

# **CODES/ENVIRONMENTAL OFFICER**

**Enforceable Codes, Acts,**

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**Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000**

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# Warren County, Tennessee

## February 2008

STATE OF TENNESSEE  
PRIVATE CHAPTER NO. 75  
HOUSE BILL NO. 2362

By Representatives Curtiss, Rhinehart  
Substituted for: Senate Bill No. 2170  
By Senator Cooper

**AN ACT to enact the “Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000.”**

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

**SECTION 1.** This act shall be known and may be cited as the “Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000.”

**SECTION 2.** The purpose of this act is to promote and protect the public safety, health, welfare, convenience and enjoyment of public travel; to protect the public investment in public highways and county roads; to protect and prevent the spread of disease and creation of nuisances; to preserve and enhance the scenic beauty of lands within the county; to establish regulations for landfills for disposal of solid wastes; and to protect the integrity of existing natural systems. This act applies to persons or entities who own or operate a junkyard/scrapyard or a landfill, including persons or entities that have developed a “roadside dump” or “hillside dump” with or without the permission of the property owner.

**SECTION 3.** As used in this act, unless the context otherwise requires:

(1) “Landfill” means any non-governmental private landfill operation that seeks to be established within the county boundaries of Warren County.

(2) “Junkyard/scrapyard” means an establishment or place of business that contains more than five (5) unlicensed and/or inoperable motor vehicles of any kind, or internal parts thereof, appliances or parts thereof, furniture, mattresses, box springs, or parts thereof, scrap copper or brass, steel or scrap ferrous or nonferrous material, unoccupied mobile homes or mobile home parts that are not part of a state-licensed dealer’s operation, or any garbage, debris, trash or scrap metal processors. “Junkyard/scrapyard” does not include recycling centers or places at which locally handcrafted wood rockers or swings are made, displayed or sold.

(3) “Solid Waste Authority” means the body that may be established by resolution to oversee any solid waste operation within Warren County.

**SECTION 4.** The following requirements shall apply to any junkyard/scrapyard to be established, operated or maintained in Warren County. These requirements are intended to be supplemental to Tennessee Code Annotated, Title 54, Chapter 20, Parts 1 and 2, and any rules and

regulations promulgated pursuant thereto, which regulate junkyards and automobile graveyards. If any of the provisions of this act conflict with the provisions of general law, by being less stringent than the general law requirements or otherwise, then the general law provisions shall govern the matter at issue.

(1) Every junkyard/scrapyard shall have an opaque privacy screening on all perimeter property lines consisting of a fence at least eight feet (8') in height and/or landscaping consisting of evergreen vegetation, preferably pines, planted in double rows. Such vegetation shall be at least eight feet (8') tall, fifteen feet (15') in width and ten feet (10') apart. Such screening or vegetation shall be constructed so that the junkyard/scrapyard is not visible from the main traveled ways or is otherwise removed from sight.

(2) The following setback requirements shall apply to every junkyard/scrapyard in Warren County:

(A) The junkyard/scrapyard shall be set back at least one hundred feet (100') from any city, county, or state right-of-way;

(B) The junkyard/scrapyard shall be set back at least one hundred feet (100') from any residence, church, school, daycare center or vacant or occupied subdivision lot; and

(C) The junkyard/scrapyard shall be set back at least one hundred feet (100') from all other property lines not specified above.

(3) Notwithstanding any provision of this act to the contrary, in accordance with Tennessee Code Annotated, Section 54-17-108, no person shall construct, use, operate or maintain a junkyard/scrapyard within two thousand feet (2000') of any road or highway that is designated as part of the scenic highway system and which is located outside the corporate limits of a city or town in Warren County.

(4) Entrances to and exits from a junkyard/scrapyard shall be paved, at least twenty-four feet (24') wide, and shall adjoin a county or state road. Roads extending into and onto the junkyard/scrapyard shall be at least fifty feet (50') in length as measured from the road right-of-way (this measurement shall not be taken from the edge of the pavement).

(5) Junkyard/scrapyards may be "grandfathered in" and deemed in compliance with this act at the discretion of the Warren County Planning Commission under the following conditions:

(A) The existing junkyard/scrapyard was completed and began operation before the effective date of this act; and

(B) The existing junkyard/scrapyard meets or will come into compliance with the screening requirements of this act.

