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Chapter X - Law Enforcement

Dear Reader:

The following document was created from the CTAS website (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,

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Chapter X - Law Enforcement

Jails and Prisoners

Care of City Prisoners

Private Acts of 1913 Chapter 243

SECTION 1. That all counties in this State having a population of 190,000 or over by the Federal census of 1910 or any subsequent Federal census and municipalities within said counties, are authorized to enter into and make contracts by which the said counties are to take and care for the prisoners of said municipalities.

SECTION 2. That said Counties, after making a contract in the manner herein set out, are authorized and empowered to keep the prisoners of said municipalities, and to board, house, and guard them. The said counties are authorized and empowered to work said prisoners at any point in said counties inside the corporate limits of said municipalities or not, but no greater degree of labor can be imposed upon said cities' prisoners than could be imposed by the particular municipalities under its existing charter powers. The said municipalities are authorized to pay for the boarding, housing, and guarding of said prisoners by their work on the county roads, or in any other way agreed upon between the cities and counties.

As amended by:

Private Acts of 1961, Chapter 376.

SECTION 3. That the contract to be entered into between the counties and municipalities here set out, shall be passed by the Quarterly County Court and be approved by it in every detail on the part of the county, except in such counties as possess Boards of Commissioners in whom is vested the authority concerning matters of this character, and in which counties the said contract shall be passed and approved in every detail by the said Board of Commissioners.

SECTION 4. That Chapter 300 of the Private Acts of Tennessee of 1911, be, and the same is, hereby repealed.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: March 26, 1913

Prisoners' Work on Parks

Private Acts of 1919 Chapter 586

SECTION 1. That all counties in this State having a population of 190,000 inhabitants or over, according to the Federal Census of 1910, or any subsequent Federal Census, and municipalities in such counties, are authorized to work prisoners committed to the workhouse of such counties, or cities, upon any public park or parkways belonging to the county or city, and the Workhouse Commissioners, Quarterly County Court, or any other Board of Commission having charge of such prisoners, is authorized to make such contracts as may be necessary for the employment of such prisoners upon said parks or parkways. In case a contract should be entered into any county and city or by a county or city with other lessees for the working of such prisoners upon public parks or parkways, such contract shall be in accordance with laws now in force in counties under the provisions of this Act in so far as it concerns the care, protection and control of such prisoners.

SECTION 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.
Passed: April 12, 1919.

Offenses

Air Rifles

Private Acts of 1961 Chapter 372

SECTION 1. That, as used in this Act:

(1) "Air Rifles" mean and include any air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm.

(2) "Dealer" means any person, partnership, association, or corporation engaged in this business of selling at retail or renting any of the articles included in the definition of air rifles.

SECTION 2. That: (a) It shall be unlawful for any dealer in Shelby County to sell, lend, rent, give, or otherwise transfer an air rifle to any person under eighteen (18) years, where the dealer knows, or has reasonable cause to believe, the person to be under the age of eighteen (18) years, or where such dealer has failed to make reasonable inquiry relative to the age of such person, and such person is under eighteen (18) years of age,

(b) It shall be unlawful for any person in Shelby County to sell, give, lend, or otherwise transfer any air rifle to any person under eighteen (18) years of age, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the person under eighteen (18) years of age.

SECTION 3. That: (a) It shall be unlawful for any person in Shelby County under eighteen (18) years of age to carry any air rifle on the public streets, roads, highways or public lands within said County unless accompanied by an adult; provided, however, that said person under eighteen (18) years of age may carry such rifle unloaded in a suitable case, or securely wrapped.

(b) It shall be unlawful for any person in Shelby County to discharge any air rifle from or across any street, sidewalks, road, highway or public land of said County or any public place in said County except on a properly constructed target range.

SECTION 4. That notwithstanding any inconsistent provision of this Act, it shall be lawful for any person in Shelby County under eighteen (18) years of age to have in his possession any air rifle, if it is:

(1) Kept within his domicile.

(2) Used by the person under eighteen years of age and he is duly enrolled member of any Club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only, if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult.

(3) Used in or on any private grounds or residence under circumstances when such air rifle can be fired, discharged or operated in such a manner as not to endanger persons or property, and then only, if it is used in such manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.

SECTION 5. That the provisions of this Act shall not be construed to prohibit sales of air rifles:

(1) By wholesale dealers or jobbers.

(2) To be shipped out of Shelby County.

