



December 20, 2024

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## Chapter VIII - Health

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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# Chapter VIII - Health

## Codes

### Barber Shops

#### Private Acts of 1971 Chapter 168

**SECTION 1.** That the Memphis & Shelby County Health Department be and they are hereby authorized to establish sanitary standards for barber shops in accordance with the provisions of this Act outside the corporate limits of all municipalities within said county.

**SECTION 2.** That for the purpose of this Act, anyone or any combination of the following practices, when done for payment, directly or indirectly, or without payment for the public generally, shall constitute the practices of barbering: Shaving or trimming the beard or cutting the hair; giving facials and scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; singeing or shampooing or dyeing the hair or applying tonics, manicuring or any other grooming practices as determined by the health officer. The word "barber" means any person who practices such barbering. The word "manager and/or owner" as used in this Act means any person having, for the time being, control of the premises and of persons working or employed in a barber shop.

**SECTION 3.** That is [sic] shall be unlawful for a manager or owner of a barber shop to operate a place of business who does not have a permit from the Memphis and Shelby County Health Department. Only those barber shops that meet the requirements of this Act shall be eligible to receive and retain such a permit. Every barber shop shall pay to the Memphis and Shelby County Health Department an annual permit fee of \$10.00. This fee shall be due on January 1st of each year and must be paid by January 31st. All new barber shops shall secure a permit before they open for business and all barber shops that change ownership or change managers shall secure a permit. Permits will not be transferrable from one manager or owner to another.

**SECTION 4.** That barber shops shall be equipped with adequate hot and cold running water, and be provided with one lavatory for each chair. At shops where both men and women will be on the premises two toilets shall be required. Toilet facilities shall be conveniently located. All appliances, tools, furnishings and material as may be necessary shall be furnished to enable persons employed in and about the barber shop to comply with the requirements of this Act and the regulations of the health department. The water supply shall be adequate, of a safe, sanitary quality and from an approved source. All sewage shall be disposed of in a public sewage system, or in absence thereof, in a manner approved by the health department.

**SECTION 5.** That the managers of every barber shop shall keep such shops and all furniture, tools, appliances and other equipment used therein at all times in a clean and sanitary condition.

**SECTION 6.** That all items of equipment used on patrons at a barber shop shall be thoroughly cleaned and disinfected by a method approved by the Health Department immediately after use on each patron. No barber shall use for the service of a customer any towel or wash cloth that has not been boiled and laundered since last used.

**SECTION 7.** That no owner or manager of a barber shop shall knowingly permit any person suffering from a communicable disease to act as a barber in such shop. No person who, to his or her knowledge, is suffering from a communicable disease shall act as a barber. Such tests of proof may be required by the health officer.

**SECTION 8.** That every barber shall cleanse their hands thoroughly immediately before serving a customer.

**SECTION 9.** That the health department shall make such rules and regulations as may be necessary in its judgment to meet the requirements of adequate barber shop sanitation and to preserve the safety and health of barber shop patrons.

**SECTION 10.** That the administration of this Act shall be divided as follows:

- (1) All matters and details concerning the barber registration and payment of proper fees, together with prosecutions for illegal and improper barbering practices, shall be under the direction of the division of barber shop inspection provided that health department permit and health department permit fee shall be administered by the health department.

(2) All matters and details concerning the inspection of barber shops as to their operation regarding cleanliness and all sanitary conditions shall be under the direction and control of the health officer and such inspections and prosecutions concerning same shall be handled by the health department.

**SECTION 11.** That the following persons are exempt from the provisions of this Act while in the proper discharge of their professional duties:

- (1) Persons authorized by the laws of this state to practice medicine and surgery.
- (2) Commissioned medical or surgical officers of the United States Army, Navy, Air Force, or Marine Hospital Service.
- (3) Registered nurses.
- (4) Persons engaged in the practice of beauty culture, including a ladies' beauty parlor.

**SECTION 12.** That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity or any other part of this Act.

**SECTION 13.** That all laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

**SECTION 14.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 15.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 14 herein and as otherwise provided in this Act.

Passed: May 20, 1971.

## Swimming Pools

### Private Acts of 1971 Chapter 169

**SECTION 1.** That there is hereby adopted a sanitary code for the control and operation of public or semi-public swimming pools and/or swimming areas within Shelby County, Tennessee. The Memphis and Shelby County Health Department is hereby authorized to enforce the provisions of this code and to issue permits and collect the fees as provided for herein.

**SECTION 2.** That the following definitions shall be applicable in the enforcement of the provisions of this Act.

The term "public swimming pool", as used in this Act, shall mean any body of water used for public or semi-public swimming or recreative bathing, which is artificial or semi-artificial construction, including all appurtenances concerning its use, whether operated for the public in general or for a portion of the public, as members of clubs, associations or other organizations. Other terms used in this Act shall have the meanings usually accorded to them by the health department of this and other cities regulating swimming pools.

**SECTION 3.** That no person shall operate or maintain a public swimming pool until a permit therefor has been issued by the Memphis and Shelby County Health Department, which permit shall not be valid for longer than one year. A new permit shall be secured at the first of each year or season of operation. All permits shall be in writing and shall state the conditions under which operation shall be maintained and the term for which the permit is allowed. Any permit granted by the Health Department under the provisions of this section may be revoked by the health department, acting through the health officer, for failure to comply with any of the provisions of this Act, or whenever, in the opinion of the health officer, the further operation under such permit becomes a menace to the health and safety of bathers; provided, that the holder of any permit which has been revoked, feeling aggrieved at the action of the health officer, shall have the right to appeal to the Commissioner of Health and have tried before him the question of the legality or reasonableness of the action of the health officer. No such appeal shall entitle the continued operation of the pool pending the action of the Commissioner of Health.

Before a permit is issued by the health department, an annual permit fee of \$100.00 shall be paid to the Memphis and Shelby County Health Department. Said fee shall be due on January 1 of each calendar year and shall be paid by January 31.

**SECTION 4.** That no person shall begin construction of a public swimming pool or reconstruct any such

swimming pool, unless plans and specifications therefor have been submitted to and approved by the health department. Such plans and specifications shall be accompanied by supporting data, such as shop drawings of equipment, fittings, skimmers, filters, disinfectant feeders, pump rating curves, disposal of waste or other information as required by the health department. The plans shall be prepared by an architect or engineer licensed to practice in the State of Tennessee.