(6) The expansion of any junkyard/scrapyard in existence as of this act's effective date shall be considered a violation of this act if such expansion does not meet the requirements of subdivision (4).

(7) All requests for the construction or operation of a junkyard/scrapyard

shall be submitted to the Warren County Planning Commission for review for compliance with this act and shall be accompanied by a development plat.

**SECTION 5.** The following requirements shall apply to any landfill to be established, operated or maintained in Warren County. These requirements are intended to be supplemental to Tennessee Code Annotated, Title 68, Chapter 211, and any rules and regulations promulgated pursuant thereto, which regulate solid waste disposal. If any of the provisions of this act conflict with the provisions of general law, by being less stringent than the general law requirements or otherwise, then the general law provisions shall govern the matter at issue.

(1) All landfills in Warren County shall have an opaque privacy screening on all perimeter property lines consisting of a fence at least eight feet (8') in height and/or landscaping consisting of evergreen vegetation, preferably pines, planted in double rows. Such vegetation shall be at least eight feet (8') tall, fifteen feet (15') in width and ten feet (10') apart. Such screening or vegetation shall be constructed so that the junkyard/scrapyard is not visible from the main traveled ways of an interstate or primary highway system, or is otherwise removed from sight.

(2) The following setback requirements shall apply to every landfill in Warren County:

(A) The landfill shall be set back at least one thousand feet (1000') from any city, county or state right-of-way;

(B) The landfill shall be set back at least one thousand feet (1000') from any residence, church, school, daycare or vacant or occupied subdivision lot; and

(C) The landfill shall be set back at least one thousand feet (1000') from all other property lines not specified above.

(3) Entrances to and exits from a landfill shall be paved, at least twenty-four feet (24') wide, and shall adjoin a county or state road. Roads extending into and onto a landfill shall be a minimum of fifty feet (50') in length from the road right-of-way (this measurement shall not be taken from the edge of the pavement).

(4) All landfills shall conform and adhere to applicable state and federal laws, rules and regulations.

(5) A site plan for a proposed landfill shall be submitted to the Warren County Planning Commission for review for compliance with this act. The commission shall then hold a public hearing and make a recommendation regarding the landfill's compliance with this act. After review and a public hearing, the commission shall be the final authority to approve the landfill in regard to compliance with this act. If the plan is approved, the County Executive shall issue a permit for the landfill.

(6) All landfill requests shall be subject to review and supervision by the Department of Environment and Conservation in accordance with applicable state law, rules and regulations. Such requests shall also be subject to review by the Warren County Solid Waste Authority, if such an authority is established.

**SECTION 6.** It shall be a violation of this act for any person or entity to

establish or operate a junkyard/scrapyard or landfill within Warren County without approval from the Warren County Planning Commission as required by this act. Violators shall be subject to a civil penalty of up to one thousand dollars (\$1,000.00) per day. Each day of violation shall constitute a separate offense.

**SECTION 7.** The Legislative Body of Warren County shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees for the administration thereof.

**SECTION 8.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 9.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Legislative Body and certified to the Secretary of State.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.

**HOUSE BILL NO. 2362**

**PASSED FEBRUARY 7, 2000**

**/s/ JIMMY NAIFEH, SPEAKER, HOUSE OF REPRESENTATIVES**

**/s/ JOHN S. WILDER, SPEAKER OF THE SENATE**

**APPROVED THIS 16<sup>TH</sup> DAY OF FEBRUARY 2000**

**/s/ DON SUNDQUIST, GOVERNOR**

**AS AMENDED MARCH 30, 2006**

**/s/ JIMMY NAIFEY, SPEAKER, HOUSE OF REPRESENTATIVES**

**/s/ JOHN W. WILDER, SPEAKER OF THE SENATE**

**APPROVED THIS 10<sup>TH</sup> DAY OF APRIL 2006**

**/s/ PHIL BREDESEN, GOVERNOR**

**STATE OF TENNESSEE  
PRIVATE CHAPTER NO. 63  
HOUSE BILL NO. 2019**

**By Representatives Rhinehart, Curtiss  
Substituted for: Senate Bill No. 2071  
By Senator Cooper**

**AN ACT to provide for the location and development of planned mobile home parks in Warren County.**

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

**SECTION 1.** The purpose of this act is to provide areas within the confines of the unincorporated sections of Warren County for the location and development of planned mobile home parks. These areas shall be developed and located so as to provide safe and sanitary living conditions for mobile home occupants and to be convenient to employment, shopping centers, schools, and other community facilities. This act requires that all mobile home parks be developed to certain standards and be reviewed and approved by the Warren County Planning Commission. This act shall be entitled the “Warren County Mobile Home Park Regulations Act of 2000.”

