



July 03, 2024

Private Acts of 1939 Chapter 415

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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Private Acts of 1939 Chapter 415

SECTION 1. That in all counties having a population of more than 28,000 and less than 28,050, according to the Federal Census of 1930, or any subsequent Federal Census, all public roads and bridges not designated as State Highways and Bridges shall be considered the County Road System, and this Act shall apply to all such counties.

SECTION 2. A County Highway Commissioner shall be elected by the qualified voters of the County at the general election to be held in November, 1968, and shall take office August 1, 1969, and shall serve until September 1, 1972, or until his successor is elected and qualified.

A County Highway Commissioner shall be elected at the general election to be held in August, 1972, and every four (4) years thereafter to serve for a term of four (4) years. The Commissioner shall be a person skilled and experienced in road and bridge building, of good moral character, a freeholder of the County, and not a member of the County Court. Before entering upon his duties, he shall execute a bond in the sum of twenty thousand dollars (\$20,000.00) for the faithful performance of his duties and the proper accounting for all funds and properties coming to his hands, the cost of the premium of the bond to be paid out of the County road funds.

As amended by: Private Acts of 1967, Chapter 489

SECTION 3. The County Highway Commissioner shall devote all of his time to his office and shall receive as compensation an amount equal to that provided by general law for the County Court Clerk of the County, said amount to be paid in equal monthly installments out of the County road fund.

As amended by: Private Acts of 1967, Chapter 489

SECTION 4. That the said County Highway Commissioner shall have complete charge and supervision of laying out, building, reconstructing, repairing, maintaining, closing all County Roads and Bridges. And the said Commissioner is hereby authorized to employ and fix the compensation of such employees as, in his judgment are necessary to carry out the duties of his office.

SECTION 5. That all applications to open, change and close all county roads shall be made by written petition to the Commissioner, stating the Civil District or Districts in which the road is located giving complete description of the present road, desired change, and land owners to be affected thereby. The said Commissioner shall within ten days after the application has been filed with him notify, in writing, the first person named on the petition, and all land owners affected, of the day on which he will be present at the beginning point, which day shall be not less than five days after the petition is filed with him. If any land owner affected is a non-resident of the State, then a ten days written notice to his agent, tenant, or attorney, who is a resident of the county shall be a legal notice. The Commissioner shall attend at the appointed time and place, and act upon the application, assess the damages against the County, not to exceed double the assessed value for taxes, and report in writing his action to the County Judge, and shall file with the Judge all papers in connection with the case.

The County Judge shall consider the whole matter, and make such orders as he may deem best for the interest of the public, and if any money is assessed the County Judge shall draw a warrant upon the County Treasury for a sufficient amount to pay the same, but he shall not draw the said warrant until the time allowed, hereinafter, for appeal shall have expired. Any interested party may appeal to the next term of the Circuit Court and there the case shall be heard in the form and manner as is now prescribed by law in such cases.

SECTION 6. That said Commissioner shall have charge and control of the construction of all the County Bridges and shall make all necessary repairs thereon, and the cost therefor shall be paid out of the Bridge Fund, hereinafter provided for.

A bridge shall be considered a span of 12 feet and over.

SECTION 7. That all applications for the erection of a new bridge shall be made by written petition to said Commissioner, stating the district in which the bridge is to be located, over what stream the bridge is to be erected, and on what public road. Within ten days after the filing of said petition the Commissioner shall investigate and make a report in writing to the next term of the Quarterly Court as to the necessity of said bridge, exact location, size, kind, and the probable cost thereof and any other facts that might aid the Court, and the Court shall then determine the whole matter and make such appropriations, from the Bridge Fund, hereinafter provided for, as it may deem necessary.

SECTION 8. That the Quarterly Court is hereby authorized and empowered to levy a Bridge Tax on all taxable property, outside of incorporated towns in the County in any amount that it deems necessary up to \$1.20 on the \$100.00 worth of taxable property. Said tax to be levied, assessed and collected in the same manner as other taxes are now levied, assessed and collected by the County. The Trustee shall

place all funds coming from this source in a separate fund designated as the Bridge Fund.

SECTION 9. That the Quarterly Court is hereby authorized and empowered to levy a road tax on all taxable property in the County, outside of incorporated towns, in any amount that it deems necessary up to \$0.30 on the \$100.00 worth of taxable property. Said tax to be levied, assessed, and collected in the same manner as other taxes are now levied, assessed, and collected by the County.

SECTION 10. That any and all moneys, taxes, fines, fees, or forfeitures, from whatever source derived, belonging to the Road or Highway Funds of the County together with the County's apportionment of the Gasoline Tax from the State shall be paid in to the hands of the Trustee, and shall be kept separate and apart from other funds in a fund designated as the County Road Fund.

SECTION 11. That the Trustee shall receive the same compensation on such money collected under this Act as he is now allowed by law for the collection of like taxes, and the Trustee is hereby required to ascertain that each warrant paid out of the Bridge Fund shall read Bridge Fund, and each warrant paid out of the County Road Fund shall read County Road Fund.

SECTION 12. That the said Commissioner shall have control, management and custody over all road tools, machinery, and material and shall purchase all necessary implements, machinery, tools, and material, and provide for the proper storing and safe keeping of the same. All sums of money paid out by said Commissioner shall be paid by a warrant drawn on the County Trustee, stating for what purpose said warrant is drawn, and to whom payable, and shall be signed by the Commissioner and countersigned by the County Judge, and shall be payable out of the County Road Fund.

SECTION 13. That the said Commissioner shall make a complete, simple itemized report of the work done, the civil district in which the work was done, and the amount spent for each item, such as, gasoline, oil, labor, material, machinery, and any and all other expenditures, which report shall be made to each Quarterly meeting of the County Court.

SECTION 14. That it shall be a misdemeanor for any person to place any post, post-holes, gates opening into road, bushes overlapping ditches, glass, broken bottles, stoneware or any trash or any other obstruction in any public road, or in the ditches thereof, in said counties; and any person so doing upon conviction shall be punished by a fine of not less than \$5.00 nor more than \$25.00 and all costs, and the Road Commissioner shall have the power and authority to remove or cause to be removed any obstruction from the roads or ditches of the county, and the expense of such shall be paid by the person who has placed or caused to be placed upon the road or ditches such obstruction.

SECTION 15. That the Commissioner may place signs on or near the bridges in said counties, not on roads designated as state highways, showing the load capacity of said bridges, and it shall be a misdemeanor for anyone to cross said bridge with a greater load than as designated by said sign, or signs, and anyone guilty of violating the provisions of this section shall be punished by fine of not less than \$5.00 nor more than \$25.00, and shall be liable to the County for all damage done to said bridge, and it shall be the duty of the road Commissioner to institute civil proceedings for the collection of said damage and any amount so collected shall go into the Bridge Fund created by this Act.

SECTION 16. That if any Section or part of this Act for any reason be held unconstitutional or invalid, the same shall not affect the constitutionality or validity of the remaining parts or sections of this Act, but the same shall remain in full force and effect as if the unconstitutional or invalid part had been omitted.

SECTION 17. That all counties coming within the provisions of this Act shall be exempt from the provisions of Section 2778 and 2813 inclusive of the Code of Tennessee.

SECTION 18. That Chapter 90 of the Private Acts of Tennessee of the year 1937, and all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

SECTION 19. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 1, 1939.

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