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Chapter IX - Highways and Roads

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 IX - Highways and Roads

County Garage

Private Acts of 1949 Chapter 535

SECTION 1. That the County of Tipton in the State of Tennessee, by and through its governing body, the Quarterly County Court of Tipton County, Tennessee, is hereby authorized and empowered:

- (1) To construct, purchase or acquire by the exercise of the right of eminent domain, a county garage in Tipton County, and
- (2) To equip, maintain, and operate the same for the benefit of its departments and agencies, and, if it desires to do so, to make contracts and agreements as it may think proper with such departments and agencies for the use of its service on a rental or charge basis in order to pay for operation, maintenance and construction expenses, and
- (3) To acquire by purchase or the exercise of the right of eminent domain lands or rights in lands upon which to construct, equip, maintain and operate such county garage, and
- (4) To do any and all things incident and necessary for the accomplishment of same, including the acquisition, construction, equipping, operation and maintenance of such facilities and services incident to the operation of such county garage, and
- (5) To prescribe and collect rents and charges for quarters, facilities and services furnished by such county garage.

SECTION 2. That for the purpose of acquiring the necessary land for the county garage, and to acquire, construct, equip, maintain and operate said garage, the County of Tipton, at any regular or special session, is hereby authorized and empowered to issue and sell bonds in a sum not to exceed One Hundred Thousand [sic] (\$100,000.00) Dollars, and said bonds shall be issued from time to time, subject to the limitation of One Hundred Thousand (\$100,000.00) Dollars, and shall bear interest at such rate or rates not to exceed six per centum per annum, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times, not exceeding thirty (30) years from the respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as the County of Tipton may determine by resolution or other direction authorizing [sic] the issuance of same; provided, that no bonds shall be sold for less than par and accrued interest and all bonds issued shall be exempt from all taxation in the State of Tennessee. All of such bonds shall be the general obligation bonds of Tipton County, Tennessee, for the payment of which bonds and interest all of the taxable property in Tipton County, Tennessee, shall be irrevocably pledged, and Tipton County, Tennessee, by and through its Quarterly County Court, shall be obligated to and shall levy annually a tax upon all the taxable property in Tipton County, Tennessee, to pay the interest and principal of said bonds, and Tipton County, Tennessee, is authorized [sic] to levy and collect such taxes, which shall be known as "The County Garage Retirement Tax".

SECTION 3. That when the county garage, hereinabove provided, shall have been acquired, constructed, equipped and put into operation, the County of Tipton in the State of Tennessee, by and through its Quarterly County Court, in order to insure the satisfactory operation thereof, is hereby authorized, empowered and given the right:

- (1) To create a fund to be known as "The County Garage Operation and Maintenance Funds", and
- (2) To collect rents and charges for quarters, facilities and services from such departments and agencies of the County.
- (3) To levy an annual operation and maintenance tax, if necessary, upon all of the taxable property in Tipton County, Tennessee.
- (4) To use said fund solely for the purpose of operating and maintaining said county garage.

SECTION 4. That the funds realized from the sale of said bonds shall be used by the Quarterly County Court of Tipton County, Tennessee, for the purpose of acquiring property and erecting a garage thereon, which said garage shall be so constructed that the same can be used for county purposes; but in order to help pay the costs of construction thereof, or a part thereof, or to pay the expense of maintenance, or a part thereof, or for any other purpose or reason deemed expedient or necessary by the Quarterly County Court, said governing body of Tipton County, Tennessee, is hereby authorized to lease all, or any part of said garage to one or more departments or agencies of the County, for a period not to exceed five (5) years. The proceeds of said bond issue shall be used solely for the purposes set out above, but it shall not

be necessary for the purchaser or purchasers of said bonds to look to the proper application of said funds.