**SECTION 2.** As used in this act, unless the context otherwise requires:

(1) “Buffer strip” means a perimeter buffer/screening strip along all property lines consisting of an opaque privacy fence and/or double row of evergreen trees or other vegetation that provides a year-round buffer or not less than six feet (6’) in height and fifteen feet (15’) in width.

(2) “Mobile home park” means three (3) or more mobile homes on any size parcel of property on a septic system or on a private or public sewer system. “Mobile home park” does not include two (2) mobile homes on one (1) parcel of property subject to approval by the county environmentalist.

(3) “Planning Commission” means the Warren County Regional Planning Commission.

**SECTION 3.** It shall be a violation of this act for any person or entity to place or maintain three (3) or more mobile homes for living or sleeping purposes on any premises or tract of land in Warren County outside the existing corporate limits unless such mobile homes are contained within a planned mobile home park duly permitted pursuant to the provisions of this act.

**SECTION 4.** Mobile home parks may be grandfathered in at the discretion of the Planning Commission under the following conditions:

- (1) The mobile home park was completed and occupied on or before the effective date of this act; or
- (2) A planned expansion or addition to an existing mobile home park is submitted to the Planning Commission.

(b) A mobile home park under development or being planned as of the effective date of this act shall present information to the Planning Commission for review and determination of status. If the park is planned but construction has not begun, the mobile home park shall not be considered as grandfathered. Construction includes designing roads, installing septic tanks and field lines, water lines, electric lines or mobile home pads, or any other similar construction directly related to the mobile home park.

(c) The information to be considered by the Planning Commission in grandfathering a mobile home park includes, but is not limited to, the dates on which the following activities have or will occur:

- (1) Purchase of property;
- (2) Mapping of soils;
- (3) Submission of plans to the county environmentalist;
- (4) Approval of septic tank permits;
- (5) Water line installation; and
- (6) Purchase of piping.

**SECTION 5.** The Planning Commission shall grant approval of a mobile home park when all of the provisions of this act have been met. An application and all accompanying plans shall be submitted to the Planning Commission at least seven (7) days prior to a regular meeting of the Planning Commission. The owner or lessee of the land proposed for a mobile home park shall submit a plan for development that shows the following:

- (1) The park plan drawn to scale;
- (2) The area and dimensions of the proposed park;
- (3) The locations and widths of all internal roads, driveways or walkways;
- (4) The locations and dimensions of any proposed service buildings and structures;

- (5) The location and size of all water and sewer lines;
- (6) The location of all equipment and facilities for refuse disposal and other park improvements;
- (7) A drainage plan for the park;
- (8) A certificate of accuracy signed by the surveyor or engineer that the boundary survey is correct;
- (9) A certificate signed by the county environmentalist stating the suitability for subsurface sewage disposal;
- (10) A certificate of accuracy signed by the county road superintendent for the existing roads fronting the proposed mobile home park; and
- (11) Any other information deemed necessary by the planning commission.

**SECTION 6.**

(a) All mobile home parks shall have direct access to a public road. The Planning Commission may consider a variance if the road is not public but meets the minimum construction and dimension requirements for a county road.

(b) Each mobile home shall be set back a minimum of fifty feet (50') from any public street and each mobile home park shall be designed so that the distance between mobile homes is a minimum of thirty feet (30') in all directions.

(c) Each mobile home shall be set back a minimum of thirty feet (30') from any drainage channel or from any 100-year floodplain and shall be set back a minimum of ten feet (10') from any utility easement.

