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# Sand and Gravel

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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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# Sand and Gravel

## Private Acts of 1923 Chapter 256

**COMPILER'S NOTE:** The sale of rock, crushed stone and other road materials by counties to individuals under certain circumstances is prohibited by T.C.A. § 54-7-202 and T.C.A. § 12-8- 101. See also Op. Tenn. Att'y Gen. 85-063. Dredging in navigable waters is regulated by federal law, see, e.g., 33 U.S.C. § 403, and by various state laws, rules and regulations.

**SECTION 1.** That hereafter, for the purpose of building and improving public roads and highways, in counties of this State having a population of not less than Twenty-one Thousand Four Hundred and Ninety and not more than Twenty-one Thousand Five Hundred, and in counties of this State having a population of not less than Thirty Thousand One Hundred and Fifty and not more than Thirty Thousand Four Hundred, by the Federal Census of 1920, or by and subsequent Federal Census, that any Road Commissioner, Road Superintendent or other road official provided for by law, shall have the right to remove and use for improving or building public roads in said counties, sand, gravel, or other road building material, from beds of navigable streams, below low-water mark, within the boundaries of their respective counties, provided that in so doing no such official, acting under this authority, shall interfere with or obstruct the free us [sic] of any stream for the purpose of navigation.

**SECTION 2.** That said counties, acting by and through the County Trustee, are hereby given and granted the exclusive right to sell sand, gravel or other road material from the beds of navigable streams, within said counties, below low-water mark, and acting by and through the County Trustee, are hereby authorized and empowered to sell and enter into contracts for the sale of the same, as hereinafter stipulated and provided, and the Trustee of the county shall receive the money in payment for the same and shall be by him placed in the general road fund of the county, to be expended and disbursed only for road purposes, as now provided by law for the expenditure and disbursement of the general road fund of the county.

**SECTION 3.** That any person, firm or corporation desiring to purchase and remove, sand, gravel, or other road building material, from the beds of navigable streams, within the boundaries of said counties, shall have the right to do so, by first entering written agreement, contract or stipulation with the Trustee of the county, agreeing to pay to the county and into the hands of the County Trustee, one and one-half cents for each cubic yard of gravel, sand or other road building material so taken or removed by it or them and that an accurate and correct account and record of all gravel, sand or other road building material so taken or removed by it or them from the beds of navigable streams, below low-water mark, within said counties, will at all times be kept and that a complete itemized statement and account of the same will be rendered monthly to the Trustee of the county and payment made to him at said time at the rate of one and one-half cents per cubic yard, as aforesaid, for the amount removed or taken during the preceding month, and further agreeing that the County Trustee or any other person appointed by him, shall at all times have access to and the right to inspect all books, records, accounts and papers kept as aforesaid and to permit the Trustee at any and all times, if he desires to do so, to put an inspector on the job to check up and keep an account of the material of sand, gravel and other material being removed and taken, as aforesaid, and provided, further, that any person, firm or corporation so agreeing shall also before commencing operations for the removal of said sand, gravel or other material, enter into a bond, payable to the county, in the sum of One Thousand Dollars, conditioned for the faithful performance of said contract and agreement and guaranteeing the payment of the amount due the county for the material so removed, as hereinbefore provided.

**SECTION 4.** That any person, firm, or corporation who shall hereafter remove any sand, gravel or other road building material from the beds of navigable streams, below low-water mark, in said counties without first having fully complied with all the provisions, stipulations and conditions set forth in Section 3 of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than Five Hundred Dollars nor more than One Thousand Dollars, in the discretion of the Count and jury, for each offense, and provided that each day of unauthorized removal of such sand, gravel or other material from said streams shall constitute a separate offense. And the grand juries of said counties are given inquisitorial powers of the violation of this Act.

**SECTION 5.** That the said counties are hereby given the right and are authorized and empowered to institute and prosecute civil action and suits in the courts of this State to recover from and person, firm or corporation the value of any sand, gravel or other material removed from the beds of navigable streams in said counties, as fixed by this Act, and to bring civil action and suits on said agreements and bonds provided for in this Act, or to bring any other civil action that may be deemed right and necessary to

enforce the provisions of this Act. And the Trustee of the county is hereby authorized to bring such suits above provided in the name of the county and to employ counsel for that purpose.

**SECTION 6.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1923.

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