



March 28, 2025

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# Blount

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Dear Reader:

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

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

Sincerely,

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<b>Blount .....</b>	<b>4</b>
<b>Chapter 1 - Administration .....</b>	<b>5</b>
<b>Building Codes .....</b>	<b>5</b>
<b>Incorporation By Reference .....</b>	<b>5</b>
<b>Private Acts of 1972 Chapter 231 .....</b>	<b>5</b>
<b>Cable Television .....</b>	<b>6</b>
<b>Private Acts of 1994 Chapter 125 .....</b>	<b>6</b>
<b>County Legislative Body .....</b>	<b>6</b>
<b>Private Acts of 1994 Chapter 190 .....</b>	<b>6</b>
<b>County Surveyor .....</b>	<b>7</b>
<b>Private Acts of 1921 Chapter 278 .....</b>	<b>7</b>
<b>Fiscal Procedure Law .....</b>	<b>7</b>
<b>Director of Budgets and Accounts .....</b>	<b>7</b>
<b>Private Acts of 1972 Chapter 229 .....</b>	<b>7</b>
<b>Interest on County Funds .....</b>	<b>9</b>
<b>Acts of 1909 Chapter 9 .....</b>	<b>9</b>
<b>Technology Corridor Development Authority .....</b>	<b>10</b>
<b>Private Acts of 1986 Chapter 180 .....</b>	<b>10</b>
<b>Administration - Historical Notes .....</b>	<b>15</b>
<b>Chapter II - Animals and Fish .....</b>	<b>18</b>
<b>Bangs Disease .....</b>	<b>19</b>
<b>Private Acts of 1945 Chapter 186 .....</b>	<b>19</b>
<b>Coon Dog Training .....</b>	<b>20</b>
<b>Public Acts of 1975 Chapter 189 .....</b>	<b>20</b>
<b>Red Foxes .....</b>	<b>21</b>
<b>Private Acts of 1955 Chapter 298 .....</b>	<b>21</b>
<b>Animals and Fish - Historical Notes .....</b>	<b>21</b>
<b>Chapter III - Bond Issues .....</b>	<b>22</b>
<b>Teachers' Salaries .....</b>	<b>22</b>
<b>Private Acts of 1929 Chapter 73 .....</b>	<b>22</b>
<b>Bond Issues - Historical Notes .....</b>	<b>23</b>
<b>Chapter IV - Boundaries .....</b>	<b>24</b>
<b>Creation of the County .....</b>	<b>25</b>
<b>Acts of the Territory of the United States South of the River Ohio,</b>	<b>25</b>
<b>1795 Chapter 6 .....</b>	<b>25</b>
<b>Change of Boundary Lines .....</b>	<b>25</b>
<b>Acts of 1796 Chapter 35 .....</b>	<b>25</b>
<b>Acts of 1798 Chapter 6 .....</b>	<b>26</b>
<b>Acts of 1801 Chapter 52 .....</b>	<b>26</b>
<b>Acts of 1809 (Second Session) Chapter 20 .....</b>	<b>26</b>
<b>Acts of 1809 (First Session) Chapter 91 .....</b>	<b>26</b>
<b>Private Acts of 1835-36 Chapter 143 .....</b>	<b>26</b>
<b>Acts of 1837-38 Chapter 270 .....</b>	<b>27</b>
<b>Public Acts of 1879 Chapter 119 .....</b>	<b>27</b>
<b>Acts of 1903 Chapter 55 .....</b>	<b>27</b>
<b>Acts of 1903 Chapter 478 .....</b>	<b>28</b>
<b>Private Acts of 1941 Chapter 458 .....</b>	<b>28</b>
<b>Private Acts of 1941 Chapter 459 .....</b>	<b>28</b>
<b>Private Acts of 1945 Chapter 610 .....</b>	<b>28</b>
<b>Public Acts of 1975 Chapter 134 .....</b>	<b>29</b>
<b>Boundaries - Historical Notes .....</b>	<b>29</b>
<b>Chapter V - Court System .....</b>	<b>30</b>
<b>General Sessions Court .....</b>	<b>30</b>

Private Acts of 1947 Chapter 345 .....	30
Private Acts of 1989 Chapter 48 .....	34
Court System - Historical Notes .....	34
Chapter VI - Education/Schools .....	38
Board of School Supervisors .....	38
Private Acts of 1961 Chapter 60 .....	38
Education/Schools - Historical Notes .....	40
Chapter VII - Elections .....	42
Elections - Historical Notes .....	42
Chapter VIII - Health .....	44
Authorization to Operate Hospital .....	44
Private Acts of 1945 Chapter 187 .....	44
Chapter IX - Highways and Roads .....	46
Billboards .....	46
Private Acts of 1989 Chapter 83 .....	46
Road Improvements .....	46
Private Acts of 1988 Chapter 231 .....	46
Road Law .....	51
Private Acts of 1959 Chapter 265 .....	51
Highways and Roads - Historical Notes .....	54
Chapter X - Law Enforcement .....	55
Civil Service Merit System .....	55
Private Acts of 1972 Chapter 332 .....	55
Offenses .....	59
Refuse Dumping .....	59
Private Acts of 1970 Chapter 216 .....	59
Law Enforcement - Historical Notes .....	59
Chapter XI - Public Utilities .....	60
Rock Gardens Utility District .....	60
Private Acts of 1947 Chapter 824 .....	60
Chapter XII - Taxation .....	66
Assessor of Property .....	67
Additional Duties .....	67
Private Acts of 1921 Chapter 52 .....	67
Construction - Modeling Reports .....	67
Private Acts of 1970 Chapter 215 .....	67
Courthouse Litigation and Recording Taxes .....	68
Private Acts of 1972 Chapter 370 .....	68
Drug Court Program and Litigation Tax .....	69
Private Acts of 1999 Chapter 56 .....	69
Highway Tax .....	69
Private Acts of 1947 Chapter 301 .....	69
Hotel/Motel Tax .....	70
Private Acts of 1979 Chapter 102 .....	70
Taxation - Historical Notes .....	73

# Blount



Blount County Courthouse

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# Chapter 1 - Administration

## Building Codes

### Incorporation By Reference

#### Private Acts of 1972 Chapter 231

**SECTION 1.** The governing body of Blount County is authorized to adopt, by reference, the provisions of any code or portions of any code as herein defined, to amend the provisions of said codes as it deems necessary, to provide for their administration and enforcement to establish penalties for the violation of such codes and to define the area within the county where such codes will be applicable.

**SECTION 2.** As used in this Act, the following terms shall have the meanings hereafter indicated.

(a) Governing body. The Quarterly Court of Blount County or any other body in which the general legislative powers of the county may hereafter be vested.

(b) Code. Any published compilation of published rules or regulations which have been prepared by technical trade associations, model code organizations, or agencies of the State or Federal Governments which regulate building construction, housing quality, electrical wiring, and plumbing and gas installation.

(c) Published. Any document which is printed, lithographed, multigraphed, or otherwise reproduced.

**SECTION 3.** The governing body may adopt or repeal a resolution which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full. At least three copies of such code, portion, or amendment which is incorporated by reference shall be filed in the office of the County Court Clerk and there kept for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed to be complied with unless the required copies of such code, portion, or amendment are filed with the Clerk for a period of thirty (30) days before the adoption of the resolution which incorporates such code, portion, or amendment by reference. No resolution incorporating a code, portion, or amendment by reference shall be effective until published in a newspaper having a general circulation in the county. Codes regulations, or amendments to any of the foregoing adopted by the governing body, acting under the authority of this Act shall not take precedence over existing or hereafter enacted state laws or regulations except wherein such codes, regulations, or amendments to any of the foregoing surpass the standards of said state laws or regulations, and county officers charged with enforcement under the authority of this Act are hereby authorized and empowered to enforce all such valid state laws and regulations which are more stringent than said county codes or regulations.

**SECTION 4.** Any amendment which may be made to any code or regulation incorporated by reference by the governing body hereunder, may be likewise adopted by reference provided that the required number of amended or corrected copies (3) are filed with the County Court Clerk of Blount County for public inspection, use, and examination at least thirty (30) days prior to adoption. Notice of the adoption of any resolution adopting amendments by reference shall be published in a newspaper of general circulation in the county. No such resolution shall become effective until such notice has been published.

**SECTION 5.** The Governing body may also incorporate by reference the administrative provisions of any code, or may include in the adopting resolution any suggested administrative provisions found in a code. Should a code not contain administrative provisions, the administrative provisions of another code may be adopted by reference, or may be adopted and included in the adopting resolution. The powers and duties of enforcing the provisions of any code incorporated by reference may be conferred upon such officials within the existing framework of the county government as the governing body may determine, such as but not limited to, officials and bodies administering zoning and planning regulations within the county.

**SECTION 6.** Any official vested with the powers of enforcing the provisions of any code incorporated by reference may, in addition to any other remedies provided by law, institute injunction to prevent the violation of any provision of such code. Further, that any magistrate or judge who is authorized to issue warrants under general law is authorized to issue to the enforcing officer a warrant authorizing the inspection of specified buildings, structures, or premises when necessary to enforce any codes or regulations adopted hereunder.

**SECTION 7.** The authority of this Act shall not extend to the incorporation by reference of any penalty clause contained in a code. Any person, firm, or corporation or agent who shall violate a provision of any code incorporated by reference or fail to comply therewith or with any of the provisions thereof, or violate

a detailed statement or plans submitted and approved thereunder shall be guilty of a misdemeanor. Each such person, firm, or corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of a code is committed or continued, and upon conviction for any such violation shall be punished by a fine of not more than Fifty Dollars.

**SECTION 8.** The provisions of this Act shall apply only to the unincorporated area of Blount County.

**SECTION 9.** If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

**SECTION 10.** This Act shall have no effect unless the same shall have been approved by a two-thirds ( $\frac{2}{3}$ ) vote of the governing body of Blount County. Its approval or nonapproval shall be proclaimed by the county judge of Blount County and certified by him to the Secretary of State.

**SECTION 11.** 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 10 herein.

PASSED: February 16, 1972.

## Cable Television

### Private Acts of 1994 Chapter 125

**SECTION 1.** Notwithstanding any provision of the law or any provision of the charter of any municipality to the contrary, in any counties having a population of not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100) according to the 1990 federal census or any subsequent federal census that has a cable television authority established by an intergovernmental agreement, the members of the legislative body of such county and the members of the legislative body of any municipality within such county may serve as members of the cable television authority of such county if the appointments are in accordance with the provisions of the intergovernmental agreement.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the legislative body of any county or municipality to which it may apply. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and so certified to the secretary of state.

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

PASSED: February 23, 1994.

## County Legislative Body

### Private Acts of 1994 Chapter 190

**SECTION 1.** (a) Notwithstanding any provision of law to the contrary, in any counties having a population of not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100) according to the 1990 federal census or any subsequent federal census, members of the legislative body of such counties may serve as members on any board, commission, committee, authority over which the legislative bodies of such counties have appointing power, which includes but is not limited to the following:

1. Airport Hazard Board of Adjustment, created pursuant to Tennessee Code Annotated, Section 42-6-108;
2. Emergency Communications District Board, created pursuant to Tennessee Code Annotated, Section 7-86-105;
3. Jail and Courthouse Superintendent's Committee, created pursuant to Tennessee Code Annotated, Section 5-7-112;
4. County Beer Board, created pursuant to Tennessee Code Annotated, Section 57- 5-105;
5. County Board of Public Utilities, created pursuant to Tennessee Code Annotated, Section 5-16-103; an
6. Jail Inspection Committee, created pursuant to Tennessee Code Annotated, Section 41-4-116.

(b) The provisions of subsection (a) shall be effective in any county to which it applies upon a two-thirds

( $\frac{2}{3}$ ) vote of the county legislative body. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and so certified to the Secretary of State.

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

PASSED: April 20, 1994.

## County Surveyor

### Private Acts of 1921 Chapter 278

**SECTION 1.** That the County Courts of all counties having a population of not less than 16,270 and not more than 16,280 inhabitants and also Counties having a population of not less than 28,795, and not more than 28,805 inhabitants, according to the Federal Census of 1920 or any subsequent Federal Census, are hereby authorized to fix the salary of the County Surveyors of said Counties at Seven Dollars and Fifty Cents per day (\$7.50).

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

Passed: February 11, 1921.

## Fiscal Procedure Law

### Director of Budgets and Accounts

### Private Acts of 1972 Chapter 229

**COMPILER'S NOTE:** According to information supplied to CTAS, Blount County has adopted the optional general law known as the County Financial Management System of 1981, codified at T.C.A. § 5-21-101 et seq. Under the provisions of T.C.A. § 5-21-128, upon adoption of this optional general law, private acts relative to county finances, budgeting and purchasing in conflict with this 1981 act are suspended until such time as the provisions of the 1981 act are revoked. Therefore, this private act appears to be suspended.

**SECTION 1.** The county judge of Blount County shall appoint, with approval of the quarterly county court, a director of accounts and budgets who shall be a county employee. He shall be qualified by training and experience in the field of accounting to perform his duties in a proficient manner and in accordance with generally recognized principles of governmental accounting. Before assuming his duties he shall execute a corporate surety bond; the amount of which shall be established by the county judge at not less than ten thousand dollars (\$10,000) nor more than twenty-five thousand dollars (\$25,000). The bond shall be approved by the quarterly county court and shall be recorded in the office of the register of deeds in the same manner as are the bonds of all county officials. The premium for such bond shall be paid from the county general fund.

The compensation of the director of accounts and budgets, which shall not be in excess of compensation allowed county officials in accordance with Sections 8-2402-8-2403, Tennessee Code Annotated, shall be set annually by the quarterly county court. The amount of such compensation, the compensation of such stenographers, typists, or assistants as he may need, and the other necessary expenses of his office shall be provided for by annual appropriation from the county general fund.

The director of accounts and budgets shall have power, in accordance with such regulations as may be established from time to time by the county judge, to appoint and remove his assistants, to prescribe their duties, and to fix their salaries within the limits of the annual appropriation.

**SECTION 2.** There shall be set up and maintained in the office of the director of accounts and budgets a system of fiscal procedure, control and centralized accounting, hereinafter set out and described, which shall be under the administrative control and direction of the director of accounts and budgets. Such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the county judge as fiscal agent of the county.

The system of fiscal procedure, control and accounting herein provided shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the national committee on governmental accounting.

The system shall include such records and procedures as may be required to reflect accurately the assets, liabilities, income, and expenditures of each fund of the county, together with such records, accounts and

files as are necessary to record and control:

1. The transactions relating to county revenues, and the revenues for each of its several funds;
2. The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriations;
3. The transactions relating to the bonded debt; and
4. Such other records as may be necessary to facilitate the operation of the adopted budget and the proper accounting for each item of county expenditure.

**SECTION 3.** It shall be the duty of the director of accounts and budgets to post and otherwise keep the records of the central accounting system to verify all bills, invoices, payrolls and claims against the county before payment, and to check the settlements and reports of the various officials and department heads of the county government.

The director shall also, after careful pre-audit of invoices, bills, and claims against the county or any of its funds, prepare disbursement warrants on all county funds. It shall be the duty of such director to sign all county disbursement warrants as evidence of his audit and approval of the expenditure made thereby, but no disbursement warrant drawn on the county trustee shall become a county liability payable by the county trustee until such warrant shall also have been signed by the county judge, county superintendent of schools, or other official or officials whose signatures are required on such warrants.

The director shall install, with the approval of the comptroller of the treasury, a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting, and financial reporting respecting all county funds, offices, agencies and activities of the county governments, with the exception of school funds administered by the county board of education and the county superintendent of schools, and shall prescribe the forms to be used by each official and employee of the county in connection therewith. The classification and expenditures and receipts of county school funds shall conform to the classification of accounts as prescribed by the state commissioner of education.

The director shall set up and maintain a double entry system of accounting for recording the transactions of all the county's funds, including both proprietary and budgetary accounts, in conformity with the requirements set out in Section 2. The accounts shall be kept on the modified cash basis.

The director shall set up the necessary accounts to properly record the annual budget and each appropriation made by the quarterly county court. All encumbrances, expenditures or other charges against any item of the budget shall be promptly recorded in order that the unencumbered balance of each item of the budget shall be readily ascertainable at all times.

At the end of each month the director shall prepare a comprehensive report of all revenues and expenditures of the county and of each of its several funds, departments, offices, agencies, and activities, all encumbrances against the several appropriations, and the condition of each item of appropriation in the annual budget. The most recent of such reports shall be presented to the quarterly county court at each quarterly meeting and copies of such reports shall be furnished the members thereof.

The director shall pre-audit all payrolls of the county before payment and shall maintain complete earnings records of each employee of the county. The director and the county judge are hereby authorized to maintain a special county payroll account at a local bank at the county seat, in which disbursement warrants for the total of each payroll may be deposited and against which individual net earning checks may be issued to each of the county employees. The county judge may authorize the issuance of such payroll checks on the signature of the director of accounts and budgets, and in such event the depository bank shall be so instructed.

**SECTION 4.** Excepting taxes such as the county trustee is authorized to collect, the payment of all moneys to the county trustee by any collectors authorized by statute, or by anyone on account due the county, shall be made only by issuance of a receivable warrant signed by the county judge instructing the trustee to receive the amount named, for which the trustee shall issue his receipt, duplicate of which shall be delivered to the director of accounts and budgets to be used by him in posting the accounting records.

**SECTION 5.** Before any obligation against the county shall be paid or any disbursement warrant or voucher issued therefor, a detailed invoice or statement approved by the head of the office, department or agency for which the obligation was made shall be filed with the director of accounts and budgets. Said director shall make a careful pre-audit of such invoice or statement, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable. Disbursement warrants shall be promptly prepared for all such approved items by the director of accounts and budgets and mailed or delivered to the payees thereof.



A duplicate copy of all disbursement warrants, with all original invoices and/or other supporting documents attached thereto, shall be kept on file in the office of the director of accounts and budgets.

**SECTION 6.** Each official, office, department, institution, agency, board, committee, commission or employee of the county shall furnish such information and make such reports as may be required to properly maintain the central accounting system and fiscal procedures herein authorized and prescribed, and such information and reports shall be furnished at such times and in such form as may be prescribed by the director of accounts and budgets.

The records of all county offices, departments, and agencies shall be made available by their respective officials or employees for examination at all reasonable hours by the director of accounts and budgets.

**SECTION 7.** Any official named in this Act or any other official, agent, or employee of the county who shall fail or refuse to perform the duties required of him under this Act, or who shall otherwise fail or refuse to conform to the provisions of this Act, shall be guilty of a misdemeanor and subject to removal from office.

**SECTION 8.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the quarterly county court of Blount County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

**SECTION 9.** This Act shall take effect on becoming a law, the public welfare requiring it.

PASSED: February 15, 1972.

## Interest on County Funds

### Acts of 1909 Chapter 9

**COMPILER'S NOTE:** According to information supplied to CTAS, Blount County has adopted the optional general law known as the County Financial Management System of 1981, codified at T.C.A. § 5-21-101 et seq. Under the provisions of T.C.A. § 5-21-128, upon adoption of this optional general law, private acts relative to county finances, budgeting and purchasing in conflict with this 1981 act are suspended until such time as the provisions of the 1981 act are revoked. Therefore, this private act appears to be suspended.

**SECTION 1.** That in any county having a population of not less than 19,200 nor more than 19,210 by the Federal census of 1900 or any subsequent census, the County Court thereof, in quarterly session assembled, a quorum being present, be, and is hereby, authorized to adopt a resolution to contract with a bank or banks making the highest and [best] bids to pay interest on daily balances of the county funds mentioned; and is further authorized to appoint three of its members, who, in conjunction with the County Trustee and County Judge of Chairman, shall constitute the County Finance Committee, with the County Judge or Chairman as Chairman of said committee.

**SEC. 2.** That the said Finance Committee, to carry out the will of the said County Court, shall be vested with full power to formulate, make, and sign contract upon the terms and conditions specified therein, which contract shall be approved by the County Judge or Chairman and attested by the county seal attached on the part of the county, and shall be binding on the county.

**SEC. 3.** That when the contract has been completed as heretofore described on the part of the county, and also signed by the proper parties on the part of the bank or banks under the seal thereof, and a good and sufficient bond has been executed by the bank or banks for the faithful performance of the contract and to save the county harmless, the said Finance Committee shall so notify the County Trustee in writing, and order him to place all funds already in his hands, or that may thereafter be collected by him, on deposit in said bank or banks, noting the funds that shall draw interest and amount thereof.

**SEC. 4.** That upon the receipt of said notice and order, it is hereby made the duty of the County Trustee to place all funds in said notice in the bank or banks designated therein.

**SEC. 5.** That from the date of said deposit, which shall be evidenced by the bank book, the County Trustee shall be released from liability for losses to the county in consequence of said contract and deposit; *provided*, that should the County Trustee fail or refuse to specifically obey the said order, he shall be held liable, not only for the money collected and not deposited, but for the interest on said funds mentioned in said contract; and as a penalty shall be liable for further interest equal in amount of interest contracted for, all of which may be recovered by suit instituted in a court of competent jurisdiction; and when collected, the interest to be paid as penalty shall become the property of the contracting bank or banks, and the balance of funds recovered, together with the costs, shall be paid to the county.

**SEC. 6.** That before the fifteenth of each month the said bank or banks shall render a statement to the

County Trustee showing the balance on hand and the interest thereon due the county to the first of the month; and the County Trustee shall, in his monthly report to the County Judge or Chairman, show the amount of said monthly balance as per bank statement, said interest to be placed by the Trustee to the credit of the proper county fund.

**SEC. 7.** That all Acts heretofore passed in conflict with this Act are hereby repealed.

**SEC. 8.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 26, 1909.

## Technology Corridor Development Authority

### Private Acts of 1986 Chapter 180

**SECTION 1.** Short Title - This Act shall be known and may be cited as the Blount County Technology Corridor Development Authority Act.

**SECTION 2.** Legislative Findings - Public and governmental character of Industrial Technology Development Authorities - Declaration of Public Necessity.

a. It is declared that a clear need exists in a specific area of Blount County, Tennessee, for improved management or the natural and manmade resources required for the attraction, expansion, and continued support and nurturing of industrial technology-based economic development and the subsequent creation and expansion of employment opportunities for all of Tennessee's citizens through the promotion of industrial technology business development. To this end, it shall be the purpose of this Act to place physical development review responsibilities and other powers specified herein in a specialty designated body, and that such body shall have the authority to exercise said powers to more effectively manage the natural and manmade resources to effect the location, expansion and support of industrial technology business development within the specific geographic area designated by this Act.

b. It is further declared that the Blount County Technology Corridor Development Authority created pursuant to this Act shall be a public and governmental body acting as an agency and instrumentality of Blount County, the City of Maryville and the City of Alcoa; and that the responsibilities, management authority, and other powers designated herein are declared to be for public and governmental purpose and a matter of public necessity. The property and revenues of the Authority or any interest therein shall be exempt from all state, county and municipal taxation.

**SECTION 3.** Definitions. The following words or terms whenever used or referred to in this Act, shall have the following respective meanings unless different meanings clearly appear from the context:

- a. "Authority" shall mean the Blount County Technology Corridor Development Authority created, pursuant to the provisions of this Act.
- b. "Governing Bodies" shall mean the chief legislative bodies of Blount County, the City of Maryville and the City of Alcoa.
- c. "Board" shall mean the Board of Commissioners of the Authority.
- d. "Municipality" shall mean any city or government having jurisdiction within the geographical area of the Authority as designated by this Act.
- e. "State" shall mean the State of Tennessee.
- f. "Industrial Technology Business" shall mean any public or private enterprise engaged in the research, development, production, distribution or support of new or emerging products, processes through the application of advanced technology in new or rapidly expanding markets, or any other business deemed by the Board to be compatible with such business.
- g. "Planning Commissions" shall mean the Blount County Planning Commission, the Alcoa Regional Planning Commission, the Maryville Regional Planning Commission, the City of Alcoa Planning Commission, the City of Maryville Planning Commission, or any successor planning commission.
- h. "Technology Corridor" shall mean that geographical corridor described at Section 5(b) of this Act.
- i. "Comprehensive Development Plan" shall mean adopted comprehensive plans for those lands and public improvements located within the Technology Corridor.
- j. "Technology Parks" shall be those lands designated as suitable for technology development and as shown on the adopted Comprehensive Development Plan.

k . "Tennessee Technology Foundation" a not-for-profit corporation chartered in cooperation with the State of Tennessee.

l. "Tennessee Technology Corridor Development Authority" as defined in Chapter 128 of the Private Acts of 1983.

**SECTION 4. Authority Established - Purposes.**

a. There is established in Blount County, Tennessee, the Blount County Technology Corridor Development Authority.

b. The Authority shall be established for the purposes of:

(1) Developing and adopting jointly with the Planning Commissions, a comprehensive plan for the Blount County Technology Corridor as delineated elsewhere in this Act .

(2) Developing, adopting, and administering site design and development standards in cooperation with the Planning Commissions for the Technology Corridor to insure a high quality living and working environment conducive to the requirements of industrial technology business.

(3) Affecting sound development of the Technology Parks through the financing, construction, renovation, or modification of public service facilities in cooperation with the municipalities and utility districts as deemed necessary and appropriate for the location, siting, maintenance and support of industrial technology business development.

(4) Acquiring, holding, improving, managing, and disposing of lands within the Technology Parks which are suitable for the various purposes herein set forth.

**SECTION 5. Technology Overlay Zone, Establishment, Definition, Delineation.**

a. In order to accomplish the purpose of this Act, a Technology Overlay Zone shall be established by the governing bodies within which the Authority shall exercise powers described herein to effect the purpose of this Act. The powers described shall be exercised in cooperation with the governing bodies through their zoning authority and other police powers. The governing bodies zoning resolution shall be enacted to establish a Technology Overlay Zone in accordance with the provision of its zoning resolution and the general law of the state. Where design and development standards, regulations, policies, and procedures are adopted for the Technology Overlay Zone by the Authority pursuant to this Act, said standards, regulations, policies and procedures shall apply, provided that, the permitted and prohibited property uses, zoning, land management procedures and regulations otherwise applicable within the municipalities shall also apply.

b. The geographic area defined as the Blount County Technology Corridor and over which the Authority shall exercise its powers shall be that portion of Blount County established and provided by resolution of the Blount County municipalities. Any modification of the boundaries of the Technology Corridor shall be made upon concurrence of the governing bodies and the approval of the Authority.

**SECTION 6. Technology Development Authority Sanctioning Authority - Governing Board - Members - Appointment - Terms.**

a. The governing body of the Authority shall be a Board of Commissioners established in accordance with the terms of this Act and charged with the promotion and support of industrial technology based on economic growth for the Blount County Technology Corridor in the State of Tennessee.

b. The Board of Commissioners shall be composed of nine (9) members, eight (8) of which shall be appointed by and a member or designee of the organization they represent. One (1) member shall be appointed by the Alcoa Regional Planning Commission, one (1) member shall be appointed by the Maryville Regional Planning Commission, one (1) member shall be appointed by the Blount County Planning Commission, one (1) member shall he appointed by the Tennessee Technology Foundation, three (3) members shall be appointed by the Blount County Industrial Development Board, one (1) member shall be appointed by the Metropolitan Knoxville Airport Authority, and one (1) member shall be at-large and shall he appointed by the other eight members. Members appointed by the Alcoa Regional Planning Commission, the Blount County Planning Commission and the Maryville Regional Planning Commission shall be appointed for three (3) years terms, the member from the Tennessee Technology Foundation shall he appointed for a two (2) year term, the members from the Blount County Industrial Development Board shall be appointed for a two year term and all other members shall be appointed for a one (1) year term. Each member may be re-appointed by their respective organizations. All members of the Board of Commissioners shall

have been a Blount County resident for at least one (1) year. Any vacancy by reason of incapacity, resignation or death shall be filled in a like manner for the unexpired term. The names of the members appointed by their organizations are to be filed for the State with the Secretary of State by that organization, after which the Authority shall be authorized to commence business.

c. All members of the Board of Commissioners shall serve as such without compensation, but may be allowed necessary expenses while engaged in the business of the Authority, as may be provided and approved by the Board of Commissioners, payable from the funds of the Authority or the Tennessee Technology Foundation.

d. The Board of Commissioners shall elect from its members a Chairman and Vice-Chairman, each of whom shall continue to be voting members and shall adopt its own by-laws and rules of procedures. A majority of the commissioners shall constitute a quorum for the transaction of business. Except when otherwise expressly specified, all powers granted to the Authority shall be exercised by its Board.

e. A commissioner may be removed from office for good cause including voting in matters of personal interest in violation of Tennessee Code Annotated, Section 12-4-101, but only after notice of the cause of such removal has been served upon the commissioner, in accordance with Article 7, Section I of the Tennessee Constitution, Tennessee Code Annotated, Section 12-4-102, and the general law.