**SECTION 5.** That each public swimming pool area shall be designed in such a manner as to permit the installation of all equipment necessary for the proper operation of same and so as to give the proper routing and segregation of bathers and spectators.

**SECTION 6.** That no natural or artificial body of water which does not meet all requirements of the ordinance shall be approved as a public swimming pool. Every public swimming pool shall be provided with a sufficient quality of fresh water which meets the drinking water standards of the health department as to physical, bacteriological and chemical quality. The water shall show an adequate PH and disinfectant residual at all times when the pool is in use. Frequent tests shall be made to determine whether or not a sufficient disinfectant and PH balance is being maintained. At all times when the pool is in use, the water shall be sufficiently clear to permit the entire bottom of the pool to be clearly visible from the walkways. An approved test kit shall be provided by the owner to test for disinfectant residuals and for the PH of the water. The complete recirculating system equipment must be approved by the health department.

**SECTION 7.** That an automatic system of disinfecting the water in a public swimming pool shall be used which provides a residual of a disinfecting agent in the pool water as required by the health department.

**SECTION 8.** That where gaseous chlorine equipment is provided in a filter room at a public swimming pool, or in any part of a building which provides housing, the mechanical proportioning and cylinders of chlorine shall be housed in a corrosion-resistant enclosure and mechanically vented.

**SECTION 9.** That all public swimming pools shall be provided with dressing rooms as required by the health department which shall be so constructed as to be easily cleanable and maintained in a sanitary condition at all times. The buildings and grounds shall be kept free from garbage, trash and other refuse.

**SECTION 10.** That all public swimming pools shall be provided with a sanitary method of excreta disposal, including one or more separate toilets for each sex, and their number and location will be determined by the health department.

**SECTION 11.** That a complete system of artificial lighting shall be provided for all indoor public swimming pools and for all public swimming pools which are to be used at night.

**SECTION 12.** That drinking water furnished at any public swimming pool shall be of a quality approved by the health department and shall be made available by means of sanitary drinking fountains. The use of common drinking cups is forbidden.

**SECTION 13.** That all reasonable precautions shall be taken at public swimming pools to protect the bathers from injury or accident. Convenient means of ingress and egress shall be provided. The depth of the water and any irregularities of the bottom shall be clearly indicated. Safety appliances such as life buoys, life hooks, bamboo poles or ropes, and equipment, including first aid kits, shall be provided and be readily accessible.

**SECTION 14.** That where required by the health department a sufficient number of attendants shall be on duty when a public swimming pool is in use. Such attendants shall be capable swimmers competent in life saving methods and trained in methods of artificial resuscitation.

**SECTION 15.** That no person having any skin eruptions or abrasions, sore or infected eyes, cold, nasal or ear discharge, or communicable disease shall be permitted to use any public swimming pool. Spitting of water, or blowing the nose in the pool shall be strictly prohibited. Suitable placards embodying such personal regulations and instructions shall be conspicuously posted.

**SECTION 16.** That suits and towels for common use at a public swimming pool shall be thoroughly laundered and dried after each usage in such manner as to meet the requirements of the health department.

**SECTION 17.** That such records and reports concerning the operation of a public swimming pool shall be kept as may be required by the health department.

**SECTION 18.** That the health department shall make such rules and regulations as may be necessary in its judgment not inconsistent with the ordinance to meet the requirements of public swimming pool sanitation and to preserve the safety and health of the bathers. Such rules and regulations, when adopted by the health department may be printed and made available to all operators of public swimming pools and to such other persons as may request the same. Such rules shall constitute a part of this Act. For any violation of such rules and regulations or any failure to comply therewith, any permit to operate may be

revoked by the health officer under the provision of section 3.

**SECTION 19.** That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity or any other part of this Act.

**SECTION 20.** That all laws and part of laws in conflict with the provisions of this Act, be and they are hereby repealed.

**SECTION 21.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 22.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 21 herein and as otherwise provided in this Act.

Passed: May 20, 1971.

## Trailers

### Private Acts of 1973 Chapter 78

**SECTION 1.** That Shelby County, Tennessee, is hereby authorized to adopt a sanitary code for trailers, trailer courts, and trailer parks.

**SECTION 2.** The Shelby County Quarterly Court is authorized to provide for the enforcement and inspections of this code by the Memphis and Shelby County Health Department.

**SECTION 3.** The Shelby County Quarterly Court is authorized to amend or expand the sanitary code for trailers, trailer courts and trailer parks at any regular session.

**SECTION 4.** For the purpose of this chapter, the following definitions shall apply: Service building. A building maintained by trailer court management to provide toilet facilities for male and female, laundry facilities, and to provide shower facilities for use by occupants of trailers without such facilities.

Trailer or trailer coach. Any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, provided that this definition shall not include transport trucks or vans equipped with sleeping space for a driver or drivers.

Trailer court. Any plot of ground within the county upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes are located, and has been designated as a trailer court by the Memphis and Shelby County Health Department.

**SECTION 5.** Immediately upon arrival within the county limits, the owner and occupants of any trailer shall be subject to all the laws, ordinances, rules and regulations of the county and any violation thereof shall constitute a misdemeanor.

**SECTION 6.** The parking or storage of trailer coaches shall not be permitted on any premises within the county not operating as a trailer court under a valid permit. This section shall not apply to the owner of such vehicle if he is bona fide resident of the county and possesses sufficient space on his premises to park or store the unoccupied trailer coach; and if such parking or storage is approved in writing by the health department and is not in violation of any county ordinance.

**SECTION 7.** The Health Department is hereby empowered to formulate from time to time and to enforce any rules and regulations that such department may deem advisable governing the operation of trailers and trailer courts, bearing on any matters of sanitation or housing.

**SECTION 8.** Any person who violates the provisions of this chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements of the health department or health officer after receipt of written notice of such requirements shall be fined not less than five dollars (\$5.00) and not more than fifty dollars (\$50.00) for each offense and each day of continued violation after conviction shall constitute a separate offense.

