



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Private Acts of 1927 Chapter 38

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,

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Private Acts of 1927 Chapter 38

SECTION 1. That in all Counties in this State having a population of not less than 13,812 nor more than 13,822 according to the Federal Census of 1920 or any subsequent Federal Census, the offices of District Road Commissioners and District Road Overseers are hereby abolished.

SECTION 2. That in all Counties in this State, having the population set out in Section 1 of this Act, or which may have said population in some subsequent Federal Census, there is created the Office of Supervisor of Roads. The qualifications of the individual to fill this office shall be a citizen of the County in which he is to serve; he shall be not less than thirty years of age, and shall have had experience in road building and road maintenance, not necessarily a Civil Engineer. This position shall be filled soon after the passage of this Act by appointment of the County Judge or County Chairman of the Counties effected (sic). Said appointee to serve, unless otherwise legally removed, until his successor is elected and qualified at the next regular August Election after said appointment, at which time he shall be elected by the people at the regular election for a period of four years, and his term of office shall begin September first after said election. If a vacancy should occur by reason of death, resignation, removal (sic) for cause, or other reason, the same shall be filled by appointment of the County Judge or County Chairman. Said appointee to serve until the next succeeding regular August election.

As amended by: Private Acts of 1949, Chapter 631
Private Acts of 1953, Chapter 45

COMPILER'S NOTE: Private Acts of 1949, Chapter 631 amended the present road law by changing the provisions of Section 2 and by deleting Sections 4, 5, 6, 8, 9, 10, and 18 in their entirety. Section 2 was amended so as to allow the Rhea County Finance and Purchasing Commission to employ a Road Supervisor at a salary of no less than \$200 per month and no more than \$250 per month. However, the 1949 Act was repealed by Private Acts of 1953, Chapter 45. It appears to have been the legislative intent to revive the original text of the sections mentioned above. Therefore, the compiler has included these sections as they originally appeared in the 1927 Act.

SECTION 3. That the Supervisor of Roads shall, before entering upon the discharge of any of his duties enumerated herein, take and subscribe to an oath that he will faithfully, impartially, and diligently to the best of his skill and ability, perform all duties connected with his said office and account for all money coming into his hands and he shall make and file in the office of the County Court Clerk of such Counties a bond in the just and full sum of Ten Thousand Dollars with good and solvent sureties, which shall be approved by the County Judge, payable to the State of Tennessee for the use and benefit of the County, conditioned upon his faithful performance of his duties of office as set out and prescribed by the terms and provisions of this Act, the faithful accounting for all funds and County property coming into his hands as such official. Such Supervisor of Roads shall devote his entire time and undivided attention to the duties of his office, and shall receive as compensation the sum of \$2400.00 per annum, payable upon a warrane (sic) issued by the County Judge to the Trustee of such County, at the rate of \$200.00 per month on the 1st day of each month, and shall be payable monthly on such date for the preceding month. Said salary shall be paid out of the County road funds.

Said Supervisor of Roads shall not receive or have, directly or indirectly, any interest in, or profit arising from, any work of contract referred to in this Act, nor any gift or gratuity or benefit from any person or corporation interested in such work or contract, and should he violate the provisions of this Act he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 nor more than \$250.00 and shall be removed from office. Any vacancy caused by such removal shall be immediately filled by appointment by the County Judge, until next general August election.

As amended by: Private Acts of 1943, Chapter 36
Private Acts of 1953, Chapter 50
Private Acts of 1953, Chapter 569
Private Acts of 1961, Chapter 157

SECTION ____. From and after the passage of this Act the salary of the Road Supervisor for Rhea County shall be Ten Thousand (\$10,000.00) Dollars per year, payable Eight Hundred Thirty-Three Dollars and Thirty-Three Cents (\$833.33) per month. This salary to be paid monthly from the County Funds of Rhea County in the way and manner now provided by law for said County.

COMPILER'S NOTE: Private Acts of 1969, Chapter 159 added to Private Acts of 1927, Chapter 38, the new section reproduced above, but failed to designate a section number. Tennessee Code Annotated Section 8-24-102 establishes the minimum compensation for the Road Supervisor. Supervisor.