(d) The internal roads and parking for a mobile home park shall meet the following requirements:

- (1) Such roads shall be privately owned and maintained;
- (2) All such roads shall be a minimum tar/chip surface and eighteen feet (18') wide. Internal roads may be up to thirty-four feet (34') wide if on-street parking is permitted;
- (3) Parking spaces, driveways and walkways shall be tar/chip or hot-mix paved;

- (4) There shall be a minimum of two (2) off-street parking spaces per mobile home;
  - (5) There shall be a minimum of one (1) street light for every two (2) mobile homes;
  - (6) The planned intersection of park entrances with public roads shall be approved by the county road superintendent; and
  - (7) Entrances and exits to a mobile home park shall be designed for safe and convenient movement of traffic into and out of the park and shall be located and designed as prescribed by the county road superintendent and the Planning Commission.
- (e) The sewer system of a mobile home park shall meet the following requirements:
- (1) If the mobile home park is on a utility district system, a maximum of six (6) mobile homes per acre shall be allowed on the sewer system;
  - (2) If the mobile home park is on individual septic tank systems, a maximum of four (4) mobile homes per acre, subject to soil conditions, shall be allowed;
  - (3) There shall be no septic tanks or field lines within a designated floodplain area; and
  - (4) There shall be a maximum of two (2) mobile homes per septic tank and field lines with approval by the county environmentalist.
- (f) The water system in each mobile home park shall meet the following requirements:
- (1) There shall be a fire hydrant within five hundred feet (500') of all mobile homes; and
  - (2) Each mobile home shall be on a separate water meter.
- (g) There shall be a flood-free building site for each mobile home and septic system.
- (h) There shall be a minimum fifteen foot (15') utility easement for water, gas or electric along internal roadways unless a different location or size is required by the applicable utility or unless the easement is provided elsewhere in the mobile home park.

(i) The following shall apply to the common areas of a mobile home park:

(1) There shall be an attendant or caretaker at the mobile home park.

(2) The service buildings shall be of permanent construction;

(3) All mobile homes, service buildings and the grounds of the mobile home park shall be maintained and kept clean, orderly, safe and sanitary; and

(4) The recreation or open space shall be based on a three hundred (300) square foot mobile home and shall be subject to review and enforcement by the Planning Commission based upon the submission of a required preliminary and final mobile home park development plat and drainage plan.

**SECTION 7.** No person shall create, develop, maintain or operate a mobile Home park without approval from the Planning Commission.

**SECTION 8.** Any of the provisions of this act may, at the discretion of the Planning Commission, be waived for good and sufficient reason; provided, however, all mobile home park requests shall be submitted to the Planning Commission for review and shall be accompanied by a mobile home park development plan. The Planning Commission shall review all mobile home park plans for preliminary and final approval. Expansion of an existing mobile home park shall be submitted to the Planning Commission for approval and shall conform to the standards established in this act.

**SECTION 9.** The county commission shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees for the administration thereof.

**SECTION 10.** This act may be enforced by seeking injunctive or other relief. A code inspection officer shall be designated by the county commission and/or county executive for enforcement purposes. Any person or entity who willfully neglects or refuses to comply with any provision of this act shall be subject to a civil penalty of not more than one hundred dollars (\$100.00) for each offense. Each day of a violation shall constitute a separate offense.

**SECTION 11.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified to the Secretary of State.

**SECTION 13.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 12.

**HOUSE BILL NO. 2019**

**PASSED JANUARY 31, 2000**

**/s/ JIMMY NAIFEH, SPEAKER, HOUSE OF REPRESENTATIVES**

**/s/ JOHN S. WILDER, SPEAKER OF THE SENATE**

**APPROVED THIS 8<sup>TH</sup> DAY OF FEBRUARY 2000**

**/s/ DON SUNDQUIST, GOVERNOR**

**WARREN COUNTY REGIONAL PLANNING COMMISSION**  
**SUBDIVISION REGULATIONS FOR WARREN COUNTY PLANNING REGION**

**Due to the size of the document, a copy of the  
Subdivision Regulations is available from the  
Warren County Regional Planning Commission  
Of the Office of the Warren County Executive.**

REVISED AIRPORT ZONING RESOLUTION

WARREN COUNTY MEMORIAL AIRPORT

July 2010

**REVISED AIRPORT ZONING RESOLUTION**  
**OF THE**  
**WARREN COUNTY MEMORIAL AIRPORT**

RESOLUTION REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE WARREN COUNTY MEMORIAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR THE CHANGES IN RESTRICTIONS AND BOUNDRIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN REFERRING TO THE WARREN COUNTY MEMORIAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS RESOLUTION; PROVIDING FOR ENFORCEMENT, ESTABLISHING AN AIRPORT ZONING COMMITTEE AND BOARD OF ZONING APPEALS; AND IMPOSING PENALTIES.

