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# Destruction of Weeds

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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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# Destruction of Weeds

## Private Acts of 1967-68 Chapter 258

**SECTION 1.** That the Board of Commissioners of Shelby County is authorized to regulate and control by resolution the cutting of rank weeds, grasses or other underbrush deemed in the discretion of the Board of Commissioners to constitute a health or traffic hazard to the people, the public welfare requiring.

**SECTION 2.** That the Board of Commissioners of Shelby County shall have the authority to compel the owner, occupant or tenant of any property in Shelby County lying outside the boundaries of an incorporated municipality to cut or destroy such weeds, grasses or other underbrush. The Board of Commissioners shall also have the power upon the refusal of the owner, occupant or tenant to cut or destroy such weeds, grasses or other underbrush, or in case the owner of the property is a non-resident or unknown, to cut or destroy such weeds, grasses or other underbrush and shall have a lien upon the property for the cost of such removal, which lien may be enforced by attachment suit in any court of competent jurisdiction.

**SECTION 3.** That the failure or refusal of the owner, occupant or tenant to cut or destroy such weeds, grasses or other underbrush upon order of the Shelby County Board of Commissioners or any person acting in their behalf shall be unlawful and is hereby declared to be a misdemeanor under the small offense law and punishable upon conviction by a fine not to exceed Fifty Dollars (\$50.00).

**SECTION 4.** That the provisions of this Act shall not apply to rural farm lands consisting of ten (10) or more acres located within Shelby County and beyond the boundaries of any municipality, except where in the discretion of the Board of Commissioners such growth of weeds, grasses or other underbrush constitutes a traffic hazard necessitating its removal for the safety and welfare of the citizens.

**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.** 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 7.** 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 6 herein and as otherwise provided by this Act.

**SECTION 8.** As an additional and cumulative remedy the Board of Commissioners of Shelby County may by resolution provide that on certification of the costs of cutting weeds, grasses or other underbrush upon the property described in said Act, to the County Trustee, it shall be the duty of the County Trustee to put the amount so certified on the tax bill against said property, and it shall be the duty of the County Trustee to collect, as a special tax, the amount so certified, and for the purposes of this Act, the costs of cutting weeds, grasses or other underbrush upon any property described in this Act may by resolution duly passed be declared to be a special tax to be collected as other general taxes levied by such county are now or may be hereinafter collected.

As amended by:  
Passed: May 25, 1967.

Private Acts of 1970, Chapter 242.

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