**SECTION 9.** No trailer court shall be established or maintained by any person within the county without a valid current permit from the Health Department issued in the name of the current manager/or owner. The department is authorized to issue and to suspend or revoke permits upon written notice for reasonable cause to secure abatement of unsanitary conditions and compliance with health rules and regulations. Before a permit is issued an annual permit fee shall be paid to the Memphis and Shelby

County Health Department. Said fee shall be based on the number of spaces available in the trailer court, whether or not there is a trailer located on each space. The fee shall be two dollars (\$2.00) for each space and the permit shall designate the number of spaces approved; provided that the minimum fee shall be twenty-five dollars (\$25.00) and the maximum fee shall be two hundred dollars (\$200.00). This fee shall be due on July of each fiscal year and will be for twelve (12) month period. It must be paid by July 31 or a permit will not be issued.

**SECTION 10.** The Health Department is hereby authorized and directed to make inspections of trailer courts and trailers; and to enter at reasonable times upon the trailer court property to investigate compliance with health rules and regulations.

**SECTION 11.** The active manager or owner of a trailer court shall be capable and responsible for the proper sanitation of the premises and shall provide full time competent employees to maintain and operate the establishment in a satisfactory condition at all times.

**SECTION 12.** The owner or occupant of a trailer shall promptly register with the owner or manager of the trailer court when the vehicle is parked therein. The owner shall enter upon such register his date of arrival, name in full and the individual names of the persons in his party, license number of the vehicle and the state in which such vehicle was licensed, and the last permanent address of the owner of such vehicle and, upon leaving, he shall enter the date of his departure.

**SECTION 13.** Each trailer court that accepts a dependent trailer coach for parking shall be provided with one or more service buildings.

**SECTION 14.** An accessible, adequate, safe and potable supply of water shall be provided to each trailer space, capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per trailer coach space. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the trailer court shall be made only after express approval has been granted by the health department.

**SECTION 15.** Trailer courts shall be served by a public sewer system if available, or by a private disposal system which has the approval of the health department, each trailer coach space shall be provided with an approved, rigid, airtight sewer connection. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained, and operated so as not to create a nuisance or health hazard.

**SECTION 16.** All refuse shall be stored in standard metal containers, constructed of noncorrosive materials, equipped with tight-fitting lids and with handles. Such containers shall have a capacity of not less than 20 gallons nor more than 30 gallons, except that the maximum size limitation shall not apply where facilities are available for handling containers mechanically. Each trailer coach shall be provided with a sufficient number of containers of adequate capacity to prevent overflow. The containers shall be stored above the ground level and so fastened or supported as not to be easily overturned. Centralized refuse storage facilities may be utilized provided that the maximum distance from any trailer coach served does not exceed 150 feet. Garbage and refuse shall be collected and/or disposed of in a manner and at intervals approved by the Health Department.

**SECTION 17.** Insect and rodent control measures to safeguard public health, as recommended by the commissioner or health officer, shall be applied in the trailer court. The trailer court shall be kept free of rubbish, and shall be maintained in a satisfactory condition at all times. All harborage places for rodents or hosts of insect vectors shall be eliminated. All breeding places for flies and mosquitoes shall be eliminated or effectively treated.

**SECTION 18.** Trailer coach spaces in trailer courts shall be clearly defined and coaches parked so that there will be at least fifteen (15) feet of clear space between coaches or any attachment such as a garage or porch; fifteen (15) feet between coaches and any building or structure; at least five (5) feet between any coach and trailer court property line. No trailer coach shall be located closer than fifteen (15) feet to any public street or highway.

The individual plot sizes for trailer coach spaces shall be determined as follows:

- (1) Minimum width shall be equal to the width of the trailer plus twenty (20) feet.
- (2) Minimum depth with end parking of automobile shall be equal to the length of the trailer plus thirty (30) feet.
- (3) Minimum depth with side or street parking shall be equal to the length of the trailer plus twenty (20) feet.

In no case shall the minimum width be less than twenty-eight feet and the minimum depth less than fifty-five (55) feet and such spaces shall be used only for parking trailer coaches no larger than eight (8) feet wide and thirty-five (35) feet long.

**SECTION 19.** It shall be the duty of the owner or manager of a trailer court to promptly report to the Health Department all cases of suspected cases of communicable disease occurring within the court.

**SECTION 20.** Trailers may be occupied as living quarters, other than in designated trailer courts, if approval from the Shelby County Board of Adjustment is secured and the water supply and sewage disposal system and satisfactory sanitary fixtures are provided; as required by the Memphis and Shelby County Health Department.

**SECTION 21.** Any person violating any of the provisions of this code or failing, neglecting, or refusing to comply with any regulations of the department promulgated pursuant to the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be liable to a fine of not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00) for each offense. Each day of continued violation after conviction shall constitute a separate offense, and may be prosecuted in accordance with Section 53-303 Tennessee Code Annotated.

**SECTION 22.** If any part or parts of this Act shall be declared unconstitutional it shall not affect the validity of any other part of this Act.

**SECTION 23.** All laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

**SECTION 24.** This Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any County to which this act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this state or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the secretary of state.

**SECTION 25.** This Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 24 herein and as otherwise provided in this Act.

Passed: April 23, 1973.

## Disposal of Garbage

### Private Acts of 1973 Chapter 86

**SECTION 1.** Shelby County, Tennessee is authorized to establish a Sanitary Code for the disposal of garbage and rubbish within Shelby County outside the corporate limits of all municipalities within Shelby County. **SECTION 2.** The Shelby County Quarterly Court is authorized to amend or expand this code at any of its regular sessions. **SECTION 3.** The Shelby County Quarterly Court may designate the Memphis and Shelby County Health Department to enforce said code and establish rules and regulations pertaining to the sanitary disposal of garbage and rubbish. **SECTION 4.** For the purposes of the code the words and phrases used herein shall have the meanings as described in the Section.

PERSON. The word "person" shall mean every natural person, firm, partnership, association or corporation.

GARBAGE shall include all putrescible animal and vegetable matter, liquid or otherwise, that attend the preparation, use, cooking, handling, storage or meat, fish, fowl, fruits or vegetables, cans or containers originally used for food stuffs, animal offal, dead animal carcasses, and any other product or container as designated by the Health Officer.

RUBBISH includes all non-putrescible solid waste consisting of both combustible and non-combustible waste such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials.

