Any damage done by the wandering stock constituted a lien on the animals, enforceable by writ of attachment. The stock could also be taken up and cared for by the damaged person and the cost of this added to the amount of damages for which a lien would lie. Railroad companies were not affected by this statute which would not become effective until approved by the voters in a referendum election to be held after passage.
8. Private Acts of 1905, Chapter 375, duly enacted by the General Assembly was nevertheless an exact duplicate of Chapter 311.
9. Private Acts of 1907, Chapter 507, defined a lawful fence in six different types, all of which would be acceptable as such in Bradley County. The types covered stone fences, rail fences of two types which were four feet high, a bank type of fence, and wire fences of two kinds for which specifications were included. The owner of any animal, or livestock, trespassing upon the lands of another, which were enclosed by any one type of the fences described, would be liable in damages, which judgment could be enforced as other judgments at law were prone to be.
10. Private Acts of 1909, Chapter 158, made it unlawful for the owner of, or the keeper of, horses, mules, cattle, sheep, goats, hogs, or any kind of livestock, to permit the same to run at large in Bradley County (identified by the 1900 Census). The owners were liable in damages caused by the trespassing animals for which a lien could be obtained on the animals creating the damages. The injured person could also take up and care for the beasts and add their expenses to the lien. This Act would not affect any law passed concerning the liability of railroads. Fines for offenders could range from \$2.00 to \$10.00 per offense.

11. Private Acts of 1911, Chapter 67, determined it to be unlawful in Bradley County for the owner, or the keeper, of horses, mules, cattle, sheep, goats, hogs, or any sort of livestock, to allow the same to run at large. All who fail to comply herewith could be fined from \$2.00 to \$10.00 for each separate offense, and a lien for the damages done would lie against the animals inflicting the same. The injured party could further take up and feed the animals and add this to the lien. Nothing herein was intended to relieve any railroad from any liability heretofore imposed upon them by law.
12. Private Acts of 1917, Chapter 23, declared it unlawful to hunt quail in Bradley County except from December 1 until the following February 1 of each year. All laws conflicting with this open season were repealed.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Bradley County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

#### **Bridges**

1. Private Acts of 1911, Chapter 524, was the enabling act for the Quarterly Court of Bradley County to incur the obligation to assume and pay one-half of the cost of the bridge across the Hiwassee River at Charleston for the use of passenger vehicles and pedestrians but the amount to be paid in this regard could not exceed \$16,000, up to which amount bonds could be issued at an interest rate not to exceed 5%, and to mature from five years to thirty-five years after issue. All the essential details were included and a tax levy to amortize the bonds was mandated to the County Court.

#### **Courthouse**

1. Private Acts of 1889, Chapter 216, allowed the Quarterly Court of Bradley County, a majority of the Justices being present, to issue and sell up to \$50,000 in bonds, at an interest rate not to exceed 6%, and to mature within the discretion of the Court, the proceeds of which must be used to acquire land in Cleveland for a suitable site upon which to erect a new courthouse. The County Court Clerk was directed to keep accurate records of all transactions relative to the project. All details essential to a valid bond issue were included in the act which would not become effective until approved by the people in a referendum vote.
2. Private Acts of 1893, Chapter 162, permitted the Quarterly Court, provided three-fourths of them were present at the time the issue was voted, to sell and distribute up to \$25,000 in bonds at 6% or less, interest, which would mature from one to six years, to complete the Courthouse in Cleveland and to liquidate any outstanding debts in connection with it. All details were incorporated and a tax levy required.
3. Private Acts of 1929, Chapter 214, was the legal authority for the Quarterly Court of Bradley County, a majority of the Justices being present, to issue and sell up to \$60,000 in bonds, at 5% or less, interest, and to mature no longer than thirty years after issue, which would be used to remodel, repair, rebuild, and add to, and to refurnish the same where practical, the County Courthouse located in Cleveland and to improve and beautify the grounds. The issue must be approved first in a referendum.

#### **Debts**

1. Private Acts of 1923, Chapter 223, authorized the Quarterly Court of Bradley County to issue up to \$25,000 in 6%, thirty year bonds, which would be used to refund and buy up a like amount of bonds issued in 1899 which were coming due on September 1, 1923. All the essentials were present including the tax levy. The bonds to be refunded were apparently issued for road purposes and are reported on in that section.
2. Private Acts of 1923, Chapter 577, amended Private Acts of 1923, Chapter 223, by changing the due date of the bonds to be paid off in that Act from September 1, 1923 to September 1, 1924.
3. Private Acts of 1929 (Ex. Sess.), Chapter 30, was the permissive law to allow the Quarterly Court of Bradley County, a majority of the Justices being present, to issue up to \$100,000 in bonds, at

an interest rate not to exceed 5½%, and to mature no later than twenty years from issue, which would be used to fund and redeem all the floating debts of the County due now, or becoming due within the next two years. The bonds would be the general obligation bonds of the County, all the essential details of which could be incorporated into a Resolution to be adopted by the court.

4. Private Acts of 1935 (Ex. Sess.), Chapter 116, authorized the Bradley County Quarterly Court to issue up to \$28,000 in 6%, twenty year bonds which would be used to pay off and refund a like amount of the outstanding bonds of the County issued under Chapter 424, Private Acts of 1901, for road purposes. These bonds were general obligation bonds for which the full faith and credit of the county were pledged, and which were required to be amortized by a general tax levy for the sinking fund.
5. Private Acts of 1935 (Ex. Sess.), Chapter 118, permitted the Quarterly Court to issue up to \$50,000 in bonds, at an interest rate of 6%, or less, and to mature no longer than twenty years after issue, which were the general obligation bonds of the county, and which would be used to pay off and discharge a like amount of debts which were evidenced by warrants drawn on the county funds and the Cost and Board Bill Fund which were issued prior to the date of this Act. All essential declarations of valid bond laws were incorporated.
6. Private Acts of 1937, Chapter 848, allowed the Quarterly Court to issue up to \$50,000 in 6%, 20 year, bonds, to provide the funds with which to pay off and discharge the outstanding debts of the county which were represented by warrants drawn on the County Funds and the Cost and Board Bill Fund which debts were incurred and warrants issued prior to the passage of this law. These bonds were general obligation bonds, tax exempt, and no referendum was required prior to issue.
7. Private Acts of 1939, Chapter 37, validated and confirmed all the preceding actions of the Bradley County Quarterly Court taken in connection with the issue of \$18,000 in 4% bonds, to be paid from 1940 through 1945, and which would be used to pay off the outstanding pauper warrants of the county. The Bonds were made the general obligations of the County and all the requisite details concerning their issue were contained in this law.
8. Private Acts of 1939, Chapter 480, was the enabling law for the Quarterly Court of Bradley County to issue and sell up to \$125,000 in bonds, at a maximum interest rate of 5%, and a maximum maturity schedule of 30 years, to pay off and discharge all the debts outstanding and due which were evidenced by warrants heretofore issued on the County Fund, the Cost and Board Bill Fund, the Pauper Fund, and the High School Fund. These bonds could be converted into bonds at an interest rate lower than 5% at any time the chance to do so presented itself. After the passage of this Act it was declared to be illegal for any county official to expend funds beyond the amount of the proper budget allocation. All the essential details of a valid bond issue were included.
9. Private Acts of 1945, Chapter 165, declared that all the warrants drawn on the Pauper Fund Notes in Bradley County which were due and unpaid on January 1, 1945, were validated, legalized, and confirmed as genuine and binding debts of the county. The Quarterly Court was authorized to issue the bonds of the county in an amount sufficient to pay off all these debts in full with whatever interest might be owing for all of which the full faith and credit of the county were pledged. The interest rate could not exceed 3%, nor the maturity schedule go beyond 20 years. The bonds issued pursuant to the authority granted herein would be tax exempt.
10. Private Acts of 1945, Chapter 166, validated, ratified, and confirmed all the prior actions taken by the Bradley County Quarterly Court in reference to a bond issue of \$166,000 in refunding bonds which occurred on October 5, 1942, which were to be amortized as catalogued in the act and issued in conformity with all the detailed requirements therein. No interest rate and no particular maturity schedule were mentioned. The bonds were deemed to be the general and incontestable obligations of the county.
11. Private Acts of 1947, Chapter 318, validated, confirmed, and ratified the actions of the Quarterly Court in the issue of \$87,000 in Funding Bonds, at an interest rate of two and three-quarters percent, and which were scheduled to be amortized in 1966 and 1967. These bonds would be the general obligation bonds of the County and would be incontestable debts.

### **Hospitals**

1. Private Acts of 1947, Chapter 846, was the authority for a bond issue of \$400,000 for a hospital. Since the administrative details of the operation and construction of the hospital were included in this Act, it has been dealt with under the section on Health in this volume.

### **Jail and Workhouse**

1. Private Acts of 1923, Chapter 289, was the legal authority for the Bradley County Quarterly Court, a majority of the Justices being present, to issue and to sell up to \$35,000 in 6%, 30 year, bonds



to remodel and repair the county jail, or for the erection of a new jail and its equipment, but not until the people had approved the bond issue in a referendum held prior to the date thereof. All the requisite details for a bond issue were contained in the Act.

2. Private Acts of 1935, Chapter 136, validated and ratified all the preceding actions of the Quarterly Court taken in connection with the issue of \$25,000 in bonds, dated September 1, 1934, and maturing from 1936 through 1960, at 4% interest, which were termed and constituted the "Jail Bonds", notwithstanding any defect or lack of statutory authority at the time. The election held in regard to the bond issue was likewise ratified and made legal. This Act granted the authority to the Quarterly Court to sell the bonds in accordance with the conditions established hereunder.

## **Roads**

1. Acts of 1897, Chapter 159, let the Quarterly Court of Bradley County, a majority being present, issue and sell up to \$50,000 in bonds, at an interest rate not to exceed 6%, and with a maturity schedule no longer than thirty years from the date of issue which funds would be used to improve the seven public roads as they were listed in the act. The Quarterly Court would appoint three commissioners who were permitted to employ engineering assistance while they were supervising the entire program, on which progress reports must be submitted each quarter to the court. Bids could be solicited under specified conditions and contracts awarded to the best bidder meeting all the specifications. This act was repealed in Item Three below.
2. Private Acts of 1899, Chapter 79, amended Acts of 1897, Chapter 159, so that the Quarterly Court of Bradley County was further authorized to issue \$100,000 in bonds which would be devoted to the improvement and construction of the six roads enumerated in the act. Section 3 was amended to set the maximum interest rate at 6% and to terminate any maturity schedule at 30 years. All other terms and conditions to remain as they were. This act was repealed by the one following.
3. Private Acts of 1899, Chapter 269, was the legal authority for the Bradley County Quarterly Court to issue up to \$100,000 in bonds at an interest rate of 5%, or less, and to mature at a time determined by the court between five and thirty years after issue, the proceeds of which were to be used to improve the seven roads listed in this Act. The court was directed to appoint three commissioners who must draw up maps and detailed plans for the entire program of improving the roads and furnish cost estimates on each one. The Justices would vote on the reports which, if adopted, would become parts of the minutes of the court. The Trustee would handle these funds, keeping accurate records of all transactions. Acts of 1897, Chapter 159, and Private Acts of 1899, Chapter 79, were both repealed.
4. Private Acts of 1901, Chapter 424, allowed the Quarterly Court, if 16 of their members should so vote to issue up to \$86,000 in bonds, at interest rates of 5%, or less, and which would mature in 35, 40, and 45 years from the issue date. The Court must elect three commissioners to supervise the whole program and the projects involving the fifteen sections of highways listed in the Act on which the proceeds would be spent to improve. The Commissioners had the authority to employ such people as might be necessary to build, or improve, the subject roads. Commissioners would be paid \$1.50 per day for each day spent on this work. The Chairman of the County Court must keep accurate records of all receipts and expenditures and report the status of the same to the Quarterly Court every three months. A special tax was required to be levied to amortize these bonds and the surplus, if any, after the completion of this program would be turned in to the ordinary road funds.
5. Private Acts of 1907, Chapter 265, allowed the issue and sale of bonds up to \$25,000 at 5%, or less, interest, and which would mature on a schedule from ten to thirty years, which would be used to improve and repair pike roads in the county.
6. Private Acts of 1913, Chapter 119, permitted the Quarterly Court, a majority of the Justices being present, to issue \$100,000 in 5% bonds, payable annually, to improve, repair, and extend pike roads in the county, as specified.
7. Private Acts of 1917, Chapter 667, was lawful authority to the Quarterly Court of Bradley County to sell up to \$6,000 in bonds to improve a certain road within the said county known as the "Old Alabama Road" leading from the farm of S.M. Johnson in a southerly direction to the James County line. The maximum interest rate was 6% and the maturity period was limited to ten years. Interest coupons were to be attached, a tax levy was mandated and all essential details inserted. The Court would elect three good citizens to be the Alabama Road Commission who would have full and exclusive authority to accomplish the purposes herein stated.
8. Private Acts of 1917, Chapter 765, was the authority for the Bradley County Quarterly Court to submit to the citizens in a referendum the question of issuing up to \$100,000, or so much thereof

as might be necessary, in bonds, at an interest rate of 5%, or less, and to mature no longer than 40 years from the date of issue, which would be used to locate, build, construct, or repair public roads and bridges in the said county. The ballot would simply be marked "For" or "Against". The Quarterly Court would elect a three member Board of Commissioners to supervise the program, whose compensation would be set by the court, who were to be sworn into office and placed under bond, and who would select their own Chairman and Secretary. No County Court member could serve on this Board.

9. Private Acts of 1919, Chapter 507, allowed the Quarterly Court, a majority being present, to sell up to \$50,000 in bonds at 5%, or less, interest, and for a maturity schedule no longer than thirty years, to be used in grading, building, repairing and improving the road beginning at Cleveland and Georgetown Pike Road at or near William Barger's place and the Mount Zion Church which run to Cleveland and Chattanooga Pike Road near McDonald, by way of the White Oak School House, True Chapel, the Moore School, and the Salem Church.
10. Private Acts of 1939, Chapter 38, ratified, confirmed, and validated all the preceding actions of the Bradley County Quarterly Court had in reference to the \$15,000 bond issue for payment of rights of way notes for the county, dated December 15, 1938, at 3% interest, and falling due in the years 1940 through 1947. The action was approved to the same extent as if all the requisites had been in existence and operating at the time.
11. Private Acts of 1947, Chapter 538, allowed the Quarterly Court to sell up to \$150,000 in bonds which were scheduled to mature no later than twenty years from the date of issue which funds were to be used to acquire rights of way in Bradley County, which could be issued partly, or all at once, by the Court. No maximum limitation was placed on the interest rate although all other details were present.
12. Private Acts of 1949, Chapter 785, was the enabling Act for the Quarterly Court to issue and sell up to \$100,000 in bonds at interest not to exceed 4%, and to mature no later than 15 years from the issue date, all of which would be used to buy equipment and construct roads in Bradley County. The money would be deposited with the County Trustee and drawn on by the County Road and Pike Superintendent.

### **Schools**

1. Private Acts of 1913, Chapter 208, permitted the Quarterly Court, a majority of the Justices being present, to issue \$10,000 in bonds, at 6%, or less, interest, and which would mature no longer than thirty years from the issue date, which money would be used to construct and equip an industrial and reform school in Bradley County. All details were inserted into the law and the sinking fund tax levy mandated.
2. Private Acts of 1913, Chapter 214, enabled the Bradley County Quarterly Court, if a majority were present, to issue up to \$50,000 in 5%, 30 year bonds with which to purchase a site, erect, and equip a high school in the County. The funds, to be known as the "High School Building and Equipment Fund" would be kept separately and used only for the purposes stated above.
3. Private Acts of 1917, Chapter 666, permitted the Quarterly Court to sell \$20,000 in bonds, at 5%, or less, interest, and for a maturity period of 30 years, or less, to pay off and satisfy the debts of the County incurred for running and maintaining the grammar schools of the County, for paying the teachers and the expenses incidental to the operation of the school system. Details of the bond form itself, and the mode of issue were contained in the Act.
4. Private Acts of 1921, Chapter 478, allowed the Quarterly Court to issue up to \$25,000 in 6%, 25 year, bonds to build a suitable High School Building at Flint Spring in Bradley County and to equip and furnish the same. The Act provided all the essential details and regulations and required the sinking fund tax levy.
5. Private Acts of 1921, Chapter 578, was the legal authority for the Quarterly Court to sell \$50,000 in 6%, ten to thirty year, bonds to buy the sites, erect, equip, and furnish High Schools in Bradley County, plus building additions to existing High Schools, if expedient and necessary. All the essential details were contained in the Act.
6. Private Acts of 1923, Chapter 215, authorized the Bradley County Quarterly Court to issue up to \$82,000, in bonds, at 6% interest, or less, which were to mature no longer than 30 years from date, the proceeds of which would be used to pay off and satisfy the county debts which were incurred because of the operation and maintenance of the grammar schools, for paying teachers, and for expenses incidental to the educational system. All the above was subject to approval by the people in a referendum.
7. Private Acts of 1923, Chapter 216, was a companion bill to Chapter 215, incorporating the same

details and conditions expressed in that Act except the amount of bonds authorized was limited to \$18,000 and the money would be used for the same purposes on high schools instead of on grammar schools. This Act was subject to referendum approval by the people, also.

8. Private Acts of 1929, Chapter 172, was the legal authority for the Quarterly Court of Bradley County to issue and sell up to \$200,000 in bonds, at an interest rate not to exceed 5½%, and for a maturity period of 30 years, or less, the funds of which would be devoted to acquiring lands on which would be built high school buildings, or additions to existing high schools could be built and for equipping and furnishing the same. The Board of Education would determine the location of the schools, estimate the cost of the proposed improvements, and report the same to the Quarterly Court, together with a request that a referendum election be held under the general election laws and the results thereof be certified to the Court. All other necessary details were included in the law.
9. Private Acts of 1935, Chapter 456, authorized the County Judge and the County Court Clerk to sell \$25,000 in bonds, due for recall and payment in 1936, 1937, 1938, 1939, and 1940. The form of the proposed bonds, the interest coupons, and the manner of issue were stipulated in the Act. The proceeds were to go to the County Trustee who would pay the City of Cleveland its pro rated share of the money based on the scholastic population and the remainder was to be devoted to the building and furnishing of the Big Springs School in the First Civil District. Substantial compliance in the Act's terms would be enough.
10. Private Acts of 1947, Chapter 539, allowed the Bradley County Quarterly Court to issue \$200,000 in bonds, without the necessity of holding a referendum, and regardless of any debt limitation, at an interest rate of 4%, and with a maturity schedule covering 25 years, to build a high school auditorium, gymnasium, and other buildings, or additions to existing buildings, and with or without Federal Aid of any sort. These bonds were to be general obligation, incontestable bonds and were declared tax exempt from all other levels of government.
11. Private Acts of 1947, Chapter 541, was the legislation which enabled the Quarterly Court of Bradley County, without resorting to a referendum, and without regard of any debt limitation, to issue and sell up to \$150,000 in 4%, 25 year, general obligation, incontestable bonds, which were also exempted from taxation, to build, equip, furnish and repair elementary school buildings in the county with or without Federal Aid of any sort. All other details of valid bond laws were included in the Act.

## Chapter IV - Boundaries

### Creation of the County

#### Private Acts of 1835-36 Chapter 32

**SECTION 1.** That the territory contained in the lines herein after mentioned, shall constitute a county to be called the county of Bradley, in honor of and to perpetuate the memory of Col. Edward Bradley, late of Shelby County.

**SECTION 2.** The said county of Bradley shall be bounded as follows, to wit: Beginning at the point on the south bank of Hiwassee river, where the Rhea county line terminates; thence along said line until it strikes the Hamilton county line, at Wilson Evans's; thence along said line to the White Oak mountain; thence along the extreme height of said mountain and the Hamilton county line entire, until it strikes the five mile point of Hamilton county line, on the dividing line between the States of Georgia and Tennessee; thence along said line until it strikes the main channel of the Hiwassee river; thence down the said main channel with the center thereof, including such islands as there may be therein, to the beginning.