(3) To be used at a target range operated in accordance with Section 4 of this Act or by members of the armed services of the United States or veterans' organizations.

SECTION 6. That the sheriff or police officer shall seize, take, remove or cause to be removed, at the expense of the owner, all air rifles used or offered for sale in Shelby County in violation of this Act.

SECTION 7. That: (a) Any dealer violating the provisions of subsection (a) of Section 2 of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of Fifty Dollars (\$50.00) for each offense.

(b) Any person violating any other provision of this Act shall, upon conviction, be sentenced to pay a fine of Twenty-Five Dollars (\$25.00).

SECTION 8. That this Act shall have no effect unless the same shall have been approved by a two-third vote of the Quarterly County Court of any County to which it may apply within ninety (90) days after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 16, 1961.

Curfew Laws

Private Acts of 1969 Chapter 164

SECTION 1. In counties having a population of Six Hundred Thousand (600,000) or more, according to the Federal Census of 1960 or any subsequent Federal Census, a minor under eighteen (18) years of age, shall not loiter, idle, wander or play in or upon the public street, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place in said county, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time, provided that this Section shall not apply to a child accompanied by his or her parent, guardian, or other adult person having the care and custody of said minor.

SECTION 2. When any child is in violation of this Act, the apprehending officer shall act in one of the following ways:

- (1) If a first violation, and if in the opinion of the officer such action shall be effective, take the child to his or her home and warn and counsel with the parents or guardians.
- (2) Issue a summons to the child and/or parents or guardians to appear at the Juvenile Court.
- (3) Bring the child into the custody of the Juvenile Court for disposition.

SECTION 3. With the exception of the provisions contained in Section 1 hereof, no parent, guardian, or other person having the care and custody of a child who has not reached his eighteenth birthday shall knowingly permit such child to loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place in said county, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time.

SECTION 4. A minor or any parent, guardian, or other person having the care and custody of a minor violating the provisions of this Act is guilty of a misdemeanor and shall be fined no more than Fifty Dollars (\$50.00) for each offense; each violation of the provisions of this Act shall constitute a separate offense.

SECTION 5. The Judge of the Juvenile Court shall be vested with power to hear all cases coming within the provisions of this Act.

SECTION 6. Should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole or any part thereof other than the part so held to be unconstitutional.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County before July 1, 1969. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 7, it shall be effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: May 6, 1969.

Dairy Product Labels

Private Acts of 1935 Chapter 782

SECTION 1. That

- (a) any person, firm or corporation engaged in the manufacture, storage, transportation, sale, and/or delivery of milk, butter milk, cream or other dairy products, in Counties having a population of not less than 222,850 by the Federal Census of 1930 or any subsequent Federal Census, and using in such business, or using for the handling of other beverages or foods dealt in as incidental to such dairy business, bottles, cans, cases, crates or other containers having the name, mark, stamp or brand of such person, firm or corporation permanently affixed thereto, may register in the office of the Clerk of the Circuit Court of such County, such name, mark, stamp or brand in the manner now prescribed for registering trade marks, provided such name, mark, stamp or brand can be distinguished from any other name, mark, stamp or brand theretofore registered. There shall be paid for such filing a registration fee of five dollars. Said Clerk of the Circuit Court shall deliver to such person, firm, or corporation so filing or causing to be filed, any such name, mark, brand or stamp, so many duly attested certificates of the recording thereof, as such person, firm or

corporation may apply for, and shall receive for each of such certificates issued by said Clerk a fee of One Dollar.

(b) In all prosecutions under this Act, such certificate shall be prima facie evidence of the adoption of and ownership of such name, mark, stamp or brand, and the right of the person, firm or corporation named therein to adopt and use the same and to transfer or assign the right to use the same.

(c) Nothing in this Act, however, shall be construed as permitting the registration or use by any person, firm or corporation, of any name, mark, stamp or brand, design or device, which, but for this Act, such person, firm or corporation would not be entitled to use, nor shall anything in this Act be construed as preventing any person, firm, or corporation engaged in the State of Tennessee in the business above described, from registering under the present provisions of law governing registration of trade marks, devices, or designs now used by said person, firm or corporation to advertise his or its products, or later adopted by such person, firm or corporation, so long as such trade mark, design or device so adopted does not conflict with one theretofore registered under this Act, or under the general law governing registration of trade marks.

As amended by: Private Acts of 1937, Chapter 896.

