



May 18, 2024

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## Chapter IX - Highways and Roads

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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.

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## Chapter IX - Highways and Roads

### Highway Commission

#### Private Acts of 1945 Chapter 366

**SECTION 1.** There is hereby created a County Highway Commission for Houston County. The highway commission shall be composed of an elected road superintendent, who shall be the chief administrative officer for purposes of the county uniform highway law, the county executive who shall be the chairman of the highway commission and three (3) members of the board of county commissioners appointed by the board of county commissioners each year at its January meeting.

The County Road Superintendent shall be elected to a four (4) year term at the August General Election in 1982 and every four (4) years thereafter, and shall take office on September 1, next following his election and shall hold office until his successor is elected and qualified. Before taking office, the Road Superintendent shall execute a bond in the sum of one hundred thousand dollars (\$100,000) for the faithful performance of his duties. Persons seeking to be elected to the position of Road Superintendent must meet the qualifications established under the County Uniform Highway Law.

The Road superintendent created by this Act shall be subject to the supervision of the Highway Commission, which shall have charge of the working and maintenance of public roads in the county, excluding all state and federal roads and highways. The Road Superintendent shall have the authority to employ such personnel as is necessary for road work and maintenance and the efficient operation of his office, and to set the rate of their compensation in accordance with the provisions of the County Uniform Highway Act. The salary of the Road Superintendent shall be set by the Board of County Commissioners at a rate not less than the salary of the County Clerk. Said salary shall be paid in twelve (12) equal monthly installments. Any vacancy in the office of Road Superintendent shall be filled by the Board of County Commissioners at their next regular sessions after the vacancy occurs. A person so appointed shall serve until a successor shall be elected to serve the remainder of the unexpired term, at the next countywide election occurring after the vacancy.

The Road Superintendent shall have the authority to make purchases where the amount expended does not exceed \$500, but the Highway Commission shall make all purchases where the amount to be expended exceeds \$500.

As amended by:

Private Acts of 1947, Chapter 180  
Private Acts of 1955, Chapter 213  
Private Acts of 1965, Chapter 219  
Private Acts of 1974, Chapter 259  
Private Acts of 1982, Chapter 239  
Private Acts of 1988, Chapter 123

**SECTION 2.** The Road Superintendent shall sign all warrants or vouchers issued by the Highway Commission. Such warrants or vouchers shall also be signed by the County Executive and by the bookkeeper for the highway department, who shall attest to the availability of sufficient funds to pay such warrants or vouchers. Invoices of each and every purchase and all paid bills shall be maintained and kept on file in the office of the Houston County Road Superintendent.

All material and supplies of every kind, with the exception of labor, shall be purchased by the Highway Commission upon sealed bids where the amount to be expended is in excess of \$2,000. Advertisements for bids may be, but are not required to be, made by publication in any county newspaper. Such advertisements for bids shall be posted in some prominent place at the Houston County Courthouse, for a period of five (5) days or more prior to the date upon which said bids shall be received. However, should an emergency arise, the Highway Commission shall have the power to proclaim such emergency by resolution duly entered upon their records, which resolution shall state the nature of such emergency. In case of a declaration of such emergency, the Highway Commission shall have, for a period of ten (10) days next following the date of proclamation, authority to make necessary purchases in excess of \$2,000 without competitive bids, but their authority to do so shall expire after ten (10) days.

As amended by:

Private Acts of 1947, Chapter 180  
Private Acts of 1974, Chapter 259,  
Private Acts of 1982, Chapter 239

**SECTION 3.** That the Board of County Commissioners be and is hereby authorized and empowered, if necessary, to levy for each year an ad valorem on all property outside of the incorporated towns or cities and taxing districts for road purposes, not exceeding twenty-five (25¢) cents on each One Hundred

(\$100.00) Dollars worth of property, and if and when levied to be collected by the County Trustee and to be disbursed by him on warrants of the commissioner approved by the County Executive of the Board of County Commissioners, and countersigned by him, and for which the Trustee shall receive compensation the same as on State and County Taxes.

As amended by: Private Acts of 1982, Chapter 239

**SECTION 4.** That in order to open, change, close or restore to public use any and all public roads in said County, the County Highway Commission, after five (5) days written notice given to the land owners to be affected by said change, of the beginning point and the time and place, and shall go upon the premises and lay out said roads by metes and bounds and shall assess the damage to the land owner or owners for the land to be taken, and in the event satisfactory settlement and agreement as to the amount of damage cannot be reached by the County Highway Commission with said land owner or owners, then it shall be the duty of the said County Highway Commission to cause to be filed in the name of the County a petition in the Circuit Court for condemnation of the lands to be taken stating the metes and bounds thereof, and upon the filing of such petition and entering into bond in a sum sufficient to cover all damages, may thereupon take such land and proceed to construct the road without awaiting the termination of such litigation. The County Executive will issue his warrant upon the Trustee of the County for payment of any damages for the taking of any land for public road purposes and which sum shall be paid out of the General County Road Fund. The right of eminent domain is hereby granted to the said Road Organization for the condemnation of any lands necessary for road and bridge purposes.

