



April 02, 2025

Private Acts of 1983 Chapter 38

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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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Table of Contents

Private Acts of 1983 Chapter 38	3
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Private Acts of 1983 Chapter 38

SECTION 1. There is hereby created a Trousdale County Board of Highway Commissioners. Said Board shall consist of three (3) members, the County Executive, the County Superintendent of Roads, hereinafter provided for, and a citizen and free-holder of the County, elected by the County Legislative Body at its regular January meeting in January, 1985, and every two (2) years thereafter. Such citizen and freeholder shall not be an elected official of the County. The member so appointed shall serve a two (2) year term and until his successor is elected. The adoption of this Act shall not operate to alter the term of the current appointed member of the Board of Highway Commissioners, Clide Marshall, who was appointed in January 1983 for two a (2) year term.

SECTION 2. Said Board of Highway Commissioners shall not receive, directly or indirectly, any benefit, interest or profit arising out of any work or contract, nor any gift or gratuity from any person or corporation interested in any work or contract under the supervision or control of the Board. Any violations of this Act shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisonment in the county jail or both in the discretion of the Court.

The salary of each member of the Board of Highway Commissioners, except the County Superintendent of Roads, shall be the sum of six hundred dollars (\$600.00) per year, payable quarterly.

SECTION 3. There is hereby created the office of County Superintendent of Roads who shall be elected by the qualified voters of Trousdale County, who shall hold office for a term of four (4) years and until a successor is elected and qualified. Such election shall be held at the regular August election and each term shall begin on September 1 after said election. Persons seeking the office of County Superintendent of Roads must comply with the procedure and have the necessary qualifications for the office of chief administrative officer as established in the County Uniform Highway Law in Tennessee Code Annotated, Section 54-7-104, prior to their name being placed on the ballot for such office. The County Superintendent of Roads shall devote his full time to the duties of his office and shall receive compensation as provided in the County Uniform Highway Law. The adoption of this act shall not operate to alter the term of the current Superintendent of Roads, Charles Beasley, who was elected in August 1980 to serve a four (4) year term.

SECTION 4. The Board of Highway Commissioners, hereinafter referred to as the Board, shall have general supervision of the expenditure of all road funds, whether said funds be collected from a direct tax levy by the County Legislative Body or whether they be received from the state or federal government or from whatever source received. Said Board shall have supervision over the location, relocation, construction, reconstruction, repair and maintenance of the county road system, including bridges. The Board shall classify the roads and highways in the county road system and shall designate which roads, highways and bridges shall be worked by the county highway department. The Board may adopt any procedures necessary for classifying the roads in the county, endeavoring at all times to apportion the work and improve as equally as possible all roads according to their importance and/or condition.

SECTION 5. The Board shall superintend the letting of all contracts for construction and repair of all roads, bridges, culverts, ferries and other matters pertaining to said roads and highways and for the purchasing of supplies, materials and equipment for use on or in connection with the same. All such contracts and purchases shall be made in full compliance with the County Uniform Highway law and the provisions of T.C.A., Section 54-7-113. No contract shall be entered into except at a regular meeting of the Board with at least two (2) members present and agreeing thereto, which assent shall be entered upon the Minute Book and signed by at least two (2) members before same shall become operative or binding. Provided, however, that in case of emergency, the County Superintendent of Roads may make such emergency purchases as necessary in accordance with the emergency purchase provisions of the County Uniform Highway Law in T.C.A., Section 54-7-113(c)(1)(C). A full report of such emergency purchases shall be made at the next meeting of the Board, otherwise the Superintendent shall be personally responsible for said purchases and not the County.

SECTION 6. It shall be the duty of the Board of Highway Commissioners to meet at least every thirty (30) days at the office of the Superintendent of Roads. The County Executive shall be the Chairman of the Board of Highway Commissioners. Two (2) members of the Board shall constitute a quorum for the transaction of business. A minute record of all transactions of the Board shall be kept in the office of the Superintendent of Roads.

SECTION 7. The Superintendent of Roads shall have all duties, responsibilities and authorities prescribed, in the County Uniform Highway Law, for the chief administrative officer under that law. The

Superintendent of Roads shall execute a bond in accordance with and in the amount required by the County Uniform Highway Law in T.C.A., Section 54-7-108, for the faithful performance of his duties, prior to entering upon the duties of the office.

SECTION 8. The Superintendent shall make and keep on file at his office and in the office of the County Clerk a map or maps showing the location of all roads in the county which will be worked by the county highway department. Such maps shall be updated from time to time as necessary but at least annually.

The Superintendent shall keep himself informed as to the needs and conditions of all roads and shall have immediate charge of the work, repair, construction, maintenance and altering, and changing, of such roads, and shall have immediate charge of all the highway supplies, equipment and personnel of the county highway department. He shall make all contracts regarding such roads and the material, machinery, and supplies, subject to the approval of the Board, and shall be liable on his official bond for the faithful performance on the part of any contractor with whom he deals with respect to such matters and for his protection he is hereby authorized to require bond or bonds from said contractors. He shall be the active agent

through whom the Board exercises the powers and duties conferred upon it. He shall sign all warrants for the payment of the road and highway funds, and all warrants and orders for the county's pro rata share of the gasoline tax (county aid fund), which when countersigned by the County Executive, shall be paid by the County Trustee. Provided, however, in cases of absence, sickness or refusal on the part of the County Executive to countersign warrants and orders on the gasoline tax fund (county aid fund) when approved by the Board as herein provided, the Board by a vote of two (2) members of said Board may designate one of its members to countersign said warrants or orders against the road funds in his hands, notifying the County Executive of such action on their part.