**SECTION 7. General Powers.** The Authority shall exercise all powers necessary to accomplish the purpose of this act (excluding the power to levy and collect taxes and special assessments) including, not limited to, the following:

a. To have perpetual succession, to sue and be sued, and to adopt a corporate seal;

b. To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of the Blount County Technology Corridor delineated pursuant to the provisions of this act, all facilities, equipment, and appurtenances necessary or convenient to the promotion, expansion, retention, nature, and support of industrial technology-oriented economic development, and to charge for their use and for any and all services performed by the Authority, provided however, that the Authority shall have no power or control over land or facilities under control of any public utility created by general or special acts;

c. To accept donations to the Authority of cash, lands, and other property to be used in the furtherance of the purposes of this act, and to accept grants, loans and other financial assistance from any federal, state or local government or any other sources, or in aid of the acquisition or improvement of any of the facilities described herein, provided, however, that the acceptance of Federal or State assistance does not preempt grant monies otherwise available to Blount County or its municipalities;

d. To purchase, rent, lease or otherwise acquire; to sell, transfer, manage, or otherwise dispose of 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 which, in the judgement of the Authority's Commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, the acquisition of lands within the Technology Corridor, which are suitable for or deemed necessary by the Authority pursuant to its purposes for use by or support of industrial technology businesses, provided, however, said acquisition shall be made upon approval of the governing body, which may impose in lieu of tax payment on the Authority, until ad valorem taxes shall be levied;

e. To make contracts and execute instruments containing such covenants, terms and conditions as in the judgement of the Board of Commissioners may be necessary, proper, or advisable for the purpose of carrying out its functions including, but not limited to, agreements for obtaining grants, loans, or other financial assistance from federal, state or local governments or agencies thereof or other sources for the accomplishment of the purpose of this act and acquisition or improvement of facilities as herein provided; and to make contracts and execute such instruments including, without limitation, licenses, long or short terms 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 judgement of the Board of Commissioners may be necessary, proper or advisable for the furtherance of the purposes of this Act;

f. To establish schedules of 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, inspections, and evaluations in connection with the requisition, improvement, operation, or maintenance of any

of the facilities herein provided, or for the effective performance of its duties performed in accordance with paragraph (j) of this part;

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

i. To adopt and oversee implementation of a comprehensive development plan comprised of land use, public facilities, and capital improvement plans for the entire Technology Overlay Zone in cooperation with local planning bodies for the purpose of developing a systematic land management policy and guidance for any person in the development process;

j. To serve as a review board for the purpose of accepting, considering, approving or denying applications for "certificates of appropriateness", as defined herein, prior to action on requests for rezoning or variance from the provisions of the zoning regulations in effect within the, Technology Overlay Zone and prior to action on applications for buildings or zoning compliance permits, should such permits be required by the municipalities, within the Technology Overlay Zone by any person authorized to issue such permits for the municipalities in order to insure that development within the zone is consistent with the, policies and plans of the Authority; and to administer and enforce such developmental standards (including those of Land Use in designated Technology Parks), regulations and related rules and procedures as the Board of Commissioners may adopt from time to time for the review and consideration of applications for such certificates, provided, however, that such standards, regulations and rules and procedure, are first approved by the governing bodies for the municipalities;

k. To employ and fix the compensation of an Executive Director and such staff as the Board of Commissioners deems necessary, who shall serve in the employment of the Authority at the will and pleasure of the Board of Commissioners; and to employ, contract with and fix compensation for such architects, attorneys, accountants, planners, engineers, consultants and other professionals as may be necessary for the efficient operation of the Authority and the operation of facilities under its control.

l. To coordinate with the Tennessee Technology Foundation, the Tennessee Technology Corridor Development Authority and to perform all acts necessary to encourage, develop and execute an overall plan for Blount, Knox and Anderson counties.

m. To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this act.

**SECTION 8. Application for Permits for Construction in Technology Overlay Zone - Certificates of Appropriateness.** Except as specifically exempted by Section 10 contained within, all applications for rezoning or variances from the provisions of adopted zoning ordinances, or for permits for construction, alteration, repair, rehabilitation, or relocation of a building, structure or other improvements to real estate situated within the Technology Overlay Zone, shall be reviewed by the board of Commissioners, which shall have broad powers to request detailed plans and related data pertinent to thorough review of the proposal. No rezoning or variance to zoning provisions shall be granted, nor shall construction, alteration, repair, rehabilitation or relocation to any building, structure or other improvements to real property situated within the Technology Overlay Zone be performed without the issuance of a Certificate of Appropriateness by the Board of Commissioners. No building permit issuing authority in municipalities shall issue any such permit for new structures or improvements within the Technology Overlay Zone without issuance of a Certificate of Appropriateness by the Board of Commissioners or by the governing body upon appeal as provided in Section 11.

**SECTION 9. Issuance or Denial of Certificate of Appropriateness - Guidelines.**

a. The Authority shall, as soon as it is reasonably possible, but in all cases within sixty (60) days following the filing of an application with the required data, grant a Certificate of Appropriateness with or without attached conditions, or deny the certificate, and shall state the grounds for denial in writing. In its review of applications for Certificates of Appropriateness, the Authority shall apply its adopted review criteria and standards, rules and regulations, and give prime consideration to:

(1) The proposed structure's or development's consistency with the comprehensive development plan and development standards jointly adopted by the Authority, the Planning Commissions, and the municipalities legislative bodies for the Technology Overlay Zone.

(2) The relationship of the proposed development's design, or the proposed structure's exterior architectural features to the surrounding area and/or the character of the entire Technology Overlay Zone;

(3) The general compatibility of the structure or development proposal and its projected

impacts on development already in the vicinity of the proposal, as well as those projected and reflected in the adopted comprehensive development plan for the zone; and

(4) Any other factor, including functional and/or aesthetic, which is reasonably related to the purposes of this act.

b. Failure by the Authority to act on an application within the time required herein shall constitute approval of the Certificate of Appropriateness, provided, however, that an extension may be granted upon concurrence of the applicant.

**SECTION 10. Agricultural Structures, Residential Structures, and Existing Commercial, Office and Industrial Structures and Proposed Office, Industrial and Commercial Use Not Within Designated "Technology Parks" and Not Within 1000 Feet of Center Line of Designated Roadways Excluded.**

The structures, facilities and land uses identified herein shall not be required to apply for a Certificate of Appropriateness from the Blount County Technology Corridor Development Authority.

a. Agricultural uses and structures or appurtenances used solely for the production of products for sale to wholesale or retail markets and not part of or functionally related to manufacturing, commercial, or industrial enterprises within the Technology Overlay Zone.

b. All residential structures, when such structures are located within subdivisions approved by planning commissions or otherwise permitted by the general law.

c. The expansion, alteration, or renovation of all commercial, office and industrial structures legally allowed at the time of the adoption of the Technology Overlay Zone, unless such existing office, commercial and industrial structures are expanded in excess of ten thousand (10,000) square feet or fifty (50) percent of the square footage of the building, whichever is less, after the adoption of the Technology Overlay Zone and/or are located within one thousand (1000) feet of the center line of the designated roadways identified on the adopted Comprehensive Development Plan.

As amended by: Private Acts of 1988, Chapter 221  
Private Acts of 1989, Chapter 67

Proposed office, commercial and industrial uses unless they are located in designated "Technology Parks" and/or are within one thousand (1000) feet of the center line of the designated roadways identified on the adopted Comprehensive Development Plan.

d. Nothing contained in this Act shall be construed to require any change, or limit in any way any existing use of land permitted by any zoning in effect at the time of the enactment of this Act.

**SECTION 11. Appeal of Authority Actions.** Any interested party who is aggrieved by action of the Board of Commissioners of the Authority related to the approval or denial of a Certificate of Appropriateness for building permits, and rezonings and variances to the provisions of the adopted zoning ordinance may appeal its decision to the governing body of the municipality in which the property is located by filing an appeal on the designated form and paying such filing fees as may be required within thirty (30) days of the action or the Board of Commissioners. The action that is appealed may be overruled by an affirmative majority vote of that governing body. All appeals shall be heard within sixty (60) days of filing of application for appeal. Appeal from the action of the governing body shall be the writ of certiorari as provided in the general law and shall be filed within thirty (30) days of such action.

As amended by: Private Acts of 1988, Chapter 221

**SECTION 12. Enforcement of Blount County Technology Corridor Development Authority Decisions.**

In case any building or structure is erected, constructed, reconstructed, altered, maintained, or used, or any land is used in violation of this Act or any regulation or provisions enacted or adopted by the Authority under the powers granted by this act, the Board of Commissioners, the attorney general, the district attorney for the judicial circuit in which such violations occurs, or is occurring, the governing body's supervisor or his designee, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstructions alteration, maintenance, or use.

**SECTION 13. Construction of Act.**

a. The powers, authority, and rights conferred by this act shall be additional and supplemental to any other general, special or local law conferring powers to cities, counties, industrial development corporations or port authorities, and the imitations imposed by this Act shall not affect the powers conferred to any county, industrial development corporation or port authority created by any other general, special or local law.

b. This act is remedial in nature, and shall be liberally construed to effect its purpose of promoting

industrial technology based economic development within and in proximity to the Blount County Technology Corridor as defined herein, facilitating the attraction, siting, and support of industrial technology industries in Blount County, and encouraging the effective utilization of the natural, educational, and technological resources therein to the ultimate growth and development of commerce and industry in said counties and throughout the State of Tennessee.

c. Nothing in this act shall grant any power or control to the Authority Board over any land or facilities now under the control of any existing authority or public utility created by general or special act.

d. Nothing in this act shall be considered to prevent the extension of the Blount County Technology Corridor into other municipalities within Blount County by the adoption of Technology Overlay Zone by that municipality and upon such adoption to provide for participation by one representative to be appointed by the planning commission of that municipality to the Board of Commissioners.

e. If any of the provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not effect the other provisions or applications of this Act which can be given effect without the invalid provision or application, and for that purpose the provisions of this act are separable.

**SECTION 14.**

(a) The Blount County Technology Corridor Development Authority and its Board of Directors shall automatically terminate, shall cease all activities, and shall cease to exist on July 1, 1993, unless prior to such date, legislation which repeals the provisions of this section, Is enacted by the general assembly and approved by a two-thirds (2/3) vote of the governing bodies of each of the following; Blount County, the City of Maryville, and the City of Alcoa.

As amended by: Private Acts of 1989, Chapter 70  
Private Acts of 1990, Chapter 184  
Private Acts of 1991, Chapter 91

(b) Automatic termination of the Blount County Technology Corridor Development Authority and its Board under the provisions of subsection (a) of this section shall not cause the dismissal of any claim or right of any person against authority or the board or any claim or right of the authority or the board which is the subject of litigation. Upon automatic termination, existing claims and rights or the authority and the board shall be jointly assumed by Blount County, the City of Maryville, and the City of Alcoa. If the authority or the board ties any outstanding indebtedness on the date of such termination, the obligations and rights of the authority and the board shall jointly accrue to Blount County, the City of Maryville, and the City of Alcoa.

**SECTION 15. Ratification.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing bodies of the municipalities. This approval or non-approval shall be proclaimed by the presiding officer of the municipalities' legislative bodies and certified by him to the Secretary of State.

**SECTION 16. Effective Date.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming law, the public welfare requiring it; for all other purposes it shall be effective upon being approved as provided in Section 14.

PASSED: April 3, 1986.

## Administration - Historical Notes

### County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Blount 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 1797, Chapter 6, set the meeting dates for the county court of pleas and quarter session on the fourth Monday in February, May, August and November.
2. Acts of 1809, Chapter 93, First Session, changed the meeting dates of the courts of pleas and quarter sessions to the fourth Mondays in March, June, September, and December.
3. Acts of 1855-56, Chapter 246, authorized the election of an additional justice of the peace in the ninth civil district of Blount County, which was the city of Maryville.
4. Private Acts of 1857-58, Chapter 172, provided for the election of an additional justice of the peace in the tenth civil district, the settlement of Louisville, but this act was repealed by Private Acts of 1859-60, Chapter 103.
5. Private Acts of 1929 (Ex. Sess.), Chapter 9, authorized the quarterly county court to borrow

money for payment of the general expenses of Blount County for the year 1929, and to issue short term 6% warrants for the repayment of this money, the total of which could not exceed \$10,000.

6. Private Acts of 1949, Chapter 184, set the meeting time of the quarterly county court on the second Monday in January, April, July and October.
7. Private Acts of 1949, Chapter 185, set the salary of members of the quarterly county court at \$5.00 per day, in addition to mileage as allowed by the general law.
8. Private Acts of 1955, Chapter 393, would have set the per diem of all members of the quarterly county court, for attending either regular or special sessions of the court to \$10.00 per day, however, the act was rejected by local authorities and therefore never became law.
9. Private Acts of 1959, Chapter 261, attempted to raise the per diem of justice of the peace to \$25.00; but this act failed to gain local approval and never became an operative law.

### **County Mayor**

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

1. Private Acts of 1919, Chapter 240, created the office of Blount County Judge. This was amended by Private Acts of 1935, Chapter 653, to authorize the quarterly county court to pay additional compensation to the county judge for his ex-officio services.
2. Private Acts of 1933, Chapter 158, amended Private Acts of 1919, Chapter 240 by reducing the minimum age of the county judge from thirty to twenty-five.
3. Private Acts of 1949, Chapter 523, as amended by Private Acts of 1955, Chapter 81 and Private Acts of 1965, Chapter 201, created the office of Blount County Judge, who was elected in the August General Election of 1950 for a term of 8 years receiving a salary of \$5,000 a year.

### **County Trustee**

The following acts once affected the office of county trustee in Blount County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 677, provided that the Blount County Trustee was to be paid \$3,000 annually, plus \$1,000 for deputies' salaries, and all actual expenses for the operation of his office. This act was repealed by Private Acts of 1925, Chapter 136.
2. Private Acts of 1927, Chapter 529, set the salary of the trustee at \$3,000 annually, with the county court also to appropriate all actual office expenses and an additional \$1,200 annually for deputies' salaries. This act was first amended by Private Acts of 1939, Chapter 305, which raised the amount which could be appropriated for deputies' salaries to \$1,500 annually, but this amendatory act was itself repealed by Private Acts of 1943, Chapter 180. Private Acts of 1943, Chapter 181, provided that \$1,800 annually could be appropriated for deputy trustees' salaries. Private Acts of 1927, Chapter 529, was repealed by Private Acts of 1945, Chapter 83.
3. Private Acts of 1935, Chapter 481, required the county trustee to notify any taxpayers who were delinquent in paying their poll taxes before turning their names over to the delinquent poll tax collector.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Blount 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 1809, Chapter 73, First Session, Section 2, directed the commissioner of East Tennessee to issue a certificate to John Rhea, of Blount County, for 640 acres of land.
2. Private Acts of 1831, Chapter 162, directed that all deeds of conveyance and other instruments of writing registered in Blount, Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Monroe, M'Minn, Morgan, Roane and Sullivan be read as evidence on trials at law or in equity.
3. Private Acts of 1832, Chapter 22, directed the treasurer of East Tennessee to refund \$36.00 to Nathaniel Ragan of Blount County, more than he was bound to pay, for a license to retail goods wares and merchandize in Blount County.



4. Private Acts of 1832, Chapter 45, Section 2, authorized the county court of Blount County, upon the petition of Lot Sterling, a free man of color, to emancipate his wife and children.
5. Private Acts of 1832, Chapter 72, Section 3, authorized the county court of Blount County, upon the petition of the executor or executors of the last will and testament of Joseph Weir, to emancipate Robert, a slave, the property of said Joseph at the time of his death.
6. Private Acts of 1833, Chapter 23, authorized David Barnhill, of Blount County, to hawk and peddle within the congressional district where he resided, without a license except in the counties of Monroe, Anderson and Knox.
7. Private Acts of 1833, Chapter 41, divorced Ashley Johnson, of Blount County, from his wife Sophronia, formerly Sophronia Wrinkle.
8. Public Acts of 1833, Chapter 76, provided for the calling of a convention which required the election of sixty members. Blount County elected one delegate to the convention.
9. Private Acts of 1833, Chapter 99, authorized the county or circuit court of Blount County, to emancipate Hardy, formerly the slave of William Boyd.
10. Acts of 1837-38, Chapter 52, was an act for the relief of James Wear, Senior, of Blount County, directing the state treasurer to pay him \$80, which had been paid for a quarter section of land in the Hiwassee District, but which he had not been able to gain title to due to confusion in the survey of the land and the authority of the various entry taker's offices.
11. Acts of 1841-42, Chapter 87, authorized Samuel Henry, Senior, to build a dam across the Little River, for power purposes, as long as it did not obstruct navigation of that river.
12. Acts of 1842, Chapter 11, Second Session, directed the secretary of state to furnish Blount County with any remaining copies of Caruthers and Nicholson's Revisals of state laws.
13. Acts of 1843-44, Chapter 174, authorized the Blount County Court to permit any person to build dams on the Little River, for the purpose of erecting mills or other machinery.
14. Acts of 1849-50, Chapter 161, allowed a director to the Blount County branch of the Bank of Tennessee, at Athens.
15. Acts of 1853-54, Chapter 91, authorized the county court to subscribe \$120,000 of stock in the Knoxville-Charleston Railroad Company, and to issue county bonds for such stock subscriptions. These stock subscriptions were apparently a source of conflict among Blount County residents, resulting in the formation of Loudon County, out of a section of Blount County in 1870; and the original 1853 act authorizing such a stock subscription was repealed by Acts of 1879, Chapter 64.
16. Public Acts of 1861, Extra Session, Chapter 10, authorized Blount County to appropriate the fund collected for the payment of railroad bonds for general county purposes.
17. Private Acts of 1865, Chapter 11, was passed after the Civil War which authorized the transfer of the funds collected for the payment of these railroad bonds to the county general funds.
18. Public Acts of 1870-71, Chapter 28, legalized the acts of E. W. Sanderson as the entrytaker of Blount County, in order to avoid litigation over whether he could serve as both the entrytaker and the county surveyor.
19. Public Acts of 1887, Chapter 66, was an act for the relief of the Blount faction of Loudon County, providing that upon approval of all the voters in Loudon County, the entire county would assume the indebtedness for railroad bonds for which the section of Loudon County which had been in Blount County was still legally liable.
20. Private Acts of 1923, Chapter 604, exempted Blount County from the general statute fixing the compensation of revenue commissioners.
21. Private Acts of 1933, Chapter 239, removed the minority of Ella Lawson Hatcher of Blount County.
22. Private Acts of 1935, Chapter 270, authorized the county court to place in the sinking fund the unexpended balance remaining in any bond funds where the purpose for which said bonds were sold had been fully accomplished.
23. Public Acts of 1943, Chapter 96, created the Sam Houston Memorial Association which was composed of five members designated as the board of trustees with the authority to acquire and preserve as a memorial the old school house in Blount County, in which Sam Houston taught school, and defined the duties of said board and prescribe its jurisdiction, powers and authority, and made appropriations to carry into effect the purposes of this act. This act was repealed by Public Acts of 1979, Chapter 108.
24. Private Acts of 1957, Chapter 340, was the first attempt to create a central purchasing

commission and the office of central purchasing for Blount County. Like the 1957 act two years before it, this act failed to be approved by the quarterly county court and never became an operative law.

25. Private Acts of 1959, Chapter 263, was the next attempt to create a central purchasing commission and the office of central purchasing for Blount County. Like the 1957 act two years before it, this act failed to be approved by the quarterly county court and never became an operative law.
26. Public Acts of 1961, Chapter 237, amended Public Acts of 1943, Chapter 96, by authorizing the board of trustees to receive, handle and expend the funds appropriated by any act of the general assembly, as well as any and all other funds which came into their hand of the board of trustees. Furthermore, the treasurer entered into a surety bond in the amount of \$5,000 made payable to the state. This act also allowed the board of trustees to elect additional members.
27. Private Acts of 1978, Chapter 291, would have authorized the Blount County Quarterly Court to create a county planning commission of not less than seven and no more than twelve members, one of whom would be chairman and one member of the county court. They would have served without compensation unless they were members of the board of zoning appeals, also provided for in this law. The powers, duties, and procedures for the commission were fairly enumerated in the act, however, this act was never ratified locally and therefore never became law.
28. Private Acts of 1979, Chapter 156, adopted July 10, 1979, amended Private Acts of 1919, Chapter 510, the city charter of Alcoa by rewriting Section 2, of Article IV, which set up the process for the enactment of city ordinances in that city.
29. Public Acts of 1980, Chapter 545, provided for the investment of idle cash funds by local governments, including school districts, and established a state pooled investment fund which would be managed and supervised by the state treasurer and into which the cash funds could be lawfully paid and the profits shared.
30. Private Acts of 1980, Chapter 181, created a board of county commissioners for Blount County in order to have sole and exclusive planning and platting within a region including the whole of Blount County. Furthermore, the commission was vested with all of the authority, duties and responsibilities granted to a regional planning commission by the various sections of Tennessee Code Annotated. This act, however, was found to be unconstitutional in City of Alcoa v. Blount County, 658 S.W.2d 116 (Tenn.App. 1983).
31. Private Acts of 1996, Chapter 206, authorized the county legislative body of Blount County to call for an advisory referendum at either the regular August election of 1996 or the regular November election of 1996 to decide whether Blount County should formulate its own land use planning or zoning plan.

## Chapter II - Animals and Fish

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the Tennessee Code Annotated.

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

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 Blount County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1893, Chapter 166, amended Public Acts of 1889, Chapter 171, so as make it unlawful for any person or persons to kill, net, trap, or capture quail or partridges in Blount County, however, it was legal for citizens of Blount County to kill and hunt quail or partridges for profit on his own land, but not elsewhere.
2. Private Acts of 1901, Chapter 194, made it lawful to catch fish in Blount County by any means except by explosives, poisons, wing nets or dams during the open season which was set from June 1st to April St. of each year.
3. Private Acts of 1901, Chapter 337, made it unlawful to hunt deer with dogs for five years after the passage of this act, with violation of this act constituting a misdemeanor punishable by a fine of \$5 to \$25.
4. Acts of 1903, Chapter 117, was the first attempt to enact a stock law or fence law for Blount

County. Subject to voter approval, this act provided that it was illegal for owners of livestock of any kind to allow their stock to run at large, and damaged landowners were given a lien on the wandering livestock to insure payment of damages. The fine of not less than \$5 nor more than \$10 for violation of this act was to be placed in the public school fund of Blount County.

5. Acts of 1903, Chapter 129, was an act to regulate fishing in Blount County, making it unlawful to catch fish by means of seining, trapping, shooting, grabbing with hands, gigging, poison or dynamite. The only lawful methods of fishing were by rod or line or trot line. This law was not applicable to private ponds, nor to fishing for minnows. Violating the provisions of this act would result in a fine of not less than \$10 nor more than \$50, and if the violation involved the use of poison or dynamite, the guilty fisherman would spend six months in the county jail.
6. Acts of 1907, Chapter 195, was the next attempt to enact a stock law for Blount County. This act provided that anyone owning or having control of horses, mules, cattle, sheep, goats, swine or other livestock were not to permit them to run at large, but this act was amended by Private Acts of 1915, Chapter 172, to provide that it was lawful for stock to roam at large in civil districts with a population of less than 300 or districts with a population between 620 and 700.
7. Private Acts of 1911, Chapter 77, was another stock law for Blount County, providing that horses, mules, donkey, cattle, sheep, goats and swine were not permitted to roam at large, and damaged landowners were authorized to impound such wandering stock to prevent further damage.
8. Private Acts of 1915, Chapter 240, amended Acts of 1907, Chapter 489, a statewide fishing lunch law, by exempting Blount County from the provision of the law which prevented fishing by gig.
9. Private Acts of 1915, Chapter 289, made it unlawful to kill quail for three years after the passage of this act, and after 1918, the open season on quail was to be from December 15th to January 15th of each year. Violation of this act would result in a fine of \$25.
10. Private Acts of 1917, Chapter 79, exempted Blount County from the general law provision making it unlawful to gig fish.
11. Private Acts of 1917, Chapter 588, made it unlawful to allow hogs to roam at large in Blount County.
12. Private Acts of 1917, Chapter 594, made it unlawful to shoot or destroy foxes in Blount County, except within one hundred yards of a dwelling house or barn, traps could be set to protect livestock and property. This act also provided that foxes could be hunted with dogs but no guns could be used.
13. Private Acts of 1921, Chapter 405, exempted Blount County from the provisions of the general dog law.
14. Private Acts of 1929, Chapter 44, was another act to protect foxes in Blount County, making it unlawful to kill or capture foxes except for those actually destroying poultry or stock.
15. Private Acts of 1931, Chapter 829, was an act to protect foxes and other fur-bearing animals in Blount County, making it unlawful to kill or capture such animals by means of a snare, bait trap, steel trap, dead fall to other device, at any time of the year, but his act did not prohibit the catching of raccoons, opossums, and skunks with dogs during the open season or the chasing of foxes with dogs during any season. This act was amended by Private Acts of 1935, Chapter 255, to provide that snares, bait traps, steel traps, and dead fall could be set within the enclosure of a barn, chicken house or enclosed fields in which hogs or sheep were kept, as long as signs were posted giving notice to passersby that such traps has been set.
16. Private Acts of 1935, Chapter 648, made it lawful for citizens of Blount County to catch non-game fish, squirrels and rabbits without a license, if they obtained the permission of the owner, lessee or caretaker of the property on which they wished to hunt or fish.
17. Private Acts of 1937, Chapter 577, licensed W. E. Ballard to practice veterinary science in Blount and Sevier Counties only, since those counties had no licensed veterinarian, there was a great need for one, and Mr. Ballard was a graduate of the Ontario College of Veterinary Science.

## Bangs Disease

### Private Acts of 1945 Chapter 186

**SECTION 1.** That the County Court of any county in the State of Tennessee, having a population of not less than 41,100 nor more than 41,200, according to the Federal Census of 1940, or any subsequent census, is authorized to co-operate with the State of Tennessee Veterinarian and the United States

Department of Agriculture in the eradication of Bangs Disease among cattle within the county.

**SEC. 2.** That the County Court of any county coming within the provisions of this Act is authorized to appropriate any sum of money up to Six Thousand ( \$6,000.00) Dollars annually, to be used for the testing of cattle of the county and co-operating with the State of Tennessee Veterinarian and the United States Department of Agriculture in the eradication of Bangs Disease among cattle in such county.

**SEC. 3.** That when such appropriation shall have been made by the County Court of any such county, the County Court of such county shall be authorized to employ a veterinary inspector, or veterinary inspectors, who shall be a graduate, or graduates, of a veterinary college whose graduates are eligible to the position of veterinary inspector in the United States Bureau of Animal Industry, accredited, and licensed to practice veterinary medicine in the State of Tennessee. Said Inspector, or Inspectors, shall be paid such salary as shall be fixed by the County Court of Blount County, Tennessee, and in the performance of his duties, as hereinafter set out, he shall collaborate with the State Veterinarian and the Inspector in charge of the United States Bureau of Animal Industry within the State. His term of office shall be at the pleasure of the County Court of Blount County, Tennessee. He shall file monthly with the County Court Clerk of the county where employed, a sworn statement showing the number of days engaged and the amount of expenses incurred in the performance of his official duties, and the judge or chairman shall cause to be drawn a warrant on the county treasurer for the payment of his salary and expenses. Said Inspector shall be paid only for the number of days he is actually engaged in the performance of his duties under the provisions of this Act based upon a monthly salary and a thirty day month.

**SEC. 4.** That when the County Court makes the appropriation as hereinabove provided, and employs an inspector, as hereinabove provided, it shall become mandatory upon the owners of all the cattle within said such county to submit their cattle to a Bang's Disease test under the supervision of said Inspector.

**SEC. 5.** That the veterinary inspector, hereinabove provided for, is hereby empowered to enter upon any premises, barn, stable, shed or other place where cattle are housed or kept, for the purpose of applying tests for Bang's Disease to ascertain whether or not the animals so tested are affected with Bang's Disease; and the owners of such cattle shall render such reasonable assistance as may be required to enable the Inspector, or his agent or representative, to apply the test with accuracy and dispatch.

**SEC. 6.** That all cattle which hereafter react to a Bang's Disease test shall, immediately on such reaction, be marked by branding on the left jaw the letter "B", said letter to be not less than two (2) inches, or more than three (3) inches, in length; and such reactors shall be tagged in the left ear with a special tag approved by the State Veterinarian; and all cattle so identified shall be slaughtered within a period of thirty (30) days immediately following such reaction, such slaughter to be under the direction of the State Veterinarian or the County Inspector.

**SEC. 7.** That whenever the work of the Bang's Disease eradication and control shall have been undertaken in accordance with the provisions of this Act, the County Inspector shall issue, and cause to be enforced, such quarantining regulations as may be required to prevent the introduction into and the spread within such county of Bang's Disease. It shall be the duty of sheriffs, constables, prosecuting attorneys, and their deputies, within their respective jurisdiction, to render all necessary assistance to enable the State Veterinarian, or his duly authorized agents, to enforce the provisions of this Act.

**SEC. 8.** That it is not the intention of this Act to repeal or modify any general Act touching the subject matter herein stated, except insofar as the same may be in conflict, but this Act shall be construed to be supplementary to any general Act now existing, or which may hereafter be adopted upon the subject of Bang's Disease.

**SEC. 9.** That it shall be the duty of County Inspectors, selected under the provisions of this Act, to co-operate and collaborate with the State Veterinarian and the United States Department of Agriculture, and its representatives, in the control and eradication of Bang's Disease.

**SEC. 10.** That the violation of any of the provisions of this Act is hereby made a misdemeanor and shall be punishable by a fine of not less than Twenty-Five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail for not more than sixty (60) days, or by both fine and imprisonment for each offense.

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

Passed: February 9, 1945.

## Coon Dog Training

## Public Acts of 1975 Chapter 189

**SECTION 1.** That it shall be unlawful to train raccoon dogs in Blount County by chasing raccoons except during the statewide open season and thirty days immediately prior thereto; provided, however, raccoon dog field trials may be held subject to rules and regulations promulgated by the Wildlife Resources Commission.

**SECTION 2.** That a violation of this Act is a misdemeanor.

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

PASSED: May 13, 1975.

## Red Foxes

### Private Acts of 1955 Chapter 298

**SECTION 1.** That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 54,685 and not more than 54,695 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

It shall be lawful for the landowner or his agent to kill a red fox at any time in the county to which this Act applies when such fox is committing depredations upon live stock, domestic fowls, or crops.

Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

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

Passed: March 10, 1955.

