



July 03, 2024

Private Acts of 1933 Chapter 338

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Private Acts of 1933 Chapter 338	3
---	----------

Private Acts of 1933 Chapter 338

SECTION 1. That the provisions of this Act shall apply to all counties of this State having a population of not less than 28,620 and nor more than 28,630, according to the Federal Census of 1930, and/or any subsequent Federal Census, and that where the word "County" is used herein it shall apply to all such counties in this State.

SECTION 2. That where the word "road" or "roads" is used in this Act, it shall include all the public roads, pikes, bridges, culverts and highways in said counties, unless otherwise limited by the context.

SECTION 3. [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

SECTION 4. [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

SECTION 5. [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

SECTION 6. [Deleted in its entirety by Private Acts of 1937, Chapter 37.]

SECTION 7. [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

SECTION 8. [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

SECTION 9. That the County Court shall, on the first Monday in July of each year, levy for road purposes an ad valorem tax on all taxable property in the county, outside of the incorporated towns, which levy shall not be more than forty cents (40¢) on each One Hundred Dollars of property, and the funds so derived shall be known as the General Road Fund. And the County Court may also on said date levy for bridge purposes a further ad valorem tax on all taxable property in the county of not more than twenty cents (20¢), the same to be known as the Bridge Fund. Such taxes shall be collected by the County Trustee, and held and disbursed by him as herein provided. The Trustee shall keep a separate account of each of said funds.

As amended by: Private Acts of 1963, Chapter 62

SECTION 10. That the County Superintendent of Roads shall be elected by the qualified voters of said counties, for a term of four years, and until his successor is elected and qualified: Said County Superintendent of Roads shall be elected at the regular August election in 1934, and every four years thereafter, and his term of office shall begin on the first Monday in January following such election; provided, however, that all vacancies in the office of County Superintendent of Roads in said counties shall be filled by an election by the Quarterly County Court, and provided, further, that J. E. Gillespie, who was elected by the people of Sumner County at the regular election in August, 1932, for a term of two years, and who was duly qualified on the First Monday in January, 1933, shall hold office in Sumner County until the First Monday in January, 1935, or until the election and qualification of his successor.

As amended by: Private Acts of 1937, Chapter 344

SECTION 11. That the salary of the County Superintendent of Roads shall be that salary set by the general laws of the State of Tennessee for county officials as set forth in Section 8- 2403 of the Tennessee Code Annotated and all acts amendatory thereto.

As amended by: Private Acts of 1957, Chapter 401
Private Acts of 1963, Chapter 62
Private Acts of 1967-68, Chapter 463
Private Acts of 1974, Chapter 307

SECTION 12. That the county superintendent of roads shall be a person of good moral character and shall be a high school graduate or, alternatively, shall possess a general equivalency diploma (GED).

As amended by: Private Acts of 1986, Chapter 147

SECTION 13. That the Superintendent, before entering upon the duties of his office, shall enter into a good and solvent bond in the sum of Ten Thousand (\$10,000.00) Dollars, conditioned that he will faithfully perform the duties of his office and well and truly account for all funds and property coming into his hands as such Superintendent.

SECTION 14. That the County Judge, the Superintendent of Roads, one resident freeholder and citizen of the county, and five (5) members of the County Court elected by said Court as the Road Committee of the County Court shall constitute the County Highway Commission, hereinafter called the Commission, who shall have general charge of the expenditure of all of the road and bridge funds of the county, and of the gasoline funds received from the State for road purposes in the county, and all other funds that may be received for that purpose from other sources, and shall also have charge of the working of the county prisoners, and shall have charge of all the roads in the county, classified by the commission as pikes and county roads not maintained by the State, all the road tools and machinery, and the maintenance, repairing, constructing, building, erecting, opening, changing, closing and altering of all

such roads in the county; and to this end, the Commission may make any arrangements and provide any means which in its discretion may best carry out its purpose.