As amended by: Private Acts of 1969, Chapter 159

SECTION 4. That said Supervisor of Roads in conjunction with the County Judge or Chairman, shall appoint District Road Supervisors, one for each of the Civil Districts of the County, the term of

appointment or employment to be for a period of one year, unless sooner terminated for reasons satisfactory to the Supervisor of Roads and County Judge. Each of said District Road Supervisors shall be assigned such duties in their district as appears to said Supervisor of Roads to be necessary and proper for the improvement of road conditions in said districts and said District Road Supervisor shall receive such compensation as may be fixed by the Supervisor of Roads, in no event to exceed \$3.00 per day and then to be paid only during the period said District Road Supervisors are actually engaged in working. That the Supervisor of Roads shall give the District Road Supervisors written instructions as to the time and place of working the various sections of the roads and repair of bridges and application of funds, thereto. A day for the purpose of this Act shall be nine hours.

Said District Road Supervisors shall, with the aid and under the direction of the Supervisor of Roads, each assign the labor in each particular district. Such Assistant District Road Supervisor shall be appointed in each district by the Supervisor of Roads and the County Judge or County Chairman, as may be necessary, whose wages will be fixed by the Supervisor of Roads, and whose (sic) duty it shall (sic) be to furnish an accurate and complete list of all male inhabitants between the ages of 21 and forty-five years inclusive in his section to the Supervisor of Roads and to do and perform any and at (sic) duties that may be assigned them by said Supervisor of Roads.

Said District Road Supervisors and Assistant Road Supervisors shall take and subscribe to an oath upon their appointment to faithfully, impartially and diligently discharge the duties of their office and to account for all County property coming into their hands. And each District Road Supervisor shall enter into a good and solvent bond in the sum of \$1,000.00 with good and solvent sureties, which shall be approved by the County Judge or County Chairman, and filed in the office of the County Court Clerk, payable to the State of Tennessee for the use and benefit of the County, for the faithful performance of all duties imposed upon them and for the proper care of all machinery, tools, and other property that may come into their hands by reason of such appointment to such position, and to turn over to the Supervisor of Roads all machinery, tools and other County property for which they signed receipt with the Supervisor of Roads, when required by said Supervisor of Roads.

COMPILER'S NOTE: Tennessee Code Annotated Section 54-7-108 sets the bond of the Road Supervisor at \$100,000.

SECTION 5. That said Supervisor of Roads in conjunction with the County Judge, or County Chairman, shall through the agencies herein provided, manage and control all public roads and bridges of the County, giving especial attention first to graded and macadamized roads and post roads, have control over all labor upon the public roads and bridges and the expenditure of the road and bridge funds. Said officials shall have the right to avail the County of any help from any good road associations, the State or Federal Government either in the way of expert assistance or financial aid. It shall be the duty of the Supervisor of Roads immediately upon his induction into office, to take into his possession the road tools and machinery of the County, keeping same in a dry and secure place when not in use, and when he lets same out to take the written receipt of official to whom they are turned over, and it shall be his duty to keep an account of all road tools and machinery. And said Supervisor of Roads in conjunction with the County Judge or County Chairman shall (sic) have the right and authority to purchase all road tools and machinery necessary to properly maintain the system of roads existing in the County and to the best interest of the public and may purchase the same on time or pay cash for same, and when said amounts are paid they shall be paid out of the road fund of the County, on a warrant drawn on the County Trustee. Said Supervisor of Roads shall have the power, in his discretion, to control of all prisoners, confined in the County Jail or Workhouse under workhouse sentences as provided by law, and cause them to be wroked (sic), by contract, or otherwise as he sees fit upon the public roads. Said supervisor and County Judge or County Chairman shall have the power to employ guard or guards paying for their services out of the road fund, and that whenever the number of prisoners shall not be equal to as many as ten, or it does not appear to be expedient to said Supervisor of Roads to work said prisoners from a camp or temporary workhouse, he shall have the authority to keep said prisoners in the County Jail, which is hereby declared a County Workhouse for such prisoners, but nothing herein shall be construed to relieve the sheriff or jailor of any responsibility for such prisoners, now or hereafter imposed by law, except when the prisoners are actually at work, under orders of said Supervisor of Roads, and provided the jailor or sheriff shall not be entitled to but one turnkey for each prisoner.