## 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 Blount County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1893, Chapter 166, amended Public Acts of 1889, Chapter 171, so as make it unlawful for any person or persons to kill, net, trap, or capture quail or partridges in Blount County, however, it was legal for citizens of Blount County to kill and hunt quail or partridges for profit on his own land, but not elsewhere.
2. Private Acts of 1901, Chapter 194, made it lawful to catch fish in Blount County by any means except by explosives, poisons, wing nets or dams during the open season which was set from June 1st to April St. of each year.
3. Private Acts of 1901, Chapter 337, made it unlawful to hunt deer with dogs for five years after the passage of this act, with violation of this act constituting a misdemeanor punishable by a fine of \$5 to \$25.
4. Acts of 1903, Chapter 117, was the first attempt to enact a stock law or fence law for Blount County. Subject to voter approval, this act provided that it was illegal for owners of livestock of any kind to allow their stock to run at large, and damaged landowners were given a lien on the wandering livestock to insure payment of damages. The fine of not less than \$5 nor more than \$10 for violation of this act was to be placed in the public school fund of Blount County.
5. Acts of 1903, Chapter 129, was an act to regulate fishing in Blount County, making it unlawful to catch fish by means of seining, trapping, shooting, grabbing with hands, gigging, poison or dynamite. The only lawful methods of fishing were by rod or line or trot line. This law was not applicable to private ponds, nor to fishing for minnows. Violating the provisions of this act would result in a fine of not less than \$10 nor more than \$50, and if the violation involved the use of poison or dynamite, the guilty fisherman would spend six months in the county jail.
6. Acts of 1907, Chapter 195, was the next attempt to enact a stock law for Blount County. This act provided that anyone owning or having control of horses, mules, cattle, sheep, goats, swine or other livestock were not to permit them to run at large, but this act was amended by Private Acts of 1915, Chapter 172, to provide that it was lawful for stock to roam at large in civil districts with

- a population of less than 300 or districts with a population between 620 and 700.
7. Private Acts of 1911, Chapter 77, was another stock law for Blount County, providing that horses, mules, donkey, cattle, sheep, goats and swine were not permitted to roam at large, and damaged landowners were authorized to impound such wandering stock to prevent further damage.
  8. Private Acts of 1915, Chapter 240, amended Acts of 1907, Chapter 489, a statewide fishing lunch law, by exempting Blount County from the provision of the law which prevented fishing by gig.
  9. Private Acts of 1915, Chapter 289, made it unlawful to kill quail for three years after the passage of this act, and after 1918, the open season on quail was to be from December 15th to January 15th of each year. Violation of this act would result in a fine of \$25.
  10. Private Acts of 1917, Chapter 79, exempted Blount County from the general law provision making it unlawful to gig fish.
  11. Private Acts of 1917, Chapter 588, made it unlawful to allow hogs to roam at large in Blount County.
  12. Private Acts of 1917, Chapter 594, made in unlawful to shoot or destroy foxes in Blount County, except within one hundred yards of a dwelling house or barn, traps could be set to protect livestock and property. This act also provided that foxes could be hunted with dogs but no guns could be used.
  13. Private Acts of 1921, Chapter 405, exempted Blount County from the provisions of the general dog law.
  14. Private Acts of 1929, Chapter 44, was another act to protect foxes in Blount County, making it unlawful to kill or capture foxes except for those actually destroying poultry or stock.
  15. Private Acts of 1931, Chapter 829, was an act to protect foxes and other fur-bearing animals in Blount County, making it unlawful to kill or capture such animals by means of a snare, bait trap, steel trap, dead fall to other device, at any time of the year, but his act did not prohibit the catching of raccoons, opossums, and skunks with dogs during the open season or the chasing of foxes with dogs during any season. This act was amended by Private Acts of 1935, Chapter 255, to provide that snares, bait traps, steel traps, and dead fall could be set within the enclosure of a barn, chicken house or enclosed fields in which hogs or sheep were kept, as long as signs were posted giving notice to passersby that such traps has been set.
  16. Private Acts of 1935, Chapter 648, made in lawful for citizens of Blount County to catch non-game fish, squirrels and rabbits without a license, if they obtained the permission of the owner, lessee or caretaker of the property on which they wished to hunt or fish.
  17. Private Acts of 1937, Chapter 577, licensed W. E. Ballard to practice veterinary science in Blount and Sevier Counties only, since those counties had no licensed veterinarian, there was a great need for one, and Mr. Ballard was a graduate of the Ontario College of Veterinary Science.

## Chapter III - Bond Issues

Bond issues have been authorized by private legislation, but general law now has provisions covering bond issues needed by counties. Most of the private legislation authorizing counties to issue bonds, or to borrow money on short term notes, contained similar provisions. Generally, these common provisions concerned limitations on the rate of interest to be paid, the maximum number of years for the maturity period, and an additional tax levy for general obligation bonds, the proceeds of which were placed in a sinking fund and used to amortize the bonds and interest over the specified maturity period.

For many years the authority of counties to issue bonds was contained in many different chapters of Tennessee Code Annotated. Recently, the authority to issue bonds and notes has been consolidated in the Local Government Public Obligations Act of 1986, T.C.A. § 9-21-101 et seq. However, the older authority to issue bonds for school purposes remains in title 49, chapter 3 of Tennessee Code Annotated.

A listing of the acts which authorized various bond issues for Blount 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.

## Teachers' Salaries

### Private Acts of 1929 Chapter 73

**SECTION 1.** That all counties in the State of Tennessee having a population of not less than 28,795 and not more than 28,805 according to the Federal Census of 1920 or any subsequent Federal Census, through its quarterly county court, shall be authorized to borrow the money for the purpose of paying High School and Grammar Grade Teachers for said counties for the school year 1928-29 or for any subsequent school year or years thereafter.

**SEC. 2.** That the said Quarterly County Court of said counties shall be and is hereby authorized to issue interest bearing warrants and pay interest on same not to exceed six per cent (6%) for the purpose set forth in Section One of this Act and shall not at any time borrow money or issue warrants for said purpose unless the same is authorized in the budget adopted by the County Court either in regular or call session.

**SEC. 3.** That said money borrowed by the said county quarterly Court, shall not be for a longer period than six months, and that the money borrowed for any school year shall only be to meet the deficit where the tax levy is insufficient to meet the budget or to pay salaries of teachers until sufficient funds have been paid into the office of the County Trustee to take care of said teachers' salaries as provided in the School Budget regularly adopted by the County Quarterly Court.

**SEC. 4.** 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: January 29, 1929.

## Bond Issues - Historical Notes

### **Buildings - Memorials**

1. Acts of 1907, Chapter 553, authorized a \$50,000 bond issue to provide funds for constructing a new courthouse. These bonds were to bear interest at an annual rate of 6% and were to mature within twenty years after their issuance.
2. Private Acts of 1945, Chapter 256, authorized a \$300,000 bond issue for the purpose of constructing a new jail and/or workhouse. Subject to voter approval, this bond issue would bear interest at 4% per annum and would mature within forty years.

### **Debts**

1. Private Acts of 1931, Chapter 419, allowed Blount County to borrow money in an amount up to \$25,000 and to issue warrants bearing interest at an annual rate of 6% for the repayment of this money, which was to be used for paying general county expenses.
2. Private Acts of 1939, Chapter 247, authorized a \$200,000 bond issue, maturity date within twenty years, 4% interest rate, the proceeds from which were to be used for paying the outstanding indebtedness of the county.
3. Private Acts of 1959, Chapter 256, attempted to authorize a bond issue of \$300,000 for the general re-assessment and re-evaluation of all property in Blount County subject to ad valorem taxes. This act did not receive local approval and these bonds were never issued.

### **Refunding**

1. Private Acts of 1931, Chapter 420, authorized Blount County to borrow money (up to \$25,000) and issue short term warrants with a 6% interest rate, for the purpose of refunding outstanding highway bonds which were due in 1931.
2. Private Acts of 1931, Extra Session, Chapter 65, allowed Blount County to refund certain outstanding interest-bearing warrants and to pay general county expenses for the depression year of 1931. This act authorized the borrowing of money in an amount not larger than \$50,000 for the repayment of which short term warrants were to be issued.

### **Roads**

1. Acts of 1903, Chapter 9, authorized the county to issue bonds in an amount not exceeding \$100,000, subject to voter approval, to be used for macadamizing a number of the county roads leading from Maryville.
2. Acts of 1909, Chapter 282, authorized the bond issue upon approval of a three-fifths majority of the quarterly county court of \$300,000, to be used for improving the county roads. These bonds, if issued, were to bear interest at an annual rate of 5% and were to mature in no less than ten years and no more than forty years.
3. Private Acts of 1911, Chapter 563, also provided for a bond issue to be used for improving county roads. This issue was for \$25,000 with maturity dates within twenty to forty years and an annual interest rate of 5%. This act also specified the roads and amount of money to be spent on

improving them--with \$15,000 to be spent on the road beginning at the "Abrams Creek present iron bridge" and the remaining \$10,000 to be spent on the road "leading from the depot of the Tennessee-Carolina Southern Railroad in Chilhowee near the Dave Smith farm, up what is known as Happy Valley."

4. Private Acts of 1919, Chapter 256, authorized a \$400,000 bond issue, with an interest rate of 6% per annum and maturity dates within thirty years. One-half of the proceeds from the sale of these bonds was to be spent on improving the paved road from Maryville to the Knox County line, and the remainder of the money was to be used for macadamizing other county roads, under the supervision of the good road commissioners, who were appointed by this act. This was amended by Private Acts of 1919, Chapter 484, to give the commissioners the authority to designate the roads to be improved and by Private Acts of 1921, Chapter 430, to raise the salary of the good road commissioners to \$4.00 per day, with the chairman of the commission to receive a per diem of \$5.00.
5. Private Acts of 1921, Chapter 619, was a bond issue of \$250,000 with an interest rate of 6%, to mature within thirty years, to be used for improving county roads.
6. Private Acts of 1935, Chapter 459, authorized the Blount County Quarterly Court to borrow money for buying and/or renting road machinery, and to issue warrants totaling not more than \$5,000, for repayment of this money.
7. Private Acts of 1947, Chapter 115, was another act authorizing the county to borrow money and issue warrant for its repayment; this time the amount to be borrowed could not exceed \$300,000, the warrants were to mature within ten years at an annual interest rate of 4% and the money was to be used to secure rights of way on state and federal aid roads being built in Blount County.
8. Private Acts of 1947, Chapter 116, authorized a \$500,000 road bond issue, with a maximum interest rate of 4%, to mature within twenty-five years.
9. Private Acts of 1957, Chapter 237, was the last private act authorizing a road bond issue for Blount County; for \$300,000 with a maximum interest rate of 5%.

### **Schools**

1. Acts of 1909, Chapter 523, authorized a bond issue of \$40,000 to be used to construct public school buildings.
2. Private Acts of 1923, Chapter 464, was a joint Maryville-Blount County bond issue of \$75,000 to be used for constructing the "Central High School for Blount County."
3. Private Acts of 1925, Chapter 68, authorized a \$200,000 bond issue (due by 1954 with an annual interest rate of 5%) to be used for the construction and equipment of Central High School.
4. Private Acts of 1933, Chapter 739, authorized Blount County to borrow money in an amount up to \$75,000, and to issue short term warrants bearing interest at a rate of 6% per annum, for the purpose of refunding outstanding notes against the school system.
5. Private Acts of 1933, Chapter 865, authorized Blount County, through its quarterly county court, to borrow money and issue interest-bearing warrants not exceeding \$75,000.00 for the purpose of providing funds for liquidating and paying any outstanding warrants or notes against the high school or elementary school funds of Blount County.
6. Private Acts of 1935, Chapter 686, authorized a bond issue of \$500,000, 4% interest rate, maturity dates within fifty years, without a voter referendum, to be used for matching federal monies for acquiring lands, buildings, and equipment for the county schools. This was amended by Private Acts of 1939, Chapter 306, to reduce the total amount of bonds to be issued to \$125,000.
7. Private Acts of 1941, Chapter 9, validated a \$200,000 bond issue for Blount County schools, dated January 1, 1941.
8. Private Acts of 1947, Chapter 128, authorized a \$750,000 bond issue, for school purposes, with a maximum interest rate of 4% per annum and a maturity date within thirty years.
9. Private Acts of 1951, Chapter 647, authorized a \$2,000,000 bond issue for school purposes, with a maximum interest rate of 3% per annum, subject to voter approval at a referendum.

## Chapter IV - Boundaries



## Creation of the County

### Acts of the Territory of the United States South of the River Ohio, 1795 Chapter 6

WHEREAS the large extent and inconvenient situation of the county of Knox, renders it troublesome and expensive to many of the inhabitants thereof to attend courts and other public meetings therein.

**SECTION 1.** That the county of Knox shall be divided by a line as follows, to wit: Beginning upon the south side of the river Holston, at the mouth of Little River, then up the meanders of Little River, on the south side to the mouth of Stock Creek, and up the meanders of Stock Creek upon the south side to the head of Nicholas Bartlet's mill pond at high waters, thence a direct line to the top of Bay's Mountain, leaving the house of James Willis to the right, within forty rod of the said line, thence along Bay's Mountain, to the line of the county of Sevier, thence with that line to the eastern boundary of the Territory, thence southwardly to the line of the Indian boundary according to the treaty of Holston, and with that line to the river Holston, and up the meanders of the river Holston, upon the southside, to the beginning, shall thence forth be erected into a new and distinct county, by the name of Blount County.

**SEC. 2.** That William Wallace, Joseph Black, Samuel Glass, David Craig, John Tremble, Alexander Kelly, and Samuel Henry, are hereby appointed commissioners, a majority of whom shall have power to fix the place for erecting the court house, prison, and stocks, to receive and apply such sums of money as may be raised or appropriated to build the same, to obtain fifty acres of land, by purchase or otherwise, to lay the same out into a town, and to sell and execute deeds for lots, and to apply the money arising from the sale to the building the court house, which town shall be called and known by the name of Maryville; and the said commissioner shall give bond and security to the Governor, in the penal sum of one thousand dollars, for the due application of such sums of money as shall come to their hands for the purpose before expressed, and well and truly to account for the same, to and with the court of the said county of Blount, which bond shall be filed in the office of the clerk of the said county.

**SEC. 3.** That the court for the said county, of Blount shall be held constantly by the justices of said county, on the second Mondays in September, December, March, and June: And the justices for the said county of Blount are hereby authorized and empowered to hold the first court for the same at the house of Abraham Weir, and all subsequent courts for said county on the days above mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a courthouse shall be built for said county of Blount; and then all causes, matters, and things, depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for said county of Blount, shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction as are or shall be prescribed for other courts held for the several counties in this territory.

**SEC. 4.** That the justices of the county courts of Knox and Blount shall appoint jurors to serve at the superior courts of law and equity for the district of Hamilton, as follows: The county of Knox, twelve and the county of Blount, six. And the county of Blount shall compose part of the said district in the same manner, and for all purposes civil and military shall enjoy the same privileges as other counties in the Territory---*Provided*, nothing in this act contained, shall be so construed as to prevent the sheriff or collector of the taxes of the county of Knox from collecting the same, both public and county, within the limits of the said county of Blount, for the year one thousand seven hundred and ninety five, and the arrearages of taxes for the preceding years, in the same manner as if this act had not been passed.

**SEC. 5.** That this act shall be in force, and take effect from and after the second day of August next.  
July 11, 1795.

## Change of Boundary Lines

### Acts of 1796 Chapter 35

WHEREAS the lines between Sevier and Blount counties have not been sufficiently ascertained, to prevent disputes between the citizens of said counties.

That the line dividing Sevier and Blount counties, begin at where the said lines intersect on the top of Bay's Mountain, thence taking the ridge that divides the water of Little River from the waters of French Broad, and with said ridge to the eastern boundary of this state.

## Acts of 1798 Chapter 6

That from and after the passing of this act, the county of Blount shall be contained within the following described bounds. Beginning upon the south side of Holston, at the mouth of Little River, thence up the meanders of Little River on the south side, to the mouth of Stock creek, and up the meanders of Stock creek upon the south side, to the head of Nicholas Bartlett's mill pond at high waters; thence a direct line to the top of Bay's mountain, leaving the house of James Willis to the right, within forty rod of the said line; thence along Bay's mountain to the line of the county of Sevier; thence with that line, to the eastern boundary of the state; thence southwardly with the said eastern boundary, to the line lately run and marked agreeably to the late treaty between the United States and the Cherokee Indians, and with that line to the river Tennessee; thence down the Tennessee, with the meanders thereof, to the mouth of Holston; and thence up the meanders of the said river Holston, to the beginning.

December 28, 1798.

## Acts of 1801 Chapter 52

**SECTION 1.** That the boundaries of Blount County shall be extended as follows, viz: Beginning on the eastern boundary of this state where the Sevier county line strikes the same, thence with the North Carolina boundary to the southern boundary of this state, thence with the southern boundary of this state to where it strikes the river Tennessee, thence up said river to the boundary of Knox county, thence with a line described by an act, entitled "An act extending and describing the bounds of Blount county," passed at Knoxville, December the twenty eighth, in the year on one thousand seven hundred and ninety eight, to the beginning.

**Sec. 2.** That it shall and may be lawful for the sheriff, coroner, or any constable of said county, to execute any process criminal or civil, within the said described limits of Blount County.

**Sec. 3.** That this act shall be in force and use from and after the passing thereof.

PASSED: October 29, 1801.

## Acts of 1809 (Second Session) Chapter 20

**SECTION 1.** That the line which divides the county of Roane from the counties of Rhea and Bledsoe, shall begin on the north bank of Tennessee river, of the mouth of White's creek; thence up White's creek, as it meanders, to the place where the road leading from Knoxville to Nashville, crosses the main fork of said White's creek; thence north, forty west, to the Overton county line. *Provided*, nothing in this act contained, shall be so construed as to preclude the sheriff of Roane county from collecting the state, county and poor tax, due in that part of Rhea and Bledsoe counties, which is east and north of the line described in the before recited act, for the year one thousand eight hundred and nine.

April 20, 1809.

## Acts of 1809 (First Session) Chapter 91

That from and after the passing of this act, that part of Blount county included within the following lines, to wit: Beginning at the extreme height of the round top mountain near William Davis's in Weir's cove, from thence running due south until the said line intersects the Indian boundary line, thence along the said line until it intersects Sevier county line, thence along said line to the beginning, be, and the same is hereby annexed to and shall in every respect whatever compose part of the said county of Sevier: *Provided*, the aforesaid location may not include any of the citizens of *Tuckylechy* cove in the county of Sevier: *And provided also*, that nothing in this law contained, shall prevent the sheriff of Blount from making such collections as he is authorized to make under the laws in force, previous to the passing of this act.

22nd Nov. 1809.

## Private Acts of 1835-36 Chapter 143

**SECTION 1.** That the following shall be the line between the counties of Blount and Monroe, to wit: beginning on the present line at the Militia Springs, thence a direct line from said springs to strike the little Tennessee River, above the farm of David Russell, so as to include said Russell in the county of Monroe: the said river then to be the line to where the said river strikes the North Carolina line; *Provided*, that nothing herein contained shall be so construed as to prevent the sheriff of Monroe county from collecting all taxes, both state and county, that may be due from that portion of the citizens residing north of said

river, and within the territory hereby taken off said county of Monroe and *Provided* further, that the sheriff and other officers of said county of Monroe shall have full power and authority to collect all judgments that have been rendered by either the county or circuit courts of said county, or any justice of the peace against any person residing in said territory hereby taken off said county of Monroe.

**SEC. 2.** That Robert Wear, of Blount county, shall run the line from the Militia Springs to the river as contemplated by this act, and that the county court of Blount pay him a just compensation therefor.

Passed February 13, 1836.

## Acts of 1837-38 Chapter 270

**SECTION 1.** That the following shall be the line between the counties of Blount and Monroe, to wit: Beginning on the present line at the Militia Springs, thence with the original line to where it crosses the present line, thence with the present line to the Tennessee River, above the farm of David Russell; *Provided*, that nothing herein contained shall be so construed as to prevent the sheriff of Monroe county from collecting all taxes, both State and county, that may be due from that portion of the citizens residing within the territory hereby taken off said county of Monroe; *and provided further*, that the sheriff and other officers of said county of Monroe shall have full power and authority to collect all judgments that have been rendered by either the county or circuit courts of said county, or may justice of the peace against any person residing in said territory hereby taken off said county of Monroe.

Passed: January 17th, 1838.

## Public Acts of 1879 Chapter 119

**SECTION 1.** That the County line between Blount and Sevier Counties be changed as follows:

Beginning on the Blount and Sevier County line, near Millstone Gap in Bluff Mountain; thence a direct line to Shook's Gap, in Bays' Mountain; thence with the top of said Mountain, to the Sevier County line.

**SEC. 2.** That the County Surveyors of the Counties of Blount and Sevier, together with J. R. Chandler and E. S. Thompson, of Sevier County, and Hugh Cox and Andrew McTerr, of Blount County, are hereby appointed Commissioners to run and mark said County line.

**SEC. 3.** That said Commissioners shall take an oath, before some Justice of the Peace, that they will faithfully, honestly and impartially perform the duties of said Commission; and they shall perform the duties above designated within six months after the passage of this Act.

**SEC. 4.** That said Commissioners shall make two plats of the survey, and shall accompany them with such report as may be necessary to explain said survey; and said plats of survey shall be signed by the Commissioners, and one copy filed in the Register's office of each County of Blount and Sevier, which shall be registered by the respective Registers thereof.

**SEC. 5.** That the Commissioners shall mark the line on such standing timber, with such fore and aft marks and side lines as they may deem necessary to make said line plainly known; and said County Surveyors shall be paid the sum of three dollars per day--while they are employed at said service, to be paid by their respective Counties.

**SEC. 6.** That the fractions of either of the above named Counties that may be added to the other County by the change of the County line as above provided for, shall continue to be liable for their *pro rata* of all debts contracted by their respective counties prior to said change, and shall be entitled to their proportion of any stock or credits belonging to the county from which said fractions are taken.

Passed: March 14, 1879.

## Acts of 1903 Chapter 55

**SECTION 1.** That the line between Blount and Sevier Counties be so changed as to include all the lands of Hugh Garner in Blount County. Said new line to run from the point where the present line between said counties enters the south side of Hugh Garner's land along the line between the lands of Park Delozier and Hugh Garner to the line between Hugh Garner and A.C. Rodgers, thence with said line to the line between Hugh Garner and W.S. McClayham, thence with said line back to the present line between Blount and Sevier Counties.

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

Passed February 5, 1903.

## Acts of 1903 Chapter 478

**SECTION 1.** That the line between Sevier and Blount Counties be so changed as to begin on the extreme top of Round Top Mountain at the southwest corner of Wear's valley, and running due south to the State line of North Carolina and Tennessee.

**SEC. 2.** That all laws which conflict with this Act be and the same are hereby repealed. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 28, 1903.

## Private Acts of 1941 Chapter 458

**SECTION 1.** That the line between the County of Blount and Sevier County of the State of Tennessee be and the same is hereby changed so as to include within the boundaries of said Blount County and within the present 18th District thereof that part of Sevier County in the 16th District described as follows:

That portion of land lying between the Stockard tract now owned by Tipton brothers and the tract owned by J.T. Trotter, containing 75 acres, more or less.

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

Passed: February 14, 1941.

## Private Acts of 1941 Chapter 459

**SECTION 1.** That the line between the Counties of Sevier and Blount in the State of Tennessee be and the same is hereby changed so as to include within the boundaries of Sevier County and in the present Ninth District thereof that part of Blount County in the Thirteenth District bounded and described as follows, to-wit:

Beginning on an iron pin on right-of-way of highway and runs S. 6 deg. 30 min. W. 128 feet to an iron pin, 3.57 min. W. 90 feet to an iron pin, 3.20 min. W. 305½ feet to an iron pin, S. 64 deg. W. 320 feet to an iron pin. All the foregoing calls run along north side of roadway leading toward Levalor State Highway N. 36 deg. 30 min. W. 258½ feet to Cunningham line with same, N. 32½ E. 231 feet N. 38 deg. 30 min., E. 414 feet to beginning of right-of-way, S. 70 deg., E. 114 feet to concrete post, N. 15 E. 9 feet to concrete post. S. 70 deg., E. 187½ feet to the beginning, containing 4½ acres, more or less, being the lands of S. W. Williams of Blount County in the Thirteenth Civil District.

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

Passed: February 14, 1941.

## Private Acts of 1945 Chapter 610

**SECTION 1.** That the property of O. L. Boyd and John H. Kerr lying in the thirteenth (13th) District of Blount County, Tennessee, be removed from that County and attached to the ninth (9th) District of Sevier County, Tennessee. This property consists of eight (8) acres more or less and is described as follows:

*Property of John H. Kerr and Wife, Geneva I. Kerr*

*Lot No. One (1)*

BEGINNING at an iron pin in the S. side of the Chapman Highway, and running S. 6 deg. 43 min. W. 505 ft. to an iron pin in the line of Ogle and Mize. Thence with their line, N. 61 deg. 35 min. E. 355.3 ft. to an I.P. Thence, N. 6 deg. 43 min. E. 234 ft. to an I.P. in the S. side of the aforesaid Highway. Thence with the S. side of same, N. 71 deg. W. 300 ft. to the beginning containing 2.75 acres, more or less, and being a part of the lands formerly owned by G.W. McClure - S.L. Pickens, and known as the Creswell place.

*Property of John H. Kerr and Wife, Geneva I. Kerr*

*Lot No. Two (2)*

BEGINNING at a stake E. corner to Kerr and in the Chapman Hwy., Rt. of way and running with Kerrs S.E. line, 6 deg. 43 min. W. 234 ft. to a stake in Mize's line. Thence with his line N. 61 deg. 35 min. E. 315 ft. to a stake in the W. line of the said Highway and in the said Mize line. Thence with the west line of the said highway, N. 17 deg. 00 min. W. 272 ft. to the beginning, containing ¾ Acres (0.75) Acres, more or less.

*Property of John H. Kerr and Wife, Geneva I. Kerr*

*Lot No. Three (3)*

BEGINNING at a stone, N.E. corner to Boyd's land and running N. 2 deg. 19 min. E. 322 ft. to an iron pin, in an old spring-hole and corner to Ogle and Cunningham. Thence with the line of Ogle and Cunningham's line, N. 88 deg. 25 min. W. 561 ft. to a stake, corner to Cunningham and Ogle, Thence, S. 16 deg. 30 min. W. 26.7 ft. to a large Oak Stump. Thence, continuing with Cunningham and Ogle's line, S. 55 deg. 00 min. W. 254.8 ft. to a stake on the N. side of a ditch, (designated by S. H. Cunningham as the original and legal corner, and said stake being set 2.8 ft. S. of a mulberry tree). Thence, S. 37 deg. 30 min. W. and with the aforesaid Cunningham and Ogle's line, 112.8 ft. to a stake in a ditch and in the line of the Chapman Highway. Thence, with the same, S. 70 deg. 35 min., E. 629.5 ft. to a Hwy. Marker, corner to Boyd's land. Thence, with his line, N. 6 deg. 15 min. E. 125 ft. to a stake, cor. to Boyd. Thence with his line, N. 86 deg. 25 min. E. 225 ft. to the beginning, containing, 5.75 Acres, more or less.

*Property of O.L. Boyd*

*Lot No. Four (4)*

BEGINNING on a concrete stake at right of way to Chapman Highway and runs N. 2 deg. 45 E. 225 ft. to a stake a corner to Mize. Then S. 85 deg. 30 ft. W. 225 ft. to an iron pin S. 6 W. 125 ft. to concrete stake at right of way. Then S. 71 deg. 30 ft. E. 241 ft. to the beginning, containing one (1) acre, more or less.

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

Passed: March 1, 1945.

## Public Acts of 1975 Chapter 134

**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 tract of land now situated in the 13th Civil District of Blount County, hereinafter described, is detached from Blount County and attached to Sevier County, as part of the 10th Civil District thereof, such tract of land being a part of the lands owned by Fred M. Pierce, and the county line between Blount County and Sevier County shall hereafter run with the boundaries of such tract so as to exclude such land from Blount County and include the same in Sevier County. The tract of land is described as follows:

Beginning at a stake in the county line at the northwest corner of the Fred M. Pierce property; thence south 24 degrees east seven and one-half ( $7\frac{1}{2}$ ) poles to a stake; then south  $30\frac{1}{2}$  degrees sixteen and one-quarter ( $16\frac{1}{4}$ ) poles to a persimmon tree; thence south  $14\frac{1}{2}$  degrees west ten (10) poles to a red oak tree; thence south 31 degrees east twenty-two (22) poles to a stake beside a hickory tree; thence north 74 degrees east five and two-thirds ( $5\frac{2}{3}$ ) poles to a stone; thence north  $30\frac{1}{2}$  degrees east six (6) poles to a stone; thence north 12 degrees east six (6) poles to a hickory tree; thence due north six and twenty-two twenty-fifths ( $6\frac{22}{25}$ ) poles to a stone; thence north 35 degrees east eight (8) poles to a stake; thence north 22 degrees east eight (8) poles to a stake; thence north 31 degrees east to a spanish oak; thence north 4 degrees west seven and three fifths ( $7\frac{3}{5}$ ) poles to a stake; thence south  $65\frac{3}{4}$  degrees east eight and seventeen twenty-fifths ( $8\frac{17}{25}$ ) poles to a stake; thence north 13 degrees west twenty and one-fifth ( $20\frac{1}{5}$ ) poles to a stone; thence south  $77\frac{1}{2}$  degrees west thirty-six and three fifths ( $36\frac{3}{5}$ ) poles to a stake; thence south  $53\frac{1}{2}$  degrees west ten and two-fifths ( $10\frac{2}{5}$ ) poles to a stake at the beginning point, such tract containing ten (10) acres, more or less.

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

PASSED: May 5, 1975.

## Boundaries - Historical Notes

### **Boundaries**

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Blount County.

1. Acts of 1812, Second Session, Chapter 60, authorized any sworn surveyor in Blount County, on application of John M'Cally to resurvey his land on Nails Creek and return a plat of the same, and the said M'Cally was entitled to a credit for any of the instalments he may have paid for said tract of land, any law to the contrary notwithstanding.
2. Acts of 1815, Chapter 200, extended Blount County from the junction of the Holsten and Tennessee Rivers across the Tennessee River to a point and bluff opposite the mouth of Town

Creek; then southwardly on the Roane County line to the southern boundary of Tennessee, then east along the state line to where the Blount County line joins the same.

