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Private Acts of 1972 Chapter 394

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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 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.

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