



July 22, 2024

Landfills

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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Table of Contents

Landfills	3
Private Acts of 1987 Chapter 43	3

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Private Acts of 1987 Chapter 43

SECTION 1. As used in this Act, the following terms are defined as follows:

- (a) "Solid waste" means garbage, refuse, and other discarded solid-waste material resulting from industrial, commercial and agricultural operations and all garbage, refuse or other discarded solid materials from individual homes, apartments, multiple dwellings, trailers or other living quarters, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.
- (b) "Person" means any and all persons, natural or artificial, including any individuals, firm or association, and municipal or private corporation organized or existing under the laws of this state or any other state, and any governmental agency or county of this state.
- (c) "Solid waste disposal system" means the relationship of the coordinated activities of and resources for processing and disposal of solid wastes within a common geographical area and under the supervision of any person or persons engaging in such activities.
- (d) "Solid waste disposal" means the process of placing, confining, compacting, or covering solid waste except when such solid waste is for reuse, removal, reclamation, or salvage.
- (e) "Land fill area" means any land area selected for the purpose of solid waste disposal of solid waste material.

SECTION 2. No land fill area for the disposal of solid waste materials in this state shall be constructed in McMinn County, and no contract between any person or persons for the purpose of constructing or utilizing the same shall be completed or executed unless the location of said landfill area shall have been approved by the County Commission of McMinn County.

Should the County Commission disapprove of said site no further action shall be taken in regard to the construction of a landfill area at that site.

SECTION 3. Any person violating any of the provisions of this Act, or failing, neglecting or refusing to comply with any order or resolution of the County Commission lawfully issued shall be guilty of a misdemeanor and upon conviction shall be liable to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) for each violation, within the discretion of the court of competent jurisdiction and each day of continued violation shall constitute a separate offense.

SECTION 4. In addition to the penalties herein provided the County Commission may cause the enforcement of any orders or rules issued by them to carry out the provisions of this Act by instituting legal proceedings to enjoin the violation of the provisions of this Act, and the orders or rules of the County Commission in any court of competent jurisdiction, and such court may grant a temporary or permanent injunction restraining the violation thereof. The district attorney general in whose jurisdiction a violation of this Act occurs or the attorney general of the state shall institute and prosecute such suits when necessity therefore has been shown by those herein clothed with the power of investigation.

SECTION 5. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Commission of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Commission and certified by him to the Secretary of State.

SECTION 6. 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 upon being approved as provided in Section 5.

Passed: April 8, 1987.

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