3. Private Acts of 1832, Chapter 64, directed John Mullendore from Sevier County and Robert Wier from Blount County to run the dividing line between the two counties.
4. Private Acts of 1833, Chapter 298, authorized the entry of land lying north of the Tennessee River, within the Hiwassee District, in the entry taker's office of Blount County.
5. Acts of 1839-40, Chapter 36, changed the dividing line between Sevier and Blount Counties so that it began at a point of the line on the top of "Round-top mountain, and running from thence a due south course to the line of North Carolina." This boundary change was repealed by Acts of 1849-50, Chapter 98.
6. Acts of 1843-44, Chapter 196, attempted to establish the County of Jones out of parts of Blount and Monroe counties, but the voters living in those sections rejected the plan and the County of Jones never came into existence.
7. Public Acts of 1877, Chapter 130, placed the lands of Charles F. Henley, J. L. Johnson and John B. McGhee in Monroe County, out of Blount.
8. Public Acts of 1883, Chapter 102, changed the boundary between Blount and Monroe counties, by placing the lands of M. P. Ray, R. E. McClain and C. S. McGhee in Monroe County.
9. Public Acts of 1883, Chapter 217, placed the lands of Samuel Montgomery and John Shedden in Blount County, out of Loudon County.
10. Public Acts of 1887, Chapter 51, changed the boundary between Blount and Sevier counties by placing the entire farm of M. G. Cresswell and W. G. Cresswell in Blount County.
11. Private Acts of 1901, Chapter 208, changed the line between Blount and Sevier counties by placing the land of Sam L. Pickens in Blount County.
12. Acts of 1903, Chapter 514, changed the line between Blount and Sevier to place all the lands of Hugh Gamble and Park P. Delozier in Blount County.
13. Private Acts of 1917, Chapter 816, placed the farm of James Gamble in Blount County, out of Sevier.
14. Private Acts of 1939, Chapter 303, transferred the fifty acre tract of land belonging to J. Ed Ogle from Blount to Sevier County, while the lands of Mattie E. Carr, Walter Ogle and E. H. Carr were transferred from Sevier to Blount County.
15. Private Acts of 1941, Chapter 458, changed the boundary between Blount and Sevier Counties, by transferring into Blount "that portion of land lying between the Stockard tract now owned by the Tipton brothers and the tract owned by J. T. Trotter, containing seventy-five acres, more or less."
16. Private Acts of 1953, Chapter 116, altered the boundary between Knox and Blount counties by transferring the fractional portion of the Elrod farm which was in Blount County into Knox County where the remainder of the farm was located.

## Chapter V - Court System

### General Sessions Court

#### Private Acts of 1947 Chapter 345

**SECTION 1.** That there is hereby created and established a Court in and for Blount County, Tennessee, which shall be designated Court of General Sessions of Blount County, Tennessee. The Court shall be held in Maryville, and Blount County shall provide a courtroom, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and shall pay for the same out of the general funds of the County.

**SECTION 2.** That the jurisdiction, powers and authority of said Court shall be co-extensive with Blount County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Blount County are hereby divested of all such jurisdiction, powers and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court or in the performance of rites of matrimony is in no wise affected by this Act.

That the Judges of the Court of General Sessions are hereby empowered to grant fiats for writs and attachments, injunctions, ne exeat and other extraordinary processes in suits to be filed or pending in the Circuit, Criminal or Chancery Courts of Blount County, Tennessee.

As amended by: Private Acts of 1949, Chapter 324  
Private Acts of 1957, Chapter 227

**SECTION 3.** That before the issuance of any warrants in civil cases, the plaintiff shall execute a cost bond with good security in the sum of Twenty-five (\$25.00) Dollars or in lieu thereof make a cash deposit with the Clerk of not less than Three (\$3.00) Dollars, or more than Twenty-five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

**SECTION 4.** That the laws now regulating pleading and practice; stay of and appeals from judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judge of said Court.

**SECTION 5.** That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 6.** That in all matters the cost and fees of the cost and fees out of the Court of General Sessions shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, and all other officers, for the execution of writs and processes of said Court and fees for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace.

The fees and compensation, due for services rendered by the Court, shall accrue to the Clerk of the Court. Said Costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff and all other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and handled, accounted for and disbursed as required by law.

**SECTION 7.** That there shall be one civil docket and one criminal docket for the Court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process if brief form, the action of the Court, both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of Court, of the Sheriff, and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the manner in which the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer, who receives the warrant shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said Court until its issuance has been properly entered on said respective dockets.

As amended by: Private Acts of 1949, Chapter 324  
Private Acts of 1957, Chapter 227

**SECTION 8.**

(a) That there is hereby created four (4) sections of said Court of General Sessions, to be know as Section No. 1, Section No. 2, Section No. 3 and Section No. 4, respectively; that there shall be four (4) full time Judges of said court, one (1) to preside over each section; that said Judges shall be persons who are licensed attorneys and who have been admitted to practice law before the Supreme Court of Tennessee and shall have all the other qualifications as are prescribed for Circuit Judges; that said Judges shall not be permitted to practice law during their tenure of office and shall devote all their working time to the office of Judge, provided, however, that such Judge may conclude to final determination any cases which the Judge may have pending at the time such Judge takes office as a General Sessions Court Judge.

(b) The Judge of Section 4 shall be appointed by the legislative body of Blount County as provided by law and the person so appointed shall serve until September 1, 2006, or until such person's successor is elected and qualified. The appointment by the Blount County legislative body shall take effect on January 1, 2005. At the August general election in 2006, and every eight (8) years thereafter, the qualified voters of Blount County shall elect a person to the office of Judge of Section 4 of the General Sessions Court for a term of eight (8) years. In such election and all subsequent elections, the candidates shall designate and qualify to run for the position of Judge of Section 4 of the General Sessions Court of Blount County.

(c) The Judge of Section 4 of the General Sessions Court of Blount County shall receive the same compensation, payable in the same manner, and benefits as the Judges of Sections No. 1, No. 2 and No. 3. Section 4 of the General Sessions Court shall have concurrent jurisdiction with Sections No. 1, No. 2 and No. 3.

As amended by: Private Acts of 1949, Chapter 324

Private Acts of 1957, Chapter 227  
 Private Acts of 1989, Chapter 48  
 Private Acts of 2004, Chapter 111

**SECTION 9.** Effective September 1, 2006, the Judge of Section No. 3 of said Court shall be the presiding Judge and shall designate the time of holding Court for each section, shall designate the Judge to preside over the same from time to time and shall set the docket of cases to be heard and in general determine the manner in which said Court shall be conducted for the most expeditious hearing or disposition of the cases filed therein, provided, however, that nothing in this act contained shall be construed as prohibiting either of said Judges from hearing cases in either of the sections of said Court at the designation of said presiding Judge.

Beginning September 1, 1982, the base compensation of the judges of Division I and Division II shall be thirty-seven thousand five hundred dollars (\$37,500) for the performance of all judicial duties other than juvenile matters and five thousand dollars (\$5,000) for the performance of their duties concerning juvenile matters; payable in equal monthly installments out of the general fund of the county. The base compensation shall be adjusted annually by the cost of living increase, if any, appropriated by the Blount County legislative body for all other county employees; said adjustments having the same effective date as the increases for all other county employees.

That each of said judges of the Court of General Sessions shall be entitled to have four (4) weeks each calendar year when they shall not be required to perform their duties, as vacation, and/or sick leave with salary and during such time each judge shall appoint some member of the Blount County Bar to perform his duties and which substitute, so appointed shall have all of the rights and powers of a judge of the Court of General Sessions of Blount County and shall be paid for such services at the rate of One Hundred (\$100.00) Dollars per week, which sums shall be paid out of the general funds of the County upon certification of such judge of the Court of General Sessions for whom such substitute judge is serving.

As amended by:  
 Private Acts of 1949, Chapter 324  
 Private Acts of 1955, Chapter 396  
 Private Acts of 1957, Chapter 227  
 Private Acts of 1965, Chapter 202  
 Private Acts of 1970, Chapter 260  
 Private Acts of 1982, Chapter 217  
 Private Acts of 2004, Chapter 111

**COMPILER'S NOTE:** The minimum compensation of general sessions court judges is set by general law found at T.C.A. § 16-15-5001 *et seq.*

**SECTION 10.** That said Judges shall be elected by the qualified voters of Blount County at the General August Election in August, 1958, and for a term of eight years or until his successor shall be elected and qualified and shall take office on September 1, 1958; that is said election and all subsequent elections, the candidates for such offices shall designate and be qualified to run for Judge of Section No. 1 or Section No. 2 as such candidate may desire; that said Judges shall thereafter be elected to the Judgeship by the qualified voters of Blount County each eight years at the General August Election.

That in the event of a vacancy in the office of either of said Judgeships, his successor shall be designated in the manner provided by law, such successor to have the same qualifications as are prescribed hereby and who shall serve until the next General Election held in the County of Blount, at which time a successor shall be elected to fill out the unexpired term of such Judge.

As amended by:  
 Private Acts of 1949, Chapter 324  
 Private Acts of 1957, Chapter 227

**SECTION 11.** That if the Judge of said Court of General Sessions for any reason fails to hold Court, a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion. The Clerk of said Court shall preside at such elections and shall keep in his office a record of the election of such special Judges. Such special Judges shall not be entitled to compensation for their services.

**SECTION 12.** The Clerk of the Circuit Court of Blount County is hereby made ex officio clerk of the court of General Sessions and shall perform the duties herein devolved upon such clerk. For the services rendered by him in ex officio capacity he shall be paid the sum of \$2500.00 per annum, payable monthly the fees and emoluments of office and he is also authorized to pay from such fees and emoluments for all necessary supplies, stationery and postage. Likewise, upon proper petition to the Circuit or Chancery Court of such County he shall be allowed such additional deputy or deputies as may be necessary to efficiently conduct the business of the office, such deputy or deputies to possess all the powers herein conferred upon the clerk. Any excess fees and emoluments over and above those heretofore appropriated shall be paid into the County Treasury.



The Clerk of the Circuit Court shall act as the Clerk of the Court of General Sessions in cases, suits, proceedings or actions involving the following subject matters, jurisdiction of which is granted to the Court of General Sessions in Section 19 of this chapter as amended by Chapter 202 of the Private Acts of 1965; juvenile, bastardy, illegitimates, legitimation, and abandonment of wife and child.

As amended by: Private Acts of 1949, Chapter 324  
Private Acts of 1951, Chapter 670  
Private Acts of 1957, Chapter 145  
Private Acts of 1970, Chapter 260

**SECTION 13.** That the sheriff of Blount County shall assign a regular Deputy Sheriff to attend the sessions of said Court of General Sessions to preserve the order and wait on and serve the Court, in the same manner as is now provided for officers of the other Courts of said County.

The Sheriff of said County, or any deputy Sheriff or Constable thereof, shall serve legal processes, writs, and papers issued by said Court with the same authority as now provided by law and shall receive the same fees and emoluments therefor as is now provided for writs and processes issued by the Justices of the Peace of said County.

**SECTION 14.** That this Act shall in no way impair the right, title or interest of any Justices of the Peace of Blount County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 15.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace.

**SECTION 16.** That said Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of Blount County as if such cases had originated in said Court of General Sessions, and shall have power to issue executions on judgments rendered by Justices of the Peace.

**SECTION 17.** That the Legislature expressly declares that each section of this Act is severable, and that if any portion of this Act should be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 18.** That this Act shall take effect September 1, 1958 the public welfare requiring it.

As amended by: Private Acts of 1957, Chapter 227

**SECTION 19.**

(a) That said Court of General Sessions of Blount County, Tennessee is hereby vested with all jurisdiction and shall exercise the authority conferred by the legislature upon the County Judge or Chairman of the County Court in probate, decedents' estates, guardianship, conservatorship, insanity, lunacy, feeble-minded, persons of unsound mind, juvenile, bastardy, illegitimates, legitimation, change of name, partition, condemnation, sale of property, foreclosures of mortgages and vendors liens, foreclosures of other liens, workmen's compensation, and abandonment of wife or child cases, suits, proceedings and actions, which jurisdiction shall be co-extensive with Blount County, Tennessee; provided, however, nothing in this act shall be construed to divest the Judge of the County Court of his jurisdiction and authority as financial or fiscal agent of said County and as presiding Judge of the Quarterly County Court.

(b) The court of general sessions of Blount County shall also be vested with all jurisdiction, powers and authority relating to the probate of wills and the administration of estates as is conferred by law upon probate courts.

The Court of General Sessions of Blount County shall also be vested with concurrent jurisdiction with the Circuit and Chancery Courts over domestic relations cases. The Clerk and Master shall be designated as the Clerk of the General Sessions Court when it is exercising such domestic relations jurisdiction.

(c) The court of General Sessions of Blount County shall be vested with all jurisdiction, powers and authority conferred on chancery courts to order and confirm sales of real property in estates of incompetents, including guardianships, special guardianships, limited guardianships, testamentary guardianships and conservatorships.

As amended by: Private Acts of 1965, Chapter 202  
Private Acts of 1987, Chapter 60  
Private Acts of 1989, Chapter 48  
Private Acts of 1991, Chapter 49

**SECTION 20.** That said Court of General Sessions shall have the authority to hear and determine all undisposed of cases pending in the County Court of Blount County, Tennessee, as if such cases had

originated in said Court of General Sessions.

As amended by: Private Acts of 1965, Chapter 202

**SECTION 21.** That the County Clerk of Blount County, Tennessee, shall act as Clerk of said Court of General Sessions in all cases relating to probate, decedents' estates, guardianship, conservatorship, insanity, lunacy, feebly-minded, persons of unsound mind, change of name, partition, condemnation, sale of property, foreclosures of mortgages and vendors liens, foreclosures of other liens, and workmen's compensation and cases, suits, proceedings and actions, provided, however, nothing in this section of this act shall be construed to divest the Clerk of the Circuit Court for Blount County, Tennessee, of any of his duties or authorities granted by Section 12 of this act.

As amended by: Private Acts of 1965, Chapter 202

Private Acts of 1970, Chapter 260

Private Acts of 1982, Chapter 209

Passed: February 14, 1947.

## Private Acts of 1989 Chapter 48

**COMPILER'S NOTE:** Sections 1 and 2 of this act amended Private Acts of 1947, Chapter 345, which is printed herein.

**SECTION 3.** The Judge of Section No. 3 shall be appointed by the County Legislative Body of Blount County as provided by law and shall take office on July 1, 1989 to serve until his successor is elected in the 1990 August General Election and qualified. In such election and all subsequent elections, the candidates for such office shall designate and be qualified to run for Judge of Section No. 3. Such Judge shall be elected as provided by law for a term of eight (8) years.

**SECTION 4.** The Judge of Section No. 3 of the Court of General Sessions of Blount County shall receive the same compensation and benefits as the Judges of Sections No. 1 and 2. The jurisdiction of Section No. 3 shall be concurrent with Sections No. 1 and 2.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Legislative Body of Blount County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified by him to the Secretary of State.

**SECTION 6.** 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 5.

PASSED: APRIL 5, 1989.

## Court System - Historical Notes

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

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

1. Acts of 1797, Chapter 7, required Blount County to provide five grand jurors for the Hamilton District Superior Courts of Law.
2. Private Acts of 1925, Chapter 521, created a board of jury commissioners for Blount County. Blount County was removed from this act by Private Acts of 1927, Chapter 285.
3. Private Acts of 1929, Chapter 43, set the salary of jurors at \$3.00.
4. Private Acts of 1931, Chapter 556, created a board of jury commissioners for Blount County.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Blount 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. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1823, Chapter 13, provided that the chancery court in Blount County would begin its terms on the first Mondays in June and December.
2. Public Acts of 1824, Chapter 14, fixed the time of holding chancery court in Blount County to the first Monday in June and December.
3. Private Acts of 1831, Chapter 217, Section 4, directed the chancellor of the Eastern Division of the

state to hold a chancery court at Madisonville, in Monroe County and continue the terms thereof for two weeks, should business of said court require, for the counties of Blount, McMinn and Monroe.

4. Private Acts of 1833, Chapter 199, authorized Blount County citizens to bring chancery suits either in the court at Knoxville or the court at Madisonville.
5. Public Acts of 1835-36, Chapter 4, established the sixth chancery district which composed of the counties of Anderson, Knox and Blount. The court was held at Knoxville on the second Mondays in April and October.
6. Public Acts of 1835-36, Chapter 20, Section 11, allowed the citizens of Blount County the right to file their bills and have them tried in the chancery court in Madisonville or at Knoxville.
7. Acts of 1851-52, Chapter 345, established a chancery court in Maryville, and provided that terms would begin on the second Monday in February and August.
8. Acts of 1851-52, Chapter 353, provided that chancery cases which had originated in Blount County and were pending in the chancery courts in Knoxville, Sevierville, or Madisonville, would be transferred to the new chancery court in Maryville.
9. Acts of 1853-54, Chapter 54, established the first chancery division in which Blount County was a part of. The times for holding the court was not altered.
10. Acts of 1853-54, Chapter 55, Section 4, set the times for holding the chancery court for Blount County to the fourth Mondays in May and November.
11. Public Acts of 1857-58, Chapter 88, set the dates for holding chancery court in Blount County on the fourth Mondays in May and November.
12. Private Acts of 1859-60, Chapter 37, changed the days for holding chancery court to the first Tuesday after the first Monday in May and September.
13. Public Acts of 1865, Chapter 14, again changed the time for holding chancery court; this act providing that it should meet on the fourth Mondays in June and December.
14. Public Acts of 1865-66, Chapter 41, set the time for holding chancery court on the second Mondays in June and December.
15. Public Acts of 1870, Chapter 32, divided the state into chancery districts. The counties of Blount, Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Scott, Morgan, Fentress and Christiana formed the third chancery district.
16. Public Acts of 1870, Chapter 47, divided the state into chancery divisions. Blount County was placed in the second chancery division in which the times of holding the chancery court was set to the second Mondays of June and December.
17. Acts of 1872, Extra Session, Chapter 15, again changed the time for holding chancery court, to the second Mondays in June and December of each year.
18. Acts of 1885, Extra Session, Chapter 20, provided that the second chancery division would consist of the courts in the counties of Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan and Scott; and this act further provided that the chancery court in Blount County would be held on the second Mondays in June and December.
19. Public Acts of 1887, Chapter 92, set the time for holding chancery court on the third Monday in April and October.
20. Private Acts of 1901, Chapter 438, divided the state into chancery divisions. Blount County was placed in the first chancery division and the time for holding the chancery court was set to second Mondays in April and October.
21. Acts of 1907, Chapter 174, changed the time for holding chancery court to the first Mondays in April and October.
22. Public Acts of 1919, Chapter 100, created and established a chancery division out of the counties of Blount, Cocke, Grainger, Hamblen, Jefferson, Sevier and Union. The times for holding the court for Blount County was set for the first Monday in April and October.
23. Private Acts of 1929, Chapter 216, amended the general law then in effect to provide that in Blount County chancery court would be held on the second Mondays in March and September.
24. Public Acts of 1931, Chapter 38, Second Extra Session, placed Blount County in the thirteenth chancery division and set the time for holding chancery court to the second Mondays in March and September.

25. Public Acts of 1972, Chapter 462, created the law and equity court for Blount County. The law and equity court has concurrent jurisdiction with the chancery and circuit courts of Blount County, in which the judge of the law and equity court was vested with all the common law and statutory powers of the chancery and circuit court judges. This act was amended by Public Acts of 1977, Chapter 418, which transferred the jurisdiction of the law and equity court to the thirtieth judicial circuit.

### **Clerk and Master**

The reference list below contains an act which once applied to the clerk and master in Blount County.

1. Private Acts of 1911, Chapter 156, set the annual salary of the Blount County Clerk and master at \$850, and required him to file an annual statement of the fees received by his office. If these fees were more than the amount to be paid to him in salary, he was allowed to retain the excess. This was amended by Private Acts of 1917, Chapter 621, which raised this annual salary to \$1800.

### **Circuit Court**

The following acts were once applicable to the circuit court of Blount County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1809, Chapter 49, First Session, divided the state into five judicial circuits, and placed Blount in the second judicial circuit, along with Cocke, Jefferson, Sevier, Knox, Anderson, Roane, Rhea and Bledsoe counties. This act also provided that circuit court in Blount County would be held on the first Mondays in February and August of each year.
2. Acts of 1812, Chapter 81, Second Session, provided for an additional term of circuit court in Blount County, for the trial of civil causes only. This additional term was to have begun on the fifth Monday in August, 1813.
3. Acts of 1817, Chapter 121, changed the time for holding circuit court to the Monday after the fourth Monday in January and July of each year.
4. Public Acts of 1835-36, Chapter 5, established judicial circuits through out the state. Blount County was placed in the second judicial circuit in which the times of holding said court were set to the first Monday after the fourth Monday in January.
5. Acts of 1837-38, Chapter 3, set the time for holding circuit court in Blount County on the fourth Monday in January, May and September.
6. Acts of 1853-54, Chapter 55, reduced the terms of circuit court in Blount County to two annually, to be held on the fourth Mondays in May and November.
7. Public Acts of 1857-58, Chapter 98, placed Blount County in the third judicial circuit and provided that court would be held on the fourth Mondays in January, May and September.
8. Public Acts of 1870, Chapter 31, divided the state into judicial circuits. Blount County was placed in the third circuit along with Morgan, Anderson, Knox, Monroe, Roane, Cumberland, Fentress and Christiana.
9. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts through out the state. The times for holding the Blount County Circuit Court was set to the fourth Mondays of April, August and December.
10. Public Acts of 1879, Chapter 179, also specified that the circuit court in Blount County would be held on the fourth Mondays in January, May and September.
11. Acts of 1885 Extra Session, Chapter 20, placed Blount County in the third judicial circuit, along with Knox, Monroe, Loudon, Roane, Morgan and Scott, and also provided that court would be held on the fourth Mondays in January, May and September.
12. Public Acts of 1899, Chapter 168, abolished the third judicial circuit, of which Blount County had been a part of.
13. Public Acts of 1899, Chapter 239, set the time for holding circuit court on the third Mondays in January, May and September.
14. Public Acts of 1899, Chapter 409, attached the counties of Blount, Loudon and Roane to the seventeenth judicial circuit of the state. The circuit court for Blount County was set to the second Monday in February, June and October.
15. Public Acts of 1899, Chapter 427, placed Blount County in the fourth judicial circuit, along with the counties of Bradley, Polk, Meigs, McMinn, James Loudon, Roane and Monroe. The circuit court in

Blount County was to meet on the first Monday of April, August, and December. This was amended by Private Acts of 1901, Chapter 413, to change the time for holding circuit court to the third Mondays in February, June and October; and this amendatory act itself was also amended, by Acts of 1903, Chapter 354, to set the time for holding circuit court in Blount County on the second Mondays in February, June and October.

16. Public Acts of 1915, Chapter 167, changed the time of holding the circuit court in Blount County, in the fourth judicial circuit, to the third Mondays in February, June and October of each year.
17. Private Acts of 1925, Chapter 58, established a separate criminal court for Blount, Monroe, Loudon, Roane, McMinn, Bradley and Polk counties.
18. Private Acts of 1925, Chapter 217, provided that criminal court in Blount County would begin its terms on the second Mondays in April, August and December.
19. Private Acts of 1925, Chapter 218, also specified that the terms of circuit court in Blount County would be held on the second Mondays in February, June and October.
20. Private Acts of 1929, Chapter 638, amended the general statute then in effect, exempting Blount County from the provisions setting the salary of the juvenile court judge. This was repealed by Private Acts of 1933, Chapter 424.
21. Public Acts of 1929, Chapter 142, fixed the times of holding the Blount County Circuit Court to the first, second and third Mondays of February, June and October.
22. Public Acts of 1931, Chapter 38, Second Session, placed Blount County in the third judicial circuit and set the times for holding circuit court to the first Mondays in February, June and October.
23. Public Acts of 1972, Chapter 462, created a circuit court for the thirteenth judicial circuit, the jurisdiction of which was co-extensive with Blount County.

#### **Circuit Court Clerk**

The following act has no current effect, but once applied to the Blount County Circuit Court Clerk. It was repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, set the salary of the circuit court clerk in Blount County at \$750 annually. This was amended by Private Acts of 1917, Chapter 628, which raised that salary to \$1,800 per year, and by Private Acts of 1929, Chapter 62, which provided that in addition to \$1,800 annually, the circuit court clerk would also receive \$600 annually from the criminal court fees.

#### **Criminal Court**

The following acts once pertained to the Blount County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1925, Chapter 15, created a criminal court in Blount County and set the time for holding criminal court to the fourth Monday in March, July and November.
2. Public Acts of 1929, Chapter 142, fixed the times of holding the Blount County Criminal Court to the second and third Mondays of April, August and December.
3. Public Acts of 1931, Chapter 38, Second Session, placed Blount County in the fourth criminal court circuit and set the time for holding criminal court on the second Monday in April, August and December.
4. Public Acts of 1939, Chapter 228, provided for a criminal investigator for the criminal court of the fourth judicial circuit of the state and provided for his qualifications, salary and tenure of office.
5. Public Acts of 1974, Chapter 687, created the office of criminal investigator for the fourth judicial circuit; provided for the appointment, qualifications, powers and duties of said investigator and fix the compensation thereof.

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

The following acts once affecting Blount 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. Acts of 1817, Chapter 65, established solicitorial districts throughout the state. Blount County was placed in the third solicitorial district along with Cocke, Jefferson and Sevier counties.
2. Private Acts of 1921, Chapter 879, created the office of assistant attorney general for Blount County, provided the appointment and qualifications, the payment of his salary and defined his duties.

3. Private Acts of 1931, Chapter 74, amended Private Acts of 1921, Chapter 879, by setting the salary of the assistant attorney general to \$2,400.00 which was payable out of the treasury of the state upon warrant of the comptroller quarterly.
4. Public Acts of 1971, Chapter 130, created the offices of two additional assistant district attorneys general for the fourth judicial circuit of the state, provided for their appointment, fixed the qualification, determined the duties of said officers and set their compensation.
5. Public Acts of 1972, Chapter 550, provided a secretary to the district attorney general for the fourth judicial circuit of the state, provided for the appointment, compensation, and duties and also provided for the effective date of appointment.

### **General Sessions Court**

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

1. Private Acts of 1989, Chapter 21, would have amended Private Acts of 1947, Chapter 345 by vesting the general sessions court with jurisdiction, power, and authority concurrent with the circuit and chancery court, to hear and determine all domestic relations cases and with the full power and authority conferred upon the circuit and chancery court to enforce all of its orders, decrees, and judgments. This act, however, was not ratified locally and therefore never became effective.

### **Juvenile Court**

The following act once affected juvenile courts in Blount County and is included herein for reference purposes.

1. Public Acts of 1929, Chapter 103, exempted Blount County from Public Acts of 1911, Chapter 58, Section 14, which provided for the regulation, treatment and control of dependent, neglected and delinquent children and the establishment of a juvenile court.

### **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 position of secretary to the judge of the fourth judicial circuit. This was amended by Public Acts of 1972, Chapter 550, to raise the salary of the position.

## Chapter VI - Education/Schools

### Board of School Supervisors

#### Private Acts of 1961 Chapter 60

**COMPILER'S NOTE:** This private act, as amended, has largely been superseded by general law found in Tennessee Code Annotated, title 49, chapter 2.

**SECTION 1.** There are hereby created and established five (5) school districts for Blount County, coextensive with the five (5) Justice of the Peace Districts, respectively, from which members of the County Board of School Supervisors shall be elected by the qualified voters of each district as follows:

Two (2) members shall be elected from the First School District, which is coextensive with the First Justice of the Peace District.

Two (2) members shall be elected from the Second School District, which is coextensive with the Second Justice of the Peace District.

One (1) member shall be elected from the Third School District, which is coextensive with the Third Justice of the Peace District.

One (1) member shall be elected from the Fourth School District, which is coextensive with the Fourth Justice of the Peace District.

One (1) member shall be elected from the Fifth School District, which is coextensive with the Fifth Justice of the Peace District.

As amended by: Private Acts of 1970, Chapter 258

**SECTION 2.** That there is hereby created a County Board of School Supervisors for Blount County to be composed of seven members possessing the qualifications to be elected in the manner, charged with the duties and entitled to the compensation hereinafter provided.

**SECTION 3.** That two (2) members of the County Board of Supervisors shall be elected from the First and Second School Districts and one (1) member each from the Third, Fourth and Fifth School Districts, by the qualified voters of each district, in the August 1970 general election, to take office on September 1 following their election and to serve for terms as prescribed in Section 4.

As amended by: Private Acts of 1970, Chapter 258.

**SECTION 4.** That in the August 1970 general election two (2) members shall be elected from the First School District by the qualified voters of the District. The candidate receiving the highest number of votes shall serve for a term of four (4) years and the candidate receiving the second highest number of votes shall serve for a term of two (2) years.

The candidate receiving the highest number of votes in the Second School District shall serve for a term of four (4) years and the candidate receiving the second highest number of votes shall serve for a term of two (2) years.

The candidate elected from the Third School District shall serve for a term of four (4) years.

The candidate elected from the Fourth School District shall serve for a term of two (2) years.

The candidate elected from the Fifth School District shall serve for a term of four (4) years.

At the August 1972 general election, members shall be elected to succeed members whose terms expire September 1, 1972, such members to be elected for terms of two (2) years. At the August 1974 general election, all seven members of the county board of school supervisors shall be elected by the qualified voters of the county at large. The four (4) candidates receiving the higher number of votes shall serve for terms of four (4) years: The three (3) candidates receiving the next higher number of votes shall serve for terms of two (2) years. Thereafter, at the August general election preceding the expiration of terms, successors shall be elected to serve for terms of four (4) years. Members shall be eligible to succeed themselves in office. Members shall assume office on September 1 following their election and serve until their successors are elected and qualified.

