



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter IX - Highways and Roads

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

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

Sincerely,

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

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# 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 tot he 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 (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 Tuckaleechee 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.

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