As amended by: Private Acts of 1947, Chapter 180  
Private Acts of 1982, Chapter 239

**SECTION 5.** That the said County Highway Commission have the following powers and authority among others set out in this Act and under the limitations and conditions hereof, to wit:

- (1) General Supervision, control and management of all public roads and bridges of the County, and of all laying out, building, and construction of roads, bridges and culverts or other work and construction necessary.
- (2) To make all contracts necessary for the building and working of roads, the building and repairing of bridges and culverts and any and all requirements in maintaining roads.
- (3) To assign road hands, teams and wagons to work the respective roads and to appoint foremen necessary to look after the labor and construction of said roads.
- (4) To open, change, widen, close or restore roads of the County to public use, and to condemn land for road purposes as in this Act provided.
- (5) To make or cause to be made all plans and specifications necessary for the work or construction of roads and bridges, and to make and cause to be made all necessary surveys. (6) To make any classification necessary of any and all roads of the County.
- (7) To take any action necessary to prevent the obstruction of roads, or injury thereto (sic), or bridges and other highway property of the County.
- (8) To designate the location of any telephone poles or other poles along the highway, and to require the removal of such poles so as the same will not obstruct the free travel of the road or interfere with the drainage thereof.
- (9) To take any action necessary to prevent injury or obstruction to any of the roads, bridges and drainage thereof, and to regulate the load limit on said bridges of the County.
- (10) To do and perform such other and further necessary acts to maintain roads and bridges whether the same be specifically and generally set out and specified herein or not.
- (11) To purchase and repair equipment, employ labor, buy lumber and all other road material and supplies necessary in the construction, repairing and maintaining roads and bridges in the County.

As amended by: Private Acts of 1947, Chapter 180

**SECTION 6.** That said County Highway Commission shall faithfully perform all the duties imposed by this Act, impartially and fairly and without prejudice against or favor to any section in the County, or any individual, and before entering upon the duties of the offices shall take and subscribe to an oath to faithfully perform the duties required under this Act and as directed herein, and that neither of said Members of said Highway Organization shall have or receive directly or indirectly any interest or profit arising from any contract made under this Act, nor receive any gift, gratuity or any other benefit other than the salaries and compensation herein provided, and any violation of this section shall be deemed a misdemeanor and punishable by fine of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

As amended by: Private Acts of 1947, Chapter 180

**SECTION 7.** That the Road Organization created by this Act shall have all the power and authority

necessary for the proper administration of the Highway System in all counties to which this Act applies, to the end that all roads and bridges may be worked and repaired for the public use and benefit.

**SECTION 8.** That in the event any Section, Clause or Paragraph of this Act should be for any reason held invalid it shall not affect the remaining Sections, Clauses or Paragraphs in this Act, but it is hereby declared that said remaining Sections, Clauses and Paragraphs would have been enacted without those so held invalid.

**SECTION 9.** That all laws or parts of laws in conflict with this Act be and the same is hereby repealed and especially Chapter No. 238 of the Private Published Acts of 1943, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 21, 1945.

## Road Law

### Private Acts of 1953 Chapter 147

**SECTION 1.** That Chapter 366 of the Private Acts of 1945 as amended by Chapter 180 of the Private Acts of 1947 be and the same is hereby amended so as to provide that the County Judge shall serve as Chairman of the County Highway Commission.

**SECTION 2.** That the County Judge shall receive for his services as Chairman of the County Highway Commission a salary of Six Hundred (\$600.00) Dollars per annum, payable in monthly installments of Fifty (\$50.00) Dollars each, said sum to be payable out of the County Highway Funds.

**SECTION 3.** That the aforesaid sum of Six Hundred (\$600.00) Dollars shall be in addition to the regular salary of the County Judge, but shall be included as a part of any salary which may at the present or any future time be fixed at Twelve Hundred (\$1,200.00) Dollars or more per year by any Public or Private Act enacted by the Legislature.

**SECTION 4.** That all laws or parts of laws in conflict herewith be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1953.

**COMPILER'S NOTE:** T.C.A. 8-24-112 now sets the minimum salary of a County Judge for his combined services as county judge - fiscal agent of a county.

## Highways and Roads - Historical Notes

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

1. Private Acts of 1913 (1st Ex. Sess.), Chapter 18, was a general road law which created a three-member Board of Public Road Commissioners, to be elected by the Houston County Quarterly Court. It authorized a tax levy for the improvement of public roads and had road duty requirements for all able-bodied men between 21 and 45 years. This was repealed by Private Acts of 1915, Chapter 23.
2. Private Acts of 1915, Chapter 19, was another general road law for Houston County. It provided for one road overseer from each road district, to be elected for a one year term. This Act also contained provisions for road duty and a tax levy for road purposes.
3. Private Acts of 1921, Chapter 19, was the next general road law for Houston County. Its provisions were similar to those of the 1915 road law.
4. Private Acts of 1929, Chapter 673, created a Highway Commission for Houston County, composed of a Highway Commissioner and the Chairman of the County Court. It gave the Commission control of the county roads and the purchase of all materials. This was amended by Private Acts of 1933, Chapter 209, to provide that the Road Commissioner would be elected by the voters, and was also amended by Private Acts of 1941, Chapter 71, to set the salary of the Highway Commissioner at \$1,200 per year.
5. Private Acts of 1943, Chapter 238, was the next road law for Houston County, with provisions similar to those of the 1929 law. It was repealed by Private Acts of 1945, Chapter 366, which was

amended by Private Acts of 1947, Chapter 180.

6. Private Acts of 1953, Chapter 147, amended Private Acts of 1947, Chapter 180, so as to provide that the County Judge would serve as Chairman of the County Highway Commission. This act was subsequently amended by Private Acts of 1955, Chapter 213, Private Acts of 1965, Chapter 219, and Private Acts of 1974, Chapter 259.

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