As amended by: Private Acts of 1970, Chapter 258

Private Acts of 1972, Chapter 329

**SECTION 5.** That persons desiring to become candidates for said offices shall qualify in the manner required by the general law of the State and after said election the Board of Election Commissioners shall canvass the returns and issue certificates of election to the successful candidates in each of the various Educational Districts. The same requirements as now or may hereafter be provided by law for members of the County Board of Education shall be necessary to render a candidate eligible for the office of County Board of School Supervisors and said election shall be conducted in the manner and under the same requirements of law as prescribed for election of members of the General Assembly and with the restrictions, requirements and qualifications for voters and the persons so elected shall hold their respective offices until their successors have been elected and qualified.

In case of a vacancy in said County Board of School Supervisors provided for in the Act, such vacancy shall be filled for the unexpired term by a vote of a majority of the County Board of School Supervisors, meeting next and after the said vacancy occurs, the members so elected to fill out the unexpired term shall be a resident of the School District in which such vacancies exist, and shall serve until the next regular election for that Educational District.

**SECTION 6.** That the County Board of School Supervisors for Blount County shall meet at the Courthouse in said County on the 1st day of September following each August Biennial election and organize in the manner hereinafter provided and shall elect one of their members as Chairman of said Board. The Chairman shall preside over all the meetings of said Board, or in his absence, a Chairman pro tem may be elected by the members present, from one of their Board. A majority of the members of said Board shall constitute a quorum for the transaction of all business of said Board. Each member of said Board shall take and subscribe to an oath before some officer authorized to administer such oaths to the effect that he will honestly, faithfully, and impartially discharge the duties of his office and faithfully and honestly account for and pay over all monies and deliver all property belonging to the County coming into his hands. Said Board shall meet in regular session on the first Mondays of March, June, September, and December of each year and at any other times in special meetings on call of the Chairman of the Board, upon five days' notice, whenever the Chairman may deem it necessary to have a meeting for the proper performance of the duties of such Board and the transaction of its business. The Chairman shall call a meeting of said Board when requested in writing to do so by a majority of the other members of said Board.

**SECTION 7.** That the County Superintendent of Public Instruction for Blount County shall be ex-officio Secretary of the County Board of School Supervisors, but he shall have no vote at any meeting of said Board. Said Secretary shall attend all meetings of said Board, keep a correct and complete record of all the accounts of said Board at each meeting, and such other records shall be kept by him as is now or may

be hereafter provided by law. Said Secretary shall meet with the Chairman at such times as may be deemed necessary and proper by the Chairman for the performance of such duties as may be imposed upon them by this Act; all such services shall be performed by the County Superintendent of Public Instruction acting as Secretary of said Board in his or her County in addition to his duties now provided by law, and without additional compensation.

**SECTION 8.** That the County Board of School Supervisors for Blount County shall have the supervision and control of all the public schools in said County, both elementary and high schools, and all others maintained in whole or in part by public funds, and they shall elect all teachers of said schools and fix their salaries, and make necessary contracts with all teachers for their services; and shall have power and authority to erect, repair and maintain suitable school buildings, equipment, and to acquire and hold real estate for school purposes, purchase equipment and supplies such as may be necessary for carrying on the school system in the County. Said Board shall in all things perform the duties required by law or by the State Department of Education, as now provided by the general statutes of the State, or as may hereafter be provided by future legislation, affecting the administration of the public school affairs in any County to which this Act applies. The County Board of School Supervisors created by this Act shall have the exclusive possession and control of all public school property, both real and personal, now belonging to or in the custody or control of any Board or Association in Blount County, or that may hereafter be acquired.

**SECTION 9.** That the County Board of School Supervisors, hereby created, shall have power and authority to enter into contracts and agreements necessary for the erection, purchase, preservation, and maintenance of its buildings, property or equipment, and for any other purpose by the board deemed necessary to carry out the provisions of all laws applying to public school affairs or in the proper discharge of their duties upon their members imposed by this Act.

**SECTION 10.** That each member of said Board shall receive the sum of One Hundred Dollars (\$100.00) per year as compensation for their services as such Board member. Said sums to be paid out of the general funds of the County allocated for school purposes. No member of the County Board of School Supervisors shall become the owner or holder of any warrant issued for any purpose upon any of the public school funds in Blount County; but the Secretary may receive such warrants upon his salary as Superintendent of Public Instruction.

**SECTION 11.** That the County Board of School Supervisors created by Chapter 436 of the Private Acts of 1929 as amended is abolished effective from and after the first day of September, 1962, and that Chapter 436 of the Private Acts of 1929 as amended, together with all laws or parts of laws in conflict with the provisions of this Act are expressly repealed.

**SECTION 12.** That if any section or paragraph or clause of this Act shall be held invalid by the Courts, that it shall not in any way effect or invalidate any other section or paragraph or clause.

**SECTION 13.** That this Act shall be submitted to the Quarterly County Court for Blount County, Tennessee, at their next regular session or called session for their approval and if approved by two-thirds vote of the County Court, this Act shall take effect from and after such approval, the public welfare requiring it; that if less than two-thirds of the Quarterly County Court for Blount County, Tennessee, vote in favor of such approval, this Act shall not take effect.

**SECTION 14.** That the County Court Clerk for Blount County shall certify the result of action taken by the Quarterly County Court as herein provided to the Secretary of State for the State of Tennessee within five (5) days after the time the County Court for said County takes action on this Act as provided herein.

Passed: February 15, 1961.

## Education/Schools - Historical Notes

### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Blount County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 45, established the office of County Superintendent of Public Instruction in Blount County to be elected by the qualified voters of the county beginning with the August 1930 general election and each two years thereafter. This office was replaced with the employment position of director of schools pursuant to the general law Education Improvement Act of 1991. Therefore, this act, as amended is superseded. See T.C.A. § 49-2-301.
2. Private Acts of 1933, Chapter 266, amended Private Acts of 1929, Chapter 45, to change the term of office of the County Superintendent of Public Instruction in Blount County from two years to



four years. This office was replaced with the employment position of director of schools pursuant to the general law Education Improvement Act of 1991. Therefore, this act, as amended, is superseded. See T.C.A. § 49-2-301.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Blount County but are no longer operative since 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 1806, Chapter 8, incorporated Porter Academy as the county academy for Blount County, naming Gideon Blackburn, John Montgomery, John Lowry, Joseph B. Lapsely and Andrew Kennedy as the trustees of this academy.
2. Acts of 1813, Chapter 26, named William Aylett as an additional trustee of Porter Academy.
3. Acts of 1813, Chapter 30, established the Maryville Female Academy in Blount County. Andrew Thompson, David Caldwell, James Berry, John Montgomery, John Gardiner, James Houston, William Aylett and Isaac Anderson constituted a body politic and corporate for the academy.
4. Acts of 1815, Chapter 67, authorized the trustees of the Maryville Female Academy and the Porter Academy to draft a scheme for raising not more than \$8,000 by lottery.
5. Acts of 1817, Chapter 105, named James Turk and Thomas Henderson as additional trustees for Porter Academy, and as additional trustees for Maryville Female Academy Alexander McGhee, John McGhee, James Turk, Thomas Henderson, and John Lowry were named.
6. Public Acts of 1825, Chapter 73, appointed William Gott as commissioner in charge with the payment of money for the use of colleges and academies and to ascertain what portion of them may be of the third and last class and the value of all such lands that the academies may be on.
7. Public Acts of 1826, Chapter 34, amended Public Acts of 1825, Chapter 73, above, by re-appointing William Gott as commissioner. His duties remained the same.
8. Acts of 1853-54, Chapter 95, set aside \$3,000 out of the county treasury to used as the county school fund to benefit the townships composed of the seventeenth civil districts in the counties of Blount and Monroe.
9. Acts of 1855-56, Chapter 267, Section 9, required the comptroller of the treasury of the state to issue his warrants for the interest on the sum of \$3,000, created as a school fund for the seventeenth civil district in Blount and Monroe counties, by Acts of 1853-54, Chapter 95.
10. Private Acts of 1897, Chapter 228, created a new school district out of parts of Monroe, Loudon and Blount counties which was known as the Trigonía High School District.
11. Private Acts of 1901, Chapter 353, amended Private Acts of 1897, Chapter 228, by excluding the farms of James Norwood and S.O. Montgomery from the Trigonía High School District.
12. Acts of 1905, Chapter 356, created a special school district out of the ninth and nineteenth civil districts in Blount County, which were the town of Maryville. This was repealed by Acts of 1907, Chapter 286.
13. Acts of 1909, Chapter 236, was the first compulsory attendance law for Blount County students. This act required that children between the ages of eight and sixteen attend school for sixteen weeks or eighty days of each year, for at least four hours per day. There were certain exemptions from this act, such as proficiency in the subjects taught in public school, attendance at a private, parochial or tutorial school, or physical or mental infirmity. This act also made it a criminal offense for any person, firm or corporation to hire children of school age to work during school hours.
14. Private Acts of 1911, Chapter 248, established the Frigonía High School District out of parts of Blount, Loudon and Monroe counties. This act was amended by Private Acts of 1915, Chapter 665, to remove the applicability of its provisions to Blount County, but his amendment was itself repealed by Private Acts of 1917, Chapter 74.
15. Private Acts of 1911, Chapter 583, was the next compulsory attendance law for Blount County. This act required parents of children between the ages of eight and sixteen "to cause such child to be instructed in elementary branches of knowledge," for at least fifteen days in four consecutive weeks. Children who lived more than two and one half miles from the nearest public school were exempted from this law, and this act also specified that children could attend public schools in Blount County until they reached their majority.
16. Private Acts of 1913, Chapter 75, Extra Session, established the Meadow High School District out

of parts of Loudon and Blount counties. While this act has never been specifically repealed, all special school districts which were not taxing districts, and the Meadow High School District was not, were abolished by Public Acts of 1925, Chapter 13, Section 33.

17. Private Acts of 1917, Chapter 508, established the Trigonía Independent School Districts in sections of Blount, Monroe and Loudon. The purpose of this act was stated as insuring that Blount County be a part of this special district, and that this act in no way repealed Private Acts of 1911, Chapter 248. However, Blount County was again removed from this special school district by Private Acts of 1919, Chapter 779.
18. Private Acts of 1927, Chapter 358, authorized a special tax levy of \$.03 per \$100 assessed valuation for a special high school fund. The board of education was authorized to issue short term warrants of not more than \$25,000; and the funds from this special tax levy were to be used to retire those warrants.
19. Private Acts of 1929, Chapter 436, created a county board of school supervisors in Blount County, dividing the county into seven educational districts and providing for the election of a school supervisor from each district. The superintendent of public instruction was to serve as the ex-officio secretary of the board. This act was first amended by Private Acts of 1931, Chapter 356, which required the custodian of the county school buildings to perform the duties of truant officer, under the supervision of the county superintendent of public instruction. The boundaries of the seven school districts were changed by an amendment found in Private Acts of 1945, Chapter 378. Private Acts of 1949, Chapter 524, amended the original 1929 act to raise the salary of the board of school supervisors to \$5.00 per day for each day's attendance at meetings of the board. The last amendment to the 1929 act was Private Acts of 1959, Chapter 262, which once again changed the boundaries of the seven school districts. Private Acts of 1929, Chapter 436, and all its amendatory acts were repealed by Private Acts of 1961, Chapter 60, which, as amended, may be found on the preceding pages of this volume.
20. Private Acts of 1929, Chapter 445, directed the county trustee to transfer to any municipal corporation in Blount County a pro rate share of the high school fund per student for any student living within one mile of the corporate limits of the municipality, provided that the students lived nearer to a city high school than to any county high school. This was amended by Private Acts of 1933, Chapter 208, to drop the one-mile radius requirement, so that any high school student who lived nearer a city school than to a county school could attend the city school with the county reimbursing the city school system.
21. Private Acts of 1931, Chapter 358, authorized the trustee to transfer a pro rate share of school funds to municipalities for elementary students living within one mile of the municipality and closer to a city school than to a county school.
22. Public Acts of 1933, Chapter 98, authorized the county boards of education in the counties of Blount, Cocke and Sevier to convey to the State of Tennessee any school property lying within The Great Smoky Mountain Park Area, upon such terms as may be agreed upon by said county boards of education and the Tennessee Great Smoky Mountain Park Commission.
23. Private Acts of 1972, Chapter 243, would have amended Private Acts of 1961, Chapter 60, by providing for the apportionment of the membership of the Blount County Board of School Supervisors, however, according to the Blount County Clerk's Office, this act was never acted upon by local officials and therefore never became law.
24. Private Acts of 1987, Chapter 30, would have amended Chapter 60 of the Private Acts of 1961, as amended, relative to the election of the County Board of School Supervisors, but was not acted upon locally and therefore never became effective.
25. Private Acts of 1988, Chapter 122, would have amended Private Acts of 1961, Chapter 60, by dividing Blount County into educational districts and provided for the election of one person from each district to be on the county school board. This act was rejected by the county legislative body of Blount County and therefore never became effective.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

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

below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1803, Chapter 24, divided the state into districts for the election of presidential electors. The counties of Knox, Sevier, Blount, Roane and Anderson, were placed in the third district and the polls for the election of the one elector from this district were to be compared at the courthouse in Knoxville.
2. Acts of 1805, Chapter 64, placed Blount and Sevier counties in the same state senatorial district and provided that the polls for this election were to be compared at the home of Joseph Vance. This act also provided that Blount County was to elect one representative to the state legislature.
3. Acts of 1807, Chapter 74, provided that the state was to be divided into five electoral districts and that Blount, along with Knox, Anderson, Roane, Rhea and a part of Campbell counties were to form the third district and elect one elector.
4. Acts of 1812, Chapter 5, Second Session, divided the state into eight electoral districts, with Blount once again in the third district, along with Knox, Roane, Campbell and Anderson.
5. Acts of 1812, Chapter 27, Second Session, apportioned the state into six congressional districts, with Jefferson, Grainger, Claiborne, Knox, Sevier, Blount and Cocke composing the second district.
6. Acts of 1812, Chapter 57, Second Session, divided the state into twenty state senatorial districts and forty representative districts. Blount, along with Sevier County was placed in the same senatorial district, with the polls to be compared at the home of Joseph Vance, Esquire, in Sevier County. Blount County was to elect one representative to the state legislature.
7. Acts of 1815, Chapter 77, authorized a separate election in Blount County at the home of Richard Dearman of Morganton in any election for governor, congress, presidential electors, state legislators, or field officers of the militia. The effect of this act was to establish a second precinct in Blount County, one at the courthouse in Maryville and one at Morganton.
8. Public Acts of 1819, Chapter 69, apportioned the representation of the state. The counties of Blount, Cocke, Sevier and Monroe composed one election district and elected one senator. In addition, Blount and Monroe counties elected one representative.
9. Public Acts of 1822, Second Session, Chapter 1, divided the state into districts for the election of representatives to the United States Congress. The second district was composed of the counties of Blount, Grainger, Claiborne, Cocke, Jefferson, Knox and Sevier.
10. Public Acts of 1823, Chapter 47, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Blount, Knox, Anderson, Morgan and Roane composed the third electoral district and elected one elector.
11. Public Acts of 1824, Chapter 1, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Blount, Knox, Anderson, Morgan and Roane composed the third electoral district and elected one elector.
12. Public Acts of 1826, Chapter 3, apportioned the representation of the state senate. The counties of Blount, Monroe and McMinn composed one election district and elected one senator.
13. Public Acts of 1827, Chapter 17, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Blount, Knox, Anderson, Morgan and Roane composed the third district and elected one elector.
14. Public Acts of 1832, Chapter 4, divided the state into districts for the election of representatives to the United States Congress. The counties of Blount, Anderson, Knox, Sevier and Monroe composed the third district.
15. Public Acts of 1832, Chapter 9, prescribed the mode of choosing electors to vote for president and vice president of the United States. The state was divided into fifteen districts. The counties of Blount, Cocke, Sevier and Monroe composed the third districts.
16. Public Acts of 1833, Chapter 57, directed that all elections hereafter held in Blount County for senators and representatives to the general assembly of the state, for members or delegates to the convention, members to congress, governor of the state and electors of president of the United States, be held and conducted according to the provisions of the act passed on January 13th, 1830, entitled an act to prescribe the manner of holding elections to elect members of the general assembly, members to congress, and electors to the United States.
17. Public Acts of 1833, Chapter 71, divided the state into representative and senatorial districts. The counties of Blount, Sevier, Monroe and McMinn composed one election district and elected one senator. In addition, Blount and Sevier composed one election district and elected one

representative.

18. Public Acts of 1835-36, Chapter 39, prescribed the mode of choosing electors to vote for president and vice president of the United States. The state was divided into fifteen electoral districts with the counties of Blount, Cocke and Monroe composing the third electoral district.
19. Private Acts of 1835-36, Chapter 57, established a voting precinct in Cade's Cove and another precinct in Tuckaleechy Cove, in addition to those already in existence.
20. Acts of 1842, Second Session, Chapter 1, provided that Cocke, Sevier, and Blount counties were to elect one state senator, with the polls compared at the courthouse in Sevierville. Blount was to elect one representative to the state legislature.
21. Acts of 1842, Second Session, Chapter 7, placed Blount in the second congressional district, along with Grainger, Jefferson, Claiborne, Campbell, Anderson, Morgan, Sevier and Monroe counties.
22. Acts of 1851-52, Chapter 196, divided the state into congressional districts. The counties of Blount, Monroe, Polk, McMinn, Meigs, Rhea, Bledsoe, Bradley, Hamilton, Marion and Roane composed the third congressional district.
23. Acts of 1851-52, Chapter 197, divided the state into representative and senatorial districts to apportion the representation in the general assembly of the state. Blount County elected one representative and placed in a senatorial district along with Greene, Cocke and Sevier counties.
24. Public Acts of 1871, Chapter 146, divided the state into representative and senatorial districts to apportion the representation in the general assembly of the state. Blount County elected one representative and composed the third senatorial district along with Cocke, Jefferson and Sevier counties.
25. Public Acts of 1873, Chapter 27, divided the state into congressional districts. Blount County was placed in the second congressional district.
26. Public Acts of 1881, Chapter 6, Extra Session, divided the state into representative and senatorial districts to apportion the representation in the general assembly of the state. Blount County elected one representative and was placed in the sixth senatorial district along with Monroe, Loudon and Roane counties.
27. Public Acts of 1891, Chapter 131, divided the state into congressional districts. The counties of Blount, Jefferson, Union, Sevier, Knox, Loudon, Roane, Anderson, Morgan, Campbell and Scott formed the second congressional district.
28. Acts of 1891, Chapter 10, Extra Session, divided the state into representative and senatorial districts to apportion the representation in the general assembly of the state. Blount County elected one representative and was placed in the sixth senatorial district along with Anderson, Meigs Loudon and Roane counties.
29. Public Acts of 1882, Chapter 27, divided the state into congressional districts. The second congressional district was composed of the counties of Blount, Jefferson, Union, Sevier, Knox, Loudon, Roane, Anderson, Morgan, Campbell and Scott.
30. Public Acts of 1901, Chapter 109, divided the state into congressional districts. The counties of Hamblen, Jefferson, Knox, Blount, Loudon, Roane, Scott, Anderson, Campbell and Union composed the second congressional district.
31. Public Acts of 1901, Chapter 122, divided the state into representative and senatorial districts to apportion the representation in the general assembly of the state. Blount County was placed in the fourth senatorial district along with Cocke, Hamblen, Jefferson and Sevier counties. In addition, Blount County elected one representative.
32. Private Acts of 1917, Chapter 509, established a new civil district in Blount County, out of part of the original seventeenth district, but this act was repealed and the original seventeenth district reestablished by Private Acts of 1919, Chapter 241.
33. Private Acts of 1951, Chapter 197, provided that voting precincts in Blount County where voting machines were used were to remain open until 7:00 P.M. on all election days.

## Chapter VIII - Health

### Authorization to Operate Hospital

### Private Acts of 1945 Chapter 187

**SECTION 1.** Be it enacted by the General Assembly of the State of Tennessee that Blount County, Tennessee is hereby authorized and empowered to build, purchase, own and/or operate and maintain a non-profit hospital in said County subject to the following terms:

(a) The County may operate and manage the hospital itself or may retain a non-profit corporation to operate and manage the hospital;

(b) If the County retains a non-profit corporation to operate and manage the hospital, the County shall enter into a written agreement with such non-profit corporation establishing the scope and term of the services to be provided by the non-profit corporation as such manager and the County shall select each such manager based upon recognized competence and integrity and not upon competitive bids;

(c) Any non-profit corporation selected to serve as the manager of the hospital shall not be deemed the owner of any assets of the hospital, and any assets of the hospital held by such manager shall be held in trust for the benefit of the County;

(d) The County, either acting on its own or through a manager as set forth in a management agreement, shall have all powers of a private act hospital authority as provided in the Private Act Hospital Authority Act of 1996, which is codified as Part 6 of Chapter 57 of Title 7 of the Tennessee Code Annotated;

(e) The County may terminate its relationship with a manager of the hospital as provided in the written agreement with the manager or if no written agreement has been entered into, upon written notice to such manager, and upon any such termination, the manager shall convey and/or transfer all assets of the hospital that are held by the manager to the County;

(f) The County may exercise any or all powers relating to the hospital through a manager as its corporate agent as provided in Section 7-57-302 of the Tennessee Code Annotated; and

(g) If the County ceases to operate and/or manage the hospital, either through the retention of a nonprofit corporation to operate and/or manage the hospital under this Section 1, or by selling the hospital to a third party, the written agreement between the County and such entities must require that all signage located in prominent places on the exterior and interior of the structure designating the hospital as the "Blount Memorial Hospital" on the effective date of this act remain in such locations in perpetuity as a lasting tribute to the men and women who served this state and our country with valor during World War II. This requirement applies to signage on all structures located on hospital property designating such location as the "Blount Memorial Hospital". The signage must be of a size that is equal to or greater than any other signage erected on such structures resulting from such agreement to operate, manage, lease, or sell the hospital. This subsection (g) does not prohibit the repair or replacement of such signage from time to time, as warranted, provided that the requirements of this subsection (g) are satisfied.

As amended by: Private Acts of 2023, Chapter 28.

**SEC. 2.** That the County of Blount, acting by and through its Quarterly County Court, be, and it is hereby authorized and empowered, without the necessity of a referendum election therefor, to borrow money, not exceeding Two Hundred Thousand (\$200,000.00) Dollars, and to issue and sell bonds therefor, or to execute and deliver any other evidences of said indebtedness that may be necessary or required for the purpose of obtaining any monies or funds available from the Federal Government, or from or through any of its agencies, bureaus of departments, by virtue of any Act of Congress theretofore or hereafter enacted, or for the purpose of matching or supplementing any monies or funds available or provided by the Federal Government, or from or through any of its agencies, bureaus or departments; said funds to be used and applied in acquiring land for non-profit hospital purposes and/or erecting a hospital building or buildings thereon.

**SEC. 3.** That said bonds shall bear interest at a rate not exceeding four (4) per cent per annum, and shall mature in not more than fifty (50) years from their date or dates of issue, and the interest thereon shall be payable semiannually in lawful money of the United States of America. Said bonds may be either serial or term bonds, as the Quarterly County Court of said County may elect, and if serial bonds they shall begin to mature not later than five (5) years after their date or dates of issuance. Subject to the restrictions contained in this Act the Quarterly County Court of said County may fix the rate of interest on said bonds, their maturity and form, and the method of issuing and selling the same, but said bonds shall be sold for not less than par and accrued interest. Said bonds shall be in such denominations and such forms as shall be directed by the proper resolution or resolutions of the Quarterly County Court of said County, and shall be sold in such manner as may be directed by said Quarterly County Court, subject to the provisions of this Act; provided, however, that said Quarterly County Court may sell such bonds at such time or times and in such lot or lots as it shall determine, and shall not be required to sell all the bonds at any one time or to any one bidder.

**SEC. 4.** That said bonds or other evidences of indebtedness that may be determined by said Quarterly County Court shall be the general obligation of the County of Blount, and the full faith and credit of said

County shall be pledged to the payment of said bonds or other evidences of indebtedness and interest as may be determined and provided by said Quarterly County Court, and to the levy and collection of such taxes for that purpose. It shall be the duty of the Quarterly County Court of said County annually to levy a tax on the taxable property of said County for the purpose of paying interest on said bonds or other evidences of indebtedness, and also for the purpose of creating a sinking fund for the redemption of said bonds or other evidences of indebtedness.

**SEC. 5.** That any bonds issued under the provisions of this Act shall be exempt from all State, County and Municipal Taxes, and it shall be so stated on the face of said bonds.

**SEC. 6.** That the funds borrowed or the proceeds from the sale of any of said bonds or other evidences of indebtedness, as herein provided shall be turned over to the County Trustee and he shall keep the same separate and apart from any monies in his hands, and he shall pay the same out on warrants drawn by the County Judge of said County.

**SEC. 7.** That said funds or any part thereof shall be appropriated and disbursed by and under the supervision of the County Judge of said County, and shall be used for the purpose hereinbefore explained in this Act.

**SEC. 8.** That if any section or part of this Act for any reason be held unconstitutional or invalid, the same shall not effect the constitutionality or validity of the remaining parts or sections thereof, but the same shall remain in full force and effect as if the unconstitutional or invalid part had been omitted.

**SEC. 9.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

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

Passed: February 9, 1945.

## Chapter IX - Highways and Roads

### Billboards

#### Private Acts of 1989 Chapter 83

**SECTION 1.** The construction, display or erection of billboards or outdoor advertising, as defined pursuant to Tennessee Code Annotated, Section 54-21-102(7), is prohibited within two thousand (2,000) feet of the following roads in Blount County:

New Topside Road, Old Topside Road, Wrights Ferry Road, Jones Bend Road, Louisville Road from the city of Alcoa to Quarry Road, Quarry Road and Mentor Road.

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

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

PASSED: MAY 8, 1989.

### Road Improvements

#### Private Acts of 1988 Chapter 231

**SECTION 1.** Blount County shall have the power to design, or cause to be designed, contract for, and execute, or cause to be executed, the construction and improvement or the reconstruction or reimprovement of any road by opening, extending, widening, grading, paving, macadamizing, curbing, guttering, draining, or otherwise improving the same in such manner and with such materials and with such culverts and drains as the legislative body of such county may prescribe, and to cause not less than two thirds ( $\frac{2}{3}$ ) of the cost or expense of the aforesaid work and improvements to be assessed against the property abutting or adjacent to the road so improved.

As used in this act, "road" means any road, street, avenue, alley, highway, or other public place.

The provisions of this act shall apply only to the construction and improvement or the reconstruction or reimprovements of roads:

- (a) which are private roads within subdivisions developed prior to January 1, 1977; or
- (b) which are private roads serving residential developments created by conveyances of property by metes and bounds prior to January 1, 1977; and
- (c) on which the county has obtained rights-of-way in fee or by easement from the abutting property owner in the width deemed sufficient by the county and without any costs to the county and the county has accepted such road as a public road; and
- (d) on which signed petitions or statements requesting the construction and improvement or the reconstruction or reimprovement of each road from each owner of record of the abutting property on such road have been filed with the county clerk.

**SECTION 2.** When the legislative body of Blount County shall determine to construct any improvement authorized by Section 1, it shall adopt a resolution that such improvement shall be made. Such resolution shall describe the nature and extent of the work, the character of materials to be used, the location and the terminal points of the proposed improvements, and the roads or part or parts thereof, on which such improvements are to be made. Such resolution shall direct that full details, drawings, plans, specifications, and surveys of the work and estimates shall be prepared by the county road superintendent, or such other person as may be designated in such resolution. The legislative body may adopt plans for such work which are already prepared.

**SECTION 3.** Such details, drawings, plans, specifications, and estimates shall, when completed, be placed on file in the office of the county road superintendent, or other official designated in such resolution, where the property owners who may be affected by such improvement may see and examine such documents.

**SECTION 4.** The resolution shall appoint a time when the legislative body of such county shall meet, which shall not be less than two (2) weeks after the date of the first publication of notice of the resolution, to hear any objections or remonstrances that may be made to the improvement, the manner of making same, or the character of material to be used.

**SECTION 5.** Notice of the adoption of such resolution shall be given by publishing a notice once a week for two (2) consecutive weeks in some newspaper of general circulation in the county. It shall not be necessary to set out in full in such notice the resolution, but such notice shall state the character of such improvement, the location and terminal points thereof, and also the time and place, not less than two (2) weeks from the date of first publication of the notice, at which the legislative body of such county shall meet to hear remonstrances or protests against the making of such improvement.

**SECTION 6.** At the time and place thus appointed, the legislative body shall meet, and at the meeting, or at the time and place to which same may be adjourned from time to time, all persons whose property may be affected by such improvement may appear in person or by attorney or by petition and protest against the making of such improvement or improvements, the material to be used, and the manner of making same; and the legislative body shall consider such objections and protests, if any, and may confirm, amend, modify, or rescind such original resolution. Failure to object or protest at the time of confirmation of the original resolution shall constitute a waiver of any and all irregularities, omissions, and defects in the proceedings taken prior to such a time.

**SECTION 7.** Upon the confirmation of the resolution, it shall be the duty of the legislative body to proceed to construct the improvements thus authorized, which may be done by contract with the lowest and best responsible bidder, as provided by law or it may be done by the county as it may elect.

**SECTION 8.** In case the work is let to the lowest and best responsible bidder, all bids submitted for the construction of such improvement shall be accompanied by a certified check or a suitable bond, with at least two (2) good and solvent sureties, who are citizens or residents of Blount County; or in lieu or personal sureties, deposit of cash, a certificate of deposit in a bank or savings and loan association chartered by the United States or the State of Tennessee, or the bond of some surety company authorized to do business in this state may be given in a penal sum of at least ten percent (10%) of the entire cost of the work to be done or improvements to be made, computed on the basis of the bid submitted, and conditioned that the contractors named therein shall, in case the work is awarded to them, enter into a contract with the county within the time required and for the price named in their respective bids, and in accordance with the plans and specifications of the county and the provisions of the resolution providing for the improvement.

**SECTION 9.** The legislative body of Blount County shall have the power to reject any and all bids and to order new bids.