"HEALTH OFFICE." The Director of the Memphis and Shelby County Health Department or his authorized agent.

The word "Shall" is mandatory, and the word "May" is permissive.

**SECTION 5.** It shall be unlawful for any person in possession, charge of or control of any premises to keep, cause to be kept, or allow the keeping on any premises within the limits of Shelby County as outlined in Section 8, of garbage or rubbish in such manner that it will become offensive or deleterious to health or likely to cause disease and the same is hereby declared a public nuisance. The Health Department is hereby authorized to inspect any premise in the county for the purpose of seeing that the requirements of this code are being complied with.

**SECTION 6.** It shall be a misdemeanor for any person to place any garbage, straw, dirt, chips, shells,



nails, iron, glass, fruit peelings, melon rinds, paper shavings, rags, or other rubbish or obnoxious substance on any street, sidewalk, alley, public park, parkway, square or other place in the county or on the property of another person.

**SECTION 7.** The handling, collection and disposition of all garbage, refuse, rubbish and waste shall be subject to the regulations of the department of health which is charged with the duty of seeing to it that the public health shall not be endangered in the handling, storage, or disposal of such refuse matter.

**SECTION 8.** It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers for the deposit of garbage generated on the premises. Lids or covers of such containers shall be kept tightly closed at all times other than when garbage is being deposited therein or removed therefrom. Containers used for the deposit or garbage for collection shall be in good condition so that collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly replaced. Containers provided shall be not larger than twenty-five (25) inches in diameter and thirty (30) inches in height nor smaller than fourteen (14) inches in diameter and sixteen (16) inches in height (commonly known as thirty (30) gallon and twenty (20) gallon containers). All containers shall be made of galvanized or plastic material and shall be kept watertight at all times. Sufficient additional containers shall be provided within the premises for receiving and holding without leakage and spillage all ashes, rubbish and waste matter other than garbage.

**SECTION 9.** Private pick up and disposal service may be used with a bulk type garbage and trash container. The frequency of pick up, the placing and method of disposal of garbage and trash, and the type of container used, shall meet requirements of the Health Department. The Health Department will adopt regulations pertaining to the regulations of this type of service. Trash containers shall be of a size and type as approved by the Health Officer. Trash containers shall not be used for garbage.

**SECTION 10.** The Health Officer may make such rules and regulations as are not inconsistent with the provisions of this code as may be necessary or desirable to aid in the administration of and obtaining compliance with the provisions of this code.

**SECTION 11.** This bill shall apply to Shelby County outside incorporated towns; provided that agricultural zoned areas that do not have special permits from the Shelby County Board of Adjustments shall be exempt from the provisions herein.

**SECTION 12.** Any person violating any of the provisions of this code or failing, neglecting, or refusing to comply with any regulations of the department promulgated pursuant to the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be liable to fine of not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) for each offense. Each day of continued violation after conviction shall constitute a separate offense, and may be prosecuted in accordance with Section 53-303 Tennessee Code Annotated.

As amended by: Private Acts of 1975, Chapter 156

**SECTION 13.** If any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity of any other part of this Act.

**SECTION 14.** All laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

**SECTION 15.** This Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any county to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this state or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 16.** This Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 15 herein and as otherwise provided in this Act.

Passed: April 26, 1973.

## Disposal of Solid Waste

### Private Acts of 1967-68 Chapter 439

**SECTION 1.** It is hereby declared that the use of open dumps and improperly operated solid waste disposal sites and/or facilities as a means of refuse disposal (1) endangers the health and welfare of the

citizens of this State by causing or contributing to the pollution of the air and ground surface water; (2) results in nuisances and a hazard to the public health, and (3) provides a breeding place for flies, rats, and other vermin and carriers of disease. It is, therefore, declared to be the public policy of this State to eliminate and prevent such health, welfare and safety hazards by the establishment of standards for the regulation of the use and operation of solid waste disposal sites and/or facilities within the counties of this State having a population of 600,000 inhabitants or more, according to the Federal Census of 1960 or any subsequent Federal Census.

**SECTION 2.** That effective July 1, 1968, in all counties of this State having a population of 600,000 inhabitants or more, according to the Federal Census of 1960 or any subsequent Federal Census, the Quarterly County Court of such counties is authorized to provide by resolution for the regulation of the use and operation of solid waste disposal sites, facilities, and sanitary landfill operations.

**SECTION 3.** That said Quarterly County Court is further authorized to provide by resolution and may specifically provide that injunctive relief, either mandatory or based on nuisance, may be sought in the name of the County to relieve violations in addition to any other provisions therein.

**SECTION 4.** That failure of, or refusal by, any person to comply with the provisions of such resolution shall be lawful and is hereby declared to be a misdemeanor under the small offense law and punishable upon conviction by fine not to exceed Fifty Dollars (\$50.00).

**SECTION 5.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

**SECTION 6.** Where the conditions imposed by any provision of this Act are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Act or any other applicable law, resolution, rule or regulation, the more restrictive provisions (or those which impose higher standards or requirements) shall govern.

**SECTION 7.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court of the county and shall be certified by him to the Secretary of State.

**SECTION 8.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 7 herein and as otherwise provided by this Act.

Passed: April 3, 1968.

## Hospital

## Administrator

## Private Acts of 1967-68 Chapter 233

**COMPILER'S NOTE:** Sections 1,2,3,4,5,6,7,8, and 11 were deleted in their entirety by Private Acts of 1969, Chapter 189, found in this volume, which created the Memphis and Shelby County Board of Hospital Trustees.