As amended by: Private Acts of 1941, Chapter 532
Private Acts of 1974, Chapter 307

SECTION 15. That the members of said Commission other than the County Judge, the Superintendent of Roads and the five (5) members of the Road Committee of the County Court, shall be elected by the Quarterly County Court at the regular January term every two years, and shall hold office for a term of two years and until his successor is elected and qualified, who, in addition to his services as a member of the Commission, shall serve as Secretary of said Commission and shall receive compensation for his services as set by the County Court. The minutes, reports, contracts and other records of the Commission shall be kept in a well bound book provided for that purpose, and shall be preserved as a part of the public records of the County, and be kept in the office of the County Court of the County and open at all times for inspection by the public. It shall be the duty of the Commission to meet at the courthouse of the county at least once every thirty (30) days for the transaction of any and all business that may come before the Commission relative to the roads and bridges of the county.

As amended by: Private Acts of 1959, Chapter 156
Private Acts of 1974, Chapter 307

SECTION 16. That the Superintendent shall be the active agent through whom the Commission exercises the powers and duties conferred upon it, he shall sign all warrants for the payment of the road funds, when countersigned by the County Chairman, shall be paid by the County Trustee. He shall make and submit to each term of the Quarterly County Court a report showing the expenditure of all funds and all work done by him, and contracts entered into by him, and the condition and needs of all roads, bridges and culverts in the county. He shall appoint Deputy Superintendents, subject to the approval of the Commission, who shall have immediate charge and supervision of the work on the roads, bridges and culverts of the county to which they are assigned and who shall be responsible to the Superintendent and subject to his control and for whom he shall be responsible. The Commission shall determine the number of Deputy Superintendents to be appointed, such number to be governed by the necessity of the matter, and shall fix the compensation to be paid such Deputy Superintendents, and the compensation need not be the same in all cases.

SECTION 17. It shall be the duty of the Superintendent to have all roads under the jurisdiction of the Highway Commission worked as often as possible, and shall, insofar as the means at his command will permit, make all repairs on said road, culverts and bridges when needed.

As amended by: Private Acts of 1941, Chapter 532

SECTION 18. [Deleted in its entirety by Private Acts of 1941, Chapter 532.]

SECTION 19. That the Commission shall post at the end of each bridge in the county its capacity, and it is hereby made a misdemeanor for any one to haul a load across any bridge in the county greater than the capacity of the bridge, as designated at the end thereof by the said Commission, and it is hereby made the duty of the Superintendent of Roads, and his deputies and overseers to pursue parties offending under this law. For each violation of said provision, a penalty of Twenty (\$20.00) Dollars shall be enforced, same to be paid to the County Trustee, and shall form a part of the bridge fund of the county; and, provided, further, that any person or persons doing or causing any damage to any bridge or culvert in violation of this provision shall be liable to the county for the damage so caused or done by him or them. The Commission is also empowered to prohibit the passage of heavy loads over the roads of the county in wet weather and the Superintendent shall see to the enforcement of any regulations that said Commission may make in this regard. For a violation of the regulation of the Commissioners on this subject the penalty shall be a fine of Twenty (\$20.00) Dollars, which shall constitute a part of the road funds of the county. The Superintendent is hereby empowered, whenever the same may appear to be reasonably necessary in building or making any repairs on any of the roads in the county, to regulate or prohibit the use and travel thereon during the period of such building or repairing; and to that end he and his deputies and employees are hereby authorized and it is made their duty to arrest any person willfully offending against said order, and the offending person shall be guilty of a misdemeanor.