**SECTION 10.** The successful bidder shall execute a bond to Blount County, or make a deposit of cash or a certificate of deposit as provided in Section 8, in an amount equal to fifty percent (50%) of the entire

contract price of the improvement, conditioned that the party shall well and truly perform all of the terms and conditions of the contract, in a good and workmanlike manner, and in accordance with the plans and specifications, which shall form part of the contract, and shall indemnify and save the county harmless from all losses, costs, and expenses which it may sustain by reason of any negligence or default of such contractor.

**SECTION 11.** After the completion of the work or improvement, it shall be the duty of the legislative body, in conformity with the requirements of the resolution, to apportion two thirds ( $\frac{2}{3}$ ) of the cost of such improvement upon the land abutting on or adjacent to the road which apportionment shall be made against the land, and the several lots or parcels thereof, according to the frontage of the lots or parcels on the road.

**SECTION 12.**

(a) The aggregate amount of the levy or assessment made against any lot or parcel of land shall not exceed one half ( $\frac{1}{2}$ ) of the cash value of the lot and improvements thereon.

(b) By cash value it is the intent of this section to mean the fair sale price of the lot and improvements thereon if sold at a voluntary sale

(c) The county shall pay any part of the levy or assessment against any such lot or parcel of land as may be in excess of one half ( $\frac{1}{2}$ ) of the cash value thereof.

**SECTION 13.** Where intersections of any road are improved, the county shall pay one third ( $\frac{1}{3}$ ) of the cost thereof, and the balance shall be assessed against the property of the street improved and the intersecting street or streets for one half ( $\frac{1}{2}$ ) a block in all directions according to the frontage thereof.

**SECTION 14.** In the event a petition be presented to the legislative body of Blount County averring the willingness of each of the signers to pay his or her pro rata share of the entire cost of any improvement such as is authorized by this act and relieve the county from the payment of any part thereof as to any road, or part or parts thereof, which petition is signed by all of the owners of the frontage of the lots or parcel of land abutting on such road or part or parts thereof, proposed to be thus improved, such petition may be granted by the legislative body; and thereupon proceedings may be had under this act, the same in all respects as if the improvement had been begun by the legislative body on its own initiative; and bonds may be issued and assessments shall be made, except that the assessments shall, in such event, be made for the entire cost of the improvement, and bonds may be issued for the entire cost instead of assessments being made and bonds being issued for only two ( $\frac{2}{3}$ ) of the cost thereof; provided that no assessment under this section shall in any event exceed on any lot one half ( $\frac{1}{2}$ ) of the assessed value of such lot for county taxes for the current year, and all other provisions of this act shall be applicable in respect of any improvement made under this section, except as in this section otherwise expressly provided.

**SECTION 15.** The cost of any improvement contemplated in this act shall include the expense of the preliminary and other surveys, the inspection and superintendence of such work, the preparation of plans and specifications, the printing and publishing of notices, resolutions required, including notice of assessment, preparing bonds, interest on bonds, and any other expense necessary for the completion of such improvement; provided, however, that the cost of any guaranty or maintenance of any work constructed under the terms of this act shall not be assessed against the property abutting on or adjacent to road or other ways improved.

**SECTION 16.**

(a) Before making any of the improvements contemplated in this act, the legislative body shall have the power to order the owners of all abutting real estate to connect their several premises with any utility lines, including water, sewer, electrical, telephone, or other, located in the roads adjacent to their several premises; and upon default of the owners for thirty (30) days after such order to make connection, the county may contract for and make the connection aforesaid, at such distances, under such regulation, and in accordance with such specifications as may be prescribed by the legislative body; and the whole cost of each connection shall be assessed against the premises with which the connection is made.

(b) Any number of such connections may be included in one (1) contract, and the cost thereof shall be added to the final levy or assessment made against the property of each lot owner, as hereinbefore provided.

**SECTION 17.**

(a) When the legislative body shall have completed such apportionment, the county clerk, or such person as may be designated by the legislative body of Blount County, shall publish a notice that the assessment list has been completed, and that, on a day named, which shall be not less than ten (10) days after the date of publication of the notice, the county legislative body will consider any and all objections to the



apportionment that have been filed in the office of the county clerk or person designated.

(b) The notice shall further recite that the lists are in the office of the county clerk or person designated, and may be inspected within business hours and during the time specified by anyone interested.

(c) The notice shall also state the general character of the improvement and the terminal points thereof.

**SECTION 18.** All persons whose property it is proposed to assess for the cost of the improvement may at any time on or before the date named in the notice, and before the meeting of the legislative body, file in writing with the county clerk or person designated any objections or defense to the proposed assessment or to the amount thereof.

**SECTION 19.** On the date named in the notice, or at any day to which the meeting may be adjourned or to which consideration of the assessments and the objections thereto may be postponed, the legislative body shall hear and consider the assessment and objections thereto, and, after so doing, shall confirm, modify, or set aside the assessments as shall be deemed right and proper.

**SECTION 20.**

(a) If no objection to the pro rata or the amount thereof is filed, or if the property owners fail to appear in person or by attorney and insist upon the same, the assessment shall be confirmed and made final.

(b) Property owners who do not file objection in writing or protest against such assessment shall be held to have consented to the same and forever barred to attack the regularity, validity, or legality of such assessment.

**SECTION 21.**

(a) The confirmation and final action by the legislative body specified in Section 20 shall be done at a single meeting of the body.

(b) It is hereby declared that the provisions of the law in reference to the passage of resolutions shall not be applicable to the action of the bodies in levying such assessments, except that such levy or assessment shall be approved by the county executive, and in the event he refuses to approve or vetoes the levies or assessments, which he shall do as a whole, such levies or assessments shall be passed over his veto in like manner as resolutions are passed over such vetoes.

**SECTION 22.** When any owner or part owner of any of the lots of lands abutting on or adjacent to any road that is improved or about to be improved pursuant to the provisions of this act, and upon or against which lots or lands, levies or assessments have been made for the purpose of paying for such improvement, shall be aggrieved by the action of the legislative body of such county in confirming the levies or assessments made by the legislative body, such owner or person shall have right to appeal from the action of such legislative body to the circuit court of the county; provided the owner made objection or protest to the levies or assessments at the time provided for and appointed for objecting thereto, such appeal shall be perfected by filing with the clerk of such circuit court a petition setting forth the facts in regard to such levies and assessments and the irregularities or illegal acts in the making thereof; and such clerk and shall thereupon notify such county to deliver a copy of such levies or assessments, and all proceedings had in reference thereto, to the clerk of the circuit court, and such case thereupon be docketed for trial as other civil causes at law; provided, that the appeal of any individual shall in no wise affect the legality of such levy or assessment as to other property involved in the levies or assessments; and provided, further, that such appeal shall be perfected within thirty (30) days after the final action of the legislative body making such levies or assessments; and if not perfected within this time, the levies or assessments shall be regarded as final, and shall not be reviewed by certiorari, injunction, bills to quiet title or otherwise by any of the courts.

**SECTION 23.** If in any court any final assessment made in pursuance of this act is set aside for irregularities, omissions, or defects in the proceedings, then the legislative body of Blount County may, upon recommendation and notice as required in the making of an original assessment, make a new assessment in accordance with the provisions of this act.

**SECTION 24.** Any error, mistake of name, number of lot, amount, or other irregularity may at any time be corrected; and no such levy or assessment shall ever be declared void or invalid by reason thereof, but the person aggrieved may have the same corrected by application to the legislative body of such county.

**SECTION 25.**

(a) After the legislative body shall have levied the assessments against the property abutting upon such road, the county clerk or person designated shall deliver such assessments to the Blount County trustee, who shall enter same in a well bound book, styled "Special Assessment Book," which book shall be so ruled as to conveniently show:

1. Name of owner of such property;

2. The number of lot or part of lot and the plan thereof, if there be a plan;
3. The frontage of the lot and the depth thereof;
4. The amount that has been assessed against such lot;
5. The amount of such installment and the date on which installment shall become due.

(b) The book shall be indexed according to the names of the owners of the property and according to the names of the roads that have been improved.

**SECTION 26.** The special assessment book heretofore referred to shall be a book or original entries for any and all purposes, and certified copies thereof shall be competent evidence in all cases in all the courts.

**SECTION 27.**

(a) All such assessments shall constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except those of the state and county, for taxes.

(b) The enforcement by the state, and county of their liens for taxes on any lot or parcel of land upon which has been levied an assessment for any improvement authorized by this act shall not operate to discharge or in any manner affect the county's lien for such assessment; however, a purchaser at a tax sale by the state or county of any lot or parcel of land upon which the assessment has been levied shall take the same subject to the Lien of such assessment, and if bought by the state, any conveyance of the title thus acquired or any redemption shall be subject to the lien of such assessment.

**SECTION 28.** The tax collector shall issue his receivable warrant to the individual or owner desiring to pay any of the assessments, which amount shall be paid to the trustee of the county as other taxes of the county are now paid.

**SECTION 29.** All assessments levied by virtue of this act shall be due and payable within thirty (30) days after the assessment is made final; but at the election of the property owner, to be expressed by notice as hereinafter provided, the assessment may be paid in five (5) annual installments, and shall bear interest at the rate of six percent (6%) per annum, interest payable semiannually.

**SECTION 30.**

(a) A property owner desiring to exercise the privilege of payment by installments shall, before the expiration of such thirty (30) day period, enter into an agreement in writing with the county that, in consideration of such privilege, he will make no objection to any illegality or irregularity with regard to the assessment against his property, and will pay the same, as required by law, with the specified interest.

(b) Such agreement shall be filed in the office of the county clerk or person designated by the county.

**SECTION 31.** In all cases where such agreement has not been signed and filed within the time limited, the entire assessment shall be payable in cash, without interest, before the expiration of such thirty (30) days.

**SECTION 32.** Any property owner who shall have elected to pay his assessments in five (5) annual installments shall have the right and privilege of paying the assessment in full at any installment period by paying the full amount of the installments, together with all accrued interest, and an additional sum equal to one half (1/2) the annual interest thereon.

**SECTION 33.** If any property owner makes default in the payment of any installment and interest thereon, all the installments, with interest, and an additional sum equal to one half (1/2) the annual interest, shall become immediately due and payable.

**SECTION 34.**

(a) Whenever any installments of any assessments shall become past due for a period of sixty (60) days, it shall be the duty of the county trustee to certify the installment and all other installments of the same assessment to the county attorney whose duty it shall be to immediately enforce the collection of the installment or installments, by attachment levied upon the lot or parcel of ground upon which such assessment was levied. In case of any such delinquency, attachment shall be sued out and the lien thereunder enforced in chancery court.

(b) Any land so attached may be sold in the attachment proceedings in bar of the equity of redemption and all other rights, legal or equitable, belonging to the owners of the land.

**SECTION 35.** Whenever such proceedings are taken by Blount County as shall result in the sale of any lot of ground to pay any installment or installments of such levies or assessments, the county executive shall have the right to bid at such sale up to the amount of all of the assessments that are outstanding against the property; and if the property is struck off the county executive, the title thereof shall be taken in the name of the county; and the county executive shall thereafter have the power to execute a

quitclaim deed of such county to any individual who shall tender in consideration thereof the amount of such special assessments that may have been levied against such property, together with all costs, interest, or charges that may have been incurred in the effort to collect such assessments.

**SECTION 36.** Blount County shall have the authority and power to borrow money for the purpose of making payments for the improvements herein contemplated in anticipation of realization of funds, either by the sale of bonds or special assessment; and such county if further authorized to make payments out of any funds on hand or such funds as may be available for either that portion of the work to be assessed against the abutting property owner or to be paid by the county itself; provided, further, that nothing in this act shall be construed to prohibit the county affected hereby from making payment of the entire cost of such improvements out of any funds which may be provided or available for such purposes.

**SECTION 37.** The provisions of this act shall be additional and supplemental to the powers conferred by other laws and the county may take advantage of any of the rights, powers, and authority conferred by such laws.

**SECTION 38.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the legislative body of Blount County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified by him to the Secretary of State.

**SECTION 39.** 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 38.

PASSED: April 29, 1988.

## Road Law

### Private Acts of 1959 Chapter 265

**SECTION 1.** That for the purpose of providing an efficient system of roads, highways and bridges and the building, constructing, reconstructing, maintenance and repair of roads, highways and bridges in Blount County, Tennessee, a Department of Highways for said County is hereby created.

**SECTION 2.** That there is hereby created the office of County Road Superintendent, which office holder shall be twenty-one years of age or over, of good moral character and shall be a resident and citizen of said County and who shall be qualified by training and experience for the duties imposed upon him as such Superintendent; that said County Road Superintendent shall be elected by the popular vote of said county at the general election for the year 1970 and shall take office on the first day of September, 1970, and who shall serve for a period of four (4) years or until his successor shall have been elected and qualified; that at the August general election, every four years thereafter, there shall be elected a County Road Superintendent, who shall serve for a period of four (4) years or until his successor is elected; that in case of a vacancy in said County Road Superintendent's office, such vacancy shall be filled by the vote of the Quarterly County Court of said county until the next August general election when his successor shall be elected as hereinabove provided; that the said elections, candidates for the office of County Road Superintendent shall qualify in the same manner as candidates for other county offices are now required by law to qualify.

As amended by: Private Acts of 1970, Chapter 214

**SECTION 3.** That the minimum compensation to be paid said County Road Superintendent shall be the sum of Seven Thousand (\$7,000.00) Dollars per year, payable in equal monthly installments and shall be paid from the Highway Funds of the County as other expenses and salaries of said Highway Department are paid.

**COMPILER'S NOTE:** The compensation of the County Road Superintendent (chief administrative officer of the county highway department) is determined in accordance with T.C.A. § 8-24-102.

**SECTION 4.** That said County Road Superintendent before entering upon the discharge of his duties shall take and subscribe to an oath before the County Court Clerk that he will faithfully perform the duties of his office and he shall also enter into a good and sufficient corporate bond in the sum of Twenty-Five Thousand (\$25,000.00) Dollars conditioned upon the faithful accounting of all money and property coming into his hands and for the faithful performance of the duties and obligations of said County Road Superintendent, premiums for such bond to be paid by the County out of the Highway Funds.

**COMPILER'S NOTE:** T.C.A. § 54-7-108 provides the current bond amount for the County Road Superintendent.

**SECTION 5.** That said County Road Superintendent shall purchase and/or rent all necessary machinery, tools, and materials for the efficient operation of said road system of Blount County, Tennessee and shall

have the general charge of all location, construction, repairing and upkeep of all roads, highways and bridges in said County, provided, however, in the purchase and rental of materials or machinery for said road system before he is authorized to make purchases in excess of Five Hundred (\$500.00) Dollars, he shall first obtain the consent or approval of the Budget and Finance Committee of said County for such rental or purchases and in the rental or purchase of all such materials involving more than Five Hundred (\$500.00) Dollars, such purchases shall be made upon competitive bids received therefor, which requirement as to competitive bids shall also include gas, oil and tractor fuel, provided, however, in the event there is created the office of a General County Purchasing Agent for Blount County, the duties and responsibilities of purchasing and rental of materials for said County Road System shall automatically be transferred to and be assumed by County Purchasing Agent, as provided by the Act creating said County Purchasing Agent.

**COMPILER'S NOTE:** This section may have been superseded by general law. See [Tennessee Code Annotated § 54-7-113](#).

**SECTION 6.** That said County Road Superintendent shall submit to the Budget Committee of Blount County his yearly detailed and itemized budget which shall contain all of the expected receipts for said Road Department and all of the anticipated expenditures and which budget shall be approved by said Budget Committee and also by the Quarterly County Court of Blount County and when so approved shall be strictly adhered to and there shall not be transferred one budget item to another without the prior approval of said Budget Committee.

**SECTION 7.** That the number and compensation of all personnel of said Road Department shall be approved by the Budget Committee of the County and before said personnel shall be raised either in number or in compensation, such shall be approved by the said Budget Committee of the Quarterly County Court.

**SECTION 8.** That said County Road Superintendent shall keep or cause to be kept adequate book and books of account and inventories showing the machinery and tools on hand and showing all of the receipts and disbursements of said Road Department and shall make a full and detailed accounting to each term of the Quarterly County Court of said County, and that the books of said Department shall be audited annually in the same manner as the books of other offices in said County are audited.

**SECTION 9.** That all Municipal Corporations in said County shall have charge and control of the roads, highways and streets within the borders thereof unless excluded by their respective Charters, provided, however, said County Road Superintendent shall have power and authority to cooperate with the respective Municipal authorities relative to the joint laying out, construction and maintaining of any road or highway intersecting with or leaving from said Municipal Corporation or of any bridges or viaducts on said roads and streets.

**SECTION 10.** That there is hereby created a General Highway Fund for said County, which fund shall be made up of all Highway Funds or moneys which come into the hands of the County from whatsoever source and all moneys received by the County for said road purposes shall be deposited with the County Trustee and be placed in said Highway Fund; that said County Road Superintendent shall have authority and be empowered to expend all of said money as and where he deems proper and expedient for the best interest of said County, subject alone to the restrictions imposed by this Act; that said fund shall be paid out by the County Trustee on orders drawn by the County Road Superintendent, but shall be countersigned by the County Judge.

**SECTION 11.** That said County Road Superintendent shall conduct open meetings on the 1st and 3rd Mondays of each month, at which citizens of the County shall be heard and he shall keep or cause to be kept proper minutes of such meetings.

**SECTION 12.** That said County Road Superintendent shall not lend himself, his office or any of his employees or any County owned equipment, materials or supplies nor shall he use the same for the purpose of working upon, repairing, maintaining or constructing any road, roadway or driveway upon any privately owned property, provided, however, this restriction shall not be construed as prohibiting the renting of such equipment to incorporated towns and cities in said County.

**SECTION 13.** That the Superintendent of the workhouse in said County shall be the Sheriff of the County, who shall serve ex officio and without additional compensation and shall turn over and deliver to said County Road Superintendent the custody and control of all of the workhouse prisoners that have been or may hereafter be committed to the workhouse, whenever the said County Road Superintendent shall demand the same, for the purpose of working said prisoners on the roads of the County; but nothing in this Act shall be construed so as to release the Sheriff or Jailer of any responsibility for such prisoners which may be now or hereafter imposed by law. And it shall be the duty of the County Road Superintendent to work all of the prisoners committed to the workhouse upon the roads of said County,

excepting such prisoners as are physically unfit for hard labor, and excepting female prisoners; but prisoners shall not be required to work during periods rendered unsuitable and unfit by weather conditions.

**SECTION 14.** That all applications to open, change, close or restore to the public use any and all roads or highways shall be made by regular petition signed by at least one of the citizens affected thereby and filed with the said County Road Superintendent, which petition shall state the district or districts in which the road is located and giving complete description of the present road and the proposed changes and the names of the landowners to be affected and within ten (10) days after the filing of said application or petition, the said Superintendent shall notify by written notice the person first named on the petition and the land owners affected by the proposed change of the date on which said Superintendent will be present at the place designated as the beginning point in said petition, to act on said application, which notice shall be served at least five (5) days before the date set for the acting on said petition. If any land owner affected by the proposed change is a non-resident of the County, ten (10) days written notice shall be served on him and if any land owner affected thereby is a non-resident of the State or if his place of residence is unknown, publication shall be made for four (4) consecutive weeks in a newspaper published in the County, of the time and place of the acting upon said petition.

Upon giving the required notice as above, the said Superintendent shall attend at the appointed time and place and shall act upon the application and if he decides the proposed change is for the best interest of the County, he shall assess whatever damages there may be if any against the County and report in writing his action thereon to the Judge of the County Court and with said report shall file with the Clerk of the County Court, the original petition and copies of all notices to land owners. The Judge of the County Court shall consider the report and facts connected with the matter and prepare such order or orders as he may deem for the welfare and best interest of the County. Any party affected may within ten (10) days from the date of the entry of the decision or judgment of the Judge of the County Court, appeal such finding or judgment to the next term of the Circuit Court upon execution or proper appeal bond.

**SECTION 15.** That the Quarterly County Court for said County shall have power to levy and collect taxes on all taxable property in said County for the building and maintaining of highways and roads and the money so collected shall go into and become part of the General Highway Fund as above defined.

**SECTION 16.** That the Trustee of said County shall pay over to the Treasurer of any City in said Counties, constructing and maintaining its road, highways and streets, the amount of said funds received from the tax hereinbefore authorized, which shall bear the same ratio to the entire amount collected from said tax as the population of said city or cities bears to the entire population of the Counties. Provided, however, that said funds paid over to said Treasurer of said Cities shall be kept separate from all other funds and be used for the purposes herein provided for said County Funds to be used.

**SECTION 17.** That the County Road Superintendent shall not contract with himself in any manner, either directly or indirectly, for any material or labor or in any manner pertaining to the construction, maintenance and repair of bridges and roads, nor with anyone related to him by affinity or consanguinity within the third degree according to the civil law.

**SECTION 18.** That the County Road Superintendent shall expend for the use of the County for road purposes all funds coming into his hands, including the gasoline tax received by the County from the State.

**SECTION 19.** That said County Road Superintendent shall be subject to removal from office upon the grounds and by the procedure set out in Section 8-2701 through 8-2726 of Tennessee Code Annotated.

**SECTION 20.** That all sections of this Act and parts thereof are declared to be independent sections, or parts of sections, and the holding of any section or part thereof to be unconstitutional or void shall not affect any other section or provision of this Act.

**SECTION 21.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

**SECTION 22.** That this Act shall be submitted to the County Court for Blount County, Tennessee, at their next regular session or regularly called session for their approval and if approved by two-thirds vote of the County Court, this Act shall take effect from and after such approval, the public welfare requiring it; that if less than two-thirds of the County Court for Blount County, Tennessee, vote in favor of such approval, this Act shall not take effect.

**SECTION 23.** That the County Court Clerk of Blount County shall certify the result of the action taken by the County Court as herein provided to the Secretary of State for the State of Tennessee within five (5) days after the time the County Court for said County takes action on this Act as provided herein.

Passed: March 16, 1959.

# Highways and Roads - Historical Notes

## **Road Law**

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

1. Acts of 1801, Chapter 70, made it unlawful to obstruct highways or roads in Blount County, and also provided the same penalty for obstructing navigation of the Little River from its mouth to Bradley's Mill.
2. Private Acts of 1822, Chapter 212, authorized John Houston and others of Blount County to open a turnpike road.
3. Public Acts of 1823, Chapter 250, appointed three persons to examine a dam built by Jehu Stephens across the Little River in Blount County.
4. Private Acts of 1829-30, Chapter 178, authorized Daniel D. Foute of Blount County to open a turnpike road.
5. Private Acts of 1831, Chapter 35, authorized Daniel D. Foute of Blount County to open a turnpike road of six miles up the Tennessee River to intersect the turnpike of Callaway and Parsons.
6. Private Acts of 1831, Chapter 114, authorized Thomas Tipton and Zachariah Clarke to open a turnpike road from Crooked Creek through the mountains by way of Cade's Cove to the Equanuckly Gap, then down Eagle Creek to intersect with the Macon, North Carolina road.
7. Private Acts of 1833, Chapter 276, authorized Joseph Estabrook, Issac Anderson and others to open a turnpike road in Blount County from Tuckalechee Cove to Briar Knob in the Smoky Mountain.
8. Acts of 1837-38, Chapter 34, authorized the county court to appoint three commissioners to operate the turnpike road which had been built by Joseph Estabrook and John Anderson.
9. Acts of 1851-52, Chapter 241, authorized Daniel Foute to open a turnpike road from either Six Mile or Crooked Creek in Cade's Cove to E. Kannett's gap at the North Carolina line.
10. Public Acts of 1883, Chapter 208, authorized Blount County, through its quarterly county court to build turnpikes or macadamized roads with the labor of workhouse hands and to charge such tolls as might be set by the quarterly county court.
11. Acts of 1903, Chapter 47, was the first general road law for Blount County. This act authorized the quarterly county court to appoint three commissioners, who were to employ engineers and other necessary personnel for classifying and inspecting the public roads of the county. These commissioners were to report back to the court the roads upon which improvements should be made, and then the commissioners were to oversee the improvements authorized by the quarterly county court. This act also contained a provision for the levying of the first road tax in Blount County, to finance these road improvements.
12. Acts of 1909, Chapter 268, provided that the county court was to appoint a road commissioner for each civil district of the county. These road commissioners were to serve two year terms and were authorized to appoint a district overseer to assist them in supervision of construction and repair of the roads in each civil district. This act also contained provisions for a road tax and for road duty.
13. Acts of 1909, Chapter 282, was the second road law passed for Blount County in that legislative session. This chapter contained the same provisions as Acts of 1909, Chapter 268, and in addition, the act also set the classifications and standard for classifications of the public road system in the county.
14. Acts of 1909, Chapter 473, was the third road law passed for Blount County in that year, and its provisions were identical to Acts of 1909, Chapter 282.
15. Private Acts of 1911, Chapter 282, regulated the working and laying out of public roads in Blount County, which included the election of a road commissioner, road tax and the classification of the roads into four classes.
16. Private Acts of 1911, Chapter 473, regulated the working and laying out of public roads in Blount County which included the election of a road commissioner, road tax and the classification of the roads into four classes.
17. Private Acts of 1919, Chapter 239, authorized the Blount County Quarterly Court to appropriate

- out of the county general fund an amount up to \$5,000 to be used for improving the roads.
18. Private Acts of 1919, Chapter 777, was the next general road law for Blount County. This act created the office of public road supervisor, to be filled by appointment of the quarterly county court for terms of two years. The court was also authorized to appoint a road commissioner from each civil district, also to serve two year terms. This act also contained provisions for a road tax and road duty.
  19. The 1919 road law apparently was not very favorably received by the Blount County citizens since another road law was enacted at the next legislative session in Chapter 20 of the Private Acts of 1921. Under this act, the county court would appoint a road commissioner from each civil district in the county, who would have supervision of all public roads, bridges, and highways in his district. He was also authorized to appoint an overseer of road duty in his district, though this act did allow for commutation of road duty by payment of an additional road tax.
  20. Private Acts of 1925, Chapter 55, created a three member highway commission, to be elected by the quarterly county court for staggered terms of two years each. The highway commission was authorized to hire a county road supervisor, or civil engineer, or both. This act also divided the county into road districts which were co-extensive with civil districts, with the highway commission to appoint overseers for each road district. Like other road laws, this one contained provisions for a road tax levy and road duty by certain male citizens of the county. This act was amended by Private Acts of 1927, Chapter 703, which transferred all the duties of the county road supervisor to the highway commission. Both of these acts were repealed by Private Acts of 1931, Chapter 357, which enacted the next road law for Blount County.
  21. Private Acts of 1931, Chapter 357, provided that the county road department in Blount County would be controlled by a county highway commission of three members, to be elected by the voters for a term of six years. This commission was authorized to expend all monies received by Blount County from the state gasoline tax, to the needed construction and improvement of the county road system and to employ a competent attorney and civil engineer as needed by their department. Private Acts of 1937, Chapter 550, amended this 1931 road law to provide that the quarterly county court had the authority to remove any member of the highway commission, after a five-day notice of charges prior to a hearing, for inefficiency, neglect of duty, misfeasance in office, moral turpitude or wilful misconduct. Private Acts of 1939, Chapter 302, also amended the road law found in Private Acts of 1931, Chapter 357, to reduce the terms of the highway commissioners to two years. Private Acts of 1945, Chapter 255, was another amendment, raising the salary of the Highway commissioners to \$2,000 per annum.
  22. Private Acts of 1947, Chapter 300, was the next road law for Blount County which provided for a county highway commission to be elected by the quarterly county court for staggered terms of two years. This three member highway commission was to appoint a superintendent of highways, who was to serve at the "pleasure of the Highway Commission." This act also set up certain road classifications, but unlike most county road laws, this one did not include a provision authorizing a tax levy. This act was only amended once, by the Private Acts of 1951, Chapter 321, which provided that the highway commission was to be elected from three designated road zones by the voters in those zones.
  23. Private Acts of 1963, Chapter 223, was a proposed amendment to the current Blount County road law, which would have provided that the county road superintendent be elected by the voters for a term of four years. This amendment was rejected by the quarterly county court and therefore never became part of the operative law.

## Chapter X - Law Enforcement

### Civil Service Merit System

#### Private Acts of 1972 Chapter 332

**SECTION 1.** All counties having a population of not less than sixty-three thousand and seven hundred (63,700) nor more than sixty-three thousand eight hundred (63,800) inhabitants according to U. S. Census of population of 1970 or any subsequent U. S. Census of population may establish merit system for employees of the office of sheriff of such counties.

**SECTION 2.** The merit system to which this Act shall apply shall be the classified service which includes all positions and salaried employees in the office of sheriff except the sheriff, his chief deputy, jail cook, bookkeeper and his personal secretary, unless such secretary is deputized as a deputy sheriff.

**SECTION 3.** There is hereby created a merit service board composed of five (5) members selected by the Quarterly County Court to administer the provisions of this Act.

**SECTION 4.** The terms of the members shall be three (3) years; provided, however, that the initial appointment shall be as follows:

- (a) Two (2) members for one (1) year.
- (b) Two (2) members for two (2) years.
- (c) One (1) member for three (3) years.

All appointments thereafter shall be for three-year terms. A member shall be eligible to reappointment.

**SECTION 5.** All members of the board must be over twenty-one (21) years of age; of good moral character; a citizen of the United States and the State of Tennessee and must reside in the county.

**SECTION 6.** The members of the board shall receive such compensation as may be determined by the Quarterly County Court.

**SECTION 7.** The board shall designate one of its members to serve as chairman of the board. The sheriff shall appoint one of his employees to be personnel officer. The personnel officer shall be the keeper of the personnel records of employees under the provisions of this Act and shall serve as secretary of the merit service board.