SECTION 2. That such mark, stamp or brand may consist of a name, design or device either in color or in plain lettering or drawing, and may be affixed in any suitable permanent manner to the container.

SECTION 3. That it shall be unlawful for any person, firm or corporation, other than the one named in the certificate issued by the Clerk of the Circuit Court as provided in Section 1 hereof, without the written consent of the one so named:

(a) To use the name, mark, stamp or brand described in such certificate, upon any container for any commodity.

(b) To fill any container bearing such name, mark, stamp or brand, with milk, butter milk, cream or any other substance.

(c) To deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark, stamp or brand on any such container.

(d) To buy [sic] sell, traffic in or destroy any such container bearing such name, mark, stamp or brand.

SECTION 4. That any person having in possession or under control any container bearing a name, mark, stamp or brand registered as provided in Section 1 hereof, and not holding a written transfer or bill of sale therefor, from the person, firm or corporation named in the certificate provided for in said section or other authority in writing from such person, firm or corporation, shall upon demand, deliver such container to the person, firm or corporation named in such certificate, his transferees or assigns, or to the authorized agent thereof, and any person failing or refusing to deliver the same when so demanded shall be guilty of a misdemeanor.

SECTION 5. That the person, firm or corporation named in any such certificate, or his transferees or assigns, may, upon application therefor, have search warrants to issue to search for containers bearing the name, mark, stamp or brand described in such certificate, in the manner and form and under the conditions under which search warrants are now issued, to search for personal property, upon the showing to the Justice of the Peace or Court authorized to issue search warrants that there is probable cause to believe such marked containers to be upon the premises to be searched, or in the possession of the person named in such search warrant. This remedy is cumulative and the exercise thereof shall in no way interfere with other remedies or proceedings provided for hereunder.

SECTION 6. That the requiring of, or taking of any deposit for any purpose, upon any such container, so marked, shall not be deemed or held to be a sale either optionally or otherwise under any proceeding under this Act.

SECTION 7. That any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction, shall be fined for each offense by a fine or not less than five dollars or more than \$100.00 or by imprisonment in the County Workhouse not to exceed thirty days, or both.

SECTION 8. That if, for any reason, any section or part of this Act, shall be declared invalid, the invalidity of such section or part, shall not otherwise affect its validity.

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

Passed: April 22, 1935.

Destruction of Weeds

Private Acts of 1967-68 Chapter 258

SECTION 1. That the Board of Commissioners of Shelby County is authorized to regulate and control by resolution the cutting of rank weeds, grasses or other underbrush deemed in the discretion of the Board of Commissioners to constitute a health or traffic hazard to the people, the public welfare requiring.

SECTION 2. That the Board of Commissioners of Shelby County shall have the authority to compel the owner, occupant or tenant of any property in Shelby County lying outside the boundaries of an incorporated municipality to cut or destroy such weeds, grasses or other underbrush. The Board of Commissioners shall also have the power upon the refusal of the owner, occupant or tenant to cut or destroy such weeds, grasses or other underbrush, or in case the owner of the property is a non-resident or unknown, to cut or destroy such weeds, grasses or other underbrush and shall have a lien upon the property for the cost of such removal, which lien may be enforced by attachment suit in any court of competent jurisdiction.

SECTION 3. That the failure or refusal of the owner, occupant or tenant to cut or destroy such weeds, grasses or other underbrush upon order of the Shelby County Board of Commissioners or any person acting in their behalf shall be unlawful and is hereby declared to be a misdemeanor under the small offense law and punishable upon conviction by a fine not to exceed Fifty Dollars (\$50.00).

SECTION 4. That the provisions of this Act shall not apply to rural farm lands consisting of ten (10) or more acres located within Shelby County and beyond the boundaries of any municipality, except where in the discretion of the Board of Commissioners such growth of weeds, grasses or other underbrush constitutes a traffic hazard necessitating its removal for the safety and welfare of the citizens.

SECTION 5. That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 6. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court of Shelby County and shall be certified by him to the Secretary of State.

SECTION 7. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 6 herein and as otherwise provided by this Act.

SECTION 8. As an additional and cumulative remedy the Board of Commissioners of Shelby County may by resolution provide that on certification of the costs of cutting weeds, grasses or other underbrush upon the property described in said Act, to the County Trustee, it shall be the duty of the County Trustee to put the amount so certified on the tax bill against said property, and it shall be the duty of the County Trustee to collect, as a special tax, the amount so certified, and for the purposes of this Act, the costs of cutting weeds, grasses or other underbrush upon any property described in this Act may by resolution duly passed be declared to be a special tax to be collected as other general taxes levied by such county are now or may be hereinafter collected.

