

RESOLUTION NO. ____

RESOLUTION TO AUTHORIZE THE EXERCISE BY THE COUNTY OF CERTAIN POWERS GRANTED TO MUNICIPALITIES UNDER T.C.A. § 6-2-201(22) AND (23) WITH RESPECT TO THE REGULATION OF NUISANCES AND OTHER PRACTICES DETRIMENTAL TO THE INHABITANTS OF THE COUNTY

WHEREAS, the General Assembly, in passing Chapter 627 of the Public Acts of 2002 and Chapter 57 of the Public Acts of 2003, amended T.C.A. § 5-1-118 to expand the ability of counties to exercise certain municipal powers in relation to the regulation of nuisances and other practices detrimental to the inhabitants of the county as outlined in T.C.A. § 6-2-201(22) and (23); and,

WHEREAS, the Board of County Commissioners of Rhea County has determined that it would be beneficial to the inhabitants of the county for Rhea County to adopt these regulatory authorities and general police powers; and,

WHEREAS, T.C.A. § 5-1-118(c) requires that any county desiring to exercise these powers must adopt a resolution by two-thirds vote of its legislative body in order to do so and must subsequently adopt any such regulations also by a two-thirds majority;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Rhea County, Tennessee, meeting in regular session on this ____ day of _____, 20__ at Dayton Tennessee, that;

SECTION 1. Pursuant to the directives of T.C.A. § 5-1-118(c), the Board of County Commissioners of Rhea County, Tennessee hereby expresses its intent that the county be authorized to exercise those powers granted to municipalities under T.C.A. § 6-2-201(22) and (23). Such powers are described by law as the ability to:

Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, 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 municipality, and exercise general police powers; and

Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

SECTION 2. The exercise of such powers by Rhea County shall be in accordance with all limitations provided in T.C.A. § 5-1-118. Such authority shall only be exercised in the unincorporated areas of the county. Such authority shall not apply to those activities, businesses

or uses of property and business occupations and practices which are exempted from regulation by T.C.A. § 5-1-118(c)(2).

SECTION 3. Furthermore, the Board of County Commissioners of Rhea County recognizes that all court decisions and statutory laws relating to variances and non-conforming uses which are applicable to zoning ordinances and land use controls shall also apply to the enforcement and exercise of the powers granted by T.C.A. § 5-1-118(c). Further, the Board of County Commissioners recognizes that the enforcement and exercise of these powers by the county is limited by the provisions of the Constitution of the State of Tennessee and the United States Constitution.

SECTION 4. Subsequent to the effective date of this resolution, the county is hereafter authorized to adopt regulations in accordance with the authority granted under T.C.A. § 5-1-118(c). In order to be effective, such regulations shall also be passed by a two-thirds majority of the Board of County Commissioners of Rhea County.

SECTION 5. This Resolution shall be effective upon its passage and approval, the public welfare requiring it.

Adopted this ___ day of _____, 20__ by a two-thirds majority.

APPROVED:

Caroline Housley, Chairman

George Thacker, County Executive

ATTEST:

Linda Shaver, County Clerk