In pursuance of the authority conferred by Sections 42-6-101 through 42-6-116 of the Tennessee Code Annotated (as it existed on July 21, 2008) and for the purpose of promoting the health, safety and general welfare of the inhabitants of Warren County, Tennessee, by preventing the creation or establishment of airport hazards, thereby protecting the Lives and property of users of the Warren County Memorial Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the Airport and the public investment therein. It is hereby found that an obstruction has the potential of endangering the lives and property of users of the Warren County Memorial Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Warren County Memorial Airport; and that an obstruction may reduce the size of the areas available for the landing takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Warren County Memorial Airport and the public investment therein. Accordingly, it is declared:

- (1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Warren County Memorial Airport; and
- (2) that it is necessary in the interest of public health, public safety, and general welfare that the concentration or establishment of obstructions that are a hazard to air navigation be prevented; and

- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration, or mitigations of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY RESOLVED BY THE COUNTY COMMISSION OF WARREN COUNTY, TENNESSEE as follows:

**Section 1.** Short Title: This resolution shall be known and may be cited as the “Revised Airport Zoning Resolution of the Warren County Memorial Airport.”

**Section 2.** Definitions: As used in this resolution, unless the context otherwise requires:

- (1) AIRPORT - Means the Warren County Memorial Airport, McMinnville, Tennessee.
- (2) AIRPORT ELEVATION - Means the established elevation of the highest point on the usable landing area. 1,032 feet above mean sea level.
- (3) AIRPORT HAZARD - Means any structure, tree or use of land which obstructs the air-space required for or is otherwise hazardous to the flight of aircraft in landing or taking-off at the airport.
- (4) AIRPORT REFERENCE POINT - Means the point established as the approximate geographic center of the airport landing area and so designated.
- (5) BOARD OF ZONING APPEALS - Means a board consisting of five members appointed by the County Commission of Warren, Tennessee as provided in the Tennessee Code Annotated, Section 42-6-108 as set forth in Section 13 of this resolution.
- (6) HEIGHT - For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified as set forth in section 4 of this resolution.
- (7) PRIMARY SURFACE - a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section 3 of this resolution. The elevation of any point on the primary surface is the same as the elevation of the nearest point of the runway centerline.

- (8) LANDING AREA - Means the area of the Airport used for the landing, take-off or taxiing of aircraft.
- (9) NON- CONFORMING USE - Means any structure, tree, or use of land which is lawfully in existence at the time the regulation is prescribed in the Ordinance or an amendment thereto becomes effective and does not then meet the requirements of said regulations.
- (10) PERSON - Means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- (11) RUNWAY - Means the paved surface of an airport landing strip.
- (12) STRUCTURE - Means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.
- (13) TREE - Means any object of natural growth.
- (14) CONICAL SURFACE - a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet as set forth in section 3 of this resolution.
- (15) HORIZONTAL SURFACE - a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the Horizontal Zone as set forth in section 3 of this resolution.
- (16) NON-PRECISION INSTRUMENT RUNWAY - a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- (17) TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces as set forth in section 3 of this resolution.
- (18) LARGER THAN UTILITY RUNWAY - a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**Section 3. Zones.** In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the primary zone, Non-Precision Instrument Approach Zones, Transition Zones, Horizontal Zone and Conical Zone. Such areas and zones are shown on The Warren County Memorial Airport Zoning Map consisting of one sheet, prepared by Tennessee Aeronautics Commission and dated 6-14-1971, which is attached to this ordinance and made a part hereof. The various zones are hereby established and defined as follows:

- (1) PRIMARY ZONE - A primary zone is established as an imaginary area 500 feet wide, longitudinally centered on the runway and extends in length 200 feet beyond each end of the asphalt runway. The elevation of any point on the longitudinal profile of the primary area coincides with the elevation of the centerline of the runway.
- (2) RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS  $\frac{3}{4}$  MILE NON-PRECISION INSTRUMENT APPROACH ZONE - the inner edge of the Runway Larger than Utility with a Visibility Minimum as low as  $\frac{3}{4}$  Mile Non-precision Instrument Approach Zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone extends outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is a continuation of the centerline of the runway.
- (3) TRANSITION ZONES - Transition zones are hereby established adjacent to the runway and approach zones as indicated on the zoning map. Transition zones symmetrically located on either side of runway, have variable widths as shown on the zoning map. Transition zones extend outward from the primary surface zone, for the length of the runway plus 200 feet on each end, and are parallel and level with such runway slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to the approach zones for a partial length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the horizontal zone.
- (4) HORIZONTAL ZONE - A horizontal zone is hereby established, being the area defined by: two semi-circles, each having a radius point located 200 feet beyond the runway ends and on the runway centerline extended, the radius of each semi-circle being 10,000 feet; and lanes parallel with the runway centerline connecting the semi-circles. The horizontal zone does not include the non-precision instrument approach zones and the transition zones.
- (5) CONICAL ZONE - A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward a distance of 4,000 feet. The conical zone does not include the non-instrument approach zones and transition zones.