**SECTION 3.** For the administration of justice in said county of Bradley, the county courts shall be held at the methodist camp ground, near the head of Chatsian creek, until the last Saturday in May next; at which time, a vote shall be taken by the qualified voters of said county, between some two or more places, which shall be put in nomination by the justices of the county court, at their first term in May; and the place which shall receive the largest number of votes shall be the place of holding the different courts, in said county, until further provided for by law; Provided, said justices shall not designate any Indian reservation, without the consent of the Indians residing thereon, at the times it is required to be held in the counties now established; and circuit courts shall also be held at the same place, on such days as may be designated in an act to be passed at the present session on the subject of circuit courts. The said courts shall be held at the place aforesaid, until a seat of justice be established, and then the same shall

be held at such seat of justice. Said courts shall be under the same rules, regulations and restrictions, and shall exercise the same power and authority and jurisdiction that are possessed by said courts in other counties of this State.

**SECTION 4.** The deputy sheriff of McMinn county, Joseph W. McMillan, or in case he should die, remove, or refuse to act, the sheriff of the said County of McMinn, with the power to appoint as many deputies as may be necessary, shall hold an election at the times and places as may be designated in the general laws to be passed at the present session of the general assembly, for the election of all county and district officers, as well as militia officers, for said county; and the said officers, when elected, shall be commissioned in the same manner and have the same powers, duties and emoluments, as other officers of the same grade and denomination.

**SECTION 5.** The militia of the said county shall compose one regiment, and be numbered and attached to such brigade as may be provided in the militia law of the present session.

**SECTION 6.** That said county of Bradley shall be attached to the county of McMinn, for the election of representatives and senators in the General assembly, and members of Congress, and the election of electors of president and vice president until otherwise ordered by law.

**SECTION 7.** The justices of the peace to be elected by said county, shall be qualified by some justice of the peace, of any adjoining county, at the first term of their court, after their election, or the said oaths may be administered by any circuit judge of this State. When the county seat is established said town shall be called Cleveland, in honor of Col. Benjamin Cleaveland; Provided, nothing in this act contained, shall extend to authorize any further jurisdiction over the Cherokee Indians, than such as is authorized by the act of 1833.

Passed: February 10, 1836.

## Change of Boundary Lines

### Private Acts of 1917 Chapter 188

**SECTION 1.** That the line between the Counties of Bradley and Meigs be so changed as to make the line read as follows between said Counties: Beginning at the Southeast Corner of the W. T. Francisco farm where it corners on the Bradley and Meigs County line, running thence west with the line of W. T. Francisco and A. A. Marler line to line of T. A. Marler farm, thence Southwest with the T. A. Marler and A. Marler line to the James County line, thence North to A. A. Marler's north line.

**SECTION 2.** That the line between the Counties of Bradley and Meigs be so changed as to make the line read as follows: Beginning at a point on the Southwest side of the Georgetown road on A. A. Marler's north line on the Meigs County line; running thence southwest with the said north line of the A. A. Marler farm to a corner of A. A. Marler's farm, thence south with the line of said A. A. Marler farm to the top of the White Oak Mountain.

**SECTION 3.** That all the real estate added to Bradley County by this Act shall be added to and become a part of the Second Civil District of Bradley County for all civil, school and other purposes.

**SECTION 4.** That all laws in conflict with this Act be and the same are hereby repealed.

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

Passed: March 14, 1917.

### Private Acts of 1949 Chapter 791

**SECTION 1.** That the following territory lying in and comprising a part of the east side of Meigs County, and described as follows:

Beginning at a point at the northeast corner of lands owned by Roy Kincannon on the Bradley County section line in the center of Highway No. 60 and running north with the section line, which is the Old Bradley County line approximately three hundred (300) yards to a point which marks a corner of the Kincannon land and land of Muncy; thence southwest with the Gertrude Hunter line approximately two hundred fifty (250) yards to the center of Highway No. 60; thence southwest with the center line of Highway No. 60 to the beginning point, said tract of land contains approximately five (5) acres, and begin property owned by John Russ, Frank Wooten and the Georgetown Baptist Church, which said tract of land shall be and the same is thereby attached to and constituted a part of Bradley County.

**SECTION 2.** That the territorial fraction taken from Meigs County and added to Bradley County by this Act shall continue liable for its pro rate of all debts contracted by Meigs County before the passage of this Act, and the said fraction shall be entitled to its proportion of any stocks or credits belonging to Meigs County.

**SECTION 3.** That the State and County taxes of said fraction for the year 1949 shall be collected by the Trustee of Meigs County, and when collected in said fraction, the County tax shall be paid to said County Trustee of Meigs County, and shall constitute a part of the County revenues

of Meigs County.

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

Passed: April 13, 1949.

## Private Acts of 1957 Chapter 16

**SECTION 1.** That the line between Bradley and Hamilton Counties is hereby changed so as to detach from Bradley County and to attach to Hamilton County all the territory formerly a part of James County which was attached by Bradley County by Chapter 607, Private Acts of 1919, to which statute reference is hereby made for a full and complete description of the territory involved.

**SECTION 2.** That this Act shall be of no effect and void unless within 6 months from the date of final legislative action herein the same shall be ratified and approved by a two-thirds majority of the Quarterly County Courts of both Bradley and Hamilton Counties. The Clerk of each County shall certify such ratification or the reverse to the Secretary of State.

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

Passed: January 28, 1957.

## Public Acts of 1980 Chapter 801

**COMPILER'S NOTE:** Although this is a public, rather than a private act; it is one of special effect and is not found in Tennessee Code Annotated.

**SECTION 1.** The boundary line between the counties of Hamilton and Bradley is hereby changed by detaching from the county of Hamilton and attaching to the county of Bradley, all of the hereinafter described territory, to-wit:

A tract or parcel of land now lying in Hamilton County adjacent to the existing boundary line between Hamilton-Bradley County, and beginning at the steel pin, located twenty (20) feet east along the division line between Sections 21 and 28 in Hamilton County from the intersection of the boundary line of Sections 21 and 28 and the center line of Tunnel Hill Road, in a northerly direction, following the western boundary line of the property owned by M. C. Gates, north 12 degrees, 29 minutes East 304 feet to a steel pin; thence, in a northerly direction, following the western boundary of the property owned by R. L. Cronk, north 7 degrees, 52 minutes East 380 feet more or less to the county line; thence, in an easterly direction following the present boundary line between Bradley County and Hamilton County to the intersection of the county line and the easterly property line of Cal Quinn; thence in a southerly direction, following the easterly property line of Cal Quinn, south 26 degrees, 17 minutes West 472 feet more or less to the division line between Sections 21 and 28 in Hamilton County, Tennessee; thence, in a westerly direction along the division line between Sections 21 and 28 in Hamilton County, Tennessee to the point of beginning.

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

Passed: April 14, 1980.

## Boundaries - Historical Notes

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

1. Acts of 1857-58, Chapter 47, moved the residence and farm of Dr. W. B. Wright out of Bradley County and into Polk County.
2. Acts of 1859-60, Chapter 135, changed the boundaries between Bradley County and Polk County so that the lands of James B. Cook, William J. Dowell, R. S. Warren, J. Y. Davidson, W. S. Norris, John Cate, F. M. Cate, Matthew McNabb, W. Breedwell, and William Singleton were all wholly included within the boundaries of Polk County.

3. Acts of 1866-67, Chapter 10, changed the lines between Bradley County and Polk County by extending it in a southern direction along the second range east of the basis line of the Ocoee District one-half mile further than it now runs so as to include wholly within Polk County the lands of Alexander Cavitt and J. D. A. Davidson.
4. Acts of 1866-67, Chapter 76, rearranged the boundary lines between Bradley County and Meigs County so as to include the farm belonging to W. Beard and S. Beard, formerly known as the Alexander Roger's farm, in the Ninth Civil District of Bradley County, and the First Civil District of Meigs County, wholly within the confines of Bradley County.
5. Acts of 1871, Chapter 66, created James County out of fractions of territory taken from Bradley County and Hamilton County as the same was legally described in the act. The act appointed Nathan Hinch and George Wells of Bradley County, and eight other people from Hamilton County who would serve as Commissioners to organize James County. An election would be conducted by the Commissioners in the affected portion of each county to ascertain the will of the people on whether they wanted to be a new county or remain as they were. This act was expressly repealed by the Acts of 1890, Chapter 18.
6. Private Acts of 1890, Chapter 18, abolished James County and dissolved its area returning the land to Bradley County and Hamilton County from which it was taken. Arrangements were made to return the records and to pay the debts of the dissolved county, and the 1871 Act, above, was expressly repealed. (For some reason, however, James County continued in existence until a later date despite the language of this Act.)
7. Private Acts of 1895, Chapter 191, changed the lines between Bradley and James Counties so that the lands belonging to M. V. Landau, W. B. Tallant, Robert Tallant, William Gresham, W. B. Smith, W. A. Guille, and the Hinch heirs were all detached from Bradley County, as they were described in the Act, and attached the same to James County.
8. Private Acts of 1907, Chapter 380, amended Private Acts of 1895, Chapter 191, so as to strike the name "Nathan Hinch" farm and insert the phrase the "Old Price Farm".
9. Private Acts of 1919, Chapter 607, amended Private Acts of 1870-71, Chapter 66, so as to detach from James County and attach to Bradley County all territory lying east of the west brow of the west range of the White Oak Mountains.
10. Private Acts of 1919, Chapter 695, abolished James County, dissolving its government and returning the land to Bradley and Hamilton County from which it came, and repealing Acts of 1871, Chapter 66, which created the County of James.
11. Private Acts of 1931, Chapter 812, detached the lands belonging to T. A. Marler, A. A. Marler, John Russ, and a part of the Callie Hunter farm from the First Civil District of Meigs County and attached the same to the Second Civil District of Bradley County, consisting of approximately 300 acres.

## Chapter V - Court System

### District Attorney General

### Criminal Investigator

### Public Acts of 1977 Chapter 356

**COMPILER'S NOTE:** Although this is a public, rather than a private act; it is one of special effect and is not found in Tennessee Code Annotated.

**SECTION 1.** There is hereby created an additional office of Criminal Investigator for the District Attorney General of the Twenty-fourth Judicial Circuit. The District Attorney General of the Twenty-fourth Judicial Circuit shall appoint a qualified person to such office, to serve at the pleasure of the District Attorney General.

**SECTION 2.** The above-created Criminal Investigator shall perform such duties as may be assigned to him by the District Attorney General, and shall have the same powers and authority as deputies of the County Sheriffs.

**SECTION 3.** There is hereby created an additional office of Assistant District Attorney General for the Twenty-fourth Judicial Circuit. The District Attorney General of the Twenty-fourth Judicial Circuit shall

appoint a qualified person, licensed to practice law in Tennessee, to such office, to serve at the pleasure of the District Attorney General.

**SECTION 4.** The above created Assistant District Attorney General shall perform such duties as the District Attorney General may direct, and shall serve as a full-time assistant as provided for by Section 8-708 of the Tennessee Code Annotated.

**SECTION 5.** The Criminal Investigator and the Assistant District Attorney General provided for in this act shall be compensated according to general law.

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

Passed: May 16, 1977.

## General Sessions Court

### Private Acts of 1955 Chapter 17

**SECTION 1.** That there is hereby created and established in and for Bradley County, Tennessee, a Court which shall be designated "Court of General Sessions of Bradley County, Tennessee."

Court rooms and adequate facilities for said court shall be provided in the Courthouse at Cleveland, and it shall be the duty of the Judge of the County Court of said County or of any other authority responsible to make provision therefor, and to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of said Court. The expense of same shall be paid out of the General Funds of the County.

**SECTION 2.** That the Court of General Sessions of Bradley County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits, and actions; provided, however, that nothing in this act shall be construed to divest the Justices of the Peace of their jurisdiction until the election and qualification of a Judge of said Court as hereinafter provided. The authority of the Justices of the Peace in their capacity as members of the Quarterly County Court or in the performance of the rites of matrimony, and to issue criminal and civil warrants returnable before the General Sessions Judge and to issue commitments to jail before trial in any criminal case, or grant bail to a person charged with a criminal offense for his or her appearance before the General Sessions Court is in no wise affected by this Act and for such services such Justices of the Peace shall receive the fees allowed by law.

**SECTION 3(a).** That the Judge of the Court of General Sessions of Bradley County, Tennessee, is hereby vested with the exclusive jurisdiction, power, and authority now vested in the Judge of the County Court of Bradley County, Tennessee, to hear and determine any matter or controversy involving Juveniles and the said County Judge is hereby divested of all such jurisdiction, power, and authority; provided, however, nothing in this Act shall be construed to divest the said County Judge of his jurisdiction and authority as financial agent of said County, as presiding member of the Quarterly County Court of said County, or of any other jurisdiction and authority conferred upon him by law.

(b) There is hereby conferred upon said Court the power and authority concurrent with the Circuit and Chancery Courts to hear and determine all cases of divorce which may be brought in Bradley County, Tennessee, with full power, authority, and jurisdiction to make and enforce by legal process, orders, and decrees, such judgments, decisions, and, orders as may be properly or lawfully made in the premises, including the determination of the care and custody of any child that may be involved, the allowance of alimony, support and maintenance of the wife or children and the enforcement of such orders by writs of ne exeat, attachment, habeas corpus, injunction and order of contempt, or by other provisions authorized by law, provided, that for the purpose of determining matters under the jurisdiction conferred by this sub-section, the rule days, practice, and writs of process shall be the same as in the Chancery Court; and further provided, that any appeal from the final decree of said Court in any matter determined under the jurisdiction conferred under this sub-section (b) shall be to the Court of Appeals at Knoxville, or the Supreme Court at Knoxville, in the same manner as appeals from the Chancery Court, and further provided, that in the event either party shall demand a trial by jury in the determination of any matter under the jurisdiction conferred by the sub-section (b) then the Clerk shall prepare a transcript of the record in such case, which shall be certified by the Judge of such Court, and filed in the Circuit Court of Bradley County for trial by jury as demanded.

(c) There is hereby conferred upon said court the power and authority concurrent with the Circuit

and Chancery Courts to hear and determine all cases of partition or sale for partition of land situate, lying and being in Bradley County, provided, that for the purpose of determining matters under the jurisdiction conferred by this sub-section, the rule days, practice, and writs of process shall be the same as in the Chancery Court; and further provided, that any appeal from the final decree of said Court in any matter determined under the jurisdiction conferred under this sub-section (c) shall be to the Courts of Appeals at Knoxville, or the Supreme Court at Knoxville in the same manner as appeals from the Chancery Court.

(d) Appeals from the judgements of said Court in cases formerly cognizable by the County Court of Bradley County shall be as now provided by law for cases originating in the County Court. All other appeals, except as herein otherwise provided, shall be direct to the Circuit Court of Bradley County in the same manner as now provided for appeals from Courts of Justices of the Peace.

(e)

(1) In those matters in which the Court of General Sessions exercises concurrent jurisdiction with the Circuit and Chancery Courts, the Court of General Sessions is hereby vested with full power and authority to transfer cases to the Circuit and Chancery Courts for acceptance by said court of such transfer.

(2) The Court of General Sessions is hereby vested with full power and authority to accept transfers of cases from the dockets of the Circuit and Chancery Courts in such cases as the Court of General Sessions has concurrent jurisdiction with the Circuit and Chancery Courts.

(3) The Court of General Sessions is hereby vested with the power and authority to participate with the Circuit and Chancery Courts in an establishment with a common docket to hear and determine all cases which may be brought in Bradley County, Tennessee and assigned to such docket for hearing by the judges of said courts and such matters as said courts exercise concurrent jurisdiction with full power, authority and jurisdiction to make and enforce by legal process orders and decrees, such judgments, decisions and orders as may be properly or lawfully made in the premises upon all such matters.

As amended by:

Private Acts of 2012, Chapter 51

**SECTION 4.** That there is hereby conferred upon the Judge of the Court of General Sessions the same power and authority to grant fiats for the issuance of injunctions, attachments, and all other extraordinary process as that conferred upon Circuit Judges and Chancellors in this State.

**SECTION 5.** That before the issuance of any warrant in a civil case the Plaintiff shall execute a cost bond with good security in the sum of Twenty-five Dollars (\$25.00) or in lieu thereof make a cash deposit with the Clerk of not less than Five Dollars (\$5.00) or more than Twenty-five Dollars (\$25.00), as required by the Court, to secure the costs, or take the oath prescribed for poor persons; and the Court may increase the security in appropriate cases, but not exceeding the amount of Two Hundred Fifty Dollars (\$250.00).

**SECTION 6.** That said court shall be in session at the Courthouse in Cleveland daily except Sundays and legal holidays, at such hours as may be designated by the Court, provided, however, the Judge shall have power and authority to hear and determine cases at any other place in Bradley County that he may determine to be more feasible and convenient for the parties.

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

**SECTION 7.** That the costs and fees and the rules of pleading and practice, forms of writs and process, stay or appeals from judgments in civil cases of said Court now within the jurisdiction of Justices of the Peace shall be the same as Justices of the Peace in cases in which the jurisdiction of said Justices have been divested by this Act; and the costs and fees, rules of pleading and practice, forms of writs and process, and dockets and records in all matters in which the Judge of the County Court of said County has been divested of authority and jurisdiction shall be the same as required by law, except where specifically changed by this Act.

Pleadings, practice, forms of writs, process, etc., in cases in which the Court of General Sessions is given concurrent jurisdiction with the Circuit and Chancery Courts shall be the same as prevails in said Courts in all cases in which the jurisdiction exceeds that of Justices of the Peace, and the Court shall keep civil and equity dockets in all cases exceeding the present jurisdiction of Justices of the Peace.

The Judge of said court may adopt such rules as may be necessary to expedite the trial disposal of cases.

**SECTION 8.** That the criminal and civil dockets shall be kept in substantially the same form as those now required of Justices of the Peace, except as otherwise provided herein.



**SECTION 9.** That there shall be a Judge for said Court, who shall have the same qualifications, term of office, and oath as prescribed by law for Circuit Judges and Chancellors. The compensation of said Judge shall be ten thousand dollars (\$10,000.00) per annum payable in equal monthly installments, the same to be paid out of the General Funds of the County. He shall be subject to the same restrictions regarding the practice of law as are imposed upon Circuit Judge and Chancellors, and provided, further, that the said Judge during his incumbency shall not hold any other official office or position either with the State of Tennessee or any other governmental agency.

As amended by: Private Acts of 1965, Chapter 142

**SECTION 10.** That the Honorable Earle G. Murphy of Cleveland, is hereby appointed and designated the first Judge of said Court; and he shall take office upon the effective date of this Act and serve until September 1, 1956, and until his successor is elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for civil officers in August, 1956, and shall hold said office until the next regular judicial election as provided by law for Circuit Judges and Chancellors.

**SECTION 11.** That if the Judge of said Court fails to attend, cannot attend or preside in a pending cause, the majority of such attorneys present in such Court may elect one of their number who has qualifications of such a Judge, who, when elected shall have the same authority as a regular Judge to hold court for the occasion.

In the event of a vacancy resulting from the death or disability of such Judge, the Governor shall have the power to appoint some qualified person to fill the vacancy until the next regular general election held in Bradley County.

The regular Judge of said Court shall be allowed a vacation of not to exceed two (2) weeks in any calendar year.

**SECTION 12.** That the Clerk of the Circuit Court of Bradley County is hereby authorized and directed to act as Clerk of said Court and to perform the duties thereof in all civil and criminal cases; and he shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by fiat of a judicial officer. All bail bonds, recognizance bonds, and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said Court may be taken by the Clerk. He shall receive the same costs, fees, and emoluments as are now allowed by law for such services.