**SECTION 9.** That there is hereby established the office of Administrator of the Shelby County Hospital. The Administrator shall hold his office for a term of one (1) year, unless removed upon written charges filed before the Board of Trustees of the Shelby County Hospital, in which case the Administrator may be removed from office by the concurrence of five (5) members of the Board. The Administrator shall be a person of good business capacity; shall not be a practicing physician; shall give his entire time and attention to the duties of the office; and shall select in accordance with Shelby County regulations all employees, agents and servants for the conduct of such hospital, such selections being subject to approval by the Board of Trustees. It shall be the Administrator's duty to purchase all provisions and materials necessary for the hospital, and to keep accurate account of all purchases made, and to submit, monthly or bimonthly as required, all payrolls and invoices duly approved by the Board of Trustees to the Shelby County Commission for payment as all other such items are required to be paid. The Administrator shall have charge of all the employees and property in and about the hospital, but he shall at all times be subject to the direction and control of the Board of Trustees. It shall be the Administrator's duty to faithfully carry out, or cause to be carried out, the treatment of patients as directed by the medical staff;

to collect all moneys due from pay patients and turn same over to the County Comptroller as other such moneys are required to be deposited; and to make monthly reports to the Board of Trustees of all outstanding accounts and collections. The Administrator shall make full reports of all admissions to the hospital, of all deaths, and all convalescents; and shall keep available at the hospital a record of each patient admitted, setting forth his or her place of residence, nationality, sex, disease, and such other facts and circumstances as the medical staff shall direct. The Administrator shall promulgate and keep current a manual containing the operating procedures of the hospital. Before entering upon said duties, the Administrator shall give a bond in the penalty of five thousand dollars (\$5,000.00) to secure the faithful performance of said duties.

**SECTION 10.** That the Board of Trustees shall include in its budget each year an amount designated as the recommended salary for the Administrator; provided that such amount shall be considered as an independent budgetary item and shall be either approved or disapproved independent of the remaining budget. The Shelby County Commission shall either approve the recommended salary or disapprove same and designate such an amount as it deems proper.

**SECTION 12.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

**SECTION 13.** That all laws or parts of laws in conflict herewith are hereby repealed.

**SECTION 14.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court of Shelby County and shall be certified by him to the Secretary of State.

**SECTION 15.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 14 hereof and as otherwise provided in this Act.

Passed: May 18, 1967.

## Board of Trustees

### Private Acts of 1969 Chapter 189

**SECTION 1.** That the County of Shelby be and it is hereby authorized by and through its Quarterly County Court and Board of Commissioners to enter into contracts with the City of Memphis through its proper authorities for the operation, maintenance and control of the Shelby County Hospital, Oakville Memorial Hospital and the City of Memphis hospitals.

**SECTION 2.** That there shall be and hereby is established a Board of Hospital Trustees, to be known as the "MEMPHIS AND SHELBY COUNTY BOARD OF HOSPITAL TRUSTEES", which shall consist of fifteen (15) members who shall be vested with the power and authority to manage and control the operation of all of said hospitals, both within and without the corporate limits of the City of Memphis. Said Memphis and Shelby County Board of Hospital Trustees shall assume the authority to manage and control the operation of all of said hospitals at such time as the present Boards of Trustees of said hospitals are divested of the power and authority heretofore vested in them by Private Acts of the State of Tennessee and Ordinances and Resolutions of the legislative bodies of Shelby County and the City of Memphis.

**SECTION 3.** That the Memphis and Shelby County Board of Hospital Trustees herein created shall be vested with authority for the management and control of any and all hospitals presently operated or hereinafter constructed or acquired by Shelby County, either independently of, or jointly with, the City of Memphis.

**SECTION 4.** That the Quarterly Court of Shelby County and the Board of Commissioners of Shelby County be and they are hereby authorized by agreement with the Mayor and the legislative body of the City of Memphis to create and establish the appointment of, tenure of service, and qualifications of the Memphis and Shelby County Board of Hospital Trustees; such agreement, if made, to be evidenced by an Ordinance passed by the legislative body of the City of Memphis, the terms of such Ordinance shall be embodied in and concurred in by a Resolution of the Quarterly Court of Shelby County.

**SECTION 5.** That the Quarterly Court of Shelby County be and they are hereby authorized to appropriate and expend such sums as are necessary to carry out the provisions of this Act.

**SECTION 6.** That Chapter 209, of the Private Acts of 1917, Chapter 387 of the Private Acts of 1917, Chapter 292, of the Private Acts of 1919, Chapter 467 of the Private Acts of 1927, are repealed insofar as any parts of the same are in conflict with this Act.

**SECTION 7.** That Chapter 233 of the Private Acts of 1967 is hereby repealed by deleting the following Sections in their entirety: Sections 1,2,3,4,5,6,7,8, and 11.

**SECTION 8.** That the members of the Board of Trustees of the Shelby County Hospital and the Board of Trustees of Oakville Memorial Hospital, all of whom have rendered creditable service to their respective institutions, and the people of Shelby County, be and they are authorized to continue to serve as Advisory Members to the Memphis and Shelby County Board of Hospital Trustees during the remainder of their respective appointive terms.

**SECTION 9.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

**SECTION 10.** That all laws or parts of laws in conflict herewith are hereby repealed.

**SECTION 11.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County not more than One Hundred Twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Quarterly County Court of Shelby County and shall be certified by him to the Secretary of State.

**SECTION 12.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 11 hereof and as otherwise provided in this Act.

Passed: May 9, 1969.

## LeBonheur Club

### Private Acts of 1965 Chapter 126

**SECTION 1.** That the County of Shelby is hereby authorized to join with and become a party with the City of Memphis in acquiring legal title to Parcel 1 of Block 7, on the Property Disposal Map of the Memphis Medical Center comprising 106,110 square feet, lying immediately east of the present LeBonheur Hospital site between Washington and Adams Streets, in the City of Memphis, and further joining with the City of Memphis in leasing same to the LeBonheur Club, Inc. for use as an addition to the LeBonheur Hospital. In addition to the aforesaid use, the County of Shelby is hereby authorized to convey its interest in said property to the State of Tennessee.

As amended by: Private Acts of 1970, Chapter 247.

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County, Tennessee, within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1965. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of the Quarterly Court to the Secretary of State.

**SECTION 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 9, 1965.

## Scientific and Medical Assistance

### Private Acts of 1959 Chapter 119

**SECTION 1.** That the Quarterly County Court of the County of Shelby, shall be and hereby is authorized and empowered to enter into a contract, or contracts, with an institution, or institutions, public or private, or with an individual, or individuals, requiring said institution, or institutions, or said individual, or individuals, within said County to render scientific and medical assistance in connection with law enforcement problems in said County. The contracts may provide for, but shall not be limited to, the performances of autopsies, chemical and biological laboratory examinations, toxicological examinations, and such other scientific and medical examinations, investigations and experimentations as may be

deemed necessary by the Quarterly County Court.