**Section 4.** Height Limitations. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are computed from the established airport elevation and are hereby established for each of the zones in question as follows:

- (1) Primary Surface Zone - no structure or tree shall be erected, altered, allowed to grow, or be maintained.

- (2) NON-PRECISION INSTRUMENT APPROACH ZONES –
- Section "A":** No structure or tree shall be erected, altered, allowed to grow, or be maintained.
- Section "B":** One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point 1,200 feet from and at the elevation of the end of the non-precision instrument runway and extending to a point 10,200 feet from the end of the runway;
- (3) TRANSITION ZONES - One (1) foot in height for each seven (7) feet in horizontal distance beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a maximum height of 150 feet above the established airport elevation which is 1,032 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance beginning at the sides of and at the same elevation as the approach surfaces and extending to where they intersect the horizontal or conical surfaces.
- (4) HORIZONTAL ZONE - One hundred fifty (150) feet above the airport elevation or a maximum height of 1,182 feet above mean sea level.
- (5) CONICAL ZONE - One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone and 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this Ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45 feet above the surface of the land in the Horizontal Zone and Conical Zone. Previously described limitations in the Non-Precision Instrument Approach Zone, Transition Zone, and Primary Surface Zone apply as described in this resolution.

**Section 5.** Use Restrictions. Notwithstanding any other provisions of this resolution, no use may be made of land within any airport Primary Zone, Approach Zone, Horizontal Zone, Conical Zone or Transitional Zone, in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazard, or otherwise endanger the landing, taking-off, or maneuvering of aircraft. The regulations contained herein are solely for the purposes of preventing airport and ground hazards. Except as otherwise provided in this ordinance, it shall be unlawful to put land located within an airport Primary Zone, Approach Zone, Horizontal Zone, Conical Zone or Transitional Zone to any use hereby forbidden in such zone. The land uses forbidden in the various airport Primary Zones, Approach Zones, Horizontal Zones, Conical Zones or Transitional Zones are described in Section 5a thru 5e. A permit shall be required for towers, including cellular telephone towers, and other structures of considerable height (greater than forty-five feet (45 ft.) in height measured from the surface of the land) in the Horizontal Zone and Conical Zone. No structure will be erected, built, or allowed to grow inside the Primary Surface Zone, Non-Precision Instrument Approach Zone Section "A", Non-Precision Instrument Approach Zone Section "B", or Transition Zone.

**Section 5a.** Use Restrictions **Primary Zone** -No use shall be made of this land located inside the Primary Zone except that normally associated with airport operations and maintenance.

**Section 5b.** Use Restrictions **Non-Precision Instrument Approach Zone**

**Section "A":** No use shall be made of this land located in the Non-Precision Instrument Approach Zone Section "A" except that normally associated with airport operations and maintenance.

**Section "B":** Only low intensity uses such as golf courses, nurseries, outdoor storage, mini-storage, and low-density residential and businesses are allowable due to substantial risk from low-flying aircraft. Aviation easements in a form acceptable to the Warren County Memorial Airport Zoning Committee shall be required as a condition of subdivision approval. Such easements shall be prepared prior to recording the final map. The following uses are prohibited: High density residential uses (i.e. Apartment buildings, duplexes, triplexes, or multiple structure residences, including permanent or mobile residences, per one acre lot), public or private schools, hotels and motels, hospitals and major medical facilities, daycare centers, churches and other places of worship, and towers. Uses not normally acceptable and that raise concern related to size, density of use, noise sensitivity, or propensity to attract birds to be addressed prior to a project being approved. Uses that require approval by the Warren County Memorial Airport Zoning Committee: retail buildings and offices, health clubs, restaurants and bars, multistory buildings, theaters, assembly halls, conference centers, new ponds, and solar panels. Use review criteria: Indetermining whether proposed uses in the Non-Precision Instrument Approach Zone Section "B" have been appropriately designed the Warren County Memorial Airport Zoning Committee shall consider the following criteria: (1) Density: Density of use averaged over the entire site (Excluding Streets) should not exceed ten persons per acre in structures, or twenty-five persons in and out of structures; however, density on any one acre should not exceed twice the indicated number per acre for special events. (2) General Design Requirements: All uses and structures shall be designed so as to prevent hazard to flight that could occur as a result of smoke/steam, glare, distracting lights, or electric interference. All external lights shall be directed down or shielded to prevent glare to aircraft. (3) Height: Height limitations as described in Section 4 of this zoning resolution.