**SECTION 13.** That all fines and forfeitures adjudged by said Court shall be payable to and collected by the Clerk, and be reported on, and accounted for and paid over as required by law.

**SECTION 14.** That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal process, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts, and shall receive the same fees therefor provided by law.

**SECTION 15.** That the Court of General Sessions of Bradley County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgments in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury Investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court of Bradley County, or to the Circuit Court where provided by special statute, where such appeal shall be tried by a Judge of such Court de novo and without indictment or presentment.

**SECTION 16.** That it shall be the mandatory duty of the Judge of said Court when a defendant is brought before the Court upon arraignment or trial to advise the defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation of the right to waive such statement and the right to a trial by a jury.

Upon the defendants agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, the Court may proceed to hear and determine the case.

The waiver shall be in writing, signed by the defendant, written on or attached to the warrant, and in the form and of contents substantially as follows:

"The defendant, pleads guilty of the offense of and expressly waives his or her right to be tried only by or upon presentment or indictment preferred by a Grand Jury, and likewise expressly waives the right to a trial by a jury of his or her peers.

Signed

Attest: "

**SECTION 17.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Bradley County, as if said cases had originated in said Court of General Sessions, and said Court shall have power and authority to issue executions and other final process on judgments rendered by Justices of the Peace.

**SECTION 18.** That this Act shall in no wise impair the right, title, or interest of any Justices of the Peace of Bradley County of any unpaid fees, or fund in which he had a right or interest in any proceedings, judgement or suit, whether said cause is disposed of or pending when this Act becomes effective.

That the official dockets, records, and papers in possession of Justices of the Peace of said County shall be turned over to the Clerk of the Sessions Court of Bradley County on the date this Act becomes effective.

**SECTION 19.** That the Judge of the Sessions Court shall have authority to name a Deputy Sheriff or Constable of Bradley County to wait on his Court, and such Officer shall receive an

annual compensation of Six Thousand Dollars, (\$6,000), payable in equal monthly installments.

As amended by:

Private Acts of 1967, Chapter 429

Private Acts of 1971, Chapter 178

Private Acts of 1973, Chapter 63

Private Acts of 1976, Chapter 268

**SECTION 20.** That the Legislature expressly declares that each section, subsection, paragraph, and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 21.** That all laws or parts of laws in conflict with the provisions of this Act be, and they are hereby repealed as of the date this Act becomes effective.

**SECTION 22.** That the Commissioners of Election of Bradley County, Tennessee, shall, within sixty (60) days from and after the passage of this Act, call a special election, the expenses of which will be paid from the General Funds of said County, for the purpose of submitting this Act to the qualified voters of said County for their approval. The ballot to be used in said election shall read as follows:

"For the General Sessions Court ( )

Against the General Sessions Court ( )"

The said Commissioners of Election of said County shall, within the time required by law after said election, meet, canvass the votes cast in said election, and certify the results of same to the proper officials and in the event this Act is approved by a majority of the voters voting in said election, then, and in that event, this Act shall become effective on the 1st day of the next month immediately following said election, the public welfare requiring it.

Passed: January 26, 1955.

## Cash Deposits

### Private Acts of 1957 Chapter 231

**SECTION 1.** That the Judge of the Court of General Sessions for Bradley County, Tennessee, is hereby authorized and empowered to establish a schedule of cash deposits, which may be deposited with the committing official in lieu of bail, in any cases wherein the said Court has the jurisdiction to render final judgments, said deposits to be delivered to the Clerk of the Court of General Sessions and held by him pending a disposition of the case.

**SECTION 2.** That in any case wherein said deposit has been forfeited, the Clerk of said Court shall first pay out of said deposit all the costs which have accrued in the case and then pay the remainder of said deposit to the State of Tennessee or Bradley County in the same manner as now provided for the payment over the fines, said funds to be paid to the State of Tennessee or Bradley County according to the offense charged as if said deposits were fines.

**SECTION 3.** That this Act shall not become effective unless and until it has been ratified and approved by the Quarterly County Court of Bradley County, Tennessee, by a two-thirds majority of the Justices at any meeting at which this Act may be submitted for ratification and approval.

**SECTION 4.** That this Act insofar as the General Assembly of Tennessee is concerned, take effect from and after its passage the public welfare requiring it.

Passed: March 15, 1957.

## Division II

### Private Acts of 1982 Chapter 299

**SECTION 1.** Effective September 1, 1982, there is created a Division II to the General Sessions Court of Bradley County created by Chapter 17 of the Private Acts of 1955. Such division shall have concurrent jurisdiction with the present General Sessions Court in Bradley County. Effective September 1, 1982, the present General Sessions Court in such county shall be designated as Division I.

**SECTION 2.** At the August 1982 General Election, and every eight (8) years; thereafter, the qualified voters of Bradley County shall elect a person to the office of judge of Division II of General Sessions Court for an eight (8) year term. Such judge of Division II shall possess all of the qualifications presently required for General Sessions Judges in Bradley County.

For the August 1982 election only, persons seeking election to the office of judge of Division II of the General Sessions Court of Bradley County shall have until 12:00 noon prevailing time on May 4, 1982, to qualify as a candidate for such office.

**SECTION 3.** The judge of Division II of the Bradley County General Sessions Court shall have the same jurisdiction, authority, powers and duties, and shall receive the same compensation in the same manner as is presently provided for the judge of the General Sessions Court of Bradley County.

**SECTION 4.** Upon the judge of Division II taking office on September 1, 1982, he shall meet with the judge of Division I for the purpose of making an equitable division of the cases then pending in the Bradley County General Sessions Court. At such meeting, the judges shall also determine the method by which future cases filed in General Sessions Court will be assigned between the two (2) divisions.

**SECTION 5.** The compensation of all court officers employed for Division II of the General Sessions Court created by this Act and the compensation of all court officers presently employed by the General Sessions Court of Bradley County shall be established by the Bradley County Commission. Provided, however, the level of compensation for any such court officer shall not exceed fifty percent (50%) of the compensation paid to the Bradley County Sheriff.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Bradley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Bradley County legislative body 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 take effect upon being approved as provided in Section 6 unless another date is specified by this Act.

Passed: March 25, 1982.

## Environmental Court

### Private Acts of 2006 Chapter 86

**SECTION 1.** This act is local in effect and requires the approval of a two-thirds (2/3) vote of the county legislative body, and, upon approval, shall take effect as provided in Section 7.

**SECTION 2.** The legislative body of Bradley County is authorized to designate a division of the county's general sessions court as the Environmental Court.

**SECTION 3.** In making such designation, the judge of the Environmental Court is granted the additional power to issue injunctions, both mandatory and prohibitory, as provided in Rule 65 of the Tennessee Rules of Civil Procedure. The judge may order any defendant found guilty of violating any court ordinance relating to health, housing, fire, land subdivision, building or zoning, to correct such violation at the defendant's own expense. In a case involving the alleged violation of any ordinance relating to health, housing, fire, land subdivision, building or zoning, the judge may appoint a master to aid the court. Rule 53 of the Tennessee Rules of Civil Procedure shall govern the appointment, power, and duty of the master.

**SECTION 4.** The judge of the Environmental Court shall also have the jurisdiction to try and dispose of violations of ordinances enacted by municipalities within Bradley County relating to health, housing, fire, land subdivision, building or zoning.

**SECTION 5.** The judge may also punish any person for contempt who, having been ordered to correct a violation of any county or municipal ordinance relating to health, housing, fire, land subdivision, building or zoning, willfully fails to obey such order within the designated day and at the designated time as given by such court order. The punishment for contempt in each such case is limited to a monetary penalty not to exceed fifty dollars (\$50.00) and imprisonment not exceeding ten (10) days for each such violation.

**SECTION 6.** 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 7.** Upon approval by the county legislative body of Bradley County, this act shall take effect September 1, 2006, the public welfare requiring it.

Passed: March 30, 2006.

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

The following acts once affected jurors or boards of jury commissioners in Bradley County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 521, created three member Boards of Jury Commissioners for Blount, McMinn, Roane, Monroe, Bradley, Polk, and Loudon Counties, who would be appointed for single four year terms by the Criminal Court Judge, or the Circuit Judge, having criminal jurisdiction, or both, where necessary. The members must be freeholders, not attorneys, or state, county, or city officials, must not have a suit pending, or more than two belong to the same political party. The members were required to take the oath prescribed in the Act, and would meet in the office of the Circuit Court Clerk, who would serve as Clerk, on the first Monday in May, and every two years thereafter, to select no less than 400 nor more than 800 names from the tax rolls of the county, or from other public sources, who would be the jury list for the next two years. These names would be entered alphabetically in the book provided by the Clerk for that purpose and the entire list must be confirmed by all the Board Members. The names were also to be placed on cards and the cards put into a box in the presence of the Board, which box would be sealed and locked and could not be opened except in the presence of the Board, or the Judge, and then only to refill the box. Two weeks prior to the opening of the court term, the box would be brought forth, shaken well, and a child under the age of ten years, would draw out the number of names ordered by the Judge who were needed as jurors for that term of court. These names were to be placed in an envelope, certified, and sent to the Judge of the Court. The Clerk would keep the names and return them to the box at the next meeting of the Board. The Sheriff would summon both venires, and provisions were made for exhausted panels and to produce special juries by bringing the box into court and drawing names until the needs were filled. Only the Judge could excuse one from duty and he was further obligated to investigate any irregularities noticed. Commissioners, who would be paid \$4.00 per day, could be removed when proper, and all who failed to conform were subject to penalties as prescribed in the Act.
2. Private Acts of 1927, Chapter 285, amended the above act by removing Loudon County from being subject to its terms and provisions.
3. Private Acts of 1931, Chapter 556, also created a three member Board of Jury Commissioners in several counties, including Bradley, designated by population figures, who would be jointly appointed by the criminal and circuit court judges. This Act seems to be applicable to the same counties as the 1925 Act in Item One, above, except for Loudon County and contains only a

general repealer. Most of the terms of this Act were the same as the 1925 Act except that a Commissioner could serve more than one four year term and some administrative requirements and certifications of names were added, and the date of the first meeting of the Board was left blank. The form of the letter of transmittal of the names of prospective jurors selected was included in this Act. Some conditions relating to those counties which had both civil and criminal jurisdiction in the Circuit Court were changed. Penalties were increased for some instances of non-conformity with the terms herein.

4. Private Acts of 1955, Chapter 334, stated that the Jury Commissioners in Bradley County (identified by the 1950 Federal Census) would be paid at the rate of \$10.00 per day instead of the \$4.00 heretofore provided in the 1931 Act, which would be paid to them out of the County Treasury on the certificate of the Clerk. All conflicts were repealed and this Act was properly ratified by the Quarterly Court of Bradley County.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Bradley 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. Acts of 1835-36, Chapter 4, enacted in the same year in which Bradley County was established, divided Tennessee into three Chancery Divisions, each to be presided over by a chancellor of the State, and to have two regular terms annually. Each division was further fragmented into districts.
2. Acts of 1835-36, Chapter 49, assigned newly formed Bradley County to the Ninth Chancery District of the Eastern Chancery Division which met at Madisonville in Monroe County.
3. Acts of 1837-38, Chapter 116, seemed to be a complete rearrangement of the schedule of Chancery Court terms in every county. However, Bradley County is not mentioned in this Act.
4. Acts of 1839-40, Chapter 21, assigned Bradley County and Polk County as one Chancery District whose court would meet at Cleveland in Bradley County under the supervision of the Chancellor of the Eastern Division on the second Monday in March and September.
5. Acts of 1843-44, Chapter 169, provided that the chancery cases now pending at Cleveland, or at Pikeville, which originated in Hamilton County, could be transferred at the request of either complainant or defendant to the Chancery Court at Harrison, in Hamilton County.
6. Acts of 1847-48, Chapter 171, reset the schedule of the terms of the Chancery Court which met at Cleveland to the fourth Monday in February and August.
7. Acts of 1853-54, Chapter 54, formed a new Fifth Chancery Division in Tennessee composed of the courts then being held at Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta, and Livingston, for which an additional chancellor would be elected who must reside within the confines of the new District at some place.
8. Acts of 1857-58, Chapter 88, organized the entire State of Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. Bradley County was included in the Fifth Division and the Chancery Court terms would begin in Cleveland on the fourth Monday in February and August. Other counties assigned to the Fifth Division were Polk, McMinn, Hamilton, Marion, Cumberland, Bledsoe, White, Overton, Fentress, Scott, Morgan, Roane, Meigs, Rhea, Blount, and Monroe.
9. Acts of 1870, Chapter 32, formed twelve Chancery Divisions in the State. The Third Division contained the counties of Polk, McMinn, Meigs, Rhea, Cumberland, Bledsoe, Sequatchie, Marion, Hamilton, Bradley, and the Special Chancery Court at Chattanooga, in Hamilton County.
10. Acts of 1870, Chapter 47, scheduled the regular court terms for every Chancery Court in the State. The Chancery Court of Bradley County would begin its terms on the fourth Monday of February and August.

11. Acts of 1883, Chapter 34, rearranged the Chancery Court terms for the counties included in the Third Chancery Division which now contained the counties of James, Meigs, Polk, Marion, Rhea, Bledsoe, Sequatchie, Hamilton, McMinn, Monroe, and Bradley whose Chancery Court would meet at Cleveland on the third Monday of March and September.
12. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure in the State creating a total of eleven Chancery Divisions. This realignment of divisions assigned the counties of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Van Buren, Coffee, and Grundy to the Third Chancery Division. The Chancery Court of Bradley County would continue to meet at Cleaveland on the third Monday in March and September. This Act, and several others was considered by the Supreme Court in the case of Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
13. Acts of 1887, Chapter 13, rescheduled the opening dates of the Chancery Court terms of the counties in the Third Chancery Division. Bradley County would open the regular terms of the Chancery Court on the third Monday in January and June.
14. Acts of 1889, Chapter 13, regrouped the Third Chancery Division so as to include within it the counties of Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Van Buren, Grundy, and Bradley where the court would meet in Cleveland on the third Monday in March and September.
15. Acts of 1895, Chapter 207, changed the opening dates of the Chancery Court terms for most of the counties in the Third Chancery Division. Bradley County would start the regular terms in Cleveland on the third Monday in February and August. All process and bonds were required to conform to these two dates.
16. Acts of 1899, Chapter 427, was the next major revision of the lower court system of the State. Chancery Divisions were reduced to ten of which the Third Division contained the counties of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Monroe, Polk, Meigs, and Hamilton. The terms of court would begin in Bradley County on the second Monday in February and August.
17. Private Acts of 1911, Chapter 435, divided the Third Chancery Division of Tennessee, creating the Twelfth Chancery Division out of the counties in the Third Division by removing every county except Hamilton County from the Third Division and placing them in the 12th Chancery Division. The Governor would appoint a Chancellor for the 12th Division who would hold the courts thereof at the times and places now constituted by law. The Chancellor would in turn appoint a Clerk and Master where there were vacancies, otherwise the current Clerks and Masters would continue in office.
18. Private Acts of 1917, Chapter 1, changed the times for holding the Chancery Court in Bradley County to the second Monday in April and October.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower court system of the State and was the last act of this nature appearing in the volumes of private acts, all future changes take the form of Code amendments through public acts. Fourteen Chancery Divisions were formed in the process of which the counties of Rhea, McMinn, Warren, Bledsoe, Sequatchie, Marion, Van Buren, Meigs, Polk, Grundy, Coffee, Monroe, Franklin, and Bradley were all assigned to the 12th Chancery Division. Court terms in Bradley would begin on the second Monday in April and October which dates are still retained.

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

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

1. Private Acts of 1915, Chapter 254, made unmarried females over the age of 21 years and residents of the county, eligible to be appointed and to serve as Deputy Clerks in any of the courts of Bradley County with all the rights, powers, and obligations as other Deputy Clerks. The

marriage of the female would work an immediate forfeiture of the office and she would thereafter be disqualified to perform any official duties as a Deputy. Acceptance of employment would constitute an estoppel against her from pleading any defense of coverture and from denying any of the responsibilities assumed under the employment.

2. Private Acts of 1923, Chapter 700, provided that the Clerk and Master of Bradley County would be paid \$1,800 a year out of the county treasury provided the Clerk and Master filed an annual report with the County Judge, or Chairman, by January 1 of each year including a sworn, itemized statement showing all the fees collected by the office during the year. If the fees were less than the salary, the county would pay the difference. If the fees exceeded the salary, the county allowed the Clerk and Master to keep the difference.
3. Private Acts of 1931, Chapter 706, amended Public Acts of 1921, Chapter 101, which regulated the salaries of the Clerks and Masters, and the Clerks of the various courts, by exempting Bradley County from all its provisions.

### **Circuit Court**

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

1. Acts of 1835-36, Chapter 49, assigned Bradley County, then newly formed, to the Third Judicial Circuit of the State with the Court starting its regular terms on the second Monday in January, May, and September.
2. Acts of 1837-38, Chapter 116, scheduled the terms for the Circuit Courts in the Third Judicial Circuit which included the Counties of Hamilton, McMinn, Meigs, and Bradley in which the Circuit Court would convene its regular terms on the fourth Monday in April, August, and December.
3. Acts of 1841-42, Chapter 50, provided that all the civil cases which were pending in the Circuit Court of Bradley County at the time Polk County was established wherein the parties to the suit lived within or fell within that area of Bradley County which became a part of Polk County could be transferred to the Circuit Court of Polk County for trial upon the application of either the Plaintiff or the Defendant.
4. Acts of 1843-44, Chapter 161, rearranged the terms of the Circuit Courts in the Counties of Cannon, Meigs, and Bradley where the Circuit Courts would meet at Cleveland on the first Monday in January, May, and September.
5. Acts of 1857-58, Chapter 98, established a total of 16 Judicial Circuits throughout the State and scheduled their court terms. The Fourth Judicial Circuit was composed of the Counties of Polk, Rhea, Hamilton, McMinn, Meigs, the Common Law Court at Chattanooga, and Bradley where the regular terms would continue to start on the first Monday in January, May, and September.
6. Acts of 1870, Chapter 31, organized all the Circuit Courts in Tennessee into fifteen regular, and one special, judicial circuits. The Fourth Judicial Circuit was made up of the Counties of McMinn, Polk, Meigs, Bradley, Rhea, Hamilton, Marion, Sequatchie, Bledsoe, and the Special Court at Chattanooga.
7. Acts of 1870, Chapter 46, established a schedule of court terms for the circuit courts of the counties having Circuit Courts throughout the State. The Circuit Court in Bradley County would keep on meeting for regular terms on the first Monday in January, May, and September.
8. Acts of 1870 (Ex. Sess.), Chapter 106, recited the membership of the Fourth Judicial Circuit of Tennessee as the Counties of James, Hamilton, Meigs, Rhea, Bledsoe, Sequatchie, Marion, McMinn, and Polk. Court terms were changed for some of the counties but Bradley remained as it was.
9. Acts of 1883, Chapter 34, rescheduled some of the court terms for the circuit courts of the

counties in the Fourth Judicial Circuit. Bradley County, however, would continue to convene the regular terms of court on the first Monday in January, May, and September.