**SECTION 8.** The merit service board as a body shall have the power:

- (a) To adopt and amend rules and regulations for the administration of this Act.
- (b) To make investigations concerning the enforcement and effect of this Act and to require observance of the rules and regulations.
- (c) To hear and determine appeals and complaints respecting the administration of this Act.
- (d) To establish and maintain a roster of all employees of the classified service in the office of the sheriff showing their positions, rank, compensation and places of residence.
- (e) To ascertain and record the duties and responsibilities pertaining to all positions in the classified service and to classify such positions in the manner hereinafter provided.
- (f) Except as otherwise provided in this Act to formulate and hold competitive tests to determine the qualifications of persons who seek employment in any position, and as a result of such tests, establish employment lists of eligibles for the various positions.
- (g) To establish records of the performance and a system of service ratings to be used to determine promotions, the order of lay-offs or reduction of force and the order or re-employment to assist in the determination of dismissal for cause and for other purposes.
- (h) To provide for part-time and temporary positions and appointments and to establish rules defining and governing such positions; provided, however, that no temporary position shall be more than three (3) months.
- (i) To keep any other records as may be necessary for the administration of this Act.

**SECTION 9.** The board shall, as soon as practical after this Act becomes operative, adopt a classification plan and make rules and regulations for its administration. The classification plan shall state for each class of positions, a class title, and the duties, authorities, responsibilities and character of work required for each position. Each class of positions may be subdivided, and classes may be grouped and ranked in such manner as is deemed appropriate. The board shall determine the requirements of each position and class thereof as to education, experience, capabilities, knowledge and skill. As far as practical, the probable lines of promotion to and from the classes of position shall be indicated.

**SECTION 10.** The board may, upon request and advice of the sheriff, create new positions or combine, alter or abolish existing positions in such manner as the board, acting with the advice of the sheriff, deems necessary for the effective operation of the office of sheriff; provided, however, that no position in the classified service shall be abolished except upon approval of the board acting in good faith upon the advice of the sheriff.

**SECTION 11.** The board shall formulate reasonable rules governing the granting of leaves of absence to members of the classified service in good standing. The board shall request the recommendation of the sheriff upon any request of leave of absence before acting thereon and shall be guided by the requirements of the adequate law enforcement and operational efficiency of the office of sheriff when considering any such request for a leave.

Any person coming under the classified service who shall hereafter be inducted into the armed forces of



the United States of America, or who shall hereafter enter said service voluntarily, by enlistment or otherwise in a time of war or other national emergency shall, upon application to the sheriff, receive a military leave of absence for the duration of the period of service required. Such employee shall retain all rights for seniority and shall be entitled to re-employment in the same capacity and position which he held at the time of entering said military service. The application for such rein-statement in position shall be made by or on behalf of such employee within three (3) months after termination of active service in the armed forces.

**SECTION 12.** The sheriff shall inform the board by periodic reports of the employment needs of the office of sheriff and the board shall, as often as required by the needs of the office of sheriff, hold tests for the purpose of establishing lists of eligibles for the various positions in the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed under the rules promulgated by the board and existing prior to the announcement of the examination. Such rules shall set limitations as to residence, age, health, habits, moral character and other necessary pre-requisites for the performance of the duties of the position for which examination is designated and such rules shall not be less than those provided in Section 38-1104 of the Tennessee Code Annotated.

Promotion tests shall be public, competitive and free to all persons examined and appointed under the provisions of this Act and who have held a classified position with the office of sheriff for at least one (1) year period of time. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the duties of the position in which the appointment is to be made. Tests may include examination for physical fitness and manual skill. No questions in any test shall relate to religious or political opinions or affiliations. The eligibles shall take rank upon a list which shall be compiled for each position, in the order of their relative excellence as determined by the tests without reference to the priority of the time from when the tests are given. No lists of eligible persons shall be valid after one (1) year except, however, the merit service board may extend an eligible period for not more than one (1) year. Notice of the time, place and general scope of each test and the duties, pay and experience required for all positions for which the test is to be held, shall be given by; the board to each applicant at least one (1) week preceding the test. The notice must be in writing and addressed to the last known address supplied by the applicant. Notice of promotional tests shall be given as the board may prescribe.

**SECTION 13.** Whenever a vacancy occurs in any position in the classified section of the office of sheriff, the sheriff shall make requisition to the board for the names and addresses of all persons eligible for appointment thereto. The board shall certify the names of all persons on the eligible list for position wherein the vacancy exists within thirty (30) days of the requisition to the board. The sheriff thereupon shall investigate each of the five (5) highest on the list of eligibles. In the event the investigations result in none of the five (5) eligible persons being acceptable to the sheriff, he shall investigate the next five (5) eligibles on the list, one after another until one of the eligibles investigated is acceptable to the sheriff. The sheriff shall appoint such person to the position wherein the vacancy exists and shall notify the board of his action. If the merit service board fails to provide a list, then the sheriff may make appointments to vacancies after having notified the board of his action or his intentions so to do.

No appointment or promotion for any position in the classified service, shall be deemed complete until after the expiration of six (6) months probationary service during which time the sheriff may determine the effectiveness of the employee. If in his judgment the employee does not meet the standards, he may terminate the employment of any person certified and appointed when he deems it to be in the best interest of the service. Whenever a position of the classified service is filled by promotion and the services of the person promoted are terminated by the sheriff during the probationary period, such person shall forthwith be returned to duty in the previous position held by him in the classified service unless such person's conduct during the probationary period had given grounds for dismissal for cause under this Act. Any person dismissed during the probationary period shall not be eligible to a hearing before the board.

A person who is certified to the sheriff and does not report for duty at the time so designated and who does not explain such failure to report in writing within five (5) days, may be rejected by the sheriff who shall forthwith notify the board of the action taken and the reason therefor, and the person's name will then be removed from the eligible list.

**SECTION 14.** All employees in the classified service may be transferred from one position to another in the same class, and not otherwise. Transfers may be instituted only by the sheriff and shall be permitted only with the consent of the sheriff.

**SECTION 15.** The practice and procedure of the board with respect to any investigation by the board as authorized by this Act, shall be in accordance with the rules and regulations to be established by the board. Such rules and regulations shall provide for a reasonable notice to all persons affected by any order which the board may issue upon completion of such investigation. Such persons shall have the

opportunity to be heard either in person or by counsel, and to introduce testimony in his behalf at a public hearing which shall be held for that purpose.

The board, when conducting any investigations or hearings authorized by this Act, shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. In case of the obedience of any person to comply with the orders of the board or of a subpoena issued by the board or any of its members, or on the refusal of a witness to testify on any matter on which he may be lawfully interrogated, the judge in any court of record within the county on application of any member of the board, shall compel obedience by proceedings as for contempt. The sheriff or his legal deputy shall serve such subpoenas as issued by the board.

**SECTION 16.** The sheriff shall give an immediate report in writing of all appointments, reinstatements, vacancies, absences or other matter effecting the status of any member of the classified service or the performance of the duties of such members. The report shall be in the manner and form prescribed by the board.

The sheriff may suspend any employee for not more than ten (10) days for cause and there shall be no right of appeal for any suspension thereof. Provided, however, the sheriff shall not have the authority to suspend any employee for more than one suspension of ten (10) days within any given six (6) month period of time without a right of appeal. If the sheriff shall suspend any employee for a period longer than ten (10) days, the suspended employee shall be notified in writing of the charges which caused his suspension. He shall thereafter have ten (10) days to request a hearing before the merit service board, and upon his request the board shall set a hearing not more than thirty (30) days from the date of the receipt of his request for a hearing.

**SECTION 17.** The sheriff shall have the authority to dismiss any employee for ordinary cause with a right of appeal to the board assured the employee. The dismissed employee shall be notified in writing of the causes for dismissal. He shall have ten (10) days to request a hearing before the board and upon his request the council shall set a hearing not more than thirty (30) days from the date of the receipt of his request. The rules of procedure for the conduct of any investigation by the merit service board shall apply to this hearing. Upon a finding by the board that the sheriff has not complied with the procedures of board, the board may order the employee to be reinstated.

**SECTION 18.** No. employee holding a position in the classified service shall take an active part in any political campaign while on duty nor under any circumstance shall any employee of the office of sheriff solicit money for political campaigns or in any way use his position as a deputy sheriff so as to reflect his personal political feelings as those of the office of sheriff or to use his position as deputy sheriff to exert any pressure on any one person or group of people to sway that person's or persons' political views. Neither an employee while on duty nor any officer while in uniform shall display any political advertising or paraphernalia on his person or on his automobile. No employee of the office of sheriff shall make any public endorsement of any candidate in any campaign for elected office. However, nothing in this Act shall be construed to prohibit or prevent any such employee 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 any political meetings, while not on duty, or in the course of his official business, nor shall he be denied from enjoying any freedom from interference in the casting of his vote. Any person violating the provisions of this Section shall be dismissed from the service of the office of the sheriff.

**SECTION 19.** The sheriff shall not require any employee in the classified service to participate in any political activity as a condition of employment, continuation of employment, or promotion. If, upon an investigation by the board and its determination that such actions have taken place, the board shall issue an order to the sheriff to cease and desist such activity. If the sheriff fails to comply or persists in the activity, the council may apply to any court of record in the county for a citation of contempt.

**SECTION 20.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provision of this Act are declared to [sic] severable.

**SECTION 21.** All laws or parts of laws in conflict with the provisions or [sic] this Act are hereby repealed.

**SECTION 22.** This Act shall become effective as to any county to which it may apply when the same shall have been approved by the Quarterly County Court of such county by vote of not less than two-thirds ( $\frac{2}{3}$ ) of the members thereof, such approval to be made by said Quarterly County Court within ninety (90) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1972, the public welfare requiring it becoming effective at the time. 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 23.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 22, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes it shall become effective September 1, 1972 upon being approved as provided in Section 22.

PASSED: March 22, 1972.

## Offenses

### Refuse Dumping

#### Private Acts of 1970 Chapter 216

**SECTION 1.** It is unlawful for any person to dump any garbage, trash, animals, waste, or refuse of any nature into the Little River or the Little Tennessee River or their tributaries in Blount County.

**SECTION 2.** Violation of this Act shall be punishable, upon conviction thereof, by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by imprisonment in the County Jail or Workhouse, or by both such fine and imprisonment.

**SECTION 3.** This Act shall be enforced by all state and local law enforcement officers having jurisdiction in Blount County.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote at the Quarterly County Court of Blount County. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

**SECTION 5.** For the purpose of approving this Act as provided in Section 4, it shall take effect on becoming a law, but the other provisions of the Act shall be effective only upon being so approved.

PASSED: February 3, 1970

## Law Enforcement - Historical Notes

### Jails and Prisoners

The following act once affected jails and prisoners in Blount County, but is no longer operative.

1. Acts of 1839-40, Chapter 124, authorized the Blount County Court, if they deemed it appropriate, to pay James Glass, the former jailor of that county, the sum of \$130.00 which had been advanced by him for the recapture and surrender of two felons by the name of Estep who had escaped from the Blount County jail.

### Militia

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

1. Acts of 1803, Chapter 1, set the date for the annual drill of the twelfth regiment, the county militia of Blount County, on the second Thursday in October of each year.
2. Acts of 1815, Chapter 119, was a general militia law for the state, and it specified that the Blount County militia would form the twelfth regiment.
3. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Blount County composed the thirty third regiment of the third brigade and held regimental musters on the fourth Saturday of October.
4. Private Acts of 1825, Chapter 175, authorized the citizens in Cade's Cove to form a company of militia, which would be excused from attending battalion and general musters of the Blount County militia for a period of two years, beginning January, 1826. This act was amended by Private Acts of 1827, Chapter 122, to excuse indefinitely the Cade's Cove militia company from attending musters.
5. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Blount County composed the twelfth regiment and held a regimental muster on the third Thursday of October as a member of the third brigade.
6. Private Acts of 1831, Chapter 269, ended the attendance of the East Tennessee Highlanders in Blount County from regimental and battalion musters and court martials.

7. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalion, regiments, brigades and divisions. The militia of Blount County composed the twentieth and twenty first regiment.
8. Acts of 1837-38, Chapter 157, amended the militia laws of the state. Blount and Knox counties composed the fifth brigade, while the date for the annual militia drill was set on the Tuesday and Wednesday following the first Friday and Saturday in September of each year for the militia of Blount County.
9. Acts of 1839-40, Chapter 56, revised and amended the militia laws of the state. The militia of Blount County composed the twentieth and twenty-first regiments and was a member of the fifth brigade.
10. Acts of 1845-46, Chapter 142, authorized Montgomery McTeer to collect the public arms which were distributed to the East Tennessee Highlanders in Blount County, and to return and deposit said public arms with the proper authorities at Knoxville.
11. Public Acts of 1861, Chapter 1, revised the militia laws of the state. The militia of Blount County composed the twentieth and twenty-first regiments which were part of the fifth brigade.

### **Offenses**

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

1. Private Acts of 1949, Chapter 589, relative to the possession, storage, use, manufacture and sale of pyrotechnics, was repealed by Private Acts of 2018, Chapter 53.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Blount County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 25, provided that the sheriff of Blount County was to receive an annual salary of at least \$2,500, but after filing with the county court clerk a semi-annual statement of all the fees received by his office, he could retain any fees in excess of his salary. This act was first amended by Private Acts of 1937, Chapter 768, to provide that the sheriff could appoint four deputies, who were to be full-time employees. The first and second deputies were to be paid an annual salary of \$600 plus all the fees they collected, while the third and fourth deputies were to receive \$300 per year in addition to fees. Two years later, the 1937 amendment was itself amended by Private Acts of 1939, Chapter 331, to provide that all four deputies appointed by the Blount County Sheriff as provided above, were to be paid \$100 per month in addition to all their fees. Private Acts of 1947, Chapter 295, amended the 1925 act by providing that the sheriff could appoint six full-time deputies. The chief deputy was to be paid a monthly salary of \$200 in addition to all fees, while the other five deputies were to receive \$150 monthly in addition to fees. All of these acts were repealed by Private Acts of 1957, Chapter 378.
2. Private Acts of 1927, Chapter 730, provided that all workhouse bond was to be received and collected by the criminal court clerk. This was amended by Private Acts of 1929, Chapter 720, which provided that every workhouse bond had to contain an agreement to pay a 15% attorney's fee for its collection.

## **Chapter XI - Public Utilities**

### **Rock Gardens Utility District**

#### **Private Acts of 1947 Chapter 824**

**SECTION 1.** That the Utility District of Rock Gardens in Blount County in the State of Tennessee, and the inhabitants thereof, be, and the same are hereby incorporated under the name and style of Rock Gardens Utility District with the functions and powers hereinafter set out, for the purpose of providing fire protection service for said community, either by acquiring, constructing, maintaining and operating a municipal fire protection system or/and by contracting with other public corporations for fire protection service for said community.

**SEC. 2.** That the boundaries of said Rock Gardens Utility District shall be as follows: Situated in the Ninth Civil District of Blount County, Tennessee, and more particularly described as follows:

Beginning at the intersection of the west line of Garfield Street and the corporate limit line of the City of Alcoa, Tennessee; thence, with the west line of Garfield Street, north 39 degrees 46 minutes east 1340 feet to an iron pin in southwest corner of Rose Avenue; thence, with Rose Avenue, north 44 degrees 50 minutes west 99 feet to an iron pin in the north side of Garfield Street; thence, with Garfield Street, north 45 degrees 10 minutes east 945 feet to an iron pin in the northeast side of Spruce Avenue, thence, with Spruce Avenue, 775 feet to an iron pin corner with north side of Elm Boulevard; thence, with Elm Boulevard, north 44 degrees 50 minutes west 410 feet to an iron pin; thence, south 45 degrees 10 minutes west 505 feet to an iron pin; thence, south 36 degrees 20 minutes west 485.5 feet, running along the northeast side of Rose Avenue to the outside of a rock column in the northwest side of Lincoln Road; thence, with the northwest side of Lincoln Road 26 feet to an iron pin; thence, south 42 degrees 15 minutes east 631 feet to an iron pin; thence, south 28 degrees 24 minutes east 462.7 feet to an iron pin in the northwest side of the Maryville-Knoxville highway; thence, with the Maryville-Knoxville highway, south 33 degrees 20 minutes west 263.5 feet to an iron pin; thence, north 39 degrees 35 minutes west 1352.7 feet to an iron pin; thence, south 50 degrees 52 minutes west 1024.7 feet to an iron pin in the corporate limit line of the City of Alcoa, Tennessee; thence, with the corporate limit line of the City of Alcoa, Tennessee, north 44 degrees 50 minutes west 1030 feet to the point of beginning.

**SEC. 3.** That the District hereby incorporated shall be a "Municipality" or public corporation in perpetuity under its corporate name and the same shall in that name be a body politic and corporate with power of perpetual succession, but without any power to levy or collect taxes. (Charge for service authorized by this Act shall not be construed as taxes.) The powers of the District shall be vested in and exercised by a majority of the members of the Board of Commissioners of the District in office. So long as the District continues to provide, by operation of a municipal fire protection system or/and by contract with other public corporations, any of the services which it is authorized to provide under this Act, it shall be the sole public corporation empowered to provide such services in the District, unless and until it shall have been established that the public convenience and necessity requires other or additional services.

**SEC. 4.** That the said Utility District shall be governed and operated by a Board of Commissioners, three in number, who are residents of and owners of real estate in said District.

The Board of Commissioners shall be elected by the owners of real estate situated in said District who are residents of said District and who are otherwise qualified as is or may be required for voters in a general election for members of the General Assembly, except that a poll tax receipt shall not be required.

Commissioners shall be elected for staggered terms of six years. Provided, that at the election held for the election of the first Board of Commissioners, one Commissioner shall be elected for a term of two years, one Commissioner shall be elected for a term of four years, and one Commissioner shall be elected for a term of six years; and thereafter, at two-year intervals, a successor of the Commissioner whose term is expiring shall be elected for a term of six years. The term of office of the members of the first Board of Commissioners of said District shall begin on the first day of June, 1947; the Blount County Election Commissioners shall hold the election for the first Board of Commissioners, as herein provided, not more than sixty days not less than thirty days before said date; and the terms of the respective Commissioners in their respective order and sequence shall expire on the thirty-first day of May of each odd-numbered year thereafter. Only one voting place in said Utility District shall be used for all elections held under this Act.

Commissioners shall hold office until their successors are elected and qualify. Any vacancy shall be filled, and new Commissioners shall be elected or old Commissioners re-elected upon the expiration of any term of office, in the following manner: Within thirty days after any vacancy occurs on the Board of Commissioners, and not less than ninety days prior to the expiration of the term of office of a Commissioner, the President and Secretary of the Board of Commissioners shall certify to the Blount County Election Commissioners that a vacancy has occurred or is about to occur in said Board. It shall then be the duty of the Blount County Election Commissioners to hold an election within the boundaries of said Utility District for the purpose of electing a successor or successors to fill any vacancy or to succeed any Commissioner whose term of office is about to expire. Said election shall be held within sixty days after any vacancy on said Board of Commissioners shall occur, and not more than sixty days nor less than thirty days prior to the date of expiration of the term of office of a Commissioner.

Except as otherwise provided in this Act, such elections shall be conducted by the election authorities prescribed by the general law of the State of Tennessee and according to the provisions of the general election laws of the State of Tennessee. Notice of any such election shall be published at least once not more than forty-five days nor less than twenty-one days prior to the date on which said election is to be held.

**SEC. 5.** That all candidates to be voted for all elections at which the members of the Board of Commissioners shall be chosen under the provisions of this Act, shall be nominated as follows:

The name of any eligible elector of the District, except as hereinafter provided, shall be printed upon the ballot when a nominating petition in the form hereinafter prescribed shall have been filed in his behalf with the Blount County Election Commissioners, and such nominating petition shall have been signed by at least twenty-five of the registered voters of the District. The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulation thereof stating the number of signers of such paper and that each signer affixed his signature in the presence of the circulaor, and is the genuine signature of the person whose name it purports to be; each signer of the nominating petition shall sign his name in ink or indelible pencil, and shall place on said petition after his name his place of residence by street and number, and the location of his real estate within said District. The nominating petition shall be substantially in the following form:

"PETITION OF NOMINATION FOR CANDIDACY"

To the Blount County Election Commissioners, Greetings:

We, the undersigned, hereby present \_\_\_\_\_, whose residence is \_\_\_\_\_ Street, Rock Gardens, Tennessee, as a candidate for nomination to the office of member of the Board of Commissioners of Rock Gardens Utility District to be voted upon at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and we individually certify that we have not signed similar petitions greater in number than the number of vacancies to be filled in this office.

<i>Nominator</i>	<i>Street Address</i>	<i>Location of Real Estate</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF TENNESSEE<sub>ss.</sub>  
BLOUNT COUNTY

\_\_\_\_\_, being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing \_\_\_\_\_ signatures, and that the signatures append thereto were made in his presence, and are the signatures of the persons whose names they purport to be.

(Signed) \_\_\_\_\_

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_, 19\_\_\_\_.

All papers comprising a nominating petition shall be assembled and filed with the Blount County Election Commissioners as one instrument at least forty-five days prior to the date of holding the election with respect to which such petition is filed.

Any person whose name has been submitted for candidacy by any such nominating petition shall file his acceptance of such candidacy with the Blount County Election Commissioners not later than thirty-five days before the day of the election, and in the absence of such acceptance, the name of the candidate shall not appear on the ballots.

**SEC. 6.** That the official ballot to be used in said election shall be appropriately worded by the Blount County Election Commissioners; and the names of the candidates for the respective offices shall be alphabetically grouped. The said Election Commissioners shall cause the ballots to be properly printed and distributed, the election held, the votes counted and canvassed and certified, as now required by law in cases of regular municipal elections.

**SEC. 7.** That any Commissioner of the District elected under this Act may be removed from office by the qualified voters of said District. The procedure to effect such removal shall be as follows: A Petition for Recall of Commissioner, signed by the qualified voters of the District equal in number to at least thirty percent of the total vote cast for the candidate for the office of Commissioner receiving the highest vote at the last regular election, demanding the election of a successor to the person sought to be removed, shall be filed with the Blount County Election Commissioners, and notice given of such filing by publication at least once in one of the daily newspapers published in the City of Maryville; said recall petition shall contain a general statement of the grounds upon which the removal is sought; the signatures to the recall petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving his street and number, and the location of his real estate in the District. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within fifteen days from the date of the

filing of said recall petition, said Blount County Election Commissioners shall examine the same and ascertain whether it is signed by the required number of persons, and whether such persons are qualified voters as shown by the registration books, and they shall attach to said recall petition their certificate showing the result of such examination. If, by the said certificate, the recall petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The said Election Commissioners shall, within fifteen days after such amendment, make like examination of the amended recall petition, and if their certificate shall hold the same to be insufficient, it shall be returned to the persons filing it. If by their certificate the recall petition is shown to be sufficient, the said Election Commissioners shall at once fix a date for holding the said election, not less than thirty days nor more than sixty days from the date of their certificate. The said Blount county Election Commissioners shall make, or cause to be made, publication of notice and all arrangements for holding said election, and the result thereof declared, and the expenses thereof paid, in all respects as in other District elections.

The successor of any Commissioner so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the said Election Commissioners shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be declared vacant. If the incumbent receives the highest number of votes, he shall remain in office. The said method of removal shall be cumulative and additional to the methods heretofore existing by law; all laws applicable to general and special elections under the general laws shall apply in all general, special and removal elections held under the provisions of this Act, except where it conflicts with this Act.

**SEC. 8.** That the members of the Board of Commissioners shall serve without compensation for their services, but shall be entitled to reimbursement for all reasonable and necessary expenses incurred in connection with the performance of their duties.

The Board of Commissioners may delegate to one or more of its members or to its agents and employees such powers and duties as it may deem proper. Said Board of Commissioners shall meet regularly once each month, and at such other times as to the Board may appear necessary, at the offices of the Board located in said District. At its first meeting and at the first meeting of each calendar year thereafter the Board of Commissioners shall elect one of its members to serve as President, and another of its members to serve as Secretary, and another of its members to serve as Treasurer. The President shall be the chief executive officer of said District, shall preside at all Board meetings and sign the minutes thereof, and shall countersign all checks and/or vouchers drawn upon the funds of the District, and shall sign all contracts and other instruments made and entered into on behalf of said District. The Secretary shall be the clerk of the Board of Commissioners, and shall keep a record of all proceedings of the Board, which shall be available for inspection as other public records, and shall be custodian of all official records of the Board of Commissioners and said District. The Treasurer shall receive and disburse all revenues and funds of the District, and shall keep a book in which shall be entered all receipts and disbursements of money and of all money on hand; said Treasurer shall also keep a complete record of all property, assets and liabilities of the District, and any and all other records necessary or proper to reflect at all times the complete financial condition of the District. All disbursement made from the funds of the District shall be upon check or voucher signed by the Treasurer and counter-signed by the President. All funds received by the Treasurer shall be deposited by him in such bank in the City of Maryville, Tennessee, as the Board of Commissioners shall direct. Before assuming his duties the Treasurer shall execute a bond in a responsible bonding company in such sum as the Board of Commissioners may provide, conditioned to faithfully account for all District funds and property coming into his hands as such Treasurer. The expense of the execution of such bond shall be paid out of the funds of the District.

**SEC. 9.** That said District shall be and is hereby created for the purpose of providing fire protection service for said District. To carry out such purpose it shall have power and authority to acquire, construct, reconstruct, improve, better, extend, consolidate, maintain and operate a municipal fire protection system within or without the District; and it shall have power and authority to enter into and make contracts with other public corporations for the purchasing and furnishing of all or any part of the fire protection service required or needed for said District.

The Board of Commissioners shall employ a certified public accountant to audit its books and records and publish in a Maryville newspaper of daily circulation, at least twice at weekly intervals on or before the first day of March of every year, a financial statement showing its receipts and disbursements, with the purpose thereof, and reflecting the true financial condition of the District for the annual period ending December 31 immediately preceding.

**SEC. 10.** That said District shall be and is hereby vested with all the powers necessary and requisite for the accomplishment of the purpose for which said District is created, capable of being delegated by the Legislature. No enumeration of particular powers herein created shall be construed to impair or limit any general grant of power herein contained nor to limit any such grant to a power or powers of the same class or classes as those enumerated. The District is empowered to do all acts necessary, proper or convenient in the exercise of the powers granted under this Act.

**SEC. 11.** That said District shall have the power and authority:

- (a) To sue and be sued.
- (b) To have a seal.
- (c) To acquire by purchase, gift, devise, lease, or exercise of the power of eminent domain or other mode of acquisition, hold and dispose of real and personal property of every kind within or without the District, whether or not subject to mortgage or any other liens.
- (d) To make and enter into contracts, conveyance, mortgages, deeds of trust, bonds or leases.
- (e) To incur debts, to borrow money, to issue negotiable bonds and to provide for the rights of holders thereof, subject to the conditions and restrictions hereinafter contained.
- (f) To fix, maintain, collect and revise uniform rates, fees, tolls, and charges for all services and expenses incident thereto.
- (g) To pledge all or any part of its revenues, and systems actually constructed or acquired.
- (h) To make such covenants in connection with the issuance of bonds, or to secure the payment of bonds, that a private business corporation can make under the general laws of the State, notwithstanding that such covenants may operate as limitations on the exercise of any power granted by this Act.
- (i) To use any right-of-way, easement or other similar property right held by the State or any political subdivision thereof, when necessary or convenient in connection with the acquisition, improvement, operation or maintenance of a system authorized by this Act, provided that the State or the governing body of any such political subdivision shall consent to such use.

**SEC. 12.** That the Board of Commissioners of said District shall have power and authority:

- 1. To exercise by ordinance or resolution all of the general and specific powers of the District.
- 2. To make all needful rules, regulations and by-laws for the management and the conduct of the affairs of the District and of the Board of Commissioners.
- 3. To adopt a seal for the District, prescribe the style thereof, and alter the same at pleasure.
- 4. To lease, purchase, sell, convey and mortgage the property of the District and to execute all instruments, contracts, mortgages, deeds or bonds on behalf of the District in such manner as the Board of Commissioners shall direct.
- 5. To inquire into any matter relating to the affairs of the District, to compel by subpoena the attendance of witnesses and the production of books and papers on behalf of the district in such manner as the Board of Commissioners shall direct.
- 6. To appoint and fix the salaries and duties of such officers, experts, agents and employees as it deems necessary, to hold office during the pleasure of the Board of Commissioners and upon such terms and conditions as it may require.
- 7. To do all things necessary or convenient to carry out its functions and the powers granted to the District by this Act.

**SEC. 13.** That said District shall have the power and is hereby authorized from time to time to issue its negotiable bonds in anticipation of the collection of revenues for the purpose of acquiring, constructing, reconstructing, improving, bettering, extending, maintaining and operating a fire protection system, or/ and for the purpose of providing fire protection service for the District by contracting with other public corporations, and to pledge to the payment of the interest and principal of said bonds all or any part of the revenues derived from the operation of a fire protection system, or derived from fire protection service provided by contracting with other public corporations, and all or any part of any system actually constructed or acquired. There may be included in the costs and expenses for which bonds are to be issued, reasonable allowances for legal, engineering and fiscal services, interest during construction and for six months after the estimated date of completion of construction, and any other preliminary or incidental expenses, including the expenses of incorporation of the District and of holding all elections required by this Act.



Said bonds shall be issued only upon authorization of a resolution of the said Board of Commissioners. When thus authorized by such resolution such 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 bear interest at such rate or rates not exceeding six per cent per annum, payable semi-annually; may be in such form, either coupon or registered; may be payable in such medium of payment at such place or places; may be subject to such terms of redemption, with or without premium; and may contain such terms, covenants and conditions as the Board of Commissioners of said District may provide. Said bonds may be issued for money or property; may be sold in such manner and upon such terms as the Board of Commissioners shall determine, provided that the interest cost to maturity of the money or property (at its value as determined by the Board of Commissioners. the determination of which shall be conclusive) received for any issue of said bonds shall not exceed six per cent per annum payable semi-annually. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the Board of Commissioners may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. All said bonds and interim receipts or certificates shall be executed by the signatures of the President and Treasurer of the Board of Commissioners. Said bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all purposes of the Uniform Negotiable Instruments Laws of the State.