SECTION 5. That for the purpose of acquiring, constructing and operating said garage the Quarterly County Court of Tipton County, Tennessee, is authorized and empowered to [sic] appoint a committee or board from its membership with full power to oversee, look after and manage the construction and operational program of this garage and said committee or board shall serve for such time and have such authority and be required to make such reports as said governing body shall fix by resolution.

SECTION 6. That it shall be mandatory for the departments and agencies of the county that own and operate motorized equipment, including cars, buses, trucks, tractors, and graders, to use the facilities and services of this garage in the repair, maintenance and storing of such equipment.

SECTION 7. That if any provision of this Act, or the application of such provision to any persons, body or circumstances shall be held invalid, the remainder of this Act or the application of such provision to person, bodies or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

SECTION 8. That this Act take effect from and after its passage, the public welfare requiring it. Passed: April 1, 1949.

Public Works

Private Acts of 2002 Chapter 168

SECTION 1. Chapter 114 of the Private Acts of 1973, as amended by Chapter 221 of the Private Acts of 1974, Chapter 116 of the Private Acts of 1975, Chapter 2 of the Private Acts of 1979, Chapter 261 of the Private Acts of 1980, Chapter 97 of the Private Acts of 1983, Chapter 122 of the Private Acts of 1996, and any other acts amendatory thereto, is hereby repealed.

SECTION 2. For the purpose of providing an efficient system of roads, highways, and bridges and the building, construction, reconstruction, maintenance and repair of roads, highways, and bridges in Tipton County, Tennessee, and to provide for the development of other public means of transportation, a Department of Public Works for said County is hereby created.

SECTION 3. The Superintendent of Public Works for Tipton County shall be selected by a majority vote of the entire membership of the county legislative body for a term of four (4) years, commencing September 1, 2002, and every four (4) years thereafter. The Superintendent of Public Works shall be deemed to be the chief administrative officer of the department which builds and maintains the roads of the county under the terms of the Tennessee County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2. The Superintendent of Public Works shall have the qualifications, term of office, duties, powers, authority and minimum compensation as provided by the Tennessee County Uniform Highway Law currently and as such Act might be amended in the future, and shall be subject to the same limitations, conditions, prohibitions and punishments as provided in the Tennessee County Uniform Highway Law, now and in the future. In addition, the Superintendent shall be a bona fide resident of Tipton County and shall be an engineer licensed to practice in the state of Tennessee.

SECTION 4. The Superintendent of Public Works shall be the purchasing agent for the Tipton County Public Works Department and as such is responsible for all purchases of the department, for proposing a budget for the department, and for maintaining the inventory of the department. In performing these duties, the Superintendent of Public Works shall conform to all appropriate provisions of state law, including the Tennessee County Uniform Highway Law, and to appropriate local acts or resolutions. Should Tipton County in the future adopt some form of centralized purchasing pursuant to a local option general law or private act, the provisions of this act as they relate to purchasing by the Public Works department shall be superceded by such act.

SECTION 5. The Superintendent of Public Works shall have the authority to make expenditures from the highway fund and to issue warrants drawn against the road fund of Tipton County under his signature. All expenditures shall conform to the budget of the Tipton County Public Works Department as approved by the County Legislative Body.

SECTION 6. The Tipton County Legislative Body may, in accordance with its own bylaws and rules, establish an advisory committee of the County Legislative Body to provide recommendations to the Superintendent of Public Works on the needs of the county.

SECTION 7. All laws or parts of laws in conflict herewith are hereby repealed. If any provision of this or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Tipton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

SECTION 9. 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 on September 1, 2002.

