



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter 1 - Administration

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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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# 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 of 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 be 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 be 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 be 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 or 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 accomplishments 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 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 ( $\frac{2}{3}$ ) 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 ( $\frac{2}{3}$ ) 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.

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