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CHAPTER 17.

 COUNTY ROADS, BRIDGES AND FERRIES GENERALLY

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 57‑17‑10.** County supervision of public roads, highways, bridges and ferries.

All roads, highways and ferries that have been laid out or appointed by virtue of an act of the General Assembly, an order of court or an order of the governing body of any county are declared to be public roads and ferries, and the county supervisor and the governing body of the county shall have the control and supervision thereof. The county supervisor and governing body of the county may order the laying out and repairing of public roads where necessary, designate where bridges, ferries or fords shall be made, discontinue such roads, bridges and ferries as shall be found useless and alter roads so as to make them more useful.

**SECTION 57‑17‑20.** Opening new or changing old roads; condemnation.

The governing body of any county may also open new public roads and widen or change the location of old public roads when, in its judgment, such change would be for the material interest of the traveling public. It may obtain the right of way for public roads or the drainage of public roads by gift or purchase or it may condemn the lands therefor and assess the compensation and damages therefor as is herein provided. It may call to its assistance a surveyor who shall survey and lay off such roads, under its direction, so that the grade shall not exceed seven and a half inches to the crown.

**SECTION 57‑17‑30.** Interference with surveyor laying out public roads.

It shall be a misdemeanor to interfere with the surveyor employed by the governing body of a county to assist it in laying out or changing the location of public roads under Section 57‑17‑20, or his assistants, or with the marks set up by him, or by his orders, punishable by a fine of not more than ten dollars or imprisonment for not more than twenty days for each offense.

**SECTION 57‑17‑40.** Construction of footpaths and bridges over streams, swamps and marshes and along highways.

The supervisor or governing body of any county may have the overseer construct footpaths or bridges over streams, swamps and marshes and along the highways of such county.

**SECTION 57‑17‑50.** Erection of local direction posts.

Each overseer, within his district, may erect and keep up at the expense of the county, at the forks and crossroads, a post and guideboard or finger board containing an inscription, in legible letters, directing the way and distance to the towns or public places situated on each road, respectively.

**SECTION 57‑17‑60.** Counties with city over 86,000 may accept rights of way for drainage ditches; constructing and maintaining ditches

In all counties in this State containing a city with a population of more than eighty‑six thousand people according to the last official United States census the supervisor and the governing body may accept necessary rights of way, in writing, over and across private property for the purpose of constructing and maintaining drainage ditches to carry off surface water from roads and streets. Across rights of way so accepted drainage ditches shall be constructed and maintained by the county; provided, the direction of the natural course of the drainage water shall not be changed, and if any ditch is piped, the grantor of the right of way shall furnish the pipe. The property owner shall give the necessary right of way to the final disposition point of the surface water for which the right of way is given and the property owner shall agree to hold the county harmless for any damage to the property owner’s land or real property or to the land or real property belonging to anyone else.

**SECTION 57‑17‑70.** Repairs to county highways and bridges.

The governing body of each county shall take charge of and superintend the repair of the highways in the county. The bridges shall be repaired under its supervision, and the expense thereof shall be paid out of the money in the county treasury raised and appropriated for this purpose.

**SECTION 57‑17‑80.** Neglect of work on county highways and bridges.

If the members of the governing body of any county neglect to have repaired any of the highways and bridges which by law are required to be kept in repair, they shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than one hundred nor more than five hundred dollars, in the discretion of the court.

**SECTION 57‑17‑90.** Highway districts.

Each township in the several counties of the State and, in any county where no township exists, each tax district shall constitute a highway district.

**SECTION 57‑17‑100.** Closing certain railroad‑highway crossings.

The various county authorities may, in their discretion, abandon and close to highway traffic railroad‑highway crossings on highways not in the State highway system superseded by the construction of grade separation structures, the reconstruction of existing structures or the relocation of highways to eliminate such grade crossings.

**SECTION 57‑17‑110.** Apportionment of funds through year; contracts in excess thereof.

The governing body of a county shall not enter into any contract for the expenditure of more than four fifths of its apportionment before the first of the last quarter of the fiscal year, and any contract entered into in excess of such apportionment shall be void. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than five dollars nor more than thirty dollars or by imprisonment for not less than ten days nor more than thirty days for each and every offense, either or both at the discretion of the court.

**SECTION 57‑17‑120.** Disposition of fines and forfeitures.

All fines and forfeitures used for and recovered under the provisions of this chapter shall be paid by the magistrate or constable collecting them to the county treasurer wherein such fines or forfeitures accrued.