Passed: June 30, 2002.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Tipton County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1829-30, Chapter 280, authorized the citizens of the counties of Haywood and Tipton to erect a turnpike causeway across the overflowed lands and other places on both sides of the Hatchie river, and also a bridge across the river at a point to be designated by the company incorporated within the act, with the bridge to be erected between Brownsville and Covington. The company incorporated therein was called the "Big Hatchie Turnpike and Bridge Company". The capital of the company was not to exceed fifty thousand dollars, and subscriptions for shares in the company were opened for sale. The act set out the company's privileges, designated a meeting to be held to elect directors, set out the powers and authority of the directors, designated a commissioner to superintend said turnpike road and bridge, set the rates of toll, allowed for transfer of stock, and stated the term for which the act was to remain in force. This act was amended by Acts of 1847-48, Chapter 83, Sections 6-9, which allowed the company to have and keep a good ferry instead of a bridge, reduced the number of directors, allowed the company to erect cotton sheds and store houses on the side of the turnpike, and renamed the company as the Big Hatchee [sic] Turnpike Company.
2. Private Acts of 1831, Chapter 215, organized the "Big Hatchee [sic] Turnpike and Bridge Company", authorizing it to build roads, causeways and bridges across the Hatchee [sic] River between Brownsville (Haywood Co.) and Covington (Tipton Co.). The act set out the maximum amount of capital of the company; opening and closing of subscription for books; the powers, duties and obligations of the company; time of meeting of the stockholders for elections of directors and officers; powers and authority of the board of directors; rates of toll; penalties for passage without paying toll; provisions for transfer of stock; how the funds acquired from subscription were to be invested; and, designated the company to be forever exempt from payment of any tax. This act, too, was amended by Acts of 1847-48, Chapter 83, Sections 6-9, as stated above.
3. Acts of 1837-38, Chapter 122, Section 5, established and incorporated the Ripley and Covington turnpike company for the purpose of building and establishing a causeway and bridge across Hatchy [sic] river from Ripley (in Lauderdale Co.) to Covington (in Tipton Co.). This company was to be incorporated upon the same terms and have the same powers, rights and privileges as were given to the Big Hatchy [sic] turnpike company.
4. Acts of 1907, Chapter 323, was the first road law for Tipton County. This act provided that the quarterly county court would elect two members to the board of road commissioners, who would have general control and supervision of the construction and maintenance of county roads. The act set out provisions for opening and closing roads, road duty, authorization for the levy of a road tax, records to be kept, compensation for each commissioner, penalties for road obstructions and failure to perform duties. This act was first amended by Acts of 1909, Chapter 49, to require the county Judge to fill any vacancies in membership on the board of road commissioners, and to change the procedure for applying for a road to be opened or closed. Private Acts of 1911, Chapter 87, was an amendment which provided that the road commission could exempt any fourth class road from the general contract made for the working and maintenance of the public roads in the county. Private Acts of 1913, Chapter 294, was the next amendment to the 1907 road law, and provided that construction of new roads in Tipton County was to be done between March 1st and November 1st, while repair work was to be done between November 1st and March 1st. Private Acts of 1917, Chapter 408, again amended the original act to change the method for opening, closing or changing roads.
5. Private Acts of 1915, Chapter 174, was an act to establish road improvement districts in counties designated by a population range for the Federal Census of 1910. These road districts were to be created from the civil district wherein the county seat was situated. The act provided for the

