



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

July 23, 2024

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# Private Acts of 1967-68 Chapter 439

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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

Sincerely,

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## 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.

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