**SECTION 57‑17‑130.** Unauthorized diversion of highways.

The county supervisor of the county in which any part of a highway has been diverted from its original course without authority of law, on information of any two persons, shall commence a suit against any such person so offending in order to compel him, as soon as may be, to restore, at his own expense, the highway in its course, as established by law.

**SECTION 57‑17‑140.** Presenting accounts, claims and demands; approval and payment.

All accounts, claims and demands of whatever nature existing against any county for opening, constructing, maintaining and operating any public highway, road, bridge or ferry shall be presented to the governing body of the county duly attested, and, if approved by said body, the county supervisor shall draw his warrant upon the county treasurer under the seal of the governing body of the county for the amount of any such claim. Such warrant shall be countersigned by the secretary of the governing body and shall be paid by the county treasurer out of the county road fund.

ARTICLE 3.

 CONDEMNATION OF LAND OR MATERIAL

**SECTION 57‑17‑310.** General authorization to condemn land for road material or house for bridge watchman.

The governing bodies of the several counties may condemn lands for the purpose of securing gravel, sand, clay, stone or other material for building and maintaining the public roads and highways within their respective counties, when and wheresoever necessary, in the manner provided by law for the condemnation of rights of way for roads. And they may condemn sufficient lands adjacent to or near any bridge built across any river of this State for the purpose of erecting a house there for the keeper or watchman of such bridge, such condemnation also to be as provided by law for the condemnation of the rights of way for roads.

ARTICLE 5.

 WIDTH OF ROAD

**SECTION 57‑17‑510.** Width of road.

The roadbed shall not be less than sixteen feet wide, exclusive of side ditches, roots and other obstructions, unless otherwise ordered by the governing body of the county, and shall be posted with substantial mileposts. Where roads run through lands where water stands or flows, the roads must be ditched on either side and the roadbed raised.

ARTICLE 7.

 METHODS OF WORKING ROADS

**SECTION 57‑17‑610.** County may hire overseers and laborers to work roads.

The governing body of each county may, in its discretion, employ or hire overseers and laborers upon the public highways, under the control of overseers, at such compensation as such body may determine. Commutation taxes and such other funds as may be applicable to highways may be used in payment for such work.

**SECTION 57‑17‑620.** County may use chain gang to work roads.

The governing body of any county may work the highways in its county, or any part thereof, by a chain gang, without regard to the system used in other portions of the county.

**SECTION 57‑17‑630.** Counties may combine chain gangs or hire convicts to work roads.

Whenever in the judgment of the governing body of a county it shall become to the best interest of the county to combine with another county in the operation and management of the chain gangs of the respective counties, the governing bodies of such counties may combine their several chain gangs and provide for their maintenance and operation. Counties which are contiguous or are connected by railroad, highway or other means of communication may thus combine whenever it shall appear to be economically to the advantage of such counties, or the county authorities of any such counties may hire their convicts to another of such counties on such terms as to them may seem to the advantage of their respective counties.

**SECTION 57‑17‑640.** Advertisement for bids under contract system.

If the governing body of any county concludes to adopt a contract system for working, maintaining and operating the several sections of highways, roads, bridges and ferries in its county, or any part thereof, the county supervisor or governing body, as soon as practicable thereafter, may advertise in a newspaper published in the county once a week for three weeks and by notices posted in two or more conspicuous places in the several townships or the township to be worked by the contract system for bids from responsible persons for the performance of the work as above set forth, and may furnish specifications of all such work or contracts as have been advertised.

**SECTION 57‑17‑650.** Bids; acceptance thereof.

All bids shall be made in writing, sealed and addressed to the county supervisor and by him opened in the presence of and submitted to the governing body of the county. Such body shall accept the lowest bid made by a responsible person. But the governing body of the county may reject any and all bids.

**SECTION 57‑17‑660.** Bond of contractor.

The governing body of the county shall require a bond of any contractor to keep, repair and maintain the public highway for the period of twelve months from the date of contract, such bond to be in double the amount of the contract, with two or more sureties to be approved by the governing body of the county.

**SECTION 57‑17‑670.** Overseer and laborers; use of convicts.

The governing body of any county may hire overseers and laborers and have the work performed as in its judgment may be most expedient and for the best interest of the county, and the county supervisors and governing bodies may arrange to work the roads of their respective counties with the convicts of their several counties or to lease to or from the governing body of any county, upon such terms as may be agreed upon by the respective governing bodies, any convicts sentenced to perform hard labor upon the public works of any county.