**SECTION 2.** That the Quarterly County Court of said County shall be, and hereby is empowered and authorized to appropriate and expend from the General Funds of the County such sums as may be deemed necessary for the purposes of effectuating the contract, or contracts, authorized by Section 1 of this Act.

**SECTION 3.** That any incorporated municipality within such County may join in said contracts in order to obtain the benefits thereof for the law enforcement agencies of the municipality, and may pay such portion of the authorized cost as may be agreed upon between the County and the municipality.

**SECTION 4.** That this Act shall be construed as supplementary to the existing contract powers and authority of such County, and is not intended to repeal any existing Act, or Acts, affecting such County.

**SECTION 5.** That this Act shall become effective when the same shall have been approved by the Quarterly County Court of Shelby County by a vote of not less than two-thirds of the members of said Court, such approval to be made by said Court within 60 days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1959, the public welfare requiring its becoming effective at that time, and not before such approval. The approval, or non-approval, of this Act by said Quarterly County Court of Shelby County shall be certified by the Chairman of the said Court to the Secretary of State.

Passed: March 6, 1959.

## Sewage Disposal

### Private Acts of 1972 Chapter 394

**SECTION 1.** That in compliance with Section 53-2009-53-2016 of the Tennessee Code Annotated, the Memphis and Shelby County Health Department is hereby granted the authority to enforce the following requirements with respect to the sanitary disposal of sewage and human excreta.

**SECTION 2.** That the following definitions shall apply in the interpretation of this Act:

Accessible Sewer- A public sanitary sewer located in a street or ally abutting on the property in question or otherwise within 200 feet of any boundary of said property measured along the shortest available right-of-way.

Health Officer- The Director of the Memphis and Shelby County Health Department, or his designated representative.

Human Excreta- the bowel and kidney discharges of human beings.

Sewage-All liquid, human, animal, household and industrial wastes from residences, buildings, and commercial or industrial establishments.

Approved Septic Tank System- A watertight covered receptacle constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two bedrooms the capacity of the tank shall be in accordance with the current recommendations of the Memphis and Shelby County Health Department and the Shelby County Plumbing Department. A minimum liquid depth of four feet should be provided with a minimum depth of air space above the liquid of one foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

Sanitary Pit Privy- A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground of the underground water supply will be prevented.

Other approved Method of Sewage Disposal or Treatment- Any chemical toilet, or other disposal or treatment device (other than a public sewerage system, septic tank, or sanitary pit privy as described above) the type, location and construction of which have been approved by the health officer.

Watercourse-Any natural or artificial drainage basins which conveys water either continuously or intermittently.

**SECTION 3.** That every residence, building, or place where human beings reside, assemble, or are employed within Shelby County shall be required to have a sanitary method for disposal of sewage and human excreta. It shall be a misdemeanor to occupy such places where the sewage disposal system has

not been completed and approved by the health officer.

**SECTION 4.** That wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be installed and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. Where plumbing facilities are required for living quarters they shall consist of at least the following: water closet, lavatory, tub or shower, kitchen sink, water heater, provided that premises not used as living quarters shall require such fixtures as required by the health officer.

**SECTION 5.** That wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved sewage disposal or treatment system. a. No septic tank or other water-carried sewage disposal or treatment system shall be installed without the approval of the health officer or his duly appointed representative.

**SECTION 6.** That wherever a sanitary method of human excreta disposal is required under Section 3, above, and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided as required by the health officer.

**SECTION 7.** That before any work is commenced on the construction of any septic tank disposal system, sewage disposal and treatment system, or additions, alterations or major changes to such system, complete plans and specifications accompanied by such pertinent data as may be required shall be submitted by the owner or his agent to the health officer, and no part of the work shall be commenced until the health officer has given written approval.

**SECTION 8.** That it shall be the duty of the owner of any property upon which facilities for sewage or human excreta disposal are required by Section 3, above, or the agent of the owner to provide such facilities.

**SECTION 9.** That it shall be the duty of the occupant, tenant, lessee or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog or otherwise interfere with the operation of such facilities shall be deposited therein.

**SECTION 10.** That no sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this Act (or regulations).

**SECTION 11.** That no sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer.

**SECTION 12.** That no sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water.

**SECTION 13.** That it shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this Act (or regulation). Written notification of any violation of this Act (or regulation) shall be given by the health officer to the person or persons responsible under this Act (or regulation) for the correction of the condition, and correction shall be made within a specified time after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable as provided in Section 15 hereof; but such person shall be allowed the number of days herein provided within which to make permanent correction.

**SECTION 14.** That whenever carnivals, circuses, or other transient groups of persons come within the area of Shelby County, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this Act.

**SECTION 15.** That any person, firm, association, corporation or agent thereof, who shall fail, neglect or refuse to comply with the provision of this Act or any regulation made pursuant to this Act shall be guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) and not more than fifty dollars (\$50.00) for each violation and each day of continued violation shall constitute a separate offense.

As amended by: Private Acts of 1975, Chapter 157.

**SECTION 16.** That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the

validity or any other part of this Act.

**SECTION 17.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 18.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 17 herein and as otherwise provided in this Act.

Passed: April 11, 1972.

## Water Quality Control

### Private Acts of 1971 Chapter 167

**SECTION 1.** That the Memphis and Shelby County Health Department is hereby authorized to enforce the provisions of this Act pertaining to Water Quality Control within Shelby County excluding incorporated municipalities.

**SECTION 2.** That the following definitions shall be applicable to all provisions of this Act:

Abandoned Well- An "abandoned well" is any well that has been voluntarily abandoned or further use.

Auxiliary Intake - An "auxiliary intake" is any piping connection or device whereby water may be secured from a source other than that normally used.

Condemned Well- A "condemned well" is any well which pollutes or contaminates or tends to pollute the water stratum.

Cross-connection- A "cross-connection" is any physical connection whereby a potable water system, whether public or quasi-public, is connected with another supply either inside or outside of any building in such manner that a flow into the potable supply is possible, either because of ineffective or defective check valves or back pressure valves, or for any other cause.

Shallow well- is a well that is constructed to a depth shallower than the stratum of blue clay which is found just above the water bearing sands known as the Claiborne group. This stratum of blue clay in an adjacent to Memphis is usually intercepted at a depth of approximately 100 feet and extends to a depth of from 200 to 300 feet.