As amended by:
Passed: May 25, 1967.

Private Acts of 1970, Chapter 242.

Fireworks

Private Acts of 1961 Chapter 405

SECTION 1. That in the sale or use of fireworks as defined in Section 53-3008 of the Tennessee Code Annotated shall, and the same is prohibited in counties having a population of 600,000 or more by the Federal Census of 1960, or any subsequent Federal Census, except as hereinafter provided.

SECTION 2. That nothing herein shall restrict or prohibit public displays when a permit therefor has been issued by the State Fire Marshall, as provided in Section 53-3007 of the Code of Tennessee Annotated.

SECTION 3. That violations hereof shall be a misdemeanor, punishable by a fine of not more than Fifty

Dollars (\$50.00).

SECTION 4. That this Act shall become effective when the same shall have been approved by the Quarterly County Court of any county to which it may apply by a vote of not less than two-thirds ($\frac{2}{3}$) of the members of said Court such approval to be made by said Court within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1961, the public welfare requiring it becoming effective at that time, and not before such approval. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of the said Court to the Secretary of State.

Passed: March 15, 1961.

Gasoline Storage

Private Acts of 1943 Chapter 4

SECTION 1. That it shall be unlawful in counties having a population of 350,000 or more, according to the Federal Census of 1940, or any subsequent Federal Census, to store gasoline, kerosene, or other combustible or explosive petroleum products in quantities of more than five (5) gallons, except in underground or other tanks, the installation for which has been approved and permitted by the County Planning Commission or Board of Adjustment of such county; or except in vehicles in which it is used for their operation, or in containers carrying the label of approval of Underwriters' Laboratories.

SECTION 2. That any person violating the terms of this Act shall be guilty of a misdemeanor and subject to a fine of not less than ten dollars (\$10) nor more than fifty (\$50) dollars for each day such petroleum products are stored in violation hereof.

SECTION 3. That the Courts of General Sessions in such counties shall have jurisdiction for hearing and determining cases arising under this Act, fixing the punishment therefor.

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

Passed: January 8, 1943.

Secondhand Automobiles

Private Acts of 1917 Chapter 110

SECTION 1. That in counties having a population of 190,000 or more by the Federal Census of 1910 of any subsequent Federal Census, it shall be the duty of every dealer in secondhand automobiles, trucks, motorcycles, and other self-propelled vehicles, and second-hand bicycles, and second-hand accessories for all such vehicles, to keep a well bound book and enter therein in legible manuscript or typewriting a particular, minute and detailed description of every second-hand automobile, truck, motorcycle, or other self-propelled vehicle, and every secondhand bicycle, and all second-hand accessories of every kind for any of such vehicles bought, exchanged, or traded for by said dealer; also the name, color, and residence of the party of parties selling, trading, or exchanging same; such entries in said book to be made immediately after said dealer acquires such vehicle and articles, and said book to be indexed and opened at all times to the inspection of the police or other officers. And provided further, that it shall be unlawful under any circumstances to exchange, purchase from, or trade for any above the named vehicles or articles from a minor unless written permission be given by the parents or guardian of such minor and filed as a part of the record of the transaction.

SECTION 2. That every person, firm or corporation engaged in said business in said counties shall prepare and deliver to the Chief of Police or Chief of Detectives of the town or city in which said business is carried on, every day before the hour on nine o'clock A.M., a legible copy of such register and the description of all second-hand automobiles, trucks, motorcycles and bicycles with the motor numbers, factory numbers or engine numbers thereof and a description of all second-hand accessories purchased or traded for during the preceding day. If said business is carried on in a town or city where there is no Chief of Police or Chief of Detectives then said description of the various articles, as aforesaid shall be delivered to the Mayor of said town or city, if any, otherwise to the Sheriff of the county in which said business is located.

SECTION 3. That no second-hand automobile, truck, motorcycle, or bicycle, or any second-hand accessories purchased or traded for shall be disposed of or permitted to be sold or disposed of by said dealer for a period of twenty-four hours after the copy of said register, description and information provided for in the preceding section shall have been delivered to the Chief of Police, Chief of Detectives,

Mayor or Sheriff, as therein provided.