SECTION 20. That the Commission shall have the power upon application of ten freeholders, citizens and legally qualified voters of the county, to open, change, close or restore the public roads within the county, or the same may be changed, opened, closed or restored upon the initiative of the Commission whenever the public welfare requires it and in either event the following procedure shall be carried into effect; within ten days after the application shall have been filed, the Commission, through its Superintendent, shall notify the first person named in the petition of the date at which the Commission, or the Superintendent, his or their legally authorized representative or representatives will be present at the beginning point mentioned in the petition to act on the application, five days' notice having been given of the time and the beginning point to the land owner, or land owners, affected by the proposed change or changes. If any

land owner or land owners affected by the proposed change is a non-resident, then there shall be given ten days' written notice to his Agent or Attorney, residing in the county, or ten days written notice served upon such non-resident land owner at his last known place of residence by registered mail, or by publication in a weekly paper in the county for three consecutive issues next following the notice to the petitioners, or by circulars posted at the court house door, one on the owner's property and one in some other public place in the county.

SECTION 21. That the necessary right of way for any road newly located, changed or relocated, may be procured by the Commission by direct purchase, bargain or barter, or by gift or contribution of the owner, or by the right of eminent domain to be exercised as hereinafter provided, and deeds for the right of way shall be taken in the name of the County. The Commission shall consider the whole matter and make such orders opening, changing, closing or restoring to the public the proposed road as it may deem for the best interest of the public, and shall appropriate a sufficient amount of the general road funds of the district where the change, opening, closing or restoring is located, to pay the damages to the land owners affected by such change and all expenses incident thereto. Any land owner affected by such action may appeal to the next term of the Circuit Court, provided such owner perfect his appeal within ten days from the decision of the Commission by giving bond as in cases of appeal from the judgment of the County Court; which appeal shall not in any way prevent or delay the Commission from carrying into effect its plan or impede the progress of the work.

SECTION 22. That the Commission shall have the right to acquire for the county for road purposes any gravel beds, rock quarries or other road material or land needed for road purposes, either by gift, bargain, barter, contribution or by exercising the right of eminent domain.

SECTION 23. That the right of eminent domain shall be exercised by the Commission as follows:

The Superintendent shall give notice, in the name of the County, in the manner prescribed by law to the owner or owners of the property sought to be taken, of the time and place of condemnation and the description of the property sought to be condemned; at the time and place designed, the Superintendent shall appoint one man, the owner or owners another, and these two shall elect a third, all of whom shall be disinterested freeholders, and the three selected shall appraise the property so condemned, and shall view and determine what compensation, if any, shall be paid to the owner of the same, and upon the tender of the amount of same, or a warrant therefor by the Superintendent, the Commission shall have the right to enter upon and take immediate possession of the property condemned. In case the owner or owners refuse to appoint and appraise, the Superintendent shall appoint two, who shall select a third, and their appraisal shall be as binding as though the owner had exercised his right as herein provided to name one. Provided, an appeal shall lie from the award of the appraisers to the Circuit Court as is provided by law for appeals from the award of a jury of view in condemnation cases, and provided further that such appeal shall not interfere with the immediate possession and use of the property by the Commission.

SECTION 24. That from and after the passage of this Act, any person owning property which abuts upon any public highway in this County who intends to construct any approach from his property to any highway is required to give notice to some member of the Commission of his intention and he shall, at his own expense, construct said approach in accordance with such plans and specifications and with such material as may be required by the Superintendent; and, provided, further, that any approach hereafter constructed, not in conformity with the foregoing provision shall be deemed and treated as a nuisance and abated as such at the cost of the abutting landowner. It shall also be the duty of abutting land owners, at their own expense, to keep the approaches from their property to the public highways in safe and good repair, so as not to interfere with the free and full flow of water in the ditches along the roadways.

SECTION 25. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 26. That each Section hereof shall be and constitute a separate Act, and that if any part thereof be declared unconstitutional, the remainder which is constitutional shall remain in full force and effect.

SECTION 27. That the Grand Jury shall have inquisitorial powers over the violations of this Act, and it shall be the duty of the Circuit Judge to call the attention of the Grand Jury to their duties with respect to violations of said Act.

SECTION 28. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 6, 1933.

Source URL: <https://www.ctas.tennessee.edu/private-acts/private-acts-1933-chapter-338>