



July 22, 2024

Private Acts of 1974 Chapter 348

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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SECTION 1. The governing body of Smith County is authorized to adopt, by reference, the provisions of any code or portions of any code as herein defined, to amend the provisions of such codes as it deems necessary, to provide for their administration and enforcement, to establish penalties for the violation of such codes and to define within the county where such codes will be applicable.

SECTION 2. As used in this act, the following terms shall have the meanings hereafter indicated:

(a) "Governing Body" means the Quarterly County Court of Smith County or any other body in which the general legislative powers of the county may hereafter be vested.

(b) "Code" means any published compilation of published rules or regulations which have been prepared by technical trade associations, model code organizations, or agencies of the State or Federal Governments which regulate building construction, housing quality, electrical wiring, and plumbing and gas installation.

SECTION 3. The governing body 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 (3) 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 County Court Clerk for a period of thirty (30) 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. Codes, regulations, or amendments to any of the foregoing adopted by the governing body, acting under the authority of this act shall not take precedence over existing or hereafter enacted state laws or regulations except wherein such codes, regulations, or amendments to any of the foregoing surpass the standards of said state laws or regulations, and county officers charged with enforcement under the authority of this act are hereby authorized and empowered to enforce all such valid state laws and regulations which are more stringent than said county codes or regulations.

SECTION 4. Any amendment which may be made to any code or regulation incorporated by reference by the governing body hereunder, may be likewise adopted by reference, provided that three (3) amended or corrected copies are filed with the County Court Clerk of Smith County for public inspection, use, and examination at least thirty (30) days prior to adoption. Notice of the adoption of any resolution adopting amendments by reference shall be published in a newspaper of general circulation in the county. No such resolution shall become effective until such notice has been published.

SECTION 5. The governing body 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. If such a code does 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 and bodies administering zoning and planning regulations within the county.

SECTION 6. 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 proceedings for an injunction to prevent the violation of any provision of such code. Any magistrate or judge who is authorized to issue warrants under general law is authorized to issue to the enforcing officer a warrant authorizing the inspection of specified buildings, structures, or premises when necessary to enforce any codes or regulations adopted hereunder.

SECTION 7. 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 hereof, 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 (\$50.00).

SECTION 8. The provisions of this act shall apply only to the unincorporated area of Smith County.

SECTION 9. 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, and to that end the provisions hereof 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 Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of such court and certified by him to the Secretary of State.

SECTION 11. For the purpose of approving this act as provided in Section 10, it shall take effect on becoming a law, the public welfare requiring it, but the provisions hereof shall not become operative until approved as provided in Section 10.

Passed: March 28, 1974.

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