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Private Acts of 1978 Chapter 203

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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Private Acts of 1978 Chapter 203

SECTION 1. Purpose and Scope - The purpose of this act is to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the citizens and residents of Grainger County, Tennessee. Because of the nature and character of their operations, sanitary landfills and/or garbage dumps, can have a decidedly detrimental effect upon surrounding properties. Such uses of land tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance.

SECTION 2. Definitions - For the purpose of this act and in order to carry out the provisions and intentions as set forth herein, certain words, terms and phrases are to be used and interpreted as hereafter defined. The word "person" includes a firm, partnership or corporation as well as an individual. The term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, intended, arranged or designed to be used or occupied; words in the singular number include the plural and words in the plural number include the singular; words used in the present tense shall include the future tense.

SANITARY LANDFILL AND/OR GARBAGE DUMP:

Any area or site utilized by a public or private entity for disposal of solid waste or refuse in excess of five tons per day.

NOXIOUS MATTER:

Material (in gaseous, liquid, solid, particulate or any other form) which is capable of causing injury to living organisms, chemical reactions or detrimental effects upon the social, economic or psychological well-being of individuals.

SECTION 3. It shall be unlawful for any person to place, construct or operate a sanitary landfill and/or garbage dump on any tract of land in Grainger County outside the city limits of Rutledge except in accordance with the conditions and limitations contained herein.

SECTION 4. The following general requirements shall apply to any tract of land to be used as a sanitary landfill and/or garbage dump.

1. All tracts of land used for the above named purposes shall be maintained so as to be in a sanitary condition and so as not to be a menace or detriment to the public health, safety or welfare.
2. No tract of land shall be used to establish a sanitary landfill and/or garbage dump within 500 feet of any public road in Grainger County, except where a more stringent state or federal law applies.
3. The number of vehicular access driveways permitted on any single street or road frontage shall be limited to:
 - (A) One driveway where the parcel to be used has a maximum road or street frontage of 300 feet or less.
 - (B) Two driveways where the road or street frontage exceeds 300 feet.
4. No driveway entering from a public road to said tract of land shall be located closer than 100 feet from the property line; and no driveway shall be located closer than 300 feet from any established residence or business.
5. In conjunction with the use of any tract of land for a garbage dump and/or sanitary landfill, no large trucks shall use county roads for access to said tract except in compliance with any weight limits applicable to said county roads.
6. No tract of land shall be used as a garbage dump and/or sanitary landfill where, by reason of its location, noxious matter will emanate from said tract of land to adjoining tracts of land which are, or likely will be used or occupied by persons for any purpose.
7. Because of the tendency for garbage dumps and/or sanitary landfills to promote the breeding of vermin, and to emanate noxious matter to adjoining properties, no such operation shall be permitted closer than 1,000 feet from any existing residence or business establishment.

SECTION 5. Any tract of land on which a garbage dump and/or sanitary landfill is to be established shall be maintained in the following condition.

1. The portion of the tract in which garbage and other refuse is to be dumped shall be enclosed by a non-climbable fence, of a minimum height of 6 feet.
2. Said fence shall be located at least 100 feet from the front, side, and rear lot lines.

SECTION 6. The County Quarterly Court shall be the agent of the county for the enforcement of this act.

1. Before any person begins construction or other steps preliminary to the location and operation of a garbage dump and/or sanitary landfill, he shall certify to the court that the proposed tract is of sufficient size and in a location so that compliance with all the provisions contained herein shall be possible; and apply for a permit to begin site preparation.

2. The County Quarterly Court shall hold a public hearing on all such applications. At such hearing the court shall hear any testimony of adjoining land owners and other interested citizens regarding the possibility of full compliance with all the regulations set forth herein if a garbage dump and/or sanitary landfill is located on the proposed tract.

3. If it appears from all the evidence that full compliance with the provisions contained herein will be possible, the court shall issue the permit for site preparation and construction.

4. After all necessary site preparation and other construction is complete, but before any further steps are taken, any person proposing to locate, operate or maintain a garbage dump and/or sanitary landfill shall apply to the county court for an operating permit. The court shall issue said permit on evidence of full compliance with all the provisions of this act.

5. Compliance with the above procedure and the regulations set forth herein shall be required in addition set forth herein shall be required in addition to compliance with all applicable state and/or federal regulations and requirements.

SECTION 7. Any person who attempts to locate, operate or maintain a garbage dump and/or sanitary landfill without fully complying with the regulations and standards set forth herein may be restrained and enjoined from beginning or continuing said operation. Restraint proceedings shall be instituted in the name of the county by the appropriate county official. Restraint proceedings may also be instituted by any owner of land adjacent to a garbage dump and/or sanitary landfill opened, maintained or operated in violation of any of the standards and regulations set forth herein.

SECTION 8. Any person who locates, opens, operates or maintains a sanitary landfill and/or garbage dump in violation of any of the provisions contained herein shall be guilty of a misdemeanor. Each day of operation without full compliance with all the provisions contained herein shall be deemed a separate offense.

SECTION 9. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Grainger County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 11. 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 10.

Passed: March 6, 1978.

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