SECTION 4. That a failure on the part of any dealer in the second-hand vehicles and articles hereinbefore mentioned, to do and perform all and any of the things required in this Act shall constitute a misdemeanor and be punishable by a fine of not less than twenty-five dollars and not more than one hundred dollars upon conviction in any Criminal Court having jurisdiction.

SECTION 5. That this Act shall not apply to dealers or agents who handle new automobiles and accept old automobiles as part payment for new automobiles.

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

Passed: January 26, 1917.

Wheel Discs

Private Acts of 1984 Chapter 210

SECTION 1. Any person, firm or corporation engaged in the sale of wheel discs to the public shall maintain written records each week identifying the source of any wheel disc sold to such person, firm or corporation. Such records shall include the date of sale, the name, social security number and driver's license number of the person from whom the discs were purchased and the number and type of discs sold by such person, firm or corporation on that date. As used in this act, "week" means each period of Monday through Saturday.

SECTION 2. Each Wednesday, a copy of the written records for the previous week shall be furnished to the sheriff's department of any county to which this act applies and the police department of any municipality located within such county. The sheriff and police departments shall analyze such records for the purpose of determining if any such wheel discs are stolen and the person or persons responsible for such theft.

SECTION 3. Any person, firm or corporation who violates the provisions of this Act shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each day that wheel discs are purchased in violation hereof or for each day that the required records are not timely furnished.

SECTION 4. The Courts of General Sessions in any county to which this Act applies shall have jurisdiction for hearing and determining cases arising under this act and fixing the punishment therefor.

SECTION 5. This Act shall apply in any county having a population of six hundred thousand (600,000) or more according to the 1980 Federal Census of population or any subsequent Federal Census, and shall take effect in any county to which it may apply upon its approval by a two-thirds ($\frac{2}{3}$) vote of the legislative body of any such county.

SECTION 6. For this 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 5.

Passed: May 3, 1984.

Wrecking or Towing Service License

Private Acts of 1961 Chapter 189

SECTION 1. That for the purpose of this Act a wrecker or towing operator shall be deemed to be any person, firm or corporation engaged in the business of offering towing service by use of a wrecker or by an automobile adapted to that purpose, said service being the towing or otherwise removing disabled motor vehicles from the place where they had been disabled. Storage, for the purpose of this Act consists of storing a motor vehicle within or on a building or place being used by the towing operator as his place of business.

SECTION 2. That no wrecker or towing operator shall engage in the business within Shelby County or offer such service to any motor vehicle upon the roads, streets or highways of Shelby County unless a license is obtained from the Clerk of the County Court for each wrecker or towing car operated by said wrecker or towing operator. A fee of one dollar shall be paid to the County Court Clerk for the handling and issuing of the license.

SECTION 3. That the Sheriff of Shelby County shall promulgate a complete set of Rules and Regulations describing in detail the procedure to be observed by any such Licensee. The Sheriff shall have authority to change such Rules and Regulations whenever, in his judgment, the interest of the County requires such change or revision, such change or revision to be submitted to be approved by the Shelby County Commissioners before becoming effective.

SECTION 4. That the maximum charges for wrecker, towing and road service within the limits of Shelby County shall be set by the Sheriff subject to approval by the County Board of Commissioners.

As amended by: Private Acts of 1979, Chapter 147.

SECTION 5. That any person, firm or corporation desiring to obtain a towing license shall file with the Sheriff an application setting out, among other things, the following:

1. Name and address of person, firm or corporation desiring license.
2. The location, description and hourly availability of wreckers owned or operated by the applicant.
3. A statement setting forth and describing available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.
4. The number of wreckers or towing cars owned or available for use by applicant.
5. A statement that applicant intends to comply with the fees and schedule of charges as herein provided and the Rules and Regulations to be promulgated by the Sheriff.
6. That applicant is in position to and will provide twenty-four hour service, including holidays, and that he will have at all times a minimum of two (2) wreckers or towing cars and two (2) men on duty or available at all times in any twenty-five hour period.
7. That all wreckers or towing cars will be fully equipped at all times with emergency equipment, such as flags, flares, axes, shovels, fire extinguisher and brooms.

SECTION 6. That the Sheriff shall investigate or cause to be investigated each applicant for the purpose of determining whether or not the applicant has the necessary facilities to qualify as a wrecker or towing car operator, and if the applicant is qualified to recommend to the Shelby County Commissioners that a license be issued to the applicant.

