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Private Acts of 1971 Chapter 71

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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Private Acts of 1971 Chapter 71

SECTION 1. Definitions. As used in this Act, the following terms shall have the meanings indicated:

(a) "Governing body." The Quarterly County Court, Board of Commissioners, County Council, or other body in which the general legislative powers of a county are vested.

(b) "Code." Any published compilation of rules which have been prepared by technical trade associations or model code organizations, including but not limited to the regulation of housing and other building construction, electrical wiring and plumbing and gas installations.

SECTION 2. Adoption and Amendment of Code Reference. The governing body of any County having a population of not less than 13,000 nor more than 13,500, according to the United States Census of population of 1970 or any subsequent United States Census of population, may adopt or repeal a resolution which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and sources, without setting forth the provisions of such code in full. At least three copies of such code, portion, or amendment which is incorporated by reference shall be filed in the office of the County Court Clerk and there kept for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed to or complied with unless the required copies of such code, portion, or amendment are filed with the Clerk for a period of ninety (90) days before the adoption of the resolution which incorporates such code, portion, or amendment by reference. No resolution incorporating a code, portion or amendment by reference shall be effective until published in a newspaper having a general circulation in the county.

SECTION 3. Administration. The adopting resolution may also incorporate by reference the administrative provisions of any code, or may include in the adopting resolution any suggested administrative provisions found in a code. Should a code not contain administrative provisions, the administrative provisions of another code may be adopted by reference, or may be adopted and included in the adopting resolution. The powers and duties of enforcing the provisions of any code incorporated by reference may be conferred upon such officials within the existing framework of the county government as the governing body may determine, such as, but not limited to, officials administering zoning and planning regulations of the county.

SECTION 4. Enforcement. The County Attorney of any official vested with the powers of enforcing the provisions of any code incorporated by reference, may, in addition to any other remedies provided by law, institute injunction to prevent the violation of any provisions of such code.

SECTION 5. Penalties. The authority of this act shall not extend to the incorporation by reference of any penalty clause contained in a code. Any person, firm or corporation or agent who shall violate a provision of any code incorporated by reference or fail to comply therewith or with any of the provisions thereof, or violate a detailed statement or plans submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person, firm or corporation or agent shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of a code is committed or continued, and upon conviction for any such violation shall be punished by a fine of not more than fifty dollars (\$50.00).

SECTION 6. Applicability. The provisions of this act shall apply only to the unincorporated area of a county adopting such a code resolution and to those incorporated cities and towns within the county which do not elect, now or hereafter, to adopt their own codes regulating the same subject areas.

SECTION 7. Severability. If any provision 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 8. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it may apply within sixty (60) days after its passage and approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or disapprove, and certified by him to the Secretary of State.

SECTION 9. For the purpose of approving this Act as provided in Section 8, it shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the act shall be effective only upon being approved as provided in Section 8.

Passed: April 14, 1971.

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