Deep well- is a well that is constructed to depth that penetrates the blue clay known as the Claiborne group or the 500 foot water bearing formation, also the Wilcox group known as the 1400 foot water bearing formation.

Health Department- The Memphis and Shelby County Health Department.

Health Officer- The Director of the Memphis and Shelby County Health Department, or his designated representative.

Potable Water Supply- The term "potable water supply" means any water supply of a quality approved by the Department of Health as being safe for human consumption.

Private Water Supply- A "private or individual water supply" system is one that is confined to or intended only for the person or persons immediately concerned such as individual dwellings, farms, etc.

Public Water Supply- A "public water supply" is any water supply whereby the users of said supply are required to pay a fee for services rendered.

Quasi-Public Water Supply- A "quasi-public water supply" is any supply used or made available by a person, firm or corporation, to their employees, tenants, members or guests for drinking, or in connection with any commercial or industrial use such as for cooling purposes, manufacturing processes, food preparation and handling or any other uses.

The source of a quasi-public water supply may be from a quasi-public or a public supply only.

**SECTION 3.** That any individual, firm, corporation, or owner of a quasi-public, or private water supply must make an application for the installation of any and all types of wells in Shelby County. An application may be obtained at the Department of Health. If an application is approved, such application shall be in force and in effect for 90 days from the date of its issuance. If work has not commenced within 90 days of issuance, said application shall be revoked.

All water wells in Shelby County shall be required to have a negative bacteriological sample obtained prior to putting the well into service.

**SECTION 4.** That no person, firm, or corporation shall operate or maintain a quasipublic, or a private water supply until a permit therefore has been issued by the Department of Health, which permit shall not be valid for longer than one year and may be renewed at the expiration thereof upon payment of the fees hereinafter set out. All permits shall be in writing. Such permit may be revoked by the Department of Health upon the violation by the holder of any of the terms of this article, or in any emergency when, in the judgment of the Department of Health, the continued operation of the quasi-public or private water supply will be a public health menace. The holder of such permit, after such revocation, shall have the right of appeals.

The yearly permit to operate or maintain a quasi-public water supply shall not be issued until an inspection fee is paid each year to the Health Department. A fee of twenty dollars (\$20.00) for a quasi-public water well in the shallow water bearing formation shall be paid by the owner, and a fee of ten dollars (\$10.00) shall be paid for each additional quasi-public well. A fee of one hundred dollars (\$100.00) for a quasi-public water well in the deep water bearing formation shall be paid by the owner, and a fee of twenty-five dollars (\$25.00) shall be paid for each additional quasi-public water well. The owner shall be liable for the fee whether the water well is shallow or deep. Said fee shall be due on January 1, of each calendar year and shall be paid by January 31, of each calendar year. Private well owners will be held liable for a fee only if public water is available. Private well owners shall not be liable for this fee for any wells used for irrigation and/or live stock and not for human consumption even though public water is available.

**SECTION 5.** That before work is commenced on the construction of any new well, or any additions, alterations, or changes, including cross connections, treatment, settling and storage tanks, aerators, wells, suction lines and any other part of such quasi-public or private water supply listed in any regulations adopted by the Department of Health, complete plans and specifications, accompanied by such pertinent data as may be required shall be submitted, by the owner or his agent to the Department of Health, and no part of the work shall be commenced until the Department of Health has given its written approval.

**SECTION 6.** That before any work is commenced on the construction of any sewers, sewage treatment plants or any part of the sewerage system constructed underground, or any additions, alterations or major changes to an existing sewerage system on private property on which there is a water supply; complete plans and specifications shall be submitted by the owner or his agent to the Department of Health, and no part of the work shall be commenced until the Department of Health has given its written approval; provided, that this does not include repairs to plumbing in buildings and above the ground which is controlled by the Plumbing Inspectors.

**SECTION 7.** That all quasi-public and private water supplies shall be open for inspection at all times by an authorized representative of the Department of Health.

**SECTION 8.** That all water wells shall be located, constructed and operated in accordance with the rules and regulations adopted by the Department of Health, and the water shall be of a safe, sanitary quality. No water well shall be located close enough to any existing or proposed well in Shelby County that would materially affect the static head of water from the underground strata of any such well or proposed well.

**SECTION 9.** That new or repaired potable water systems shall be disinfected prior to use. The new or repaired system shall be flushed with potable water until it is free of turbidity. The system or part thereof shall be filled with a chlorine solution containing at least fifty (50) parts per million of chlorine and the system or part thereof shall be valved off and given twenty-four hours retention time, or The system or part thereof shall be filled with a chlorine solution containing at least 200 parts per million of chlorine and given three hours retention time. Following the retention time the system shall be flushed with potable water until the chlorine residual does not exceed two parts per million in the systems. This procedure shall be repeated if it is shown by a bacteriological examination that contamination is still present in the system.

**SECTION 10.** That the Department of Health may order the owner or responsible person to fill up any abandoned or condemned well within (90) days after the receipt of notice from the Department of Health to abandon, dismantle, and fill such well at his own expense. The filling of said well shall be done according to the Health Department's requirements.

**SECTION 11.** That no auxiliary intake for a potable water supply shall be made or permitted unless the source and use of the auxiliary supply, and the location and arrangement of the intake shall be approved by the Department of Health.

**SECTION 12.** That it shall be unlawful for any engineer, plumber or other tradesman or workman, or any other person, to make any cross-connection between a public water supply and any quasi-public water supply unless written approval by the Department of Health has been obtained in advance. Whenever a



cross-connection between a public water supply and a quasi-public water supply has been made, the premises shall at all times be open for inspection by any authorized representative of the Department of Health, and if on inspection, it is found that the public water supply might become contaminated through such cross-connection because of some potential danger of contamination by the other water supply, then the public supplier shall have the right to discontinue the water service upon such premises upon written recommendation by the Department of Health that such discontinuance should be put into effect.

**SECTION 13.** That whenever a cross-connection may be made or now exists between a public water supply and any quasi-public water supply such quasi-public water supply shall be equipped with gate valves, check valves and bleeder or test valves for the purpose of preventing the commingling of water, and to insure the means of immediate and complete separation during any possible emergency. Such valve or valves must be installed by the owner of said quasipublic water supply in such a manner as to meet the approval of the Department of Health.

