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# Private Acts of 1935 Chapter 724

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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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Table of Contents

<b>Private Acts of 1935 Chapter 724 .....</b>	<b>3</b>
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# Private Acts of 1935 Chapter 724

WHEREAS, in counties of this State having 300,000 or more inhabitants by the Federal Census of 1930, population has become more congested, especially in the unincorporated areas surrounding incorporated cities and towns; electric service has been generally made available for purposes of generating power for the use of farm machinery, for lighting homes, barns and other structures, for cooking and other domestic uses, the use of natural gas made available in unincorporated areas, and modern plumbing works, plants and means for the disposition of sewage are commonly erected in such unincorporated areas; and

WHEREAS, The regulation of the building, construction, repair and maintenance of such modern facilities, in order to protect the public safety, health and general welfare is not now provided for:

**SECTION 1.** That all counties in this State having a population of 300,000 or more inhabitants by the Federal Census of 1930, or by any subsequent Federal Census, are hereby authorized and empowered in all unincorporated areas in such counties to prevent the erection, maintenance or occupancy of buildings, structures or premises dangerous to persons or property and to remove them when erected without their consent; to regulate the manner of building buildings, structures, signs, or parts thereof, whether of a permanent or temporary nature; to regulate the construction, repair and maintenance of stove pipes, flues, gas pipes and other like works in all buildings and on all premises, for the purpose of preventing fires and the spread thereof; to regulate the business of electricians and electrical work, and to enforce efficiency in the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated; to regulate waterworks and water systems whether publicly or privately owned; to regulate the disposition of sewage and waste so as to preserve the public health; to regulate and control plumbers and plumbing works, and to enforce the efficiency of the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated.

**SECTION 2.** That for the purpose of enforcement of such regulations such counties are hereby empowered to create the offices of Building Commissioner, Electrical Inspector and Plumbing Inspector; to provide for the appointment of such inspectors, and to fix their duties and compensation, and to contract with incorporated cities and towns in such counties for the services of such City Inspectors having special skill in the inspection of buildings, electrical, plumbing and water works under such conditions as may be agreed upon between the public officials of such counties and cities, to the end that City Inspectors may be made ex-officio or otherwise county inspectors.

**SECTION 3.** All regulations adopted pursuant to the authority hereby conferred shall affect only the unincorporated areas of such counties, and shall not be held to abrogate or abolish any general or special Act of the General Assembly authorizing incorporated cities or towns to regulate such works, nor to affect any regulations enacted in any incorporated cities or towns lawfully enacted touching the subject matter of this Act.

**SECTION 4.** That the regulations herein provided for may be adopted by the Quarterly County Court of such counties by resolution, and may be adopted at any regular or special meeting of such Quarterly County Courts. In order to carry out the provisions of this Act, such Quarterly County Courts are hereby authorized and empowered to appropriate monies to carry out the provisions of this Act, and to provide for the compensation of the inspectors and other officers whose duty it shall be to enforce the provisions thereof.

**SECTION 5.** That any person, firm or corporation violating any of the provisions of this Act, or of any of the regulations established pursuant to the authority hereof, shall be guilty of a misdemeanor, and shall be fined not less than One (\$1.00) Dollar nor more than Fifty (\$50.00) Dollars, for each offense; and each day that any violation of any such provisions or regulations shall continue shall be deemed a separate offense. Violations of the provisions of this Act or any of the regulations lawfully adopted pursuant thereto, shall be deemed to come under the provisions of the Small Offense Law, and Justices of the Peace and committing Magistrates of the county shall be held to have jurisdiction to hear and try the persons accused of violations thereof.

**COMPILER'S NOTE:** The minimum fine set under this section has been superseded by Private Acts of 1955, Chapter 198.

**SECTION 6.** That in case any building or structure works or instrumentality is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in violation of the provisions of this Act or of any regulation or provisions enacted or adopted by any Quarterly County Court under the authority granted by this Act, such body, the county attorney, the county inspector of such works or any other officer or board of the county, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction,

alteration, maintenance, or use.

**SECTION 7.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 22, 1935.

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