10. Acts of 1885 (Ex. Sess.), Chapter 20, was the next major revision of the lower court system in the State which divided Tennessee into sixteen regular, and one special, judicial circuits. The Fourth Judicial Circuit was made up of the counties of Bradley, Polk, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, McMinn, and James. Bradley County would take up the regular circuit court docket on the first Monday in January, May and September.
11. Acts of 1887, Chapter 13, rescheduled the opening dates of the terms of the Circuit Courts in the Fourth Judicial Circuit but left Bradley County's terms to begin on the first Monday in January, May, and September.
12. Acts of 1889, Chapter 13, again changed the opening dates for the Circuit Court terms for some of the counties in the Fourth Judicial Circuit but Bradley County's terms remained as they were.
13. Acts of 1889, Chapter 35, created a new 17th Judicial Circuit out of counties taken from the Third and Fourth Judicial Circuits. The Circuit contained the counties of Bradley, James, McMinn, Meigs, Monroe, and Polk, and Bradley County's term would begin in Cleveland on the first Monday in January, May, and September. The Governor was required to appoint a Judge and an Attorney-General for the circuit who would serve until their successors could be elected by popular vote. The clerks of these respective courts would govern themselves accordingly in issuing process and taking bonds.
14. Acts of 1899, Chapter 427, reorganized the lower judicial system of the State into fourteen Judicial Circuits, among other things. The Fourth Judicial Circuit contained the Counties of Bradley, Polk, Meigs, McMinn, James, Loudon, Roane, Blount, and Monroe. The Court terms in Bradley would continue to start on the first Monday in January, May, and September.
15. Acts of 1901, Chapter 413, rearranged the opening dates of the Circuit Court terms for several of the Counties in the Fourth Judicial Circuit but did not change Bradley's dates.
16. Acts of 1903, Chapter 354, amended Chapter 413, Acts of 1901, so that the Court terms of some of the Circuit Courts were changed but Bradley County would continue to convene on the first Monday in January, May, and September.
17. Public Acts of 1929, Chapter 142, changed the opening dates of the Circuit Court of Bradley County to the second Monday in January, May, and September.
18. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a complete reordering of the Chancery, Circuit, and Criminal Courts in the State, and was the last Act appearing in the volumes of private acts. Twenty Judicial Circuits were formed of which the Fourth Judicial Circuit was made up of the Counties of Roane, Blount, Loudon, McMinn, Polk, Monroe, and Bradley where the courts would still meet on the first Monday in January, May, and September.
19. Public Acts of 1965, Chapter 188, created a new 24th Judicial Circuit and assigned to it the counties of Bradley, McMinn, Polk, and Monroe, all Circuit Court terms were to be held on the first Mondays in January, May and September and the fourth Mondays in February and October.
20. Public Acts of 1971, Chapter 347, changed the Circuit Court terms in Bradley County to the first Monday in January and August and the third Monday in April and October by amending Section 16-236, Tennessee Code Annotated.

#### **Circuit Court Clerk**

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

1. Acts of 1859-60, Chapter 84, was the legal authority for the Comptroller of the Treasury of the



- State to issue his warrant in favor of John H. Payne, the Circuit Court Clerk of Bradley County, for \$125.00.
2. Acts of 1903, Chapter 255, was an Act regulating only the Clerks of the Circuit Courts of the State but setting their salaries according to the population of the counties in which they served. This Act paid the Clerks in the population class of Bradley County \$1,000 per annum. The Clerks were required to file an annual, itemized, sworn statement with the County Judge, or Chairman, showing the total amount of fees collected in the office during the preceding year. If the fees were less than the salary, the County would make up the difference, but, if the fees exceeded the salary, the Clerk was allowed to retain the excess.
  3. Private Acts of 1913, Chapter 167, set the annual salary of the Circuit Court Clerk of Bradley County (identified by the 1910 Federal Census) at \$1,500, under the same terms and conditions as were contained in the 1903 Act reported above.
  4. Private Acts of 1915, Chapter 254, allowed any unmarried female over the age of 21 and a resident of Bradley County to serve as the Deputy to any Clerk of a Court in the County provided the other terms and conditions prescribed in the Act were met. This Act has a fuller explanation under Clerk and Master to which office it likewise applied.
  5. Private Acts of 1923, Chapter 248, amended Chapter 167, Private Acts of 1913, Item 3, above, by increasing the annual salary of the Circuit Court Clerk from \$1,500 to \$1,800.
  6. Private Acts of 1931, Chapter 705, made it the duty of the Quarterly Court of Bradley County to fix and to allow the Circuit Court Clerk and the Criminal Court Clerk as compensation for their services, and in addition to all other fees allowed them by law, and as expenses for their office, a sum no less than \$1,000 and no more than \$1,800 per year, payable in equal monthly installments on the first day of each month. The payments would be drawn on the regular funds of the County. The Clerks were required to make an annual report to the County Judge, or Chairman, showing the total amount of fees collected, and the total amount expended for Deputy and stenographic assistance. The Court was instructed to provide the Clerks with a reasonable amount of funds in order that the Clerk could have competent help and assistance in the operation of the office.
  7. Private Acts of 1933, Chapter 660, amended Section One, Chapter 705, Private Acts of 1931, by reducing the minimum expense money allowed to the Circuit Court Clerk from \$1,000 to \$480 a year, and the maximum amount from \$1,800 to \$600 per year, all other terms to stay.
  8. Private Acts of 1947, Chapter 92, allowed the Circuit Court Clerk to appoint a Deputy Clerk to serve during the Clerk's term of office, who must possess all the qualifications of the Clerk and be competent to perform all the duties of the office. The salary was set at \$150 a month for the Clerk payable out of general funds.
  9. Public Acts of 1974, Chapter 686, created the Twenty-Ninth Judicial Circuit which consisted of Bradley County. Circuit Court was to be held on the first Mondays in January, May and September.

### **Criminal Court**

The following acts once pertained to the Bradley County Criminal Court, but are no longer current law.

1. Private Acts of 1925, Chapter 58, created the Criminal Court division of the Fourth Judicial Circuit.
2. Private Acts of 1925, Chapter 105, scheduled the terms of court for the Criminal Courts in Roane County, Loudon County, at Ducktown in Polk County, and in Bradley County where the court would be held commencing on the fourth Monday in January, May, and September instead of those times cited by the act creating the Court.
3. Private Acts of 1927, Chapter 730, provided that all workhouse bonds would be received,

approved, and collected, by the Criminal Court Clerks of the counties of Blount, Bradley, Loudon, McMinn, Monroe, Polk, and Roane. The Clerk had and could exercise all the powers necessary in this regard to the same extent and capacity as others charged with similar responsibilities. This Clerks were accountable for all funds so collected coming into their hands. All bonds to be acceptable must have two good and solvent sureties. The Clerks were allowed a commission of 10% on all sums collected and reported under the terms of this Act which amount they could deduct before filing their report.

4. Public Acts of 1929, Chapter 142, changed the opening dates of the terms of the Circuit Court in Cleveland in Bradley County to the third and fourth Mondays in February, June, and October.
5. Private Acts of 1929, Chapter 720, amended Private Acts of 1927, Chapter 730, above, by requiring the bonds provided for in the 1927 Act to contain language which would pay an attorney 15% for his services in the event it became necessary to place the bonds out for collection, this percentage to be in addition to all other principal, interests, and collection charges.
6. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, the complete turnover of the lower court system in Tennessee, assigned the counties of Roane, Loudon, Blount, McMinn, Polk, Monroe, and Bradley to the Criminal Division of the fourth judicial circuit and set the opening dates of the Court in Cleveland in Bradley County on the third Monday in February, June, and October.
7. Public Acts of 1965, Chapter 188, created the Twenty-Fourth Judicial Circuit, consisting of the counties of Bradley, McMinn, Monroe, and Polk. Criminal Court for the Twenty-Fourth Judicial Circuit was held on the first Mondays in March, July and November for Bradley County.

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

The following acts once affecting Bradley County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1939, Chapter 228, created the position of Criminal Investigator for the Fourth Judicial Circuit who must be a resident of the circuit, an attorney, and over 21 years of age. The Governor would appoint the first Investigator and the Criminal Court Judge would appoint one every two years thereafter. The salary was fixed at \$1,200 per year. This Act was repealed by Chapter 189, Public Acts of 1965.
2. Public Acts of 1955, Chapter 241, provided a criminal investigator for the fourth judicial circuit. This Act was repealed by Chapter 189, Public Acts of 1965.
3. Public Acts of 1965, Chapter 188, allowed the District Attorney General to appoint two persons as Assistant Attorneys General or one Assistant District Attorney General and one Criminal Investigator. Furthermore, the circuit judge and the criminal judge of the 24th judicial circuit were authorized to employ a secretary at a salary not to exceed Three Thousand Dollars per annum.
4. Public Acts of 1967, Chapter 385, created the office of an additional Assistant District Attorney General for the twenty-fourth Judicial Circuit.
5. Public Acts of 1977, Chapter 356, created an additional office of Criminal Investigator for the District Attorney General of the Twenty-fourth Judicial Circuit.

#### **General Sessions Court**

The following act once affected the general sessions court of Bradley County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1959, Chapter 275, amended Chapter 17, Private Acts of 1955, the creative act for General Sessions Court above, by giving authority to the Court to issue search warrants in Section 2, in addition to other powers, and in Section 9 by adding a provision that the Judge of the Court was prohibited from practicing law in any matter wherein the Court of General Sessions had

original, concurrent, or exclusive jurisdiction, or, if the Judge was associated with another Attorney in a like suit, and the prohibition extended to him and to all associated with him in a firm. This Act was rejected and never became an effective law under the Home Rule Amendment to the State Constitution.

#### **Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1963, Chapter 231 created the office of Secretary to the Judge of the Fourth Judicial Circuit of which Bradley County was then part of. The Secretary was to receive \$2,400 per year as compensation.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 2002 Chapter 163

WHEREAS, currently three, inconsistent, private acts have been enacted relative to the Bradley County Board of Education; and

WHEREAS, one act addresses vacancies only, and two of the acts establish different sizes for the board, one of which was enacted based on county population rather than specifically naming the county; and

WHEREAS, the two private acts which establish the size of the boards are inconsistent with Tennessee Code Annotated, Section 49-2-201, which requires that county boards of education be elected from districts of substantially equal population for four-year staggered terms of office; and

WHEREAS, although the private acts are inconsistent with the general law, the members of the Bradley County Board of Education are presently elected from districts of substantially equal population to staggered four (4) year terms in compliance with Tennessee Code Annotated, Section 49-2-201; and

WHEREAS, the current private acts should be repealed and a new private act enacted which complies with general law; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**SECTION 1.** Chapter 324 of the private acts of 1959; Chapter 255 of the Private Acts of 1961 and Chapter 269 of the Private Acts of 1976; and any other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Bradley County shall be divided into seven (7) school districts of substantially equal population, which shall be coextensive with the county legislative body districts established by resolution of the county legislative body from time to time.

**SECTION 3.** The Bradley County Board of Education (the "Board") shall consist of seven (7) members, with one member of the Board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that the terms of approximately one-half (½) of the members expire every two (2) years. Persons elected in the regular August general election shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified. No board member's term shall be cut short as a result of the enactment of this act.

**SECTION 4.** At the August 2002 election, Board members shall be elected to serve Districts 2, 4 and 6; and at the August 2004 election, Board members shall be elected to serve Districts 1, 3, 5 and 7.

**SECTION 5.** The Bradley County Board of Education shall have the same powers duties, privileges and qualifications as the Board of Education established pursuant to Tennessee Code Annotated, Title 49.

Further the provisions of Section 49-2-201 relative to vacancies shall also apply with respect to members of the Bradley County Board of Education.

**SECTION 6.** 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 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Bradley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Bradley County and certified to the secretary of state.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.

Passed: June 27, 2002.

## Textbooks

### Private Acts of 1949 Chapter 912

**SECTION 1.** That the County Board of Education of Bradley County, the Superintendent of Schools of said County, and the Quarterly County Court of said County be and they are hereby authorized and directed to purchase and loan, without charge, to all students in the elementary and high schools of Bradley County, and all special and municipal school districts within said County, all textbooks prescribed in the respective courses of study in said schools by the regulations of the Department of Education of the State of Tennessee, as now provided for by the general statutes of the State, and as may be legally adopted and selected by the local school authorities; subject, however, to the further provisions of this Act.

**COMPILER'S NOTE:** See Tennessee Code Annotated §49-6-2201 et seq., for state statutes governing school textbook purchases, etc.

**SECTION 2.** That the County Board of Education and the Superintendent of Schools of said County shall set up a program by which the objective of this Act shall be attained substantially as follows:

In the first and second grades by the opening of the Fall term, 1950;

In the third grade by the Fall term, 1951;

In the fourth grade by the Fall term, 1952;

In the fifth grade by the Fall term, 1953;

In the sixth grade by the Fall term, 1954;

In the seventh grade by the Fall term, 1955;

In the eighth grade by the Fall term, 1956.

The County Board of Education and the Superintendent of Schools shall, annually, cause to be prepared, a statement showing the estimated cost of furnishing textbooks for the current year under the program above set out, and also showing the estimated contribution or payment thereon from the State of Tennessee under existing laws. Such statement shall be transmitted to the County Judge or Chairman of the Quarterly County Court of said County, and by him transmitted to the Quarterly County Court for its consideration in making a levy of taxes at the time heretofore fixed by statute.

**SECTION 3.** That it shall be the duty of the Quarterly Court of Bradley County, beginning with April, 1950, term of said Court, and annually thereafter, to appropriate sufficient funds to supplement the funds made available by the State for textbooks, and as may be necessary to effectuate the purposes of this Act; but it is not required that a new or additional tax be levied and collected if sufficient funds are made available from existing levies or funds.

**SECTION 4.** That the Board of Education of said County shall make and publish rules and regulations incident to the care and custody of all books loaned to students under the provisions hereof; and it may require a deposit of the cost of any book, such deposit to be returned to the person making same when books have been returned in good condition, subject only to reasonable wear and tear.

**SECTION 5.** That this Act shall take effect January 1, 1950, the public welfare requiring it.

Passed: April 15, 1949.

# Education/Schools - Historical Notes

## **Board of Education**

The following acts once affected the board of education in Bradley County but are no longer operative.

1. Acts of 1907, Chapter 236, abolished the Office of District Directors and established a Board of Education and District Advisory Boards for every county in the State. The Quarterly Court would divide the county into five, or fewer, Districts, composed of whole civil districts, and appoint a member of the Board of Education from each District, or from the county at large, to serve until the next general election in 1908 when they would be elected by the people. The School Superintendent would be the Secretary to the Board. The duties of the Chairman, the Secretary, and the Board Members were enumerated in the Act. A three member District Advisory Board would be elected by popular vote in each school district. Their duties, responsibilities, and authority were all prescribed in the act. The Act did not apply to any city school system and several counties, not including Bradley, exempted themselves from the operation of the act in Section 17. See Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
2. Private Acts of 1959, Chapter 324, had many terms similar to Chapter 255, Private Acts of 1961, which apparently repealed this Act. Bradley County would have a Board of Education elected by the people but this Act would not abridge the term of any member of the Board now serving, and the Quarterly Court could fill any vacancy which might occur prior to regular election in August, 1960, but the appointee could serve only until the successors were elected. After that, vacancies would be filled by the other members of the Board until the next general election could occur. The Quarterly Court could form the county into seven school districts, one member of the Board to be elected in each district. Three members would be elected in 1960, two more in August, 1962, and two in August, 1964, all for six year terms. The members would be compensated, governed, and regulated by State law, also.
3. Private Acts of 2002, Chapter 163, repealed Private Acts of 1959, Chapter 324, Private Acts of 1961, Chapter 255, and Private Acts of 1976, Chapter 269.

## **Superintendent or Director of Schools**

The act referenced below once affected the office of superintendent of education in Bradley County, but is no longer operative.

1. Private Acts of 1976, Chapter 280, created the office of county superintendent of education for Bradley County, elected for a term of four (4) years by the qualified voters of the county.

## **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Bradley 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 248, incorporated James Berry, John Hardwick, Henry Price, Ezekiel Spriggs, Ezekiel Bates, Nicholas Spring, P. J. G. Lea; and William Grant, as Trustees of the Oak Grove Academy in Cleveland granting to them all the powers incidental to a corporation of an educational institution.
2. Acts of 1847-48, Chapter 80, was the legal authority for the Trustees of the Oak Grove Academy in Bradley County to establish a female department in the Academy for the special education of girls. The department could be located in Cleveland, or at any other site no more than one mile from town. Funds on hand would be divided, and the Trustees were empowered to acquire real property and hold it in the name of the new department of the school. The Act appointed P. J. R. Edwards, William H. Tibbs, J. W. Inman, Isacc Low, J. D. Traner, G. W. Parker, John H. Payne, and Samuel A. Smith, as Trustees of the new addition with all the powers of the other Trustees.
3. Acts of 1849-50, Chapter 158, amended an Act passed on October 26, 1849, entitled an act to appoint a separate Board of Trustees for the male and female department of the Oak Grove Academy in Bradley County, so as to give the County Court the power to appoint at its January term each year the seven Trustees which make up the Board. This Act named as Trustees Gideon

B. Thompson, John D. Trayner, William K. Pickins, Robert S. Stewart, and John M. Cowan for the Male Academy, and J. W. Inman, James A. Ruble, John H. Payne, W. H. Craigmiles, and D. C. Kenner, for the Female Academy.

4. Acts of 1855-56, Chapter 241, allowed the Board of Trustees for the Female Department of the Oak Grove Academy in Bradley County, in order to establish a permanent Female School of a higher caliber and quality in Cleveland to convey to the Cleveland Lodge #134, Free and Accepted Masons, the entire management and control of the school, together with all real and personal property belonging to it. The Lodge was enabled under this law to receive the said properties and funds for the school whose name was changed to the Cleveland Masonic Female Institute, and, in the event the Lodge failed to keep the school going, all the property would revert back to the original source.
5. Acts of 1865, Chapter 28, incorporated the East Tennessee Female College which was located in Cleveland, Tennessee, naming as Trustees, G. B. Thompson, Robert N. Fleming, William Hunt, J. H. Brown, P. M. Craigmiles, J. H. Craigmiles, Thomas H. Colloway, William Cate, Thomas L. Cate, Jonathan C. Tipton, William C. Daily, Hiram Rouglas, Robert Sneed, J. H. Saut, L. P. Gaut, D. P. O'Neil, H. E. Davis, James M. Henderson, Joseph H. Davis, and Isaac Lowe. The corporate succession was 99 years and the powers generally incidental to educational corporate institutions were conferred upon them.
6. Acts of 1868-69, Chapter 54, incorporated for the ensuing 33 years, D. M. Nelson, John F. Rodgers, John D. Trayner, P. M. Craigmiles, J. N. Craigniles, J. K. Chingon, Joseph Tucker, James McGee, T. L. Coate, J. T. Cate, S. C. Hambright, Abe Henry, and S. Beard, as the Bradley County Agricultural and Mechanical Association and bestowed upon them the ordinary and normal powers incidental and essential to the operation and maintenance of such a group.
7. Acts of 1869-70, Chapter 67, recited that in order to advance the interests of education in the City of Cleveland, in Bradley County, the Trustees of the Oak Grove Academy were authorized to convey by deed to the City Public Schools of Cleveland all the lot and improvements of the Academy. The State hereby quitclaimed all its right, title, and interest as the same might appear at any time, and all title to the school and its assets was vested in the Board of Education in Cleveland. See Williamson v. McClain, 147 Tenn. 495, 249 S.W. 812, (1923).
8. Acts of 1869-70, Chapter 83, provided that in consideration of Chapter 241, Acts of 1856, conserving the Oak Grove Female Academy at Cleveland which was permitted to be conveyed to Masonic Lodge #134 in that city, and because the title to the property was burned and lost during the recent war, the State of Tennessee would hereby quitclaim and convey all its right, title, and interest in the said property to Masonic Lodge #134 for the purposes and to the extent herein stated.
9. Acts of 1869-70, Chapter 121, named William Taylor, William Johnston, J. A. Millow, B. L. Johnston, J. J. Millow, E. K. Good, and J. B. Hunt, and their associates, as the incorporators of the Coahulla Academy in the 13th Civil District of Bradley County. The above named trustees would have and could exercise the same power and authority heretofore granted to other school Trustees.
10. Acts of 1885, Chapter 155, was the legal authorization for the present Trustees of the Oak Grove Academy in Cleveland, in Bradley County to sell and convey the same and to invest the proceeds of the sale thereof in the Cleveland High School Building then in the process of being constructed, the funds to be held in that property as they were formerly held in the Oak Grove Academy.
11. Acts of 1895, Chapter 62, formed independent School District Number 24 in Bradley County which included the area described in the law and which also contained the town of Charleston. All the children of school age who resided within the area prescribed in the Act were entitled to all the

privileges and benefits of this law and the school.