SECTION 6. That the Supervisor of Roads shall order the payment by the County Trustee by written order of all money collected by taxation and otherwise belonging to the road or bridge fund, for the construction, improvement, working or repairs of public roads and bridges, orders to be drawn and signed by the Supervisor of Roads and countersigned by the County Judge or County Chairman. Said order shall plainly specify (1) the amount to be paid; (2) to whom; (3) for what the expenditure is made; (4) the District and fund to which the same should be charged and said orders when so signed and countersigned shall be sufficient authority to the Trustee for the payment thereof

SECTION 7. That it shall be the duty of said Supervisor of Roads to make a quarterly report to the Quarterly County Court showing in detail the condition of the road funds, the amount expended in each district, to whom paid and for what purpose and also showing in detail the work performed upon such roads during the preceding quarter, together with a complete list of the tools and machinery on hand and such other matters affecting the public roads and bridges of the county as may be material and proper to bring to the knowledge of said court, and it shall be the duty of said Supervisor of Roads to make recommendations, from time to time to said court in quarterly (sic) sessions, as to the need of appropriations of various roads and bridges, and shall when requested furnish said court with all available information as to the condition of such road or bridges needing such appropriations, and when said appropriations are made they shall be expended under the direction of said Supervisor of Roads.

SECTION 8. That at the same time the County Court in quarterly (sic) sessions shall levy taxes for other purposes it shall levy a tax for the purpose of public road and bridge maintenance, said road and bridge tax to be not less than 15 cents nor more than 25 cents upon each one hundred dollars worth of taxable property in such county, and in addition to such tax as herein provided all male inhabitants of such counties between the ages of twenty-one to forty-five years, inclusive, except those living in incorporated towns and cities, and those who are exempted from road service by the County Court on 'account of physical infirmities, as provided by law, shall pay into the office of the County Trustee a sum of \$3.50 each year, at the same time other taxes are paid, which shall be a part of the road fund of the road district in which the person resides and which taxes shall be collected by the trustee as other taxes are collected, provided any one subject to road tax may pay and discharge the same by performing seven days labor on the public road in the section in which he resides at such time and such place as may be designated by the Supervisor of Roads of such Counties.

SECTION 9. That any person or persons, subject to road labor, under the provisions of this Act, who fail and refuse to pay said road tax, or work the road, as herein provided, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$25.00 and it shall be the duty of the County Trustee, Supervisor of Roads and District Supervisors to report to the Grand Jury any violation of this Act, and in addition to this, the Grand Jury are given inquisitorial powers over the same.

SECTION 10. That all labor performed or funds expended, upon the roads or bridges, shall be performed under the immediate supervision of the District Road Supervisor of the district in which the work is being done or expenditure made, with the aid, advice, consent and general supervision of the Supervisor of Roads, and under such directions as said Supervisor of Roads shall deem proper to give. And inasmuch as the purpose of this Act is to affect a real improvement in the maintenance of public roads and bridges, and to secure adequate return for the money and labor expended on such roads and bridges it is expressly provided that no inefficient service shall be accepted, but real labor and full and sufficient service shall be required of all contractors, laborers and teams, and a failure to enforce this provision of this Act will constitute misfeasance in office on the part of the District Supervisors and Supervisors of Roads responsible therefor, or knowingly permitting the same, and shall subject the party guilty of such to removal from office upon conviction thereof, upon indictment or presentment by the Circuit or Criminal Court.

SECTION 11. That no road official shall hire to himself any wagon and team, or sell to himself directly or indirectly any material, or contract or deal with himself in any manner pertaining to the construction or maintenance of any work on any public road or bridge, or be interested directly in any work or any contract on any road or any bridge in the county where he serves. Any violation of this section shall be a misdemeanor and punishable by a fine of not less than \$25.00 nor more than \$50.00 and all costs and said guilty official shall be removed forthwith from office.

SECTION 12. That the Supervisor of Roads is hereby authorized and vested with the power, and it shall be his duty, to formulate rules for the regulation of traffic over any of the roads and bridges of the counties coming under the provision of this Act as will best preserve and protect said roads and bridges against the traffic of heavy loaded trucks, wagons and other vehicles, at all times, and in the event of violation of the reasonable rules and regulation for the protection of said roads as herein provided, the offender or offenders shall be guilty of a misdemeanor and it shall be the duty of the Supervisor of Roads and District Road Supervisors upon information furnished them or any of them of the violation of said rules and regulations made for the protection of said roads and bridges to immediately apprehend the offender and cause him to be brought before some Justice of the Peace to answer said charge and said Supervisor of Roads shall be the prosecutor, and upon conviction such offender shall be fined not less than \$25.00, nor more than \$50.00 for each and every such offense and in addition thereto pay the costs of the case. All fines collected under the provisions of this Act shall be paid into the County Treasury and placed by the trustee to the credit of the road fund. It shall be the duty of the Supervisor of Roads to make public the rules and regulations with regard to the traffic on said roads by publication in some newspaper published in the county, or by printed posters in public places in said county, or by pamphlets

properly distributed, or by actual notice delivered to any and all persons who may using (sic) said roads and bridges in violation of said rules and regulations as declared and promulgated by said Supervisor of Roads and the violation of said rules so promulgated and declared by said Supervisor of Roads is hereby declared to be a misdemeanor and punishable as hereinbefore provided. The expense for the enforcement of this section of this Act shall be paid out of the road funds.

