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RESOLUTION NO: 1125-10

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RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF MONROE COUNTY, TENNESSEE PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118(c) AND 6-2-201(22)

WHEREAS, the Tennessee General Assembly, enacted Chapter 969 of the Public Acts of 2000 of the State of Tennessee ("Public Chapter 969"), effective June 21, 2000, which amends Tennessee Code Annotated Section 5-1-118 by adding sections (b) and (c) thereto relative to county powers shared with municipalities; and,

WHEREAS, said new subsection (c) of Tennessee Code Annotated Sections 5-1-118 authorizes certain counties, including Monroe County, to exercise those powers granted to municipalities by subsections (22) and (23) of Tennessee Code Annotated section 6-2-201, with specified exceptions, provided that any county authorized by subsection (c) to exercise such powers must first approve Public Chapter 969 by the adoption of a resolution by two-thirds (2/3) vote of its legislative body; and,

WHEREAS, on October 28, 2003, the Board of County Commissioners of Monroe County, Tennessee, adopted by two-thirds majority Resolution No. 1028-26 approving Public Chapter No. 969 authorizing Monroe County to exercise the powers granted thereunder; and,

WHEREAS, upon the adoption of such resolution and pursuant to the provisions of said subsection (22) of Tennessee Code Annotated section 6-2-201, Monroe County is authorized to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental or liable to be detrimental to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the unincorporated areas of the county, and to exercise general police powers, and,

WHEREAS, Monroe County desires to adopt regulations for the unincorporated areas of the county pursuant to the authority of Tennessee Code Annotated sections 5-1-118(c) and 6-2-201(22)

WHEREAS, the citizens of Monroe County are desirous of improving the environment and reducing the risk to human and animal health posed by junkyards and vehicle graveyards. Further, the citizens of Monroe County are desirous of improving the aesthetics of the unincorporated areas of Monroe County and the minimizing the diminution in property values which occur as a result of the unregulated establishment of junkyards and vehicle graveyards.

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Further, the citizens of Monroe County, Tennessee are desirous of promoting the public health, safety, comfort, order, convenience, prosperity, and general welfare of Monroe County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Monroe County, Tennessee, meeting in regular session this 25th day of November, 2003 at Madisonville, Tennessee, that the following regulations be adopted:

REGULATIONS ON JUNKYARDS AND VEHICLE GRAVEYARDS

Definitions:

1. **Vehicle graveyard.** Any premise used for the storing, keeping, selling, or buying wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. **Five (5) or more said vehicles shall constitute a vehicle graveyard.**
2. **Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, of junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
3. **Junkyard.** An establishment or place of business which is maintained, operated, or used for buying and/or selling junk, or for the maintenance or operation of an automobile graveyard. "Junkyard" includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation, when the business will continually have like materials located on the premises. "Junkyard" does not include a recycling center.
4. **Recycling Center.** An establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.
5. **Person.** Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receptor, syndicate, branch of government, or any group or combination acting as a union.

General Provisions: No person within the unincorporated areas of Monroe County shall own, operate, or allow the establishment of a vehicle graveyard and/or junkyard.

Penalty: A violation of any provision of this Resolution or any regulation herein contained is punishable by civil penalty of not less than Fifty Dollars (\$50.00). Each day that

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One or more of the violations exists or continues to exist shall constitute a separate violation of these regulations. The General Sessions Court for Monroe County, Tennessee shall have jurisdiction to enforce the provisions of this Resolution and the regulations herein contained by assessing the monetary penalty hereinafter provided and injunctive relief. Monetary penalties and court costs may be collected in the same manner as a judgment in a civil case

Injunctive Relief. Monroe County may seek injunctive relief to restrain any violation of this section and/or to require cleanup action at junkyard and vehicle graveyards in the Circuit, Chancery, or General Sessions Courts of Monroe County, Tennessee.

Applicability. These regulations do not apply to any junkyard and/or vehicle graveyard in business, established and/or in operation as of the date of the passage of this Resolution. These regulations do apply to regulate any expansion or modification of any junkyard and/or vehicle graveyard in business, established and/or in operation as of the date of the passage of this Resolution.

Enforcement. These regulations may be enforced by the Monroe County Mayor and/or his designee who shall be known as the enforcement officer and/or any other law enforcement officer of the County. The Monroe County Attorney is empowered and authorized to pursue any Court action that may become necessary to enforce these regulations.

It is the obligation of the owner(s) that the property be maintained such that it does not endanger the health, safety or welfare of county residents and/or so as not to violate the terms of these regulations. If the property fails to comply with the above stated regulations, the property owner is ultimately responsible and liable regardless of whether such condition was caused by a tenant, lease holder, or other person. Once the enforcement officer becomes aware of a alleged violation, the enforcement officer shall inspect the property. If the enforcement officer believes there is a violation of these regulations, then the enforcement officer shall notify the owner of the property of the violation of these regulations by personal service upon the owner or by United States certified mail, return receipt requested, addressed to the last known address of the owner of record. The notice of the violation shall request that the violation be corrected.

All proceedings for the violation of any provision of this ordinance or any regulations contained herein shall be initiated by the issuance of citation by the enforcement officer and/or any law enforcement officer of Monroe County. The citation shall:

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1. (a) State the name and address of person cited;
- (b) Name of the issuing officer, and the violation charged;
- (c) Demand the person to appear in the General Sessions Court for Monroe County at a stated time;
- (d) Give notice to the person that failure to appear as ordered is punishable as contempt of contempt.

2. Citations shall be executed in triplicate, the original shall be delivered to the Court specified therein, and one copy given to the person cited, and one copy to be retained by the officer issuing the citation. The original citation delivered to the Court shall be sworn to by the issuing officer.

3. The person cited shall signify the acceptance of the citation and the agreement to appear in Court as directed by signing the citation.

4. Whenever a citation has been prepared, accepted, and the original delivered to the Court as herein provided, the original citation delivered to the court shall constitute a complaint to which the person signing must appear and the issuing officer issuing the citation shall be required to file any other affidavit or complaint with the court.

BE IT FURTHER RESOLVED that after passage, the County Clerk shall cause this Resolution to be published in a newspaper of general circulation in Monroe County.

BE IT FURTHER RESOLVED that this Resolution shall become effective thirty (30) days after said publication, the public welfare requiring it. This motion passed by a two-third vote of the Board of County Commissioners of Monroe County.

APPROVED:

J. Allan Watson
J. Allan Watson, Chairman

ATTEST:

Larry Sloan
Larry Sloan, County Clerk

Passed upon Motion:

Members Voting: AYE 9 NAY 0