12. Acts of 1895, Chapter 121, created a new School District to be known as the Georgetown Academy which was established from portions of Bradley, James, and Meigs Counties, and which included the area described by metes and bounds. This School District would have and enjoy the same rights as all others. The District would have a three member Board of Directors elected from the fragments of the counties making up the District.
13. Acts of 1899, Chapter 98, the contents of which can be found on Page 97 of the 1974 Edition of Bradley County's Private Acts, established a School District in Bradley County embracing the area described in the Act which would be known and numbered as the 25th School District.
14. Private Acts of 1919, Chapter 78, was the enabling legislation for the Quarterly Court of Bradley County to levy a tax of 75 cents per \$100 property valuation, or of any amount less than that, for the purpose of supporting, carrying on, and maintaining the public schools of the county.
15. Private Acts of 1925, Chapter 570, amended Chapter 98, Private Acts of 1919, to provide that the said Act would apply only to grammar and elementary schools in the county and to no others.
16. Private Acts of 1949, Chapter 562, applied to certain employees in the school system in Bradley County and defined certain terms as they were used in the Act. Among other things, the Act stated that no employee could be dismissed, or demoted, except for improper conduct, inefficient service, neglect of duty, or for the general good of the school system, and then only after all the formalities specified in this Act had been closely observed and followed. Regulations were established concerning notice of charges, a hearing wherein witnesses and evidence could be subpoenaed. The decision arrived at must be reduced to writing and the entire record subscribed and certified. Appeals would lie to the Chancery Court of Bradley County. The provisions of this Chapter would apply only to those employees holding certificates from the Commissioner of Education and then only during the life of the certificate. This Act was repealed by the one below.
17. Private Acts of 1951, Chapter 539, repealed Private Acts of 1949, Chapter 562.

## Chapter VII - Elections

### Campaign Materials

#### Private Acts of 1982 Chapter 336

**SECTION 1.** In Bradley County, the distribution and/or display of campaign posters, signs or other campaign materials and the solicitation of votes for or against any person or political party or position on a question, shall be prohibited within the building in which the polling place for voters is located and on any grounds or parking areas surrounding or adjacent to the polling place; or in the alternative, such distribution, display and solicitation shall not be permitted within three hundred (300) feet of the polling place.

**SECTION 2.** The officer of elections shall measure off three hundred (300) feet from the entrances to the building in which the election is to be held and shall place boundary signs at that distance or the officer shall place boundary signs at the edges of the grounds and parking areas of the polling place, whichever is applicable.

**SECTION 3.** This act shall have no effect unless it is approved by a majority of the number of qualified voters of Bradley County voting in an election on the question of whether or not the act should be approved. The ballots used in the regular August election to be held on August 5, 1982 shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval

or rejection of this act. The cost of the elections shall be paid by Bradley County.

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

Passed: April 6, 1982.

## Civil Districts

### Acts of 1905 Chapter 475

**COMPILER'S NOTE:** This Act has been amended by Private Acts of 1917, Chapter 652.

**SECTION 1.** That the Second, Third, Fourth, Fifth, Sixth, Eighth, Tenth, Eleventh, Twelfth, and Thirteenth Civil Districts of Bradley County, Tennessee, as the same have heretofore and up to this time been constituted and exist, be, and the same are hereby, abolished.

**SECTION 2.** That the territory heretofore and up to this time embraced in the Second, Third, Fourth, Fifth, and Thirteenth Civil Districts of said county, and all of that territory heretofore and up to this time embraced in the Sixth Civil District of said county, and lying east of a line beginning on the west line of the county road or pike, known as the Spring Place Road or Pike, where said pike crosses the north line of the present Fifth Civil District of said county, and running thence in a northwesterly direction with the west line of said pike to the east line of the corporation of the City of Cleveland, Tennessee; thence in a northerly direction with the east line of said corporation, to the street or road known as the extension of George Street; thence east with the north line of George Street, to the public road, known as the Chatata Road or pike; thence in a northerly direction with the west line of said Chatata Pike across the Southern Railway Company's track and right of way, near the old plant of the Cleveland Fire Brick Company, and continuing thence along the west line of said road or pike, to where said road or pike crosses the track and right of way of the Southern Railway Company, on the farm of the F. A. Frazier; and thence with the east line of the right of way of the Southern Railway Company, in a northerly direction to the south line of the present Seventh Civil District of said county, be, and the same is hereby, attached to what has heretofore and up to this time been the First Civil District of said county, and that the said combined territory be hereafter known and denominated the First Civil District of said county; that all of that part of the territory heretofore and up to this time embraced in the Sixth Civil District of said county, and lying west of the line above described, shall hereafter constitute and be known and denominated the Fourth Civil District of said county; that the territory heretofore and up to this time embraced in the Tenth, Eleventh, and Twelfth Civil Districts of said county, be, and the same is hereby, attached to what was heretofore and up to this time been the Ninth Civil District of said county, and that the said combined territory be hereafter known and denominated the Second Civil District of said county; that the territory heretofore and up to this time embraced in the Eighth Civil District of said county be, and the same is hereby, attached to what has heretofore and up to this time been the Seventh Civil District of said county, and that the said combined territory be hereafter known and denominated the Third Civil District of said county.

**SECTION 3.** [This section was deleted by Chapter 764, Private Acts of 1917].

**SECTION 4.** That the officers of Justices of the Peace and all other district officers, except School Directors in the districts hereby abolished, shall cease to exist.

**SECTION 5.** That the School Districts of said county, as at present constituted and established, shall not be changed or affected by the provisions of this Act.

**SECTION 6.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed; and that this Act take effect from and after the general election on the first Thursday of August of 1906, the public welfare requiring it.

Passed: April 13, 1905.

### Acts of 1917 Chapter 652

**COMPILER'S NOTE:** The caption of this Act states that the Act amends Private Acts of 1905, Chapter 475.

**SECTION 1.** That the territory of the First Civil District of Bradley County, being and lying inside the corporate limits of the City of Cleveland, Tenn., be and the same is hereby detached from the First Civil District of said county and attached to the Fourth Civil District of said county.



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

Passed: March 21, 1917.

## Elections - Historical Notes

### **Districts Reapportionment**

The acts listed below have affected the civil districts in Bradley County, but are no longer operative regarding elections. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1835-36, Chapter 1, required the General Assembly to adopt a Resolution which would name Commissioners charged with the responsibility of laying off their county into the number of civil districts as determined by the population of the county. This Act was passed after the adoption of the new State Constitution.
2. Resolution #6, was properly adopted in compliance with the terms of the Act set out above in Item One. William H. Biggs, Ezekiel Spriggs, William Smedley, Isaac W. Brazelton, and Samuel Mahan, were appointed as commissioners to lay off Bradley County into eight Civil Districts, under the same rules and regulations applicable to all the other counties.
3. Private Acts of 1903, Chapter 326, abolished the 14th Civil District in Bradley County, placing all the area embraced in that civil district into the 6th Civil District. The positions of Justice of the Peace and Constable which existed in the District were likewise abolished, the Justice being required to surrender all the records and books to the Justices of the 6th Civil District. All the elections in the Sixth Civil District would hereafter be held at the courthouse in Cleveland.
4. Private Acts of 1943, Chapter 17, abolished the four Civil Districts of Bradley County and established two in their stead. The First Civil District consisted of all that area of the County outside of the City of Cleveland and the Second Civil District was made up of the area within the City of Cleveland. The First Civil District would have two Justices of the Peace and a Constable while the Second Civil District was allowed three Justices of the Peace and two Constables. After the effective date of this Act, all other positions of Justice and Constable were abolished. Named in the Act to serve until the general August elections in 1944 could produce their successors to take office on September 1, 1944, were John D. Bowman and Alfton Mackey, as Justices, and Will Runions, as Constable, in the First Civil District, and J. D. Morelock, Lon Brock, and John A. Million, as Justices, and Charlie Smith and Wayne Samples, as Constables, in the Second Civil District. This Act was repealed for all practical purposes by the one following.
5. Private Acts of 1947, Chapter 90, reestablished the four Civil Districts of Bradley County as they existed prior to January 8, 1943, and abolished the two Civil Districts which were provided under the 1943 Act above. The proper number of Justices of the Peace and Constables would be elected in the Districts at any election to be held in 1948. This Act was not intended to affect any school, or taxing district, or the terms of any Justice of the Peace, or Constable, but was intended to restore the four Civil Districts of Bradley county as they existed prior to the 1943 Act.

### **Elections**

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

1. Acts of 1842, Chapter 1, apportioned the General Assembly of Tennessee into 25 State Senatorial Districts and 50 State Representative Districts for the first time. The Seventh State Senatorial District was made up of the counties of Monroe, McMinn, Polk, and Bradley, while Bradley County would elect one Representative alone.
2. Acts of 1842, Chapter 7, established eleven U. S. Congressional Districts in the State and assigned the Counties of Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton,

and Marion to the Third U. S. Congressional District.

3. Acts of 1851-52, Chapter 196, set up ten U. S. Congressional Districts in the State. The Third District was made up of the Counties of Blount, Monroe, Polk, McMinn, Meigs, Rhea, Bledsoe, Bradley, Hamilton, Marion, and Roane.
4. Acts of 1851-52, Chapter 197, stated that Bradley County would elect one State Representative alone, and would share a State Senator with the Counties of Rhea, Bledsoe, Hamilton, and Marion.
5. Acts of 1865, Chapter 34, was a post Civil War Act which divided Tennessee into eight U. S. Congressional Districts of which the Second U. S. Congressional District contained the Counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane.
6. Acts of 1869-70, Chapter 105, was the legal authority to hold a referendum election across the State on the question of calling a constitutional convention consisting of 75 delegates from the Representative and Senatorial Districts of the State to change, alter, revise, or rewrite the present State Constitution. If approved by the voters, the Convention would meet in Nashville on the second Monday in January, 1870.
7. Acts of 1871, Chapter 146, apportioned the representation in the General Assembly of the State based upon the 1870 census and the new Constitution. Polk County and Bradley County would jointly elect one of the 50 Representatives and the Sixth State Senatorial District included the Counties of Loudon, Monroe, McMinn, Meigs, Bradley and Polk.
8. Acts of 1872, Chapter 7, divided Tennessee into nine U. S. Congressional Districts. The Third U. S. Congressional District was made up of the Counties of Blount, Loudon, Roane, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren, and Warren.
9. Acts of 1873, Chapter 27, established ten U. S. Congressional Districts in the State composed of whole Counties. The Third Congressional District consisted of the Counties of Polk, McMinn, Meigs, Rhea, Bradley, James, Hamilton, Marion, Grundy, Sequatchie, Bledsoe, Van Buren, White, Warren, DeKalb, Cannon, and Cumberland.
10. Acts of 1881 (Ex. Sess.), Chapter 5, permanently fixed the number of Senators in the State General Assembly at 33 and the number of Representatives at 99.
11. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the State Legislature to conform to the new law regulating its composition. Bradley County and Polk County would share one Representative under the new quotas and Bradley County would join Polk County, Meigs County, McMinn County, and James County in constituting the Seventh State Senatorial District.
12. Acts of 1882, Chapter 27, established ten U. S. Congressional Districts in Tennessee, allocating the Counties of Monroe, Polk, Bradley, Hamilton, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White, and Warren to the Third Congressional District.
13. Acts of 1883, Chapter 237, amended Chapter 27, Acts of 1882 so as to include within the Third Congressional District only the Counties of Monroe, Polk, Bradley, Hamilton, Meigs, Cumberland, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White, and Warren.
14. Acts of 1891, Chapter 131, did some re-arranging of the counties in the ten U. S. Congressional Districts of the State. The Third District included the counties of Monroe, Polk, Bradley, Hamilton, James, McMinn, Bledsoe, Grundy, Van Buren, White, Warren, Franklin, Marion, and Meigs.
15. Acts of 1891 (Ex. Sess.), Chapter 10, reorganized the representation in the State Legislature. Bradley County would elect one State Representative alone, and share a State Senator with the Counties of Monroe, McMinn, Polk, and James in the Seventh State Senatorial District.

16. Acts of 1901, Chapter 109, assigned Bradley County to the Third U.S. Congressional District out of the ten specified by the Act. Other Counties in the District were Monroe, Polk, McMinn, Meigs, James, Hamilton, Marion, Sequatchie, Bledsoe, Van Buren, Grundy, White, Warren and Franklin.
17. Acts of 1901, Chapter 122, rearranged the representation in the General Assembly of the State. The Seventh State Senatorial District was composed of Anderson, Roane, McMinn, Bradley, and James Counties. The Counties of Polk, Bradley, and James would share a Representative. Over 60 years would pass before the General Assembly would be reapportioned.
18. Private Acts of 1913, Chapter 283, stated that no registration of voters was required to exercise their franchise at the precinct nearest them. This Act would not apply to incorporated cities, nor would the registration of voters be a prerequisite to voting in any election, State, County, or City.
19. Private Acts of 1917, Chapter 370, amended Chapter 17, Acts of 1897, by inserting population figures which made that Act applicable to Bradley County. The amended act referred to the number of permissible civil districts in a County and the required population of the District.
20. Private Acts of 1959, Chapter 272, which was properly ratified by the Quarterly Court, was the authority for the election officials to pay the election officers and others holding elections the sum of \$8.00 per day and, further, to see that polling places were kept open from 9:00 a.m. until 5:00 p.m.

## Chapter VIII - Health

### Hospitals

#### Private Acts of 1947 Chapter 846

**SECTION 1.** That the County of Bradley, in the State of Tennessee, by and through its Quarterly Court, upon the approval of a majority of the qualified voters of said County, as of the last general election, be and the same is hereby authorized to issue not to exceed Four Hundred Thousand (\$400,000.00) Dollars coupon bonds, maturing not later than thirty (30) years from date, bearing interest at the rate of not to exceed three and one-half (3½%) per cent per annum, payable semi-annually, for the purpose of acquiring a necessary site or location for a hospital, and for equipping said hospital to be built in or near Cleveland, in Bradley County, Tennessee, provided, that the County Election Commissioners shall have held an election in the County, properly advertised as hereinafter provided, to ascertain the will of the people as to the issuing and selling of said bonds, and that a majority of the votes cast favor the issuance and sale of said bonds.

**SECTION 2.** That said bonds shall be denominated "Bradley County Hospital Bonds", and these shall be in the denomination of not more than One Thousand (\$1,000.00) Dollars each and be signed by the County Clerk of said County, and countersigned by the Chairman of the County Court for said County, and have the County Seal affixed thereto, and be numbered in the order of the issuance.

Said bonds, when issued in conformity with this Act, shall be direct general obligations of Bradley County, for the payment of which, with interest, well and truly to be made the full faith and credit and all the taxing power of the County shall be irrevocably pledged; and said bonds shall recite in their face, in addition to other recitals, that all things necessary to happen, to exist and to be performed have happened, do exist and have been performed agreeable to this Act and to the Constitution and general laws of the State. Said bonds, when issued, shall not be subject to taxation by the State of Tennessee or by any County or Municipality thereof.

**SECTION 3.** That said bonds shall be sold by the County Judge of the Bradley County Court, in conjunction with the Chairman of the Board of Directors of the said hospital, for the best price obtainable, at public sale, after advertising in a reputable financial journal.

**SECTION 4.** That the Board of Directors of said hospital shall have the right to determine the location at which the hospital building shall be built and the kind and character thereof, and it shall be the duty of the

said Hospital Board of Directors to notify the County Court its decision in the matter of such location, which shall be final as to the location of said hospital, together with the approximate cost of the erection of said building, and it shall then be the duty of the County Court to order the sale and issuance of bonds for such purpose not to exceed Four Hundred Thousand (\$400,000.00) Dollars as herein provided.

**SECTION 5.** That the proceeds of the sale of said funds be paid over direct to the County Trustee, and he shall keep said funds separate from all other funds.

**SECTION 6.** That the proceeds of the sale of said bonds shall be used in the purchase of the necessary site, erection, construction, and equipment of such hospital building, so determined and located by the Board of Directors of said hospital and to improve the grounds thereon.

**SECTION 7.** That the said Board of Directors shall have full charge of the expenditures of said funds, arising from the sale of the bonds as herein provided, and said Directors shall secure plans and specifications and advertise for sealed bids, and shall give contract for the erection of said building to the lowest responsible bidder; said Board of Directors shall have the right to reject any and all bids and re-advertise.

**SECTION 8.** That it shall be the duty of the Quarterly County Court of Bradley County annually to levy and provide for the collection of a sufficient tax on all the taxable property in the County, over and above all other taxes authorized and limited by law, for the purpose of creating a sinking fund to pay the interest on said bonds as the same falls due and to retire said bonds as they mature.

**SECTION 9.** That all money shall be paid by the Trustee of said County, on warrants signed by the Chairman and Secretary of the Board of Hospital Directors of said hospital, and countersigned by the County Judge of Bradley County.

**SECTION 10.** That it shall be the duty of the County Election Commissioners of Bradley County, Tennessee, to call and hold an election at a date fixed by them after a petition has been signed by them requesting said election by at least fifty (50) qualified voters of Bradley County, Tennessee, and in the event the bond issue fails to carry, a new election can be had after 12 months has elapsed, provided, a similar petition has been presented said Election Commissioners asking them to call another election under this Act. Said election to be called after giving due notice thereof at least 20 days before said election by publication in a newspaper, published in Bradley County, Tennessee, to allow the qualified voters of said County to vote on the question of the issuance and sale of said bonds and they shall certify the result of said election to the next succeeding, regular, or special called session of the County Court of Bradley County, Tennessee, and as a majority of the voters voting in said election shall vote in the favor and issuance of sale of said bonds, the Judge of Bradley County, in conjunction with the Chairman of the Board of Hospital Directors, and the Clerk of the County Court of Bradley County, will be authorized to proceed to issue and sell said bonds, as herein provided.

**SECTION 11.** That the said County Election Commissioners shall designate the kind of ballot to be used in said election, and there shall be prescribed thereon, the following: "For the sale of Hospital Bonds" and "Against the sale of said Hospital Bonds", and those desiring to vote for sale of said bonds shall mark a cross mark (X) opposite the words "For the sale of Hospital Bonds" and those desiring to vote against the sale of said bonds shall mark a cross mark (X) opposite the words "Against the sale of said bonds".

**SECTION 12.** That the Board of Directors for the Bradley County Memorial Hospital shall consist of seven (7) persons.

The terms of the two (2) incumbent members of the Board of Directors appointed by the Quarterly County Court in 1973 shall expire on the first Monday of October, 1979. The terms of the two (2) incumbent members of the Board appointed by the City Commissioners of the City of Cleveland shall expire on the first Monday of October, 1981. The term of the incumbent member of the Board appointed by the Bradley County Medical Society shall expire on the first Monday of October, 1977. The successors of the incumbent members shall be elected for a four (4) year term. The member of the Board who has heretofore been appointed by the Bradley County Medical Society shall hereafter be appointed by the medical staff of Bradley County Memorial Hospital and shall be a member in good standing of that medical staff.

