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# Incorporation by Reference

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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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# Incorporation by Reference

## Private Acts of 1967-68 Chapter 436

**SECTION 1. Definitions.** That 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 housing, regulating building construction, electrical wiring, plumbing and gas installation.

**SECTION 2. Adoption and Amendment of Code Reference.** That the governing body of any County 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 source, 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 be complied with unless the required copies of such code, portion, or amendment are filed with the Clerk for a period of ninety 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.** That 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 adapted 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.** That the County Attorney or 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.** That 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 deemed 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.

**SECTION 6. Applicability.** That 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. Validity.** That if any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

**SECTION 8.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of DeKalb County within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year, 1968. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or disapprove, and shall be certified by him to the Secretary of State.

**SECTION 9. Effect.** That this Act shall be effective from and after its passage, the public welfare requiring it.

Passed: April 2, 1968.

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