The Superintendent shall make and keep, and file with the County Executive monthly, an itemized statement showing a true account of all funds spent and the purposes for which each warrant was issued, showing to whom all the money went. He shall make and submit quarterly to the County Legislative Body, a report showing the expenditures of all funds of the county highway department.

SECTION 9. At the time the County Legislative Body shall levy taxes for other purposes, it shall levy a road tax for the purpose of building public roads and bridges and repairing and maintaining same, which tax shall not be more than seventy-five cents (75¢) upon the One Hundred Dollars (\$100.00) worth of taxable property. Said road tax shall be assessed and collected in the same manner as any other property taxes and held by the Trustee subject to the order of the Board; provided, that it shall not be compulsory upon the taxable property of the County unless it appears that the funds being received as the County's share of the gasoline tax (county aid fund) is not sufficient to maintain and build the roads in a satisfactory manner, in which event it shall be the duty of said County Legislative Body to levy a County road tax as hereinabove provided.

SECTION 10. That it shall be unlawful for the Board or Superintendent to expend or to issue any warrants on the Trustee for road purposes or any orders on the gasoline tax fund (county aid fund) unless the funds shall at that time be already in the hands of the Trustee or a County tax levy shall have been made in sufficient amount to cover the same; provided, however, that said Board shall have the right to anticipate as much as one month of the County's pro rata share of the gasoline tax (county aid fund) due from the State; and provided further; that nothing herein shall prevent the Board from entering into a contract authorizing the expenditure of more money than is then on hand with the Trustee or for which a tax levy has not been made, provided that said funds can reasonably be expected to be available at the time said expenditure will be due according to the terms of said contract. Any member of the Board violating this section, or casting a vote known at the time to be in violation of this section shall be guilty of a fraudulent Breach of Trust and shall be punished in accordance with the law providing for the punishment of said offense.

SECTION 11. The Superintendent of Roads and the Board of Highway Commissioners shall not authorize or knowingly permit county road equipment, materials, supplies or labor to be used for any private use or for the use or benefit of any individual for private purposes. Failure to see that this provision is enforced is a misdemeanor, punishable, upon conviction, by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) or confinement in the county jail for a period of not less than ten (10) days nor more than thirty (30) days or both in the discretion of the court. Any employee of the county road department who shall use any truck or other road equipment, rock, crushed stone or other road material for his personal use, or sell or give away the same shall be immediately discharged. No truck or other road equipment or any road material shall be used to work private roads or for private purposes of owners thereof. Any person whose property is improved by having road material placed thereon in violation of this Act or the County Uniform Highway Law shall be liable to suit for the value of such improvements.

SECTION 12. That public roads may be opened, or changed at any time by the Board upon its own

motion or upon application of any citizen of the County and section affected. All applications to open, close or to change roads shall be made by written petition addressed to the Board, stating its purpose and giving the general directions and description of the road involved, and the facts showing the necessity for the road or change proposed, which petition shall be considered by the Board within ten (10) days after it is filed, and it shall be a misdemeanor in office for said Board to fail or refuse to act on said petition within ten (10) days after it is filed, and the members thereof shall be subject to removal from office for such failure of action on such petition. But the Board, in its discretion, may either grant or refuse the road or change petitioned. In case the petition is allowed and a road is to be opened or changed, the parties whose lands are to be affected or touched by the proposed road shall be served with a five (5) days written notice if they are residents of the State, and if non-residents of the State said notice shall be served on their agents or attorneys, and if no resident agent or attorney, then said notice shall be mailed to the parties last known address at least fifteen (15) days before action is taken and also published in some newspaper in the County at least fifteen (15) days before action is taken. Said notice shall state when and where the Board will be present to take action in the premises, and at said time and place, said Board shall be present and hear any matter the interested parties may present and act in the premises. The Board shall lay out the proposed road or change, and summon three (3) freeholders, who, after first being duly sworn, shall constitute a jury of view, and who shall proceed to condemn such land as may be necessary and assess the damages therefor. In assessing damages, the jury of view shall take into consideration the increase in value, if any, which the improvement on the road will make in the lands affected, and shall assess the damages in accordance with the tax valuation of the lands affected. The record of all of which shall be filed in the office of the Superintendent. Either the Board or any of the interested parties may appeal from said assessment or action of the jury of view to the Circuit Court and from the Circuit Court to other appellate Courts in the usual way. Where parties appeal, bonds for cost and damages or pauper's oath shall be required. The jury of view shall each receive twenty-five dollars (\$25.00) per day for their services. The damages and such costs as may be properly taxed against the County shall be paid by the Trustee on the order of the Superintendent, properly countersigned by the County Executive.

SECTION 13. That the Grand Jury shall have inquisitorial powers over all offenses committed under this Act, and this Act shall be given especially in charge to the Grand Jury by the Circuit and Criminal Judges.

SECTION 14. The Trousdale County Board of Highway Commissioners, Superintendent of Roads and the county highway department are subject to the provisions of the County Uniform Highway Law found in Tennessee Code Annotated, Sections 54-7-101 et seq. and to the provisions of this Act. Any conflicts in this Act with the County Uniform Highway Law shall be resolved in favor of the County Uniform Highway Law.

SECTION 15. All Act (sic) or parts of Acts in conflict with this Act are hereby repealed. The provisions of this Act are hereby declared severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional, unconstitutional in application or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 16. This Act shall have no effect unless it shall be approved by two-thirds (2/3) majority of the County Legislative Body of Trousdale County. Its approval or nonapproval by that body shall be certified by the presiding officer to the Secretary of State.

SECTION 17. For the purpose of approving or rejecting the provisions of this Act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon adoption as provided in Section 16.

Passed: March 10, 1983.

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