The Quarterly County Court of Bradley County at its September session, 1976, shall elect two (2) additional members of said Board. One such member shall serve for an initial period of two (2) years or until his successor is elected and qualified and one such member shall serve for an initial period of four (4) years or until his successor is elected and qualified. If within thirty (30) days of August 1, 1976, any municipality in Bradley County agrees to contract with the county for a period not less than the term of office for such new member of the Board of Directors to assume the obligation of providing during the first year not less than twenty-five percent (25%) of any public subsidy required from the local governments for the operation of the hospital, excluding any capital outlay costs, then such municipality shall be

entitled to appoint one (1) of the additional members. Such contract shall provide for an increase of five percent (5%) of such obligation for such municipality for each year of such term but the amount shall not exceed forty percent (40%). The Quarterly County Court of Bradley County shall appoint the other new member. If at any time such contract is terminated by the municipality, there shall be created a vacancy in such membership to be filled by the Quarterly County Court for the remainder of the unexpired term. After their initial terms, the Directors shall be elected to serve for four (4) year terms or until their successors are elected and qualified with the terms being from the first Monday of October as the respective terms expire.

Any vacancy in the membership of the Board of Directors shall be filled by the election of a person to complete the unexpired term of the vacated member.

These elections shall all be certified to the County Court Clerk of Bradley County. When such certification is received by the Clerk, he will notify the person elected to appear at the office of the Clerk to take an oath before him. The oath shall be to the effect that he shall support the Constitutions of the United States and the State of Tennessee and fairly, impartially and faith-fully discharge his duties as a member of the Board of Directors, which oath shall be subscribed and filed in the office of the County Court Clerk.

As amended by: Private Acts of 1976, Chapter 291  
Private Acts of 1989, Chapter 46  
Private Acts of 1993, Chapter 22

**SECTION 13.** That the said Board of Directors shall receive no compensation for their services but may be paid their necessary expenses incurred in the proper discharge of their duties as members of the Board.

It will be the duty of the Directors to hold a meeting at least once a month at some place designated by them. They shall elect from their members a Chairman and Secretary and keep regular minutes of their actions.

The Board of Directors shall have the authority to acquire or lease real property, equipment and other personal property related to the business and affairs of the hospital, including medical office buildings, parking structures, real property, buildings and other facilities determined by the board to be appropriate for the operation of the hospital and the provision of health care services. All property acquired by the board shall be acquired subject to the approval of the county legislative body and shall be held and owned in the same manner as the original property conveyed for establishment of the Bradley County Memorial Hospital under Chapter 846 of the Private Acts of 1947, as subsequently amended. The board shall have the authority to make health care services available through any of the various modalities of care requiring licensure under Title 68, Tennessee Code Annotated, or for which reimbursement may be sought under federal medicare or state medicaid programs. In making such health care services available, the board shall be authorized to construct buildings and other facilities, to purchase equipment and supplies, to enter into contracts or arrangements, and to create subsidiary corporations organized under the Tennessee Nonprofit Corporations Act for the purpose of carrying out the activities permitted hereunder. No real property shall be transferred to another person or entity without the affirmative vote of two-thirds (2/3) of the board of directors. If Bradley County Memorial Hospital is sold or otherwise transferred to a new owner, then the board of directors shall cease to function and the board of directors shall be terminated, such cessation and termination to be effective upon the adoption by the county commission of Bradley County of a resolution declaring that the board of directors has completed all acts necessary to wind up the affairs of Bradley County Memorial Hospital. Upon cessation and termination of the board of directors in accordance with the provisions of this section, the members of the board of directors shall be fully discharged of all of their rights, powers, duties and obligations with regard to Bradley County Memorial Hospital.

As amended by: Private Acts of 1992, Chapter 208  
Private Acts of 2007, Chapter 7

**SECTION 14.** That on the first day of June and January of each and every year hereinafter, such profits or funds that are in the hands of the Board of Directors after retaining such amount as they may deem necessary or advisable for working capital will be delivered over to the Trustee of Bradley County and take his receipt therefor, and said funds will be used to apply on the retirement of the bonds sold under this Act.

As amended by: Private Acts of 1953, Chapter 197

**SECTION 15.** That should any part of this Act be declared unconstitutional, the remainder thereof shall be valid.

**SECTION 16.** 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: March 13, 1947.

**COMPILER'S NOTE:** The constitutionality of this Act was upheld by the Supreme Court in Carter v. Beeler, 188 Tenn. 838, 219 S.W.2d 195 (1949).

## Private Acts of 1953 Chapter 197

**SECTION 1.** That the Bradley County Memorial Hospital heretofore established under the provisions of Chapter 846 of the Private Acts of 1947 and with State and Federal funds under the provisions of Federal Law known as the "Hill-Burton Act", shall be operated by the Board of Directors, appointed, elected, or chosen under the provisions of said Chapter 846, who shall be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of said hospital. Said authority and responsibility shall include, but shall not be limited to, the establishment, promulgation and enforcement of rules, regulations, and policies, the upkeep and maintenance of all property, the administration of all financial affairs, the maintenance of separate banking arrangements, the execution of all contracts, the purchase of supplies and equipment, and the employment, supervision, compensation and discharge of all personnel including a Hospital Administrator.

**SECTION 2.** That the Board of Directors or Trustees of the Bradley County Memorial Hospital shall prepare and submit to the County Judge of Bradley County who shall present the same to the Quarterly County Court, a summary report of the operations of said hospital for each six month period.

**SECTION 3.** That the Board of Directors shall cause an audit to be made annually of the books and records of said hospital by a Certified Public Accountant and reports of said audit, properly certified, shall be delivered to the County Judge who shall present the same to the Quarterly County Court.

**SECTION 4.** That the Board of Directors is expressly authorized and directed to equip the Bradley County Memorial Hospital with a fund of working capital out of the moneys available for equipping said hospital in such amount as they may deem necessary and advisable and sufficient to meet the requirements and recommendations of the State and Federal Authorities administering the aid received under the "Hill-Burton Act"; and the Trustee of Bradley County shall pay over to the Board of Directors such working capital fund upon a warrant drawn in the amount fixed by said Board of Directors, which warrant shall be signed by the Chairman and Secretary of the Board of Hospital Directors and shall be countersigned when presented to him by the County Judge of Bradley County.

**SECTION 5.** That Section 14, Chapter 846, Private Acts of 1947, is hereby amended to insert after the word "Directors", the words, "after retaining such amount as they may deem necessary or advisable for working capital" so that the same shall provide for the retention of working capital out of such profits or funds that are in the hands of the Board of Directors, before the payment over the excess of such profits and funds over the amount necessary or advisable for operating capital, to the Trustee of Bradley County.

**COMPILER'S NOTE:** These provisions have been included in the Private Acts of 1947, Chapter 846, published herein on the preceding pages.

**SECTION 6.** That should any part of this Act be declared unconstitutional, the remainder thereof shall be valid.

**SECTION 7.** 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: March 18, 1953.

## Health - Historical Notes

### Health

The following summaries are included herein for reference purposes.

1. Private Acts of 1917, Chapter 653, amended Chapter 85, Public Acts of 1915, Section 12, which regulated the practice of optometry within the State so as to make the terms of that Act inapplicable to Bradley County.
2. Private Acts of 1975, Chapter 155, which was rejected by the Quarterly Court of Bradley County and therefore never became an effective law, would have amended Chapter 846, Private Acts of 1947, published herein, by rewriting Section 12 of the Act to provide for a five member Board of Directors for the Bradley County Memorial Hospital. The Quarterly Court of the County would select two of the Directors at its September meeting in 1975, and would choose two more

Directors at the September meeting of the Court in 1977. The Bradley County Medical Society would select one member prior to October, 1975. All members were to serve four year terms. The elections, or appointments, of the Directors would be certified by the County Court Clerk and no one who derived as much as 5% of their total income, or as much as \$1,000 of their gross income would be eligible to serve as a member of the hospital Board of Directors.

3. Private Acts of 1980, Chapter 321, regulated mobile homes, mobile home parks, travel trailers, and travel trailer parks in Bradley County.
4. Private Acts of 1984, Chapter 244, regulated in Bradley County, exclusive of incorporated areas, mobile homes, mobile home parks and travel trailer parks and to repeal Chapter 321 of the Private Acts of 1980.
5. Private Acts of 1988, Chapter 144, made it unlawful to carry or haul trash or garbage into Bradley County for the purpose of disposing in a landfill owned by Bradley County or in public garbage receptacles owned or provided by Bradley County. Any person violating the provisions of this act were subject to a civil penalty of \$250. This act was repealed by Private Acts of 2000, Chapter 77.
6. Private Acts of 1990, Chapter 215, repealed Chapter 244 of the Private Acts of 1984 relative to mobile homes in Bradley County.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1947 Chapter 354

**SECTION 1.** That in all Counties having a population of not less than twenty-eight thousand four hundred ninety-eight (28,498) and not more than twenty-eight thousand five hundred three (28,503), according to the Federal Census of 1940, or any subsequent Federal Census, there shall be, and is hereby created, the office of "Pike Road Superintendent." The Pike Road Superintendent shall be elected for a term of four years at the August 1958 election in said counties and biennially thereafter at the August General Election, and, in case of vacancy in said office, the Judge or Chairman of the County Court shall fill said vacancy by appointment until the next quarterly session of the County Court thereafter, at which time the County Court shall elect a Pike Road Superintendent to fill out the unexpired term. The said Pike Road Superintendent shall be a person competent and experienced in the building and maintenance of roads. The said Pike Road Superintendent shall be paid a salary of six thousand five hundred dollars (\$6,500.00) per annum, and in addition shall be allowed the sum of fifteen hundred dollars (\$1,500.00) per annum for necessary expenses, including travel expenses, such expense allowance to be in lieu of any and all other expenses now being paid such official. Provided, however, that from and after the election of such official on the first Monday in September, 1966, the compensation of such Pike Road Superintendent be and the same is hereby fixed at the sum of eight thousand two hundred fifty dollars (\$8,250.00) per annum to be paid out of the general fund of such counties on warrants issued by the County Judge or Chairman thereof, payable in equal monthly installments to such Superintendent and such salary, when it becomes effective shall be in lieu of any and all compensation for said official including the expense allowance heretofore provided therefor. Provided further that the Quarterly County Court of Bradley County by a vote of two-thirds (2/3) of the members to which the body is entitled, may increase the salary of the Pike Road Superintendent, as provided in this Act, to an amount not to exceed the compensation of the Trustee of Bradley County to be paid out of the general fund of Bradley County, as heretofore provided in this section. The said Pike Road Superintendent shall devote his entire time to the duties imposed upon him by this Act, and shall have personal charge and supervision of the construction, maintenance, improvement and repair of the pike roads of said County; and the County Court may, from time to time, designate any or all other roads of the County to be improved and to thereafter be under the control and supervision of said Pike Road Superintendent. It shall be the duty of said Pike Road Superintendent to personally visit and examine the aforesaid roads coming under his supervision at least once each month; and he shall direct and look after the proper maintenance of the same, and see that said roads are kept in

proper repair. The said Pike Road Superintendent shall have charge and control of all the County road machinery, tools and equipment now owned or that may hereafter be owned by said County. The said Pike Road Superintendent shall have an office in the Courthouse of said County to be furnished by the County Court, in which he shall keep all the records of his office, and he shall be in his office on the second and fourth Saturdays of each month for the purpose of transacting any business relative to the affairs of his office. The Pike Road Superintendent shall keep in a well-bound book or books an itemized list of all County pike road machinery, tools and equipment coming into his hands and under his control; and shall keep in said book or books a correct and detailed account of all transactions; showing all receipts and disbursements in detail, and all amounts paid out and to whom and on what account paid out; and he shall make quarterly reports to the County Court of said County showing in detail all the road work done and all receipts and disbursements, and said reports shall be copied in full on the records of said County Court. Said Pike Superintendent shall make such additional reports from time to time as directed by said County Court. The Pike Road Superintendent shall, within ten days after his election and before qualifying for his office, file with the County Court Clerk a good and solvent bond in the sum of Fifteen Thousand (\$15,000.00) Dollars executed by some corporate surety company authorized to issue such bonds in this state, and said bond to be payable to the State of Tennessee for the use and benefit of the County and conditioned on the faithful and efficient performance of the duties of the office of Pike Road Superintendent, and the proper accounting for all monies and other County property coming into his hands, and the keeping of all records of his office. Such bonds shall be approved by the Judge or Chairman of the County Court. And he shall be approved by the Judge or Chairman of the County Court, and the premium thereon shall be paid from the Road Funds of said County. And he shall also take and subscribe to an oath to faithfully and impartially perform all the duties of his office to the best of his skill and ability, which bond and oath shall be filed in the office of the County Court Clerk.

As amended by:

Private Acts of 1949, Chapter 207

Private Acts of 1951, Chapter 474

Private Acts of 1965, Chapter 261

Private Acts of 1969, Chapter 76

Private Acts of 1971, Chapter 138

**SECTION 2.** That said Pike Road Superintendent shall have the control of the expenditure of all funds obtained or collected for the construction, maintenance, improvement or repair of said pike roads, including the proceeds of all bonds sold and taxes collected for this purpose; and he is hereby authorized and empowered to employ one or more foremen to work under his direction and orders, and all other employees and laborers needed in the prosecution of said work from time to time at the wages usually paid by private parties for similar work; and he shall have the power to purchase or hire the necessary tools, equipment, and machinery for working said pike roads, or contract for the repair of any such machinery or equipment. Under the direction of the County Court he may enter into contracts for the improvement, construction or repair of all or any part of the roads under his supervision. All pike road funds obtained from taxation, proceeds of bonds sold, or other sources, shall be collected and paid out by the Trustee of each county coming under the provisions of this Act on the warrant of the Pike Road Superintendent. The Pike Road Superintendent shall not contract for, or draw out, any of the road funds of the County for more than the assessment of the year and any surplus that may be left from previous years; and shall not create or contract any indebtedness, without the approval of the County Court, to be paid out of the road funds of subsequent years.

As amended by:

Private Acts of 1949, Chapter 207

Private Acts of 1989, Chapter 118

**SECTION 3.** That said Pike Road Superintendent, provided for in this Act, shall have charge and supervision of the workhouse and all prisoners confined therein, in each County coming under the provisions of this Act, and he is authorized and vested with the power to employ necessary guards to formulate any and all rules for the regulation of the workhouse and working of prisoners therein, and it shall be his duty to work all prisoners confined in the workhouse of said County upon the pike roads under his direction and control.

**SECTION 4.** [Deleted by Chapter 207, Private Acts of 1949].

**SECTION 5.** That the County Court of each County coming under the provisions of this Act be, and is hereby authorized and empowered to levy and collect annually, in addition to the taxes already authorized by law, a special tax to not exceed Twenty-Five (\$0.25) Cents on each One Hundred (\$100.00) Dollars of taxable property in said County, to be known as the "Pike Road Tax" and to be applied exclusively to the maintenance, improvement and repair of the pike roads of said County, under the control and authority of said Pike Road Superintendent.

**SECTION 6.** That all Acts, or parts of Acts, in conflict with this Act be, and the same are, hereby repealed.



**SECTION 7.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts, or any wording is held to be unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted if such unconstitutional or void matter had not been included herein.

**SECTION 8.** That this Act take effect from and after September 1, 1948, the public welfare requiring it.  
Passed: February 19, 1947.

## Excavation Permits

### Private Acts of 1971 Chapter 139

**SECTION 1.** It is unlawful for any person to perform any type of construction or excavation in the right-of-way of any county road of Bradley County or to make an entrance, remove, injure, damage, or destroy the pavement, curbs, gutters, sidewalks or any other improvements of any county road of Bradley County without a permit issued by the Road Superintendent of Bradley County. As used in this act, "county road" means any highway, street, road, alley or other public way under the authority of the Road Superintendent and highway department of Bradley County. "Person" means any person, firm, corporation, municipality or public utility.

**SECTION 2.** The County Road Superintendent of Bradley County shall make reasonable rules and regulations governing the issuance of permits and shall require a surety bond or cash deposit in an amount sufficient to insure the satisfactory repair of the road to its previous condition before the issuance of a permit to work in the right-of-way of such road. Such bond or cash deposit shall not be released by the Road Superintendent until the county road or right-of-way has been repaired to its previous condition.

**SECTION 3.** The Road Superintendent of Bradley County may enter into an agreement with such permit holder for the Bradley County Highway Department to repair the road or its right-of-way but such permit holder shall pay all costs for such repairs. The County Road Superintendent shall require a cash deposit in an amount sufficient to pay for the costs of repairs at the time such agreement is made.

**SECTION 4.** Upon conviction of a violation of this Act, a person shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1000.00).

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the quarterly county court of Bradley County before September 30, 1971. Its approval or non-approval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the secretary of state.

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

Passed: May 12, 1971.

## Highways and Roads - Historical Notes

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

1. Acts of 1853-54, Chapter 263, appointed M. A. Woods, Caswell Hutcherson, James Grigsby, Stephen Bird, A. A. Clingland, G. W. Parks, C. L. Hardwick, E., F. Johnson, and C. B. Luttrell, as Commissioners to open books and to sell stock subscriptions in a sum sufficient to the construct and to macadamize a plank turnpike road from Georgetown in Hamilton County along the old federal road where possible to Cleveland in Bradley County. The details of supervision, the standards for construction, and the regulations for operation and maintenance once the road was completed were all included in the Act.
2. Acts of 1865-66, Chapter 88, incorporated Caswell Hutchison, George Mumsey, and James S. Bradford, and their successors, as the "Cleveland and Smith's Cross Roads Turnpike Company" with all the incidental corporate rights and privileges being conferred upon them, to construct and

- grade, and to macadamize a turnpike road from Cleveland in Bradley County to Smith's Cross Roads in Rhea County.
3. Acts of 1869-70, Chapter 71, was the enabling legislation for a company to be formed to construct a railroad from Cleveland in Bradley County to intersect the line of the projected railroad known as the Cincinnati Southern extending from Cincinnati to Chattanooga which railroad, when built, would be called the "Cleveland and Tennessee River Railroad". \$150,000 was the amount of authorized capital stock to be subscribed and sold by J. H. Gaut, Joseph Tucker, John B. Hoge, John McPherson, P. B. Mayfield, J. M. Crow, Stephen Beard, S. P. Gaut, Oke Henry, R. M. Edwards, D. R. O'Neil, William J. Campbell, A. J. White, Joseph R. Taylor, and J. Caleb Morgan.
  4. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court would select one Road Commissioner, who would serve two years, from each Road District in the County, the Road Districts being declared co-extensive the Civil Districts. The Road Commissioner thus selected must be sworn and bonded and would be in charge of all roads, bridges, hands, tools, and materials used in that area. He would be paid at the rate of \$1.00 per day but not to exceed \$10.00 in any one year. The County Court would determine the number of days the road hands were to work each year which could not be less than five nor more than eight, and would also set the price for one day's labor. The Road Commissioners would name and supervise the needed road overseers in their district who would be placed in immediate charge of a section of road, who were required to work the same number of compulsory work days on the road as anyone else but would be paid for all days worked over and above that number. All males living outside of cities between the ages of 21 and 45 were subject to work on the roads. The Commissioners would also hear and dispose of petitions to open, close, or change roads in their areas, and were further obligated to see to it that the roads in their sections met the specifications set up in the Act. This Act was involved in Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
  5. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but made some strong changes in the procedures to be followed in the acquisition of rights of way to open, close, or change roads, especially when it became necessary to condemn property to do so.
  6. Private Acts of 1913, Chapter 226, stated that in Bradley County (identified by the 1910 Census figures) the County Court would designate the pike roads in the county and elect three Pike Road Commissioners who would have full authority over the improvement and repair of roads in the County. The Commissioners, serving two year terms, must be sworn and bonded, must choose a Chairman and a Secretary from their number, and would be paid \$2.00 per day for each day actually served in this capacity. Adequate records must be kept of all receipts and expenditures, and of the use of tools and equipment. The offices of road overseers and of other road officials were abolished. The authority was given to the Quarterly County Court to levy a general road tax not to exceed 25 cents per \$100 property valuation. This Act was repealed in Item 9, below.
  7. Private Acts of 1913, Chapter 227, made it mandatory in Bradley County for all male citizens living outside of cities to work eight days on the roads of the county, a day being one of eight hours duration, or, a road hand could commute by paying a \$4.00 fee for the eight days. Persons who failed to do either could be fined and then forced to either work or commute. The Pike Road Commission was given control over the County Workhouse and the convicted prisoners therein who were also subject to compulsory road work. This Act was repealed by the one below.
  8. Private Acts of 1919, Chapter 109, declared that in Bradley County all male residents between the ages of 21 and 45, except those living in incorporated cities, or disabled, were required to work 6 eight-hour days on the county roads. Any resident furnishing a wagon, team, and driver would be

credited with two days work for each day they were used. Each District Road Commissioner must prepare a list of all those in his district who were subject to road work and give them each at least five days' notice of when and where they were expected to work. One could pay a commutation fee of \$1.25 per day, if such were desired instead of working, which money would be used in the District in which it was collected. Failure to do either could result in penalties being imposed in addition to all the other requisites. This Act expressly repealed Private Acts of 1913, Chapter 227, Item 7, above, in its entirety. This Act was in turn repealed by Private Acts of 1933, Chapter 357, below.