SECTION 7. That when an application has been approved the Clerk of the County Court shall grant a towing license to the applicant upon the payment by the applicant of an annual license fee. The annual license fee shall be \$5.00 for each towing car or wrecker unless application is made after July 1st, in which event it shall be \$2.50 for the remaining period of the year. This fee shall be in addition to the fee for handling set out in Section 2 hereof. All licenses shall expire on December 31st, and shall be renewed between December 1st, and December 31st of each year. Before the Clerk of the County Court shall issue any license the applicant shall deposit with the Clerk of the County Court a certificate of an Underwriter that applicant has in force a policy or policies of insurance issued by an insurance company authorized to transact business in the State of Tennessee as follows:

"A garage-keeper's legal liability policy covering fire, theft, explosion and collision in the following amounts: "Fire, Theft and Explosion all in the minimum amount of \$10,000.00; collision, subject to \$100.00 deduction, with each accident being separate claim." A garage liability policy covering the operation of applicant's own business, equipment or vehicle, for bodily injuries in the amount of \$25,000.00 for any one person killed or injured, and \$50,000.00 for more than one person injured or killed in any one accident; \$5,000.00 for all damage arising, injury to or destruction of property. "The policy or policies must contain an endorsement providing for ten (10) days' notice to the County of Shelby in event of any material change or cancellation of the policy or policies."

SECTION 8. That whenever the Clerk of the County Court shall issue a license under the provisions of this Act he shall furnish the Licensee with a sticker having printed thereon the year for which the license has been taken out.

SECTION 9. That every person, firm or corporation receiving a license pursuant to Section 8 hereof shall be issued a license sticker which shall at all times be prominently displayed on the windshield of each wrecker or automobile used for towing purposes.

SECTION 10. That the owner or operator of a towing car or wrecker shall have inscribed on each side thereof, in letters not less than three (3) inches in height, the name and address of the Licensee.

SECTION 11. That the owner of a wrecker or towing car shall have prepared billheads with his name and the address of his place of business printed thereon. The operator of a towing car before towing a disabled vehicle away shall prepare a bill on this billhead form in triplicate, the original of which shall be given to the owner of the disabled vehicle or his authorized representative. One copy shall be sent to the Sheriff, and the other copy retained by the owner of the wrecker or towing car. This bill shall contain the following information:

- (a) Name and address of person engaging towing car.
- (b) State license number of disabled vehicle.
- (c) Total amount to be charged for towing.
- (d) Storage rates per day, or parts thereof.
- (e) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of six (6) months, and shall be exhibited upon demand of the Sheriff or his duly authorized representative, or any person who removes the towed disabled vehicle from the original towing car owner's place of business to another place.

SECTION 12. That the wrecker of towing operator shall pull the wrecked vehicle to any place designated by the owner of such wrecked vehicle. Unless requested by the owner of such wrecked vehicle, the wrecker or towing operator shall not pull such wrecked vehicle to any location outside the limits of Shelby County. It shall be unlawful for the owner of a wrecker, his agent, employee or representative, at the scene of any accident to high-pressure or otherwise coerce or insist upon any owner of a wrecked vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked vehicle.

SECTION 13. That it shall be unlawful for the owner of any wrecker or towing car to go to any place where an accident has occurred unless called by the owner or his authorized representative or by the Police or Sheriff's Dispatcher. It shall be unlawful for the owner of any wrecker or towing car to go to the place of a wreck by reason of information received by short wave or Police or Sheriff's radio.

SECTION 14. That it shall be unlawful for any County employee to solicit business for any wrecker or towing car operator, and any employ guilty of violating the provisions of this Act shall forfeit his or her right to continue as such employee, and shall be subject to discharge.

SECTION 15. That it shall be unlawful to drive along any street or bridge and solicit towing work. Solicitation of towing work by the operator or other occupant of a licensed towing car while parked on any street or bridge is also prohibited. A towing car operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in Section 13 hereof. Responding to a call upon notice from gas station attendants, taxicab drivers, or unauthorized persons shall be considered a violation of this Act.