- management, government and control of the roads, bridges and culverts of the district; provided for a road commission in the district and defined its powers, duties and responsibilities; provided for the opening, closing and changes to be made of roads in the district; provided for the levy of a tax for funds by which to administer the provisions of the act; and provided for labor on the roads to be performed by the inhabitants of such district. This act was amended by Private Acts of 1915, Chapter 370, to correct the population figures so that the original act would indeed be applicable to Tipton County.
6. Private Acts of 1919, Chapter 217, created a county board of highway commissioners, composed of five members to be elected from the five road districts designated therein for two-year terms. The act provided for a superintendent of roads; his salary, duties and responsibilities; powers of the commissioners; use classification of roads; and the levy of a road tax. This act was amended by Private Acts of 1919, Chapter 582, to change the procedures for building and repairing county bridges. The 1919 road law was further amended by Private Acts of 1920 (Ex. Sess.), Chapter 106, to reflect the change in the population figures according to the Federal Census of 1920. The final amendment to the original act was in Private Acts of 1921, Chapter 624, which amended those sections regarding the superintendent's salary, duties and responsibilities; meetings and compensation of the board of highway commissioners; and procedures for the purchasing of road material and equipment and paying for road rights-of-way.
 7. Private Acts of 1923, Chapter 256, gave the road commission the authority to remove and use gravel and sand from the beds of navigable streams and to sell such products for funds to improve the county roads.
 8. Private Acts of 1923, Chapter 350, as amended, created the five-member Tipton County board of highway commissioners, to be elected by the voters, one from each of the five road divisions, for two-year terms. This board would then appoint a superintendent of roads. The act set forth, inter alia, the powers, duties and responsibilities of the board of commissioners and the superintendent; procedures for opening, closing and changing roads; and, provided for the levy of a road tax. The original act and all amendatory acts were repealed by Private Acts of 1943, Chapter 120.
 9. Private Acts of 1931, Chapter 334, validated the action of the quarterly county court in settling a suit between the court and the board of highway commissioners over the use of certain funds from a road bond issue.
 10. Private Acts of 1933, Chapter 43, provided that no member of the quarterly county court nor any other county official was eligible for election to the board of highway commissioners. This act was repealed by Private Acts of 1943, Chapter 185.
 11. Private Acts of 1937, Chapter 527, required the secretary of the county road commission to file, at least seven days prior to each quarterly county court meeting, a complete, itemized statement of the work authorized by the road commissioners and of all expenditures made by them.
 12. Private Acts of 1943, Chapter 120, as amended, was a very extensive act, covering all phases of the management and control of the county highway department by a five-member board of road commissioners and their appointed road supervisor. This act was repealed by Private Acts of 1967-68, Chapter 230.
 13. Private Acts of 1955, Chapter 35, provided that the superintendent of roads would be elected by popular vote rather than appointed by the board of road commissioners. This act was repealed by Private Acts of 1965, Chapter 75.
 14. Private Acts of 1967-68, Chapter 232, was the next road law for Tipton County. Like other road laws before it, this act divided Tipton County into five districts, provided for the election of a member of the board of highway commissioners from each of those districts, set their salary and bond, and specified their powers. The superintendent of roads was to be appointed by the board of highway commissioners, with approval by the quarterly county court. This act was amended by the Private Acts of 1970, Chapter 220; Private Acts of 1971, Chapter 41; and, Private Acts of 1971, Chapter 63. The original act and its amendments were all repealed by Private Acts of 1973, Chapter, 114. There was also an attempted amendment to the 1967 road law by Private Acts of 1972, Chapter 307, but it failed to win local approval and never became an operative law.
 15. Private Acts of 1973, Chapter 114, was an act to create a Tipton County Public Works Committee, which was to be vested with the powers and responsibilities set forth in the act, for the purpose of establishing, building and maintaining a system of public roads and highways in Tipton County. The act divided the county into seven road districts, which were comprised of designated legislative districts. The act provided for a superintendent of public works, defined his duties and powers, and fixed his compensation. It provided for the employment of personnel or labor

necessary for the carrying out of the provisions of the act; and provided penalties for the violation of same. This act also served as a repealing act for Private Acts of 1967-68, Chapter 232, as amended. Private Acts of 1973, Chapter 114, as amended by Private Acts of 1974, Chapter 221; Private Acts of 1975, Chapter 116; Private Acts of 1979, Chapter 2; Private Acts of 1980, Chapter 261, Private Acts of 1983, Chapter 97, and Private Acts of 1996, Chapter 122, all of which were properly ratified and approved, locally, but it is unascertainable, either from the secretary of state's office or from the Tipton County Clerk, whether or not local action was ever taken upon the original act.

16. Private Acts of 2002, Chapter 168, created a Department of Public Works for Tipton County. This act also repealed Private Acts of 1973, Chapter 114, as amended.

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