9. Private Acts of 1919, Chapter 110, repealed Private Acts of 1913, Chapter 226. The position of Pike Road Superintendent was created, who would be elected by the Bradley County Quarterly Court at its first regular session after the passage of this Act to serve until the January term, 1921, and then every two years thereafter. Vacancies would be filled by the County Judge and follow the above timetable as nearly as possible. The Superintendent must be experienced and competent in road building, over 25 years of age, and would be paid no less than \$1,200, nor more than \$1,800, annually, as determined by the Quarterly Court, which amount would be payable monthly and could not be changed during the term. Many of the Superintendent's duties were specified in the Act which further required that full time be given to their discharge. The Superintendent must examine every road periodically and report on their status. He would also be in overall charge of all equipment, machinery, and materials in the road department. Good records must be kept and reports made each quarter to the Court. The Superintendent must approve the expenditure of all funds and could make purchases up to \$300 on his own authority. The Superintendent would be in charge of the workhouse and the prisoners and could appoint foremen and laborers in the road department as they were needed. The authority for the Quarterly Court to levy a general road tax not to exceed 25 cents per \$100 property valuation was continued. This Act was repealed in Item 11, below.
10. Private Acts of 1933, Chapter 357, repealed Private Acts of 1919, Chapter 109.
11. Private Acts of 1943, Chapter 15, repealed Private acts of 1919, Chapter 110 as it was written and mentioned Private Acts of 1913, Chapter 226, as being superseded, repealed, and for nothing held.
12. Private Acts of 1943, Chapter 16, repealed Private Acts of 1913, Chapter 226, a former road law for Bradley County which was also repealed prior to this act.
13. Private Acts of 1943, Chapter 368, had a general repealing clause only. The act provided for a three member Board of Highway Commissioners who were given general supervision over all county roads, bridges, and culverts in the county. The Act named Arthur Massengill, Robert Wilson, and Jess Rymer, as the first members of the Board, with Rymer slated to be Chairman. After serving staggered initial terms, the Board members' terms would be three years. The Board was authorized to employ a Clerk, or a bookkeeper and must keep an office open in the Court House. All members of the Board must be sworn and bonded, and the Chairman would serve as Road Supervisor at \$2,400 a year, and the other members would be paid as the Quarterly Court decided. The Board would meet on the first Monday in every month to transact all the business of the road department. Specific grants of power to the Board were enumerated in the Act, and there were five specific authorizations stipulated for the Road Supervisor. The power of eminent domain could be exercised but all the procedures specified must be strictly followed in doing so. The authority to the Quarterly Court to levy a general road tax not to exceed 25 cents per \$100 was repealed in this Act which tax would be in addition to all other taxes.

## Chapter X - Law Enforcement

# Sheriff

## Employment Plan

### Private Acts of 1995 Chapter 70

**SECTION 1.** (a) There is created the Bradley County Sheriff's Department Employment Protection Plan, hereinafter referred to as the "EPP", as set forth in this act.

(b) Under the EPP, all Bradley County sheriff's department personnel who have been employed by the department for a continuous, uninterrupted period of time of at least two (2) years full-time employment, and who during their tenure with the sheriff's department have maintained a satisfactory work history, shall be protected from arbitrary firing or failure to re-hire. The two (2) year employment period needed to obtain protection under the EPP begins on each employee's date of full-time employment with the department, and job protection status is achieved on the two-year anniversary of each employee's hire date to full-time, continuous employment.

(c) No incoming sheriff shall be able to hire more new employees than the number exempted by the EPP and not retained. An incoming sheriff shall hire no more employees than allowed under the existing departmental budget in place and previously approved by the county commission.

**SECTION 2.** The following employees are not eligible for protection under the EPP:

- (a) all part-time employees working thirty-two (32) or less hours per work week;
- (b) all temporary employees;
- (c) all volunteer, non-salaried employees; and
- (d) employees who have three (3) major disciplinary occurrences placed in their personnel file within the previous thirty-six (36) months of employment. A major disciplinary occurrence is defined as a written reprimand, suspension from duty, or termination for just cause.

**SECTION 3.** The individual rank of those employees covered by the EPP is not protected, regardless of time employed with the department. A ranking employee can be reclassified by a new sheriff at a pay level that is no lower than the highest non-ranking position within the division he or she is to be assigned, with the amount of salary determined by the department's salary chart which takes into account an employee's longevity with the department, and state certification status, if applicable.

**SECTION 4.** (a) The job assignment given individual employees who are not protected under the EPP by one sheriff is not protected from re-assignment by another sheriff. Reassignments involving state-certified officers must be within the specific area of each officer's certification. Job re-assignments may include:

- (1) changes in job description and duties within an officer's area of certification;
- (2) changes in division assignments;
- (3) changes in shift hours; and
- (4) changes in daily work schedules.

(b) Job re-assignments shall be in accordance with each employee's experience, training, education, abilities, and area of state certification when applicable.

**SECTION 5.** (a) All benefits extended by Bradley County to sheriff's department employees who are covered under the EPP and who are re-assigned or re-classified by an incoming sheriff shall be protected. The employee benefits shall continue to be granted on the basis of each employee's continuous time served with the county and department as described by the employee policy and procedure manual.

(b) Employee benefits are:

- (1) legal holidays as described in the employee's policy and procedure manual;
- (2) annual leave or vacation;
- (3) sick leave;
- (4) special medical leave;
- (5) maternity/family leave;
- (6) military leave;

- (7) civil leave;
- (8) death-in-family leave;
- (9) petty leave;
- (10) county retirement program;
- (11) terminal leave (up to thirty (30) days); and
- (12) worker's compensation insurance.

(c) Benefits extended to sheriff's department employees by the county government are subject to change.

#### **SECTION 6.**

(a) No employee of the Bradley County sheriff's department shall take part in any political campaign while on duty, nor under any circumstances shall any employee solicit money for political campaigns while on duty.

(b) No employee shall use his or her position with the department to promote his or her personal political opinions, or portray his or her own personal political opinions as representing those of the department or sheriff.

(c) No employee of the department shall use his or her position with the department in an attempt to influence the political opinions of others.

(d) No officer while on duty or in uniform shall display any political advertising or political paraphernalia on his or her person.

(e) No employee shall make any political endorsements of any candidate in any campaign for elected office while in uniform.

(f) Nothing in this act shall be construed to prohibit or prevent any employee of the sheriff's department from becoming or continuing to be a member of a political club or organization, and enjoying all the rights and privileges of such membership, or from attending an political meeting or other activity while on duty.

(g) Employees shall not be denied freedom in the casting of his or her vote.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Bradley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Bradley County and certified to the Secretary of State.

**SECTION 8.** 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 7.

Passed: May 22, 1995.

## Sheriff's Patrol

## Private Acts of 1957 Chapter 254

**COMPILER'S NOTE:** This act may be in conflict with Tennessee Code Annotated §8-20-101.

**SECTION 1.** That the Sheriff of Bradley County, Tennessee, is hereby authorized and empowered to appoint four Deputy Sheriffs, who shall be designated as the "Bradley County Sheriff's Patrol".

**SECTION 2.** That said Deputy Sheriffs shall wear uniforms while on duty, said uniforms to be designated by the sheriff, and each Deputy Sheriff shall be allowed an annual uniform allowance of One Hundred (\$100.00) Dollars for the purpose of maintaining the same.

**SECTION 3.** That the compensation of said Deputy Sheriffs shall be Three Hundred Twenty Five Dollars (\$325.00) per month, except that of the Chief Deputy Sheriff which shall be Three Hundred Fifty Dollars (\$350.00) per month, which compensation shall be paid them monthly out of the General Fund of said County on a warrant of the Judge of the County Court, but before payment is made the Sheriff of said County shall file with the said Judge a written statement certifying that such Deputy Sheriffs have devoted the whole of their time to the duties of their office and have rendered faithful and efficient services in the month for which the salaries are due.

As amended by:

Private Acts of 1959, Chapter 251

Private Acts of 1961, Chapter 262

**SECTION 4.** That all fees earned by said Deputy Sheriffs shall belong and be paid to the Sheriff of said County and by him accounted for in the manner now provided for by law.

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

**SECTION 6.** That this Act shall not become effective unless and until the same has been ratified and approved by the Quarterly County Court of Bradley County, Tennessee, by two-thirds majority of the Justices present and voting at any meeting at which this Act may be submitted for ratification and approval.

**SECTION 7.** That this Act insofar as the General Assembly of Tennessee is concerned, take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1957.

## Law Enforcement - Historical Notes

### **Militia**

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

1. Acts of 1835-36, Chapter 21, was the first state militia law and military code which affected Bradley County. This Act was enacted at a time when the state government was being organized pursuant to the 1835 Constitution. This Act covered in detail all phases of organization, supply logistics, military discipline, and all other facets of this particular service. Bradley County, newly formed, was not assigned a regiment under this law but was placed in the 6th Brigade with the units of Roane County, Monroe County, and McMinn County.
2. Acts of 1837-38, Chapter 157, scheduled the dates for the annual county muster and drills for all the units of the State Militia. However, Bradley County was not listed, probably because no effective unit had been organized at the time.
3. Acts of 1839-40, Chapter 56, was the next revision of the military laws of Tennessee necessitated by the growing forces of militia as more counties were created. Bradley County's units comprised the 144th and the 148th Regiments in the 6th Brigade which included also the units in the counties of Roane, Monroe, McMinn and Polk.

## Chapter XI - Libraries

### Governmental Library Commission

#### Private Acts of 2008 Chapter 63

**SECTION 1.** Chapter 224 of the Private Acts of 1965, and any other acts amendatory thereto, is repealed.

**SECTION 2.** There is hereby established a commission to be known as the Bradley County Governmental Library Commission (Library Commission). The Library Commission shall be composed of one (1) member nominated by the bar association of Bradley County; one (1) member nominated by the public library board of the public library of Bradley County; and one (1) member nominated by the Mayor of Bradley County. Such members shall be subject to the approval of the Bradley County Commission. A chairman of the Library Commission shall be elected annually by the members of the Library Commission. Each member shall serve for a period of two (2) years. In the event of a vacancy on the Library Commission, such vacancy shall be filled for the balance of the term in the same manner as the original appointment. The members of the Library Commission shall serve without compensation.

**SECTION 3.** The purpose of the Library Commission shall be to maintain and operate a county governmental library. The existing County Governmental Library, if any, shall be subject to the direction, power and authority of the Library Commission established hereby. The Library Commission shall have the full power and authority to acquire by purchase, gift, rent, lease, loan or otherwise, law books, codes, treatises or other works of law, government, medicine, literature, or otherwise that the Library Commission deems necessary or beneficial to the courts; state, county and municipal officials; members

of the bar; and members of the public, for research or use in preparation for trial or decisions of any matters that come or may come before the courts of Bradley County or the state and for the use of public officials or the public on questions of law or government. The Library Commission is also authorized to acquire in like manner furniture, fixtures, bookcases, supplies, computers, services and all things necessary to establish, maintain, and operate the County Governmental Library. The Library Commission may employ and discharge librarians, clerks and other assistants and fix salaries of such employees. The Library Commission is authorized to make and adopt reasonable rules governing the use of the County Governmental Library. The County Governmental Library shall be located at such facilities and quarters as are determined by the Library Commission to be in the best interest of all persons for whom the benefit of such library is established. All books, assets, furniture, equipment or rights purchased or acquired pursuant to this Act shall become and are the property of Bradley County.

**SECTION 4.** For the purpose of financing the County Governmental Library, there shall be taxed as cost on each civil, criminal, quasi-civil, quasi-criminal, or any other action at law or suit in equity of any nature, hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise in any court including the circuit, criminal, chancery, domestic relations, or general sessions courts of Bradley County, the sum of one dollar (\$1.00). The cost assessed pursuant to this section shall be designated the County Governmental Library Tax and shall be collected by the clerks of such courts after the payment of state litigation tax accrued thereon but before applying any of the amount collected as costs to any other fund or item of cost; provided that those costs paid by the counties or the state of Tennessee upon the return of nulla bonas are hereby expressly exempt for purposes of this Act. The clerks of the respective courts shall pay to the County Trustee as provided by law all amounts collected as County Governmental Library Tax in the preceding calendar month. The sums paid to the County Trustee shall be designated as the County Governmental Library Fund and used only for the purposes set out in this Act. The Bradley County Commission shall have the authority to increase the amount taxed as costs herein up to the sum of five dollars (\$5.00) per case as the County Commission deems necessary to fulfill the purposes of the County Governmental Library.

On approval of a majority of the Library Commission, the chairman of the Library Commission shall submit to the County Mayor for payment such expenditures as are approved by the Library Commission within the Library Commission's budget indicating on such submission the fund against which such expenditure shall be drawn. The County Trustee is hereby authorized and directed to make payment out of such fund upon the warrants so issued by the County Mayor upon presentation by the chairman of the Library Commission and submitted in compliance with the provisions of this Act. In all cases the Library Commission is limited to the expenditures of anticipated revenues for the fiscal year.

**SECTION 5.** The Library Commission shall have the power and authority to make charges for the use, damage or destruction of books or other property. Any income from such charges shall be paid by the Library Commission into the office of the County Trustee in a like manner and at all times as monies collected hereunder shall be paid by the clerks of the various courts to the County Trustee.

**SECTION 6.** The Library Commission shall keep written minutes of the Library Commission's meetings, at which meetings a majority of all members of the Library Commission then serving shall constitute a quorum for the transaction of business. The Library Commission shall keep with reasonable accuracy a record of monies received and disbursed; purchases; losses or destruction of books or other property; and a property inventory. An annual report of all the above shall be made annually to the Bradley County Commission at the County Commission's May term.

**SECTION 7.** All laws, or parts of law, in conflict with the provisions of this Act are hereby repealed.

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

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

Passed: January 24, 2008.

## Public Library

## Private Acts of 1917 Chapter 651

**SECTION 1.** That the County Courts of the State of Tennessee, in counties of the State having a

population of 16,336 and not more than 16,350 according to the Federal Census of 1910, or any subsequent Federal Census, shall have the power and right to establish and maintain free public library or libraries and levy and cause to be collected as other general taxes, a library tax not to exceed ten cents on the hundred dollars of the assessed value of the taxable property of such county or counties.

The taxes so collected shall constitute the library fund and shall be kept separate from all other funds, and to be used exclusively upon such library or libraries. Said taxes shall be collected by the County Trustee of said county or counties.

**SECTION 2.** For the government of such library there shall be a board of six trustees appointed or elected by the County Court of said county or counties, chosen from the citizens at large with reference to their fitness and qualification, and the term of said trustees shall be for six years, or until their successors shall be appointed or elected and qualified; provided, that upon their first appointment or election under this Act, two members shall be appointed or elected for two years, two for four years, and two for six years, and at all subsequent appointments or elections under this Act, made every two years, two members shall be appointed or elected for six years.

All vacancies shall be immediately reported by the trustees to the County Court, and be filled by appointment or election in like manner, and for an unexpired term, for the residue of the term only. The County Court may remove any member of said trustees for incapacity, unfitness, misconduct, or for neglect of duty.

**SECTION 3.** That immediately after appointment or election said Board of Trustees shall organize by electing one of its members as president and one as secretary-treasurer, and such other officers as it deems necessary.

The secretary-treasurer, before entering upon his duties, shall give bond to the County Court in amount fixed by said Board of Trustees, conditioned for the faithful performance of his official duties.

The Board of Trustees shall adopt rules and by-laws and regulations for its own guidance for the government of the library as may be expedient and conformable to law. It shall have exclusive control of all moneys collected for or placed to the credit of the library fund, and of the supervision, care and custody of the rooms or buildings constructed, leased or set apart for library purposes.

But all money received for such library fund shall be paid into the County Treasury, to be credited to the library fund, be kept separate from other moneys, and be paid out to the secretary-treasurer upon the authenticated requisition of the Board of Trustees through its proper officers. With the consent of the County Court it may lease and occupy, or purchase, or erect upon ground secured through gift, or purchase an appropriate building:

Provided, that of the income for any one year not more than half of the income may be employed for the purpose of making such lease or purchase or for erecting such building.

It may appoint a librarian, assistants, and other employees, and prescribe rules for their conduct, and fix their compensation, and shall also have power to remove such appointees.

It may also extend the privilege and use of such library to non-residents upon such terms and conditions as it may prescribe.

**SECTION 4.** That all property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by any county for a library shall vest in and be held in the name of such county and any conveyance, grant, donation, devise, bequest or gift made to or in the name of any public library board shall be deemed to have been made directly to such county.

**SECTION 5.** That with the consent of the County Court, expressed by an order or resolution, and within the limitation of this Act as to the rate of taxation, the library board may accept any gift, grant, devise, bequest made or offered by any person or persons or corporation, for library purposes, and may carry out the conditions of such donations. And the county in all such cases is authorized and empowered to acquire a site, levy a tax, and pledge itself by order or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted.

**SECTION 6.** That every library established under the provisions of this Act shall be forever free to the use of the inhabitants of the county, subject to such reasonable regulations as the Board of Trustees may adopt.

**SECTION 7.** That on or before the thirty-first day of December of each year the said Board of Trustees shall make a report to the County Court, stating the condition of their trust, the various sums of money received from the library fund and all other sources, and how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out and the general character of such books, the number of registered users



of said library, with such other statistics, information and suggestions as it may deem of general interest.

**SECTION 8.** That the County Court shall have power to pass orders, resolutions imposing suitable penalties for the punishment of persons committing injury upon such library, grounds, or other property thereof, or for the failure to return any book, map, magazine, pamphlet or manuscript belonging to such library.

**SECTION 9.** That if there exist in the county, a secular or non-secular library owned and controlled by a society, person, or corporation, the County Court of said county, when deemed best for the interest of the county, may levy and collect the tax herein provided for, and, in lieu of supporting and maintaining a public library, enter into contract with such society, person or corporation for the purpose of providing the inhabitants of such county with free use and benefit of such library upon such terms and conditions as may be agreed upon between the County Court and the society, person or corporation; provided always, that all moneys paid to such society, person or corporation under said contract shall be expended solely for the maintenance of such library, and for no other purpose.

**SECTION 10.** That nothing in this Act shall be construed to abolish or in any way abridge any power or duty conferred upon any public library established by any city, town, school or person by charter, or any special act of any kind.

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

Passed: March 31, 1917.

## Libraries - Historical Notes

The following act has no current effect but is included here for reference purposes since it once applied to the Bradley County Governmental Library Commission. Also referenced below is an act which repeals prior law.