SECTION 16. That the Sheriff shall revoke the license of any Licensee on any of the following grounds:

- (1) If said license was procured by fraudulent conduct or false statement of a material fact or that a fact concerning applicant was not disclosed at the time of his making application that would have constituted just cause for refusing to issue said license.
- (2) If the Licensee proceeds to the scene of the accident in violation of the provisions of this Act.
- (3) If the Licensee uses a short wave or Police or Sheriff's radio to obtain information as to location of the accident.
- (4) If the Licensee shall pay in the form of a gratuity to any person not involved in the accident for information as to the location of the accident.
- (5) If the Licensee has violated the fee schedule by overcharge or has violated any of the Rules and Regulations established by the Sheriff. Such revocation shall terminate all authority and permission heretofore granted by said license to the Licensee. Any person, firm or corporation whose license has been revoked shall not be eligible to again apply for a license for a period of one (1) year from the date of such revocation. The period for which the license is terminated shall be set by the Sheriff for any reasonable and just length of time.

SECTION 17. That any person, firm or corporation violating any of the provisions of this Act or who shall engage in business as a wrecker of towing car operator without a license as herein provided shall be guilty of a misdemeanor, punishable by a fine of \$50.00, and each violation shall constitute a separate offense.

SECTION 18. That is any Section, paragraph, clause or sentence of this Act shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the remaining Sections, paragraphs, clauses and sentences.

SECTION 19. That this Act shall not have the effect of replacing or repealing any existing or subsequent Ordinance of the City of Memphis except insofar as in direct conflict therewith, or when such existing or subsequent Ordinances provide lower standards than those set forth in this Act.

SECTION 20. 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 Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

Passed: March 8, 1961.

Sheriff

Private Acts of 1959 Chapter 184

SECTION 1. That all abandoned, stolen, and/or recovered property of every kind and character, other than as provided in Section 8 herein, but including motor vehicles which shall remain unclaimed with the Sheriff's Office of Shelby County for the period of ninety days (90), the owners of which whether known or not, shall fail or refuse within said period of ninety days (90) to claim or reclaim such property, may be sold and disposed of at public auction as herein provided. By virtue of this Act the County of Shelby shall have authority to divest and vest title to property sold under the hereinafter stated provisions.

SECTION 2. That the Sheriff of Shelby County shall give to the purchasing agent of Shelby County a list of all property subject to sale hereunder and shall thereafter deliver said property, except motor vehicles, to the purchasing agent before the date of sale, and take a receipt from the purchasing agent showing in detail all property so delivered. Motor vehicles shall be kept by Sheriff until a sale has been made.

SECTION 3. That thirty days (30) notice of the time and place of sale, and a descriptive list of the property and/or motor vehicles to be offered for sale, shall be posted at the Courthouse door of Shelby County, Tennessee, and at another public place in the County, and a copy thereof sent by registered mail to the last known address of the owner (in the event the name of the owner is known to the purchasing agent), and thereafter said property shall be offered at public auction to the highest bidder for each piece of property or assembled in lots, whichever, in the discretion of the purchasing agent of Shelby County, shall tend to bring the best price for said property, except motor vehicles shall be sold separately.

SECTION 4. That said public auction shall be conducted at the place and hour designated in the notice, and all sales shall be for cash.

SECTION 5. That the purchasing agent shall conduct said public auction, and he shall keep an accurate statement of each article and/or motor vehicle sold, and the price bid and paid therefor, and shall make a complete report in writing to the Chairman of the Quarterly County Court of Shelby County of the time and place where said sale was conducted and all funds received on account of said auction sale, which shall be delivered to the Chairman of the Quarterly County Court of Shelby County who shall give his receipt therefor.

SECTION 6. That the Chairman of the Quarterly County Court of Shelby County is hereby required to place all funds received by him under and by virtue of this Act to the credit of the general fund of the County of Shelby, to be thereafter appropriated as the Quarterly County Court of Shelby County shall order.

SECTION 7. That any property as herein provided which, after having been listed, advertised, and offered for sale, shall bring no price, then and in that event the purchasing agent shall deem such property as worthless and shall dispose of said property in such manner as he and the Sheriff may deem right and proper, and he shall report to the Chairman of the Quarterly County Court of Shelby County the date and manner of the disposal of such worthless property.

SECTION 8. That nothing in this Act shall be construed as repealing the provisions of any other Act now in effect which provides for the disposition of abandoned, stolen, recovered and/or contraband property.

SECTION 9. 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 Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 11, 1959.

Law Enforcement - Historical Notes

Jails and Prisoners

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

1. Public Acts of 1883, Chapter 233, amended the general law concerning county jail physicians, Public Acts of 1877, Chapter 160, by redefining his duties and setting his salary to \$1,500 per annum in counties with a population of 50,000 or more.