**SECTION 14.** That whenever a public or quasi-public water supply is used for drinking and a nonpotable water supply is used for fire protection, industrial or other purposes, such nonpotable water supply shall be distributed through an independent piping system having no cross connections with the public or quasi-public water supply and shall not be rendered available for drinking or other personal or domestic uses.

**SECTION 15.** That whenever the potential danger of contamination of a quasi-public water supply is sufficient to be considered an emergency by an authorized Health Department representative, he shall have the right to post signs at all faucets, fountains or other places where people might drink, or prohibit the use of this water for drinking or in connection with the preparation of any ice, food or drink, until such time as the necessary protection changes are made and approved by the Health Department.

**SECTION 16.** That the use of all water pumped by quasi-public water supplies for industrial and drinking purposes shall be limited to reasonable use. The term "reasonable use" shall be defined as that use of water which is ordinarily required by industries, firms and individuals in the usual operation of their business. It shall also include such water as may be reasonable necessary for cooling, refrigeration and air conditioning, subject however, to the limitations and conditions herein mentioned. The amount of water reasonably necessary for the purposes mentioned herein may be determined by the effect the use of the same, when combined with similar uses by others, may have on the available water supply and on the sewerage system available for the carrying off of wastewater. In all cases where it will be feasible for quasi-public water supplies to reuse water for cooling through the use of cooling towers, evaporative condensers or some other such device, the Health Department may require the use of some such device in order to conserve the amount of water taken from the water bearing strata from which the public drinking water supply is obtained and to limit, so far as practicable, the amount of wastewater which must be handled by the public sewer system. In any and all cases that might arise due to the drilling of new wells in which the existing public sanitary or storm sewer available is too small to handle the additional load, then such wastewater must be handled in some other manner satisfactory to the Department of Health.

**SECTION 17.** That the Health Department may make such rules and regulations, not inconsistent with this article or with the Constitution or laws of the State, as may from time to time be necessary to carry out the purpose of this article.

**SECTION 18.** That any person, firm or corporation who is in violation with any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction be fined not less than \$25.00 or more than \$100.00 and each day such violation of this Act shall continue shall constitute a separate offense.

**SECTION 19.** That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity or any other part of this Act.

**SECTION 20.** That all laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

**SECTION 21.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 22.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 21 herein and as otherwise provided in this Act.

Passed: May 20, 1971.

# Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Acts of 1837-38, Chapter 183, revived an act passed on December 31, 1831, which appropriated the state tax on merchants' license, within Shelby County, to support the Memphis Hospital for a period of five years.
2. Acts of 1845-46, Chapter 92, appropriated the state tax on merchants' license, within Shelby County, to the exclusive use and benefit of the Memphis Hospital for two years.
3. Public Acts of 1891, Chapter 186, provided for the establishment of asylums for the insane, poor and inebriate, to be established and personnel appointed by the Shelby County Board of County Commissioners. This was amended by Private Acts of 1917, Chapter 255, which provided that the appointment of a farm boss for the asylum would be discretionary with the trustees of the asylum.
4. Acts of 1903, Chapter 403, amended Public Acts of 1891, Chapter 186, by providing a commission of three members, instead of five, to oversee the operation of an asylum for the insane, poor and inebriates.
5. Acts of 1907, Chapter 339, provided that the board of commissioners of the asylum for the insane, poor and inebriates should hold their meetings on the first Wednesday of each month, and more often if necessary.
6. Acts of 1907, Chapter 476, provided for the meetings of the county board of health, and for the payment of the accounts, bills and expenses in said county board of health in counties of 150,000 or over according to the Federal Census of 1900.
7. Private Acts of 1917, Chapter 209, authorized Shelby County to erect, equip and maintain a tuberculosis hospital in cooperation with the City of Memphis, provided for the governing of that hospital by a board of trustees and allowed the county to levy a tax for the support of that hospital. Private Acts of 1917, Chapter 387, allowed the City of Memphis to cooperate with Shelby County in the construction of that hospital. Private Acts of 1919, Chapter 292, authorized a bond issue for the construction and support of the tuberculosis hospital. All of these acts were amended by Private Acts of 1961, Chapter 301, to add the words "and other chest diseases" after the word "tuberculosis." Private Acts of 1969, Chapter 117, further amended these acts, to permit the hospital trustees to admit patients who are chronically ill, to treat subacute illnesses and to engage in a program of rehabilitation. All of these acts were repealed by Private Acts of 1969, Chapter 189, which created the Memphis-Shelby County Board of Hospital Trustees.
8. Private Acts of 1919, Chapter 662, provided for a system of reformatory institutions, home for women and detention hospitals for infected women, and to prescribe the terms on which women may be admitted and committed to such institutions, and for the care, government and support of same.
9. Private Acts of 1927, Chapter 467, authorized Shelby County to issue bonds in the sum of \$100,000 for the purpose of, in co-operation with the City of Memphis, constructing new buildings and additions to the Tuberculosis Hospital.
10. Private Acts of 1943, Chapter 261, authorized the board of trustees of the Tuberculosis Hospital in Shelby County to use any proceeds remaining in their hands from the sale of improvement bonds for said hospital or any current surplus of said hospital in the payment and retirement of bonds issued for the benefit of such institutions.
11. Private Acts of 1945, Chapter 263, amended Private Acts of 1911, Chapter 237, giving the commission power to order an autopsy whenever there was a suspicious death at the Oakville Memorial Sanatorium.
12. Private Acts of 1949, Chapter 497, authorized Shelby County in conjunction with the City of Memphis to establish a board of water control, but this act was superseded by the provisions of Private Acts of 1971, Chapter 167, which created the current water quality control board.
13. Private Acts of 1951, Chapter 571, authorized Shelby County to contract with public or private institutions within the county for scientific and medical assistance in law enforcement. This act was repealed by the current law, Private Acts of 1959, Chapter 122, found in this volume in the preceding chapter.
14. Private Acts of 1975, Chapter 107, provided that in Shelby County (identified by the 1970 population figures) regulatory authority over cotton gin operations for the purpose of controlling air contaminant emissions from cotton gins would hereafter be vested solely with the State of

Tennessee and not with any local jurisdiction. This act was not acted on by local authorities and consequently never took effect at the local level.

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