1. Private Acts of 1965, Chapter 224, was repealed by Private Acts of 2008, Chapter 63.

## Chapter XII - Taxation

### Assessor of Property

### Private Acts of 1947 Chapter 702

**SECTION 1.** That it shall be the duty of the Tax Assessor in all Counties within the State of Tennessee, having a population of not less than Twenty-eight Thousand Four Hundred Ninety-eight (28,498) nor more than Twenty-eight Thousand Five Hundred Three (28,503) inhabitants by the Federal Census of 1940, or any subsequent Federal Census, to maintain and keep open an office in the Courthouse of such County, during legal hours, where the Tax Assessor or his qualified deputy will be present for the purpose of discharging the duties of his office, and especially to note the change in ownership of real estate before the registration of any deed conveying real estate in such Counties.

**SECTION 2.** That before the registration of any deed conveying real estate in Counties coming under the provisions of this Act, it shall be the duty of the owner of the same under said deed to present the deed to the Tax Assessor at his office so that said real estate may be assessed for taxes in the name of the new owner. The Tax Assessor or his deputy shall note the change in ownership of such real estate on the Tax Assessment Books of such Counties, and shall write or stamp on said deed that such transfer has been made so as to give notice to the County Register that this Act has been complied with and said deed may be registered.

**SECTION 3.** That it shall be the duty of the Quarterly County Court in all Counties coming under the provisions of this Act to furnish the Tax Assessor a desk and office in the Courthouse, together with all necessary files, record books, assessment books and office supplies for the proper conduct of the office of Tax Assessor.

**SECTION 4.** That the Tax Assessors of all Counties falling within the provisions of the Act are hereby authorized to appoint one or more deputy tax assessors, whose duties are to work under and by direction of the County Tax Assessor, but the salary and expense of said deputy assessors shall be borne and paid for by the County Tax Assessor out of his compensation as County Tax Assessor hereinafter provided for.

**SECTION 5.** That the compensation of the Tax Assessor be and the same is hereby fixed at the sum of

Four Thousand Five Hundred Dollars (\$4,500.00) per annum to be paid out of the general funds of their respective Counties on warrants issued by the County Judge or Chairman thereof, payable in equal monthly installments to such Tax Assessor. In addition to such salary, such Tax Assessor shall be entitled to and receive a total of Thirty-five Hundred Dollars (\$3,500.00) per annum for automobile and other travel expenses, payable and to be paid in the same manner as his salary is paid. Provided however, that from and after the first day of September, 1968, the compensation of the Tax Assessor be and the same is hereby fixed at the sum of Eight Thousand Two Hundred Fifty Dollars (\$8,250.00) per annum to be paid out of the general fund of their respective Counties on warrants issued by the County Judge or Chairman thereof, payable in equal monthly installments to such Tax Assessor, and such salary shall be in lieu of any and all compensation of said office, including any travel allowances heretofore allowed.

As amended by: Private Acts of 1953, Chapter 375  
Private Acts of 1965, Chapter 260

**SECTION 6.** That all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

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

Passed: March 11, 1947.

## Building Permits

### Private Acts of 1975 Chapter 123

**SECTION 1.** No person shall erect or have erected, constructed, or reconstructed, any building or structure in Bradley County; or no person shall alter or have altered any existing building or structure in Bradley County, where the value of such alteration will exceed the sum of two thousand dollars (\$2,000.00) without first applying to the Assessor of Property of Bradley County for a building permit for such erection, construction, reconstruction, or alteration. As used in this Act, "building or structure" includes any mobile home, modular structure, or manufactured structure.

Such application shall be in a form to be prescribed by the Assessor of property and shall contain the following information: (1) whether the proposed work is to be new construction or the alteration of an existing structure; (2) the location or address of the proposed construction or alteration; (3) the identity of the owner or owners of the premises; (4) the estimated cost of the completed structure in the case of new construction, or in the case of alteration of an existing structure, the estimated value of such structure before and after such alteration; and (5) such other information as the Assessor shall prescribe.

Upon proper application, duly filed, the Assessor shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction or alteration for his tax records.

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

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

**SECTION 3.** The Assessor of Property shall collect a fee for the issuance of each building permit. The amount of the fee is to be set by resolution of the Quarterly Court of Bradley County and is not to exceed five dollars (\$5.00). The Assessor shall make monthly reports and pay over to the County Trustee all funds received for such permits. The proceeds of the building permit fee shall be deposited in the General Funds of Bradley County. The expenses incident to this Act shall be paid out of the General Funds of the County.

**SECTION 4.** No electric, gas, or water service shall be provided for any building or other structure to which this Act applies until the building permit as required herein has been obtained, and it shall be unlawful for any person, corporation, municipality, co-operative or other agency to make, assist in making or permit to be made any connection which provides such electric, gas or water service until the required permit has been obtained.

**SECTION 5.** Any violation of any of the provisions of this Act shall be punishable upon conviction thereof by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

**SECTION 6.** This Act shall have no effect unless the same shall have been approved by two-thirds (2/3)

vote of the next regular meeting of the Quarterly County Court of Bradley County thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

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

Passed: May 5, 1975.

## Deputy Assessor

### Private Acts of 1957 Chapter 208

**SECTION 1.** That in counties of this State having a population of not less than 32,300 nor more than 32,400 by the Federal Census of 1950, or any subsequent Federal Census, the County Tax Assessor is hereby authorized to appoint a Deputy Assessor who shall hold at the pleasure of the Tax Assessor. The Compensation of the Deputy Tax Assessor shall be determined by the Quarterly County Court of Bradley County, but in no case shall exceed Five Thousand Dollars (\$5,000.00) from the County Treasury and he shall perform such duties in connection with the assessment of taxes and preparation of the tax books as may be assigned to him by the Tax Assessor.

As amended by: Private Acts of 1967, Chapter 428

**SECTION 2.** That this Act shall be void and of no effect unless within 6 months from the date of final legislative action thereon, the same shall be ratified by a two-thirds majority of the Quarterly County Court of Counties to which its provisions may apply. The action of such Quarterly County Court shall be certified to the Secretary of State by the Clerk thereof.

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

Passed: March 12, 1957.

## Hotel/Motel Tax

### Private Acts of 1991 Chapter 19

**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 charge to or received from any person.
- (2) "County" means Bradley County, Tennessee.
- (3) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any motel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodging or accommodations are furnished to transients for a consideration.
- (4) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (5) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (6) "Person" means any individual, firm, partnerships, 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.
- (7) "Tax collection official" means the county clerk of Bradley County, Tennessee.
- (8) "transient" means any person who exercised occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

**SECTION 2.** The legislative body of Bradley County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of seven percent (7%) of the

consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

As amended by: Private Acts of 2004, Chapter 66

Private Acts of 2016, Chapter 39

**SECTION 3.** The proceeds received by the county from the tax shall be retained by the county and allocated as follows:

- (1) Eighty percent (80%) for tourism and economic development in the county; and
- (2) Twenty percent (20%) for the county general fund.

As amended by: Private Acts of 2004, Chapter 66

Private Acts of 2016, Chapter 39

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to Bradley County.

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

**SECTION 5.** The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the county to the tax collection official; such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

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

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

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

**SECTION 8.** Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

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

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

For services in administering and enforcing the provisions of this act, the tax collection official is entitled to retain as a commission one percent (1%) of the taxes collected.

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

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the

tax collection official under authority of this act shall be refunded by the tax collection official.

Notice of any tax paid under protest shall be given to the tax collection official and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

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

**SECTION 12.** If any provision of this act or the application thereof to any person circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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

**SECTION 14.** For the purpose of approving or rejection the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 13.

Passed: February 21, 1991.

## Poor Persons Tax

### Private Acts of 1935 Chapter 705

**SECTION 1.** That the Quarterly County Court of any County in Tennessee, having a population of not less than 22,860, nor more than 23,000 under the Federal Census of the year 1930, or any subsequent Federal Census, be and is hereby authorized and empowered to levy and assess a tax of not more than Twenty-five Cents upon each one hundred dollars worth of taxable property in said County. Said tax may be levied at any Quarterly Session of said Court during the year 1935 and not later than the July Quarterly Session, and at each Quarterly Session of April or July of each year thereafter.

As amended by: Private Acts of 1949, Chapter 738

**SECTION 2.** That said taxes are cumulative and in addition to any other taxes that the Quarterly County Court of said County is now or may hereafter by authorized to levy and collect, and the tax authorized in Section 1 hereof shall not be computed in determining the amount of taxes said County Court may under other laws be now or hereafter authorized to levy.

**SECTION 3.** That said taxes shall be collected by the Trustee of said County in the same manner and subject to the same penalties for non-payment as is now provided for the collection of State and General County Tax, and shall be disbursed on the warrant of the County Judge or Chairman for the purpose hereinafter enumerated in the same way as the general County tax is now disbursed.

**SECTION 4.** That said tax provided for in Section 1 hereof, shall be applied for the purpose of maintaining, caring for and burial of the poor of said County; maintaining and caring for the poor insane of said County; and defraying any and all expenses incurred in caring for poor persons afflicted with contagious diseases and enforcement of quarantine therefor in said County, as the County Court may at any regular Session direct or determine.

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

Passed: April 22, 1935.

## 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 Bradley County Assessor.

1. Acts of 1907, Chapter 602, was a general state law regulating the business of Tax Assessors in the State, the 9th Section of which prescribed the term, provided for the filling of vacancies, abolished the positions of District Tax Assessors, and allowed the Quarterly Court of the county to set the bond and fix the salary of Tax Assessors.

2. Private Acts of 1929, Chapter 280, provided that in Bradley County (identified by the 1920 Federal Census figures) the Tax Assessor would receive for services rendered the sum of \$2,500 annually which would be paid on the warrant of the County Judge out of regular county funds each month.
3. Private Acts of 1931, Chapter 704, made it the duty and obligation of the Bradley County Tax Assessor to keep an office open on each Saturday morning at the courthouse during reasonable hours at which the Tax Assessor, or his Deputy, would be on hand to discharge all the duties of that office. The Quarterly Court was directed to furnish an office and equipment to the Tax Assessor for the above stated purposes. The Tax Assessor was required to make a copy of all conveyances and transactions which took place each week in the Register's office of the county. All the assessment books would be made up in and issued from this office. Any deputies hired to assist in this work must be paid out of the salary of the Tax Assessor which would not be less than \$2,500 nor more than \$3,500 each year, the same to be determined by the Quarterly Court.

### **Taxation**

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

1. Acts of 1870, Chapter 50, was the legal authority for the counties and the cities of Tennessee to levy a tax for county and city purposes in the following manner and upon these conditions, (1) that all taxable property would be taxed according to its value and upon the principles established for State taxation, and (2) that the credit of no county, or city, could be given, or loaned, to any person, firm, or corporation, unless a majority of the Quarterly Court or Council, first agree to submit the issue to a referendum election wherein the same must be approved by a three-fourths' vote of the people. Several counties exempted themselves from the requirement of the three-fourths' approval, substituting a simple majority for the next ten years, but Bradley was not in their number.
2. Private Acts of 1919, Chapter 78, was the enabling legislation for the Quarterly Court of Bradley County to levy a tax of 75 cents per \$100 property valuation, or at any rate less than that, for the purpose of supporting, carrying on, and maintaining the public schools of Bradley County.
3. Private Acts of 1925, Chapter 570, amended the above act to provide that it should apply only to grammar and elementary schools.
4. Private Acts of 1931, Chapter 223, created the office of Delinquent Poll Tax Collector in all counties having a population of no less than 22,193 and no more than 30,000 according to the 1930 Federal Census, who would be appointed for two years by the County Judge. All poll taxes not paid on or before May 1, 1931, and by March 1 thereafter were declared to be delinquent. Those who had not paid would be compiled in a list by the County Trustee and the list would be delivered to the Delinquent Poll Tax Collector by the Trustee, who would be paid 70 cents for each one collected plus the normal cost for serving process. The appearance of one's name on the Trustee's list was sufficient cause for a distress warrant to issue and the property of that person be levied on or his salary garnisheed. The collector was limited in the use of receipt books to those only which were furnished to him by the Trustee. The collector could examine the records of companies, private and public, conduct hearings and summon witnesses. The collector must also be sworn to office and bonded before entering upon his duties. This Act was repealed by Private Acts of 1931, Chapter 757.
5. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, by adding a provision that all poll taxes not paid by May 1, 1931, and by March 1, of the year following the due year, were to be declared delinquent. Section 3 was changed so that the Collector was required to proceed against anyone he knew to be delinquent whether their name appeared on the list, or not.
6. Private Acts of 1931, Chapter 612, was the authority for the Quarterly Court of Bradley County, and several other counties, all identified by the citation of population figures, to levy and collect a tax on all the real and personal property and ad valorem in the said counties, when an

appropriate order was made by the Quarterly Court authorizing such levy, for county purposes which tax was not to exceed 30 cents per \$100 of property valuation.

7. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223 as amended in its entirety.
8. Private Acts of 1947, Chapter 540, was the legislative authority for the Bradley County Quarterly Court to levy a tax not to exceed 90 cents per \$100 property valuation for general county purposes.
9. Private Acts of 1980, Chapter 205, created a litigation tax for Bradley County.
10. Private Acts of 1989, Chapter 97, amended Chapter 205 of the Private Acts of 1980 by deleting from Section 1 the language "ten dollars (\$10.00)" and substituting the language "fifteen dollars (\$15.00)".
11. Private Acts of 1991, Chapter 57, repealed Chapter 205 of the Private Acts of 1980, as amended by Chapter 97 of the Private Acts of 1989.

## Chapter XIII - Utility District

### Hiwassee Solid Waste

### Public Acts of 1969 Chapter 289

**COMPILER'S NOTE:** Although this is a public, rather than a private act; it is one of special effect and is not found in Tennessee Code Annotated. See Title 7, Chapter 82, T.C.A. for the general state law pertaining to the creation and regulation of Utility Districts.

**SECTION 1.** This Act shall be known and may be cited as the "Hiwassee Solid Waste Utility District Act."

**SECTION 2.** In order to protect and promote the public health, safety and welfare, to prevent the spread of disease and creation of nuisances, to conserve the natural resources, and to enhance the beauty and improve the quality of the environment in the area of Bradley and Polk Counties, this Act authorizes the creation of a Bi-County District to be known as the Hiwassee Solid Waste Utility District. This District is authorized to establish, construct, install, acquire, operate, improve, and maintain a solid waste disposal system in any area or areas within the borders of Bradley and Polk Counties, and to exercise all powers necessary or convenient thereto, including powers to contract, to sue and be sued in its own name, and to make regulations not inconsistent herewith.

**SECTION 3.** For the exercise of the powers conferred by this Act, each County shall authorize same and affirm its participation by resolution adopted by a two-thirds majority of the County Court, and the powers conferred herein shall not be exercised unless both Counties so resolve. Such resolution shall provide for the exercise of such powers by a Board established as hereafter provided.

**SECTION 4.** Subject to confirmation by the County Court, the County Judge or Chairman of each of the participating Counties shall appoint three (3) persons to serve on the Hiwassee Solid Waste Utility District Board. At the time of the initial appointments, at least one of the three members from each County shall be a member of the appointing County's governing body. Each County's appointees shall be initially appointed for terms of one (1), two (2), and three (3) years respectively, and their successors shall be appointed for terms of three years, subject to confirmation as aforesaid. A member may be reappointed for as many terms as the appointing body determines. The County Judge or Chairman shall in like manner fill vacancies which may occur for the unexpired terms thereof.

Each member shall give bond as may be required by resolution of the County Court which appointed him. Such members shall serve without compensation except for necessary expenses incurred in the performance of their duties.

A majority of the Board shall constitute a quorum. The Board shall elect its own Chairman, and shall be authorized to employ such clerical help as may be necessary. The Board shall hold public meetings at least once every quarter (or more frequently if the Board deems necessary), at such regular time and place as it may determine, and special meetings shall be held upon the call of the Chairman. The Board shall establish its own rules of procedure.

Any member of the Board may be removed from office for cause upon a vote of two-thirds (2/3) of the members of the County Court which appointed him, but only after preferment of formal charges by a resolution of a majority of such County Court following a public hearing before it.

Before the Board shall adopt any proposed budget or salary plan for its employees, it shall submit same to the County Courts of Bradley and Polk Counties for approval or rejection of the pro-rata share which each County will contribute, as hereinafter provided.

**SECTION 5.** The general administration and control of the acquisition, improvement, operation and maintenance of the Solid Waste Disposal District herein provided for shall be under the control of the Board. However, the Board shall employ a superintendent to directly supervise the operations of the Solid Waste Disposal System.

The superintendent shall be a person who shall be qualified by training and experience for supervision over the maintenance and operation of the facilities provided for herein. Such person need not be a resident of the State or either of the participating Counties at the time of his selection. The salary of the superintendent shall be determined by the Board and approved by the County Courts of the participating Counties. All employees shall serve at the pleasure of the appointing authority and shall be subject to removal by that authority at any time. Notwithstanding, the Board, if it chooses, shall be authorized to enter into a binding employment contract with the superintendent.

Within the limits of the funds available therefor, all powers to establish, construct, install, acquire, operate, improve, and maintain the facilities provided for herein, and all powers necessary or convenient thereto, conferred by this Act shall be exercised by the Board of the Hiwassee Solid Waste Utility District. The Board may delegate the actual conduct of these matters to the superintendent.

**SECTION 6.** The superintendent shall have charge of all actual construction, the immediate management and operation of all facilities provided for herein, and the enforcement of all rules, regulations, programs, plans and decisions of the Board. He shall hire all employees and fix their duties excepting that the appointment of all technical consultants, advisers and legal assistants which shall be subject to the approval of the Board and the governing bodies of the respective Counties. With the approval of the Board, the superintendent may fix compensation of all employees and acquire and dispose of all property, real and personal, necessary to effectuate the purposes of this Act. Title to all such property shall be taken in the name of the Hiwassee Solid Waste Utility District. Subject to the approval of the Board, the superintendent shall let all contracts. However, he may make purchases of personalty up to a cost of Five Hundred Dollars (\$500) without the approval of the Board, but subject to such regulations as it may prescribe. Any contract for construction exceeding Two Thousand Dollars (\$2,000) shall be advertised for bids by the superintendent.

The superintendent shall make and keep full and proper books and records, which shall be audited annually and presented to the Board and the County Courts of the participating Counties.

**SECTION 7.** The Counties of Bradley and Polk shall be empowered to levy and collect ad valorem taxes for the purposes set forth in this Act, which purposes are declared to be for county, public purposes; and said counties are further empowered, through their County Courts, to appropriate moneys for the operation of the Hiwassee Solid Waste Utility District. The annual pro rata share of each County shall be determined by the Board based upon considerations including the population, anticipated users, length of route and number of storage containers located in each County. The Board is authorized but not required, to establish user fees. Any such fees shall be for the use of the Board.

The Board is further authorized to accept donations and gifts of real and personal property on behalf of Hiwassee Solid Waste Utility District.

**SECTION 8.** In connection with the operation of this District, the Board is authorized to enter into contracts with private persons and with other governmental units or agencies, federal, state, or local, including municipalities, towns, and other utility and improvement districts within this Bi-County area, for the furnishing of services and facilities within the purview of this Act. The Board may also enter into cooperative arrangements and agreements for providing such services and facilities upon terms determined advantageous by the Board.

In any cooperative undertaking by the Board with any other governmental unit or entity for the furnishing of the facilities or services contemplated herein, the Hiwassee Solid Waste Utility District's share of the cost may be financed from the funds received by it from the participating Counties.

**SECTION 9.** The Board is hereby authorized to require that private collectors operating within the Bi-County area shall be required to use the landfills established by the Board for the disposal of solid waste materials. The Board is further authorized and directed to make and publish reasonable rules and regulations covering the use by any individual, firm or corporation, of the facilities provided under this Act. Such rules and regulations shall comply with the standards recommended by the Solid Waste



Section, Division of Sanitary Engineers, Tennessee Department of Public Health.

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

Passed: May 8, 1969

---

**Source URL:** <https://www.ctas.tennessee.edu/private-acts/bradley>