



November 19, 2024

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# Private Acts of 1987 Chapter 97

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Sincerely,

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# Private Acts of 1987 Chapter 97

**SECTION 1.** This act shall be known and may be cited as "Smith County Junkyard Control Act".

**SECTION 2.** 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.

**SECTION 3.** Whenever used in this chapter:

- (1) "Automobile grave" and "Automobile graveyard" shall mean 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 will constitute an automobile graveyard.
- (2) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated, by the Department of Transportation of the State of Tennessee, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".
- (3) "Junk" shall mean 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 material.
- (4) "Junkyard" shall mean 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" shall not be construed to include a recycling center. For purposes of this act, "recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.
- (5) "Primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation of the State of Tennessee, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".
- (6) "Main traveled way" shall mean the traveled 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.
- (7) "Smith County Planning Commission" shall mean the county planning commission as it is duly organized in Smith County, Tennessee.
- (8) "Smith County Road Department" shall mean the Commissioner of Roads and his employees that are directed with the duty to care and maintain the county road system as required by county resolution and state statute.

**SECTION 4.** No person shall 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:

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

**SECTION 5.** Screening by junkyard operator or property owner. Any junkyard lawfully in existence at the passage of this act, which is within one thousand feet (1,000') 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 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 6.** It shall be the duty of anyone wishing to open a junkyard which fits within the definition of this act, to appear and seek approval before the Smith County Planning Commission before beginning operations.

**SECTION 7.** The Smith County Road Commissioner may apply to any appropriate court in the county in which said junkyards may be located for an injunction to abate such nuisance. The county attorney and

the sheriff's department are authorized to assist the road commissioner in the enforcement of this act.

**SECTION 8.** (a) On or after the passage of this act, it shall be unlawful for any junkyard located within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road or within one thousand feet (1,000') of any dwelling.

**SECTION 9.** Nothing contained in this act shall be construed as prohibiting the legislative authority of cities and towns from regulating junkyards within their respective jurisdictions.

**SECTION 10.** It is the intent of this act that the 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 11.** Any person who shall establish, operate or maintain a junkyard, or who operates contrary to the provisions of this act, shall be guilty of a misdemeanor and shall be fined twenty-five dollars (\$25.00) and costs for each day of violation.

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Smith County and certified by him to the Secretary of State.

**SECTION 13.** For the purpose of approving or rejecting the provisions of this act, it shall become 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 13.

Passed: May 5, 1987.

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