2. Acts of 1905, Chapter 458, provided that the quarterly county court of Shelby County should elect four competent persons, plus two justices of the peace, to serve as a workhouse commission for the county.
3. Acts of 1909, Chapter 195, provided that the board of workhouse commissioners was to furnish the turnpike superintendent with a gang of convicts, properly equipped, of not less than forty nor more than seventy to keep the gravel roads of the county in good repair. Guards for this gang were to be employed by the superintendent of the workhouse, but their salary was to be paid from the turnpike fund.
4. Private Acts of 1911, Chapter 300, authorized Shelby County to enter into contracts with municipalities within its boundaries regarding the care of prisoners for those municipalities. This was repealed by Private Acts of 1913, Chapter 243.
5. Private Acts of 1921, Chapter 115, created the Shelby County Jail Commission to oversee the construction of a jail or a jail-penal farm and to issue and sale bonds for the construction of that facility. This was amended by Private Acts of 1921, Chapter 937, to provide that any surplus remaining after completion of the jail or penal farm would be used for improving the county workhouse and/or the home for the aged and infirm and/or any other county institution.
6. Private Acts of 1965, Chapter 249, attempted to give the superintendent of the Shelby County Penal Farm broad discretion in the confinement, temporary release and rehabilitation of chronic alcoholic persons sentenced to the workhouse by the criminal court for public drunkenness, but this act was rejected by the quarterly county court and its provisions were never effective.

Militia

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

1. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Shelby County composed the sixty-ninth regiment and held a regimental muster on the fourth Saturday in September annually.
2. Private Acts of 1827, Chapter 60, Section 4, set the time for holding drills for the militia of Shelby County to the Thursday and Friday preceding the third Saturday in September.
3. Public Acts of 1835-36, Chapter 21, divided the state militia into militia brigades. The militia of Shelby County formed the twenty-second brigade.
4. Acts of 1837-38, Chapter 157, provided that the county drill of the twenty-second brigade of Shelby County would be held on the second Monday and Tuesday of September of each year.
5. Acts of 1839-40, Chapter 56, revised the militia laws of the state. The militia of Shelby County composed the one hundred twenty-eighth and the one hundred and twenty-ninth regiments of the twenty-second brigade of the fourth division.
6. Acts of 1839-40, Chapter 187, created the twenty-third brigade of the Tennessee militia, which included the counties of Shelby and Fayette. This act also provided for the election of brigade officers by white males in those counties, between the ages of eighteen and forty-five.
7. Public Acts of 1861, Chapter 1, was an overall militia law for the state. The militia of Shelby County composed the one hundred twenty-eighth and the one hundred and twenty-ninth regiments.

Sheriff

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

1. Public Acts of 1859-60, Chapter 125, authorized the sheriff of Shelby County to appoint five deputies.
2. Public Acts of 1861 (Ex. Sess.), Chapter 21, authorized the sheriffs of Hawkins, Shelby and Dyer counties to appoint two extra deputies for their offices.
3. Private Acts of 1917, Chapter 77, set the salary of the sheriff of Shelby County to \$6,500 per annum.
4. Private Acts of 1919, Chapter 755, fixed the fees of the sheriffs for attendance on court in counties having a population of 190,000 or more according the Federal Census of 1910. A fee of \$3.50 was set for each day's attendance on court.
5. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Sheriff to \$7,500 per annum.

6. Private Acts of 1927, Chapter 682, set the sheriff's salary at \$10,000 per year.
7. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Sheriff to \$7,500 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the sheriff to \$8,250 per annum.
8. Private Acts of 1947, Chapter 517, authorized the quarterly county court to appropriate such additional funds as necessary to supplement the sheriff's fees so that he could properly and efficiently administer his office.
9. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the sheriff to \$8,800 per annum.
10. Private Acts of 1965, Chapter 252, attempted to create a civil service system for sheriff's employees, but the quarterly county court did not approve the provisions of the act so it never came into effect.
11. Public Acts of 1978, Chapter 934, extended the term of office for the sheriff from two years to four years and removed the limitation of three on the number of terms the sheriff could serve. Effective September 1, 1978, county rangers were abolished.
12. Public Acts of 1979, Chapter 249, allowed the sheriff under certain conditions to work prisoners who were sentenced to the county jail, or workhouse, for eleven months and twentynine days, or less, picking up trash and litter from the public roads and highways. The state department of transportation could supply a truck and a driver to assist in this program.

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