SECTION 13. That all applications to open, change, close and restore to the public use any and all public roads in such counties shall be made by written petitions to the Supervisor of Roads setting out the district or districts in which the road is located. The Supervisor of Roads within ten days after the application has been filed with him, shall notify the person first named on the petition of the date at which he will be present at the beginning point mentioned in the petition to act on the application. The petitioners shall give five days written notice of the time and beginning point to all landowners to be affected by the proposed change. If any land owner affected by the proposed change is a non resident then ten days written notice to his agent or attorney residing in the county shall be legal notice. The Supervisor of Roads shall attend at the appointed time and place, and if proper notices have been given, shall act upon the application, assess the damages against the county and report his action to the County Judge and with his report, file the original petition, notice to landowners and the names of material witnesses. The County Judge shall consider the whole matter and make such orders opening, changing or restoring to the public said proposed road as may be deemed best for the interest of the public, and shall draw a warrant on the trustee of the county for such amount to be charged to the district or districts in which the road lays, to pay all damages to the landowners affected by the change. Any interested party may appeal to the next term of the Circuit Court, provided he shall perfect his appeal within ten days from the decision of the County Judge, or County Chairman.

The Supervisor of Roads and the County Judge or County Chairman may of their own motion and by their own initiative open, change, abandon or restore to public use, any road or roads, without petition, by observing all the essential (sic) requirements as set out herein in case of petition.

SECTION 14. That said counties shall have the power to receive by gifts or to acquire in the usual way and manner, or by condensation, rock quarries, chert beds and gravel beds or pits for use in repairing and constructing roads in said counties. The Supervisor of Roads may institute proceedings in the name of the county, on relations, etc., as now provided by law.

SECTION 15. That the Supervisor of Roads or any person acting under his direction and authority may enter upon any land adjoining or near any section of road to construct any drain or ditch necessary to the preservation of improvements of such roads, and it shall be the duty of the Supervisor of Roads at all times, and those working under his orders and directions, to keep open all ditches and drains on all roads in the county so as to prolong the life of the road. Any person or persons who shall place or cause to be placed in any way whatsoever, any obstructions in the roads, ditches, or drains of said counties which would obstruct or damage in the least the public roads included in this Act shall be guilty (sic) of a misdemeanor and upon conviction before any Justice of the Peace shall be fined not less than ten dollars, nor more than twenty-five dollars for each offense, and the Supervisor of Roads is authorized and empowered and it is made his duty to prosecute all offenders.

SECTION 16. That the Supervisor of Roads in the performance of his duties under this Act, shall not prefer one section of road above the other, or show partiality, but shall perform the duties of his office for the best interest of the whole county, each and every road to be cared for according to its relative importance to the other roads of the county, and the travel and traffic there. on. (sic)

SECTION 17. That the Supervisor of Roads shall make all necessary rules and regulations for the working of the public roads of the county or any particular road, and may designate the time when such roads are to be worked, provided that the designation of such time shall not deprive said Supervisor of Roads of the right to alter or change such time afterwards as in his judgment he deems best.

SECTION 18. That it shall be the duty of the County Judge or County Chairman to furnish at the expense of the County such books and blanks to the Supervisor of Roads, District Road Supervisors and Assistant District Road Supervisors necessary to carry out the provisions of this Act, further to have printed in pamphlet form, copies of this Act, not to exceed one thousand, at the expense of the County for distribution among the tax payers of the county.

SECTION 19. That each section, subdivision and paragraph of this Act is hereby declared to be a separate and independent clause from any other section, sub-division or paragraph hereof and the illegality or invalidity of any section or subdivision or paragraph hereof shall not affect any other section or paragraph.

SECTION 20. That all laws and parts of laws in conflict herewith, or with any part hereof, be and the same are hereby expressly repealed.

SECTION 21. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 28th, 1927.

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