Only the revenues and the physical fire protection system actually constructed or acquired by said District may be pledged by said Commissioners or said District. Under no circumstances shall any indebtedness of said District become a lien on the private property of persons, firms or corporations located therein.

**SEC. 14.** That any resolution authorizing the issuance of bonds under this Act may contain covenants, including, but not limited to (a) the purpose or purposes to which the proceeds of the sale of said bonds may be applied and the deposit, use and disposition thereof; (b) the use, deposit, securing of deposits, and disposition of the revenues of the District, including the creation and maintenance of reserves; (c) the issuance of other additional bonds payable from the revenues of the District; (d) the operation and maintenance of the system; (e) the insurance to be carried thereon and the use, deposit and disposition of insurance monies; (f) the maintenance of books of account and the inspection and audit thereof and the accounting methods of the District; (g) the non-rendering of any free service by the District; and (h) the preservation of the system, so long as any of the bonds remain outstanding, from any mortgage, sale, lease or other encumbrance not specifically permitted by the terms of the resolution.

**SEC. 15.** That there shall be and there is hereby created a statutory lien in the nature of a mortgage lien upon any system acquired or constructed in accordance with this Act, including all extensions and improvements thereto or combinations thereof subsequently made, which lien shall be in favor of the holder or holders of any bonds issued pursuant to this Act, and all such property shall remain subject to such statutory lien until the payment in full of the principal of and interest on said bonds. Any holder of said bonds or any of the coupons representing interest therein may either at law or in equity, by suit, action, mandamus, or other proceedings, in any Court of competent jurisdiction, protect and enforce such statutory lien and compel performance of all duties required by this Act, including the performance of any duties required by covenants with the holders of any bonds issued in accordance with this Act.

If any default be made in the payment of the principal of or interest on such bonds, any Court having jurisdiction of the action may appoint a receiver to administer said District, and said system, with power to charge and collect rates sufficient to provide for the payment of all bonds and obligations outstanding against said District and said system and for the payment of operating expenses, and to apply the income and revenues thereof in conformity with the provisions of this Act, and any covenants with bondholders.

**SEC. 16.** That said bonds bearing the signature of the proper officers in office on the date of signing thereof, as hereinabove provided, shall be valid and binding obligations, notwithstanding that before the delivery thereof and the payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the District. The validity of this bond shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the system for which said bonds are issued, nor any proceedings relating to any contract with other public corporations for fire protection service for which said bonds are issued. Said bonds shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

**SEC. 17.** That no holder or holders of any bonds issued pursuant to this Act shall ever have the right to compel the levy of any tax to pay said bonds or the interest thereon. Each bond shall recite in substance that said bond and interest thereon is payable solely from the revenues pledged to the payment thereof and that said bond does not constitute a debt of the District within the meaning of any statutory limitation.

**SEC. 18.** That the Board of Commissioners of said District pursuant to this Act shall prescribe and collect

reasonable and uniform rates, fees, tolls or charges for the services, facilities and commodities of its system, and for services provided by the District through contract with other public corporations, shall prescribe penalties for the nonpayment thereof, and shall revise such rates, fees, tolls or charges from time to time whenever necessary to insure that such system shall be and always remain self-supporting, and that all expenses of the District incident to providing fire protection service through contract with other public corporations shall be met. The rates, fees, tolls, or charges prescribed shall be such as will always produce revenue sufficient (a) to provide for all expenses of acquisition, operation and maintenance of the system, and all expenses incident to providing fire protection service by contract with other public corporations, including reserves therefor, and (b) to pay when due all bonds and interest thereon for the payment of which such revenues are or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (c) to pay any other expenses incidental to the proper administration of the District, including reserves therefor.

**SEC. 19.** That so long as said District shall own any system, or shall provide fire protection service for said District through contract with other public corporations, the property of said District, and revenue of the District derived from such system or from the providing of fire protection service through contract with other public corporations, shall be exempt from all State, County and Municipal taxation, except inheritance, transfer and estate taxes, and it shall be so stated on the face of said bonds.

**SEC. 20.** That neither the Railroad and Public Utilities Commission nor any other board or commission of like character hereafter created shall have jurisdiction over the District in the management and control of any system, including the regulation of its rates, fees, tolls or charges.

**SEC. 21.** That said District shall have power to condemn either the fee or such right, title, interest or easement in property as the Board of Commissioners, may deem necessary for any of the purposes mentioned in this Act, and such property or interest in such property may be so acquired whether or not the same is owned or hold for public use by corporations, associations or persons having the power or eminent domain or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by this use. Such power of condemnation may be exercised in the mode or method of procedure prescribed by Sections 3109 to 3134, Code of Tennessee, 1932, or in the mode or method of procedure prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain; provided, however, that where title to any property sought to be condemned is defective, further, that where condemnation proceedings become necessary the Court in which such proceedings are filed shall, upon application by the District and upon the posting of a bond with the Clerk of the Court in such amount as the Court may deem commensurate with the Clerk of the Court in such amount as the Court of possession shall issue immediately or as soon and upon such terms as the Court, in its discretion, may deem proper and just.

**SEC. 22.** That if any provision of this Act, or the application of such provision to any person, body or circumstances shall be held invalid, the remainder of this Act, or the application of such provision to persons, bodies, or circumstances, other than those as to which it shall have been held invalid, shall not be affected thereby.

**SEC. 23.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1947.

## Chapter XII - Taxation

Most of the general law on taxation can be found in title 67 of [Tennessee Code Annotated](#). The chief revenue source for county government is the ad valorem tax on real and personal property. The statutes dealing with the county property tax, including assessment, levy, collection, and enforcement, are found in title 67, chapter 5. Assessments are reviewed by the county board of equalization, which is covered by title 67, chapter 5, part 14. Another large source of county revenue is the local option sales tax. The authority for the local option sales tax is codified at T.C.A. title 67, chapter 6, part 7. While the property tax may be levied by the county legislative body alone, the local sales tax must be approved by the qualified voters in a referendum. Other general law granting taxing authority for counties may be found in other sections of the code. These may be found through use of the combined general index to the [Tennessee Code Annotated](#). In some areas private acts may be used for authority to levy a tax at the county level. The revenue sources available to county governments, and the authority for such taxes and fees either in general law or private acts, are summarized in the CTAS publication [County Revenue Manual](#).

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

1. Acts of 1797, Chapter 7, authorized the Blount County tax levies for the years of 1798 and 1799,

of not more than \$.50 on each "free poll", \$1.00 on each "black poll," \$.50 on each one hundred acres of land, and \$1.00 on each town lot. This act also authorized the levy of each stud horse a tax of not more than "one quarter of the price of the season of one mare."

2. Private Acts of 1911, Chapter 71, authorized a special tax levy to be used to meet payments due on any bona fide accumulated outstanding liabilities of the county, which had been necessarily accrued in preceding years.
3. Private Acts of 1917, Chapter 632, authorized a special tax levy of not more than \$.20 on each \$100 for grading, macadamizing, and improving the public roads in Blount County.
4. Private Acts of 1919, Chapter 766, authorized a special tax levy in Blount, Loudon and Roane counties of not more than \$.20 per \$100 assessed valuation for improving roads in those counties, and connecting them with each other, to form a more uniform road system.
5. Private Acts of 1977, Chapter 103, repealed Acts of 1909, Chapter 73, which was the legal authority for the counties, whose 1900 population or subsequent population was no less than 60,000 and no more than 100,000, to levy a general property tax whose proceeds would be used to maintain free public libraries in their respective counties. Blount County was among those affected by this law but according to our information at the time of these updated issues of private acts the county court of Blount County had not acted upon this act, thus rendering the same of no effect until the court did approve of it.
6. Private Acts of 1982, Chapter 360, would have amended Private Acts of 1979, Chapter 102, by levying a privilege tax of 5% on hotel or campground by a transient, however, this act was found unconstitutional by the attorney general of the state.
7. Private Acts of 1988, Chapter 169, would have amended Private Acts of 1979, Chapter 102, printed herein, but was not ratified locally and therefore never became law.

## Assessor of Property

### Additional Duties

### Private Acts of 1921 Chapter 52

**SECTION 1.** That the County Tax Assessor in counties having a population of not more than 28,805 and not less than 28,795, according to the Federal Census of 1920 or any subsequent Federal Census, be required to establish a permanent office in the county seat of said counties.

**SEC. 2.** That before any deed or other instrument which conveys or purports to convey the title in fee simple to any real estate shall be recorded it shall be the duty of the County Tax Assessor to examine the same and ascertain if the property described in said deed or instrument has been and is correctly assessed.

**SEC. 3.** That it shall be the duty of the County Tax Assessor to countersign every such deed or instrument after having recorded the transfer upon the assessment books of the property conveyed by said deed or instrument to the party or parties in whom the title is shown to be vested by such deed or instrument.

**SEC. 4.** That it shall be unlawful for any County Register, or Deputy County Register, to record or enter any deed or instrument coming within the provisions of Section 2 of this Act upon the records of the Register's office, or to receive such deed or instrument for the purpose of recording or entering the same upon the records, unless such deed or instrument shall have first been countersigned by the County Tax Assessor or his duly appointed deputy.

**SEC. 5.** That any County Register, or Deputy County Register, who shall be convicted of violating the provisions of Section 4 of this Act shall be fined not less than Twenty-five (\$25.00) Dollars, nor more than Fifty (\$50.00) Dollars.

**SEC. 6.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect January 1, 1922, the public welfare requiring it.

Passed: January 18, 1921.

## Construction - Modeling Reports

### Private Acts of 1970 Chapter 215

**SECTION 1.** Except for companies whose property is assessed by the Tennessee Public Service Commission, any owner or owners of real property in Blount County who builds, erects, constructs or remodels, or who causes or allows to be built, erected, constructed or remodeled, any building or improvements upon their real property, where such construction or remodeling has a value of or costs one thousand dollars (\$1,000.00) or more, shall make a report of the fact to the County Tax Assessor within ninety (90) days after the completion or occupation of the same, whichever occurs first, or in any event, not later than one (1) year from the date such construction or remodeling was commenced. Such reports shall be made in writing on a form or forms to be prescribed by the Tax Assessor and provided for him by the Quarterly County Court. Such forms shall be made available to the public free of charge.

**SECTION 2.** Failure to make such a report as required by this Act is a misdemeanor, punishable, upon conviction thereof, by a fine of not less than two dollars, nor more than fifty dollars (\$50.00).

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

**SECTION 4.** For the purpose of approving this Act as provided in Section 3, it shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the Act shall be effective only upon being approved as provided in Section 3.

PASSED: February 3, 1970.

## Courthouse Litigation and Recording Taxes

### Private Acts of 1972 Chapter 370

**SECTION 1.** There is hereby imposed upon each case of any description filed in any of the following courts sitting in Blount County, a tax of one dollar (\$1.00), to be assessed and collected as a part of the costs of the cause: circuit court, chancery court, general sessions court, monthly county court, and city courts of Maryville, Alcoa, Friendsville, Townsend, and Rockwood.

It is hereby expressly provided that the term "case" shall include ex parte as well as adversary or contested proceedings.

**SECTION 2.** There is imposed a special privilege tax of one dollar (\$1.00) upon and with respect to each and every instrument offered for recordation in the office of the County Register of Blount County, the payment of which shall be a condition precedent to the recordation of said instrument.

**SECTION 3.** The litigation taxes provided for herein shall be collected by the clerks of the respective courts in which cases are filed, and the registration tax herein provided for shall be collected by the County Register. Each of said officials shall be accountable for and shall pay over said revenue to the County Trustee quarterly, not later than the tenth day of the month following the quarter in which collections are made.

**SECTION 4.** The Trustee shall deposit the taxes herein collected in a special fund hereby created, to be known as the "Courthouse and Jail Fund", and shall be subject to appropriation by the quarterly county court for the purpose of renovating, remodeling, or purpose of expanding the Blount County Courthouse or Jail, or both, or the construction of an annex to either or both.

**SECTION 5.** The tax provided for herein shall expire at the conclusion of the quarter in which is paid the final costs of the construction or other work for which it is levied, and the fact of such payment shall have been certified by the County Judge to the Trustee and the respective officers charged with the collection of the respective taxes. It is hereby made the duty of the County Judge to make such certification promptly upon the discharge of all financial obligations attending such construction or other work.

**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 ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Blount County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

**SECTION 8.** For the purpose of approving this act as provided in Section 7, it shall take effect upon becoming a law, the public welfare requiring it, but for other purposes it shall be effective only upon being approved as provided in Section 7.

Passed: April 13, 1972.

## Drug Court Program and Litigation Tax

### Private Acts of 1999 Chapter 56

**SECTION 1.** In addition to any other litigation tax imposed by Blount County, there is imposed an additional thirty-five dollar (\$35.00) litigation tax on each criminal case filed in General Sessions and Circuit Court for the funding of the Blount County Drug Court and the operations of the Blount County Justice Center.

**SECTION 2.** The first fifteen dollars (\$15.00) of the litigation tax imposed in Section 1 shall be deposited in a Blount County Special Revenue Fund for the use of funding the Blount County Drug Court Program. Any fund balance remaining in said fund shall be reviewed annually to determine the amounts to be used for the Drug Court Program, with the exception of the first year of which the entire amount collected of the said first fifteen dollars (\$15.00) of tax will be used solely for the Drug Court Program.

**SECTION 3.** The remaining twenty dollars (\$20.00) of the litigation tax imposed in Section 1 shall be deposited into the Blount County General Fund to offset the costs of operations of the new Blount County Justice Center.

**SECTION 4.** If the Blount County Drug Court ceases operation, the litigation tax imposed in Section 1 and any fund balance in the Special Revenue Fund will be placed in the General County Fund to offset the costs of operations of the new Blount County Justice Center.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Blount County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Board of Commissioners of Blount County and certified to the Secretary of State.

**SECTION 6.** 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 5.

Passed: May 27, 1999.

## Highway Tax

### Private Acts of 1947 Chapter 301

**COMPILER'S NOTE:** This act has never been specifically repealed, but it appears to have been superseded by Private Acts of 1959, Chapter 265, which is the current road law of Blount County. Section 15 of the road law authorizes the quarterly county court, now county legislative body, to levy and collect taxes on all taxable property for the building and maintaining of highways and roads.

**SECTION 1.** That for the purpose of providing funds to maintain and construct roads, highways and bridges and the purchase of tools, machinery and equipment and the hiring of labor and the purchase of materials in Counties of this State having a population of not less than 41,050 and not more than 41,150 according to the Federal Census of 1940 or any subsequent Federal Census, the Quarterly County Court of the Counties to which this Act is applicable are hereby authorized to levy and collect a tax for the constructing and maintaining of roads and highways in said Counties.

**SEC. 2.** That said tax shall be fixed and determined by the Quarterly County Court of the Counties to which this Act is applicable, and shall be a part of the tax levy of said Counties and be collected as all other taxes are collected.

**SEC. 3.** That said tax shall be levied on all the taxable property in said Counties for the purposes herein set forth, and the money so collected shall go into and become a part of the general highway funds of the Counties to which this Act is applicable.

**SEC. 4.** That the Trustee of the Counties to which this Act is applicable shall pay over to the Treasurer of any City in said Counties constructing and maintaining roads, highways and streets, the amount of said funds received from the tax hereinbefore authorized, which shall bear the same ratio to the entire amount collected from said tax as the population of said City or Cities bears to the entire population of the Counties. Provided, however, that said funds paid over to said Treasurer of said Cities shall be kept separate from all other funds and used for the purposes herein provided for said County funds to be used.

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

Passed: February 18, 1947.

# Hotel/Motel Tax

## Private Acts of 1979 Chapter 102

**Section 1.** As used in this act, unless the context requires otherwise, the following terms shall have the meanings indicated:

- (a) "Alcoa" means the City of Alcoa.
- (b) "Board" means the Tourism Board created pursuant to Section 9 whose purpose it shall be to promote tourism and convention business in Blount County.
- (c) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel or campground valued in money whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and service of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged or received from any person.
- (d) "County" means Blount County, Tennessee.
- (e) "Governing body" means each of the following: County Commission of Blount County, the Board of Commissioners of the City of Alcoa and the City Council of the City of Maryville, Tennessee, and "governing bodies" means collectively all of such legislative bodies.
- (f) "Hotel" means any structure, or any portion of any structure, or any campground space, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, campground, tourist cabin, motel, or any place in which rooms, lodging or accommodations are furnished to transients for consideration.
- (g) "Maryville" means the City of Maryville, Tennessee.
- (h) "Municipalities" means, collectively, the County, Alcoa and Maryville.
- (i) "Occupancy" means the use or possession or the right to use of possession of any room, lodging, or accommodations in a hotel for a period of less than thirty (30) continuous days.
- (j) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise, and shall include governmental entities.
- (k) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (l) "Tax collection official" means the county clerk.
- (m) "Tax Revenues" means all revenues allocated to the board from the privilege tax authorized to be levied pursuant to this act.
- (n) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the County tourists, visitors and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area, and shall also include the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourists, conventions, and recreational business
- (o) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, accommodations in a hotel room or campground for a period of less than thirty (30) days.

**Section 2.** The County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set annually before the July term by the governing body of the County, provided, however, that the board shall provide a recommendation to the County as to the amount of such tax at least twenty (20) days prior to the vote each year establishing the amount of such tax. Such tax is a privilege tax upon the transient occupying the room or space and shall be paid by such transient.

**Section 3.** The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of such person's hotel. Such invoice shall be given directly or transmitted to the transient, and a copy thereof shall be filed each month by the operator and retained as provided by Section 7 hereof.

**Section 4.**

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any hotel for occupancy to the county clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The county clerk of the County will provide a list of the operators who remit the tax levied by this act each month to the property assessor of the County for review.

(b) For the purpose of compensating the operator for the expense of accounting for and remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the county clerk in the form of a deduction in submitting such operator's report and paying the amount due by such operator, provided, however, that the amount due was not delinquent at the time of payment.

(c) For the purpose of compensating the County for collecting the tax, the tax collector official shall be allowed to retain two percent (2%) of the amount of tax remitted by an operator.

**Section 5.** 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 be added to the rent, or that, if added, any part will be refunded.

**Section 6.**

(a) Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of eight (8%) per annum, and in addition shall pay a penalty on such taxes of one percent (1 %) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted.

(b) Each occurrence of knowing refusal of an operator to collect or remit the tax or knowing refusal of a transient to pay the tax imposed is a separate violation of this act and may result in the imposition of a civil penalty, to be imposed separately for each violation, not to exceed fifty dollars (\$50.00) upon a finding of such knowing refusal by a court of competent jurisdiction. As used in this section, "each occurrence" means each day.

(c) Nothing in this section shall be construed to prevent the county clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

**Section 7.** It is the duty of every operator liable for the collection and payment of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

**Section 8.** In administering and enforcing the provisions of this act, the tax collection official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-1-911, it being the intent of this act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-911, with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by the tax collection official under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, and suit for recovery shall be brought against such tax collection official.

**Section 9.** For the purposes set forth herein, including the promotion of tourism and conventions, authorization is hereby granted to establish, and there is hereby established, an entity to be known as the Smoky Mountain Tourism Board and referred to in this act as the "board". The board shall have a board of directors in which all powers of the board will be vested. The board of directors shall be comprised of ten (10) directors, who shall be selected as follows and as provided in Section 11:

1. A person who shall be either the County Mayor or a member of the governing body of the County and who shall be appointed by the governing body of the County;
2. A person who shall be appointed by the governing body of Alcoa;
3. A person who shall be appointed by the governing body of Maryville;
4. A person who shall be appointed by the board of directors of the Blount County Chamber of Commerce;

5. Two (2) persons who reside or operate a business within Alcoa, who shall be selected as provided in Section 11;
6. Two (2) persons who reside or operate a business within the City of Townsend or Walland area, who shall be selected as provided in Section 11; and
7. Two (2) persons who reside or operate a business within Maryville, who shall be selected as provided in Section 11.

The directors of the board shall serve without compensation, except for reimbursement of necessary expenses incurred by directors in performance of their duties. All directors shall be residents of Blount County.

**Section 10.** The term of each director on the board shall be for six (6) years, provided that any director shall continue to serve beyond the end of his or her term until his or her successor has been appointed, provided that the board at its first organization meeting shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year. The board shall provide to each governing body the initial terms assigned to each director. The term of a director is renewable, subject to reappointment as provided in Section 11.

**Section 11.** The directors selected by the municipalities pursuant to subdivisions (1), (2) or (3) of Section 9 or by the Blount County Chamber of Commerce pursuant to subdivision (4) of such Section shall become directors of the authority without any further action by the municipalities, and upon any vacancy in the office of any such director, such vacancy shall be filled by appointment of the appropriate entity. Except for the foregoing directors, the directors of the board shall be jointly elected by the governing bodies of the municipalities as provided in this Section 11. Upon the initial election of these directors, upon the appointment or reappointment of a director following the conclusion of a term in office, or upon any vacancy in term of such director, by reason of death, resignation or other cause, a membership advisory committee comprised of three (3) directors of the board shall create a list of eligible candidates (with not less than three (3) candidates on such list for each open director position) and shall submit such list to the board for consideration. When such list of eligible directors of the board is approved by resolution of the board, such list shall be submitted for consideration to the governing bodies of the municipalities in order of preference. The governing bodies of the municipalities shall appoint by resolution the director(s) from such list with each such director requiring the approval of the governing body of each municipality. If a person is chosen to fill a vacancy as a director of the board, such director shall hold office for the unexpired term with respect to which such vacancy occurred.

**Section 12 .** A majority of the whole board shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required, or otherwise by state law, the vote of a simple majority of the directors of the board present at any meeting at which a quorum is present shall be the action of the authority. To the extent permitted by applicable law, the board may permit any or all directors to participate in an annual, regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

**Section 13.** Public notice of all meetings, whether annual, regular or special, of the board, shall be given in accordance with the open meetings law compiled in Tennessee Code Annotated, title 8, chapter 44.

**Section 14.** The officers of the board shall consist of a Chairman, Vice Chairman, Secretary, Treasurer, and such other officers as the board shall from time to time deem necessary or desirable. The offices of Secretary and Treasurer may be held by the same person.

**Section 15.** The initial officers of the board shall be elected by the board of directors at its first meeting following the appointment of the directors as provided in this act or as soon thereafter as may be convenient. Each initial officer shall hold office until the first annual meeting of the board, which shall be held in January 2013, and thereafter until his or her successor has been duly elected and qualified. Subsequent officers of the board shall be elected at the annual meeting of the board. Each such officer shall be elected for a one-year term but shall continue to hold office until his or her successor has been duly elected and qualified. The annual meeting of the board shall be held in January of each year.

**Section 16.** The Chairman shall preside at all meetings of the directors, discharge all the duties which devolve upon a presiding officer, and perform such other duties as may be prescribed by the board.

**Section 17.** The Vice-Chairman shall perform such duties as may be assigned to him or her. In the case of the death, disability or absence of the Chairman, the Vice Chairman shall perform and be vested with all the duties and powers of the Chairman. The Secretary shall keep the record of the minutes of the proceedings in each meeting and shall have custody of all books, records, and papers of the board, except such as shall be in charge of the Treasurer or such other person or persons authorized to have custody



and possession thereof by a resolution of the board. The Treasurer shall keep account of all money received and disbursed and shall deposit same with a bank or trust company which is a member of the Federal Deposit Insurance Corporation.

**Section 18.** Other officers shall perform such duties as shall be designated by the board.

**Section 19.** Each of such officers may be removed at any time by the affirmative vote of a majority of the whole board.

**Section 20.** The proceeds from the tax levied herein (after the deductions provided in Section 4) shall be apportioned and distributed by the county trustee as follows on at least a monthly basis:

(a) Fifty (50%) percent of the proceeds of the tax shall be distributed to the board to be used for any purpose of the board including the promotion of tourism, the maintenance, staffing and supplying of public visitor centers in the County, and the undertaking of any projects, including the financing thereof;

(b) Thirty (30%) percent of the proceeds of the tax shall be deposited in the general fund of the County; and

(c) Twenty (20%) percent of the tax shall be distributed to the board and shall be used by the board to pay the cost of that certain parcel of property to be acquired by the board located directly adjacent to the existing Townsend Visitors Center located at 7906 East Lamar Alexander Parkway. Once all costs relating to the acquisition of such property are fully paid, then seventy (70%) percent of the proceeds from the tax levied herein shall be apportioned to the board and used as provided in subsection (a), above.

**Section 21.** The tax collected by the tax collection official shall be remitted to the county trustee and distributed by the trustee in accordance with the terms of this act and the laws of the state of Tennessee.

**Section 22.** The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

**Section 23.** The board created by this act may become the initial board of a Tourism Development Authority if the municipalities create a Tourism Development Authority as provided by general law and upon approval of all creating municipalities at which point the board created pursuant to this act shall terminate and then the existing terms of office of each particular board member shall remain until the expiration of each board member's term of office. In addition:

1. All duties and responsibilities of the board shall be transferred to the Tourism Authority.
2. All documents in the possession of the board shall be transferred to and remain in the custody of the Tourism Development Authority.
3. All leases, contracts and contract rights and responsibilities in existence with the board with respect to the duties transferred shall be preserved and transferred to the Tourism Development Authority.
4. All assets, liabilities, properties and obligations of the board with respect to the duties transferred shall become the assets, liabilities, properties and obligations of the Tourism Development Authority.

**Section 24.** 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.

Passed: April 30, 1979

**COMPILER'S NOTE:** Private Act of 2012, Chapter 63 amended Private Acts of 1979, Chapter 102; as amended by Private Acts of 1983, Chapter 23; Private Acts of 1988, Chapter 181; Private Acts of 1993, Chapter 26; Private Acts of 2003, Chapter 17; and Private Acts of 2009, Chapter 15 by repealing and replacing all previous sections in their entirety.

## Taxation - Historical Notes

### Taxation

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

1. Acts of 1797, Chapter 7, authorized the Blount County tax levies for the years of 1798 and 1799, of not more than \$.50 on each "free poll", \$1.00 on each "black poll," \$.50 on each one hundred acres of land, and \$1.00 on each town lot. This act also authorized the levy of each stud horse a

- tax of not more than "one quarter of the price of the season of one mare."
2. Private Acts of 1911, Chapter 71, authorized a special tax levy to be used to meet payments due on any bona fide accumulated outstanding liabilities of the county, which had been necessarily accrued in preceding years.
  3. Private Acts of 1917, Chapter 632, authorized a special tax levy of not more than \$.20 on each \$100 for grading, macadamizing, and improving the public roads in Blount County.
  4. Private Acts of 1919, Chapter 766, authorized a special tax levy in Blount, Loudon and Roane counties of not more than \$.20 per \$100 assessed valuation for improving roads in those counties, and connecting them with each other, to form a more uniform road system.
  5. Private Acts of 1977, Chapter 103, repealed Acts of 1909, Chapter 73, which was the legal authority for the counties, whose 1900 population or subsequent population was no less than 60,000 and no more than 100,000, to levy a general property tax whose proceeds would be used to maintain free public libraries in their respective counties. Blount County was among those affected by this law but according to our information at the time of these updated issues of private acts the county court of Blount County had not acted upon this act, thus rendering the same of no effect until the court did approve of it.
  6. Private Acts of 1982, Chapter 360, would have amended Private Acts of 1979, Chapter 102, by levying a privilege tax of 5% on hotel or campground by a transient, however, this act was found unconstitutional by the attorney general of the state.
  7. Private Acts of 1988, Chapter 169, would have amended Private Acts of 1979, Chapter 102, printed herein, but was not ratified locally and therefore never became law.

### **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 Blount County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1857-58, Chapter 40, allowed Spencer Henry, the tax collector of Blount County, the further time of one year to collect the railroad taxes due for the years 1855 and 1856.
2. Public Acts of 1857-58, Chapter 65, authorized the county court of Blount County to levy one-fourth in amount of the state tax upon privileges, merchants and druggists.
3. Private Acts of 1859-60, Chapter 51, was another act for the relief of Spencer Henry, this one allowing him to receive \$70.61 for taxes in 1856 and 1857 which had been wrongfully paid over to the comptroller.
4. Private Acts of 1919, Chapter 522, provided that the tax levied and collected under Public Acts of 1899, Chapter 279, entitled, "An Act to empower the County Courts to provide for establishing County High Schools to levy taxes and make appropriations for their support; to appoint County Boards of Education for managing them," in Blount County be apportioned so that any municipal corporation within the county shall receive a pro rata of said tax
5. Private Acts of 1921, Chapter 65, authorized the quarterly county court to fix the annual salary of the tax assessor, at an amount of not more than \$2,500.
6. Private Acts of 1923, Chapter 576, also authorized the Blount County Quarterly County Court to set the annual salary of the tax assessor, at an amount of not more than \$3,200.
7. Private Acts of 1923, Chapter 676, created the office of delinquent poll tax collector for Blount County.
8. Private Acts of 1925, Chapter 163, as amended by Private Acts of 1929, Chapter 174, Private Acts of 1933, Chapters 265 and 546, Private Acts of 1935, Chapter 153, Private Acts of 1939, Chapter 307, Private Acts of 1943, Chapter 182, Private Acts of 1951, Chapter 705, Private Acts of 1957, Chapters 290 and 341, relative to the compensation of the assessor of property and the employment and salaries of deputy tax assessors. These private acts have been superseded by the general law codified at T.C.A. § 67-1-501 *et seq.*
9. Private Acts of 1929, Chapter 174, was an amendment to Private Acts of 1925, Chapter 163, which provided that the tax assessor could appoint additional deputies, but the total amount of compensation for those additional deputies could not exceed \$1,000 annually. This amendatory act was itself amended by Private Acts of 1933, Chapter 265, which reduced the total amount to be expended annually on deputy tax assessors' salaries to \$600. Both of these acts were repealed by Private Acts of 1933, Chapter 885.
10. Private Acts of 1961, Chapter 322, was an attempt to require all owners of real property to report

to the assessor of property any construction or remodeling project of more than \$1,000 within ninety days after completion of the project or occupancy of the building. This act was not ratified by the quarterly county court and never became an operative law.

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