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# Chapter IX - Highways and Roads

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

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

Sincerely,

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## Chapter IX - Highways and Roads

### Advertising Signs

#### Private Acts of 1917 Chapter 569

**SECTION 1.** That hereafter it shall be unlawful for any person, firm or corporation to post any kind of advertising signs within fifty feet of the center of any public highway in any county in this State having a population of not less than 39,200 and not more than 39,500 inhabitants by the Federal Census of 1910 or that may have that number of inhabitants by any subsequent Federal Census.

**SECTION 2.** That the violation of Sec. 1 of this Act shall be a misdemeanor and shall be punishable by a fine of not less than \$10.00 nor more than \$50.00 in the discretion of the Court.

**SECTION 3.** That all laws and parts of laws in conflict with this Act shall be and are hereby repealed.

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

Passed: April 3, 1917.

### Highway Engineer

#### Private Acts of 1995 Chapter 39

**SECTION 1.** The office of Highway Engineer of Madison County is hereby reestablished. The person holding the office of Highway Engineer of Madison County on the effective date of this act shall continue to hold office for the remainder of the term to which such officer was elected or appointed. The Madison County Highway Engineer shall be the Chief Administrative Officer of the County Highway Department as such office is defined in the County Uniform Highway Law codified in Tennessee Code Annotated, Title 54, Chapter 7, and shall exercise the powers and perform all of the duties imposed on such office by general law.

**SECTION 2.** The county legislative body of Madison County shall elect a highway engineer at an election to be held in August, 1995, and every four (4) years thereafter. The highway engineer shall serve a term of four (4) years beginning on the first day of September after his or her election and shall serve until a successor is elected and qualified. The county legislative body shall fill a vacancy in the office of highway engineer in accordance with the general law.

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

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

Passed: April 6, 1995.

### Highways and Roads - Historical Notes

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

1. Private Acts of 1824, Chapter 58, appropriated the funds remaining after the City of Jackson had been established to build a road through the low ground, or swamp, of the Forked Deer River, crossing the river at the bridge at Shannon's Landing.
2. Private Acts of 1827, Chapter 10, named commissioners for the building of a bridge across the Forked Deer River at Jackson and set forth their duties, and set rates of toll and exemptions from toll rates.
3. Private Acts of 1829, Chapter 282, declared the middle fork of the Forked Deer River to be navigable and regulated the height of bridges built across it.
4. Private Acts of 1832, Chapter 73, made it lawful for Sugars McLemore to receive a specified toll for crossing his bridge over the Forked Deer River, but authorized the county court to take control of the bridge if it became impassable. The bridge could be kept as long as it in no way obstructed

- navigation. Private Acts of 1832, Chapter 4, contains provisions identical to those in Chapter 73.
5. Private Acts of 1833, Chapter 255, authorized a turnpike and bridge to be built across the north fork of the Forked Deer River.
  6. Private Acts of 1833, Chapter 299, declared Alexander's Fork of the Forked Deer River to be navigable as far upstream as Hibbet's and Sharpe's mill, thus requiring bridges to be built a specified height.
  7. Public Acts of 1881, Chapter 118, gave the county court power to own and manage turnpike roads.
  8. Acts of 1901, Chapter 136, regulated the working and construction of public roads in Madison County, providing for Road Commissioners, ad valorem taxes, classification of roads, etc. This act was amended by Acts of 1905, Chapter 478.
  9. Acts of 1905, Chapter 403, provided that all male residents between the ages of 21-45 were subject to road duty in Madison County.
  10. Acts of 1907, Chapter 545, authorized the appointment of a County Engineer for Madison County.
  11. Acts of 1909, Chapter 351, was a general road law which established a system of county roads and created various officers, agencies, etc. for that purpose.
  12. Private Acts of 1917, Chapter 230, created a County Board of Highway Commissioners in Madison County and provided for the regulation of the roads in Madison County. This act was amended by Private Acts of 1917, Chapter 536, Private Acts of 1919, Chapter 433, Private Acts of 1937, Chapter 337, Private Acts of 1939, Chapter 203, and Private Acts of 1945, Chapter 58 (the 1945 act was expressly repealed by Private Acts of 1970, Chapter 225). This 1917 act has never been expressly repealed, although it probably was repealed by implication by Private Acts of 1970, Chapter 225.
  13. Private Acts of 1945, Chapter 58, amended Private Acts of 1917, Chapter 230, to abolish the County Board of Highway Commissioners and vest all of its rights, powers and duties in a County Engineer. This act was amended by Private Acts of 1951, Chapter 229, Private Acts of 1955, Chapter 67 (as amended by Private Acts of 1955, Chapter 180), and Private Acts of 1965, Chapter 198. The 1945 act, as amended, was repealed by Private Acts of 1970, Chapter 225.
  14. Private Acts of 1970, Chapter 225, indicated in its caption that it amended Private Acts of 1917, Chapter 230, but the body of the act made no reference to the 1917 act. The 1970 act effectively constituted a new road law for Madison County, presumably repealing the 1917 act by implication. The 1970 act expressly repealed Private Acts of 1945, Chapter 58, which had substituted a County Engineer for the Board of Highway Commissioners. The 1970 act was amended by Private Acts of 1987, Chapter 92, and the 1970 act, as amended, was repealed by Private Acts of 1991, Chapter 2

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