



March 31, 2025

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# Private Acts of 1993 Chapter 105

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Sincerely,

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# Private Acts of 1993 Chapter 105

**SECTION 1.** For the purpose of Sections 1 through 5 of this act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" does not include an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**SECTION 2.** An automobile graveyard may not be established within one thousand feet (1000') of any county road in Cannon County. An automobile graveyard may not be established within one thousand feet (1,000') of any dwelling. Provided, however, this added restriction on the establishment of automobile graveyards located in relation to such U.S. numbered routes shall not apply in any case if the land where an automobile graveyard is to be established has been specifically designated or zoned for such by the governing body of the county or city in which it is proposed to be established.

**SECTION 3.** A person who maintains an automobile graveyard, any part of which is within one thousand feet (1,000') of any county road or dwelling, shall erect and maintain a fence around such automobile graveyard. Such fence shall be not less than eight (8') feet tall and sufficient to conceal such automobile graveyard for the view of a person standing at the same level as such graveyard. A fence shall be required in any case when erection thereof would not effectively conceal a substantial portion of such automobile graveyard from the view of a person on such county road or dwelling.

**SECTION 4.** If an automobile graveyard is located within the one thousand feet (1,000') limitation with respect to a county road or dwelling, and such automobile graveyard is not operated as a business by anyone, and is not used for any purpose whatsoever, and no one claims ownership of such automobile graveyard, then the owner of the land on which such automobile graveyard is located is responsible for the removal of such automobile graveyard.

**SECTION 5.** A citizen residing within a one (1) mile radius of an automobile graveyard may apply to a court in the county to abate the activities prohibited by Sections 1 through 4 of this act, but it is hereby declared to be a specific duty for the members of the Cannon County Sheriff's Department to enforce the provisions of Sections 1 through 4 of this act. A person violating any provision of Section 1 through 4 of this act may be punishable by a civil penalty of not more than fifty dollars (\$50). Each day's (sic) subsequent violation is a separate violation.

**SECTION 6.** For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads, and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county. The county legislative body hereby finds and declares that a junkyard which does not conform to the requirements of Section 6 through 17 is a public nuisance.

**SECTION 7.** Whenever used in Sections 6 through 17 of this act:

- (1) "Automobile graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Five (5) or more such vehicles constitute an automobile graveyard.
- (2) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.
- (3) "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills.

Provided, however, a "junkyard" does not include a "recycling center"(sic). For purposes of this chapter, "recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying or selling which is maintained, operated, or used for the storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.

(4) "Main traveled way" means the traveled. (sic) way of a highway on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage road, turning roadways, or parking areas.

(5) "Cannon County Planning Commission" means the county planning commission as it is duly organized in Cannon County, Tennessee.

(6) "Cannon County Road Department" means the commissioner of roads and the employees that are directed with the duty to care and maintain the county road system as required by law.

**SECTION 8.** (a) A person may not establish, operate, or maintain a junkyard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road designated by the county road department, except the following:

- (1) Those located within areas which are zoned for industrial use under authority of law;
- (2) Those which are not visible from the main-traveled way of the system.

**SECTION 9.** A junkyard lawfully in existence when this act is enacted which is within one thousand feet (1000') of the nearest edge of the right of way and visible from the main-traveled way of any county road, shall be screened by an eight (8) foot fence so as not to be visible from the main-traveled way of such county roads, and the operator or property owner shall pay the cost of installation.

**SECTION 10.** The Road Commissioner of Cannon County may promulgate and enforce rules and regulations required to carry out the provisions of this chapter.

**SECTION 11.** It is the duty of anyone wishing to open a junkyard as defined by this act, to appear and seek approval before the Cannon County Planning Commission before beginning operations.

**SECTION 12.** The Cannon County Road Commissioner may apply to any court in the county for an injunction to abate a nuisance under this act. The county attorney and the sheriff's department are authorized to assist the commissioner in the enforcement of this chapter.

**SECTION 13.** (a) On or after the enactment of this act, it is unlawful for a person to locate a junkyard within one thousand feet (1000') of the nearest edge of the right-of-way of any county road or within one thousand feet (1000') of any dwelling.

**SECTION 14.** Nothing contained in this chapter shall be construed as restricting the legislative authority of cities and towns from regulating junkyards within their respective jurisdictions.

**SECTION 15.** It is the intent of this act that an automobile junkyard shall be operated as a business and maintained daily by the owner or operators of such, keeping normal business hours so as not to become a nuisance to the general public.

**SECTION 16.** A person who establishes, operates or maintains a junkyard, or who operates a junkyard contrary to the provisions of this act, commits a violation of this act punishable by a civil penalty of twenty-five dollars (\$25.00). Each day's (sic) subsequent violation is a separate violation.

**SECTION 17.** A junkyard in existence on the day of enactment of this act is exempt from the provisions of this act.

**SECTION 18.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Cannon County Commission. Its approval or nonapproval shall be proclaimed by the presiding officer of the Cannon County Commission and certified to the Secretary of State.

**SECTION 19.** For the purpose of approving or rejecting the provision 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 18.

Passed: May 18, 1993.

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