**Section 5c.** Use Restrictions **Transition Zone** - Only low intensity uses such as golf courses, nurseries, outdoor storage, mini-storage, and low-density residential and businesses are allowable due to substantial risk from low-flying aircraft. Aviation easements in a form acceptable to the Warren County Memorial Airport Zoning Committee shall be required as a condition of sub-division approval. Such easements shall be prepared prior to recording the final map. The following uses are prohibited: High density residential uses (i.e. apartment buildings, duplexes, triplexes, or multiple residences per one acre lot), public or private schools, hospitals and major medical facilities, daycare centers, churches and other places of worship, restaurants, and towers. Uses not normally acceptable and that raise concern related to size, density of use, noise sensitivity, or propensity to attract birds to be addressed prior to a project being approved.

Uses that require approval by the Warren County Memorial Airport Zoning Committee: retail buildings and offices, hotels and motels, health clubs, multistory buildings, theaters, assembly halls, conference centers, new ponds, and solar panels. Use review criteria: In determining whether proposed uses in the Non-Precision Instrument Approach Zone have been appropriately designed the Warren County Memorial Airport Zoning Committee shall consider the following criteria: (1) Density: Density of use averaged over the entire site (excluding streets) should not exceed ten persons per acre in structures, or twenty-five persons in and out of structures; however, density on any one acre should not exceed twice the indicated number per acre for special events. (2) General Design Requirements: All uses and structures shall be designed so as to prevent hazard to flight that could occur as a result of smoke/steam, glare, distracting lights, or electric interference. All external lights shall be directed down or shielded to prevent glare to aircraft. (3) Height: Height limitations as described in Section 4 of this zoning resolution

**Section 5d.** Use Restrictions Horizontal Zone: Most residential and non-residential uses are normally acceptable. Aviation easements in a form acceptable to the Warren County Memorial Airport Zoning Committee shall be required as a condition of subdivision approval. Such easements shall be prepared prior to recording the final map. The following uses are prohibited: Landfills. Uses not normally acceptable and that raise concern related to size, density of use, noise sensitivity, or propensity to attract birds to be addressed prior to a project being approved. Uses that require approval by the Warren County Memorial Airport Zoning Committee: public or private school, libraries, hospitals and major medical facilities, retail building and shopping centers greater than forty thousand square feet or smaller retail buildings or centers that when combined with adjacent retail buildings or centers would in combination total more than forty thousand square feet, amphitheaters, new ponds, and towers. Use review criteria: In determining whether proposed uses in the Horizontal Zone have been appropriately designed the Warren County Memorial Airport Zoning Committee shall consider the following criteria: (1) Density: Density of use averaged over the entire site (excluding streets) should not exceed 100 persons per acre in structures or one hundred fifty persons in or out of structures. (2) General Design Requirements: All uses and structures shall be designed so as to prevent hazard to flight that could occur as a result of smoke/steam, glare, distracting lights, or electric interference. All external lights shall be directed down or shielded to prevent glare to aircraft. (3) Height: Height limitations as described in Section 4 of this zoning resolution.

**Section 5e.** Use restrictions Conical Zone: Most land uses are normally acceptable. Uses not normally acceptable and that raise concern related to size, density of use, noise sensitivity, or propensity to attract birds to be addressed prior to a project being approved. Uses that require approval by the Warren County Memorial Airport Zoning Committee: Towers, landfills, new ponds greater than one half acre in size, and amphitheaters. Use review criteria: In determining whether proposed uses in the Conical Zone have been appropriately designed the Warren County Memorial Airport Zoning Committee shall consider the following criteria: (1) Design: All uses and structures shall be designed so as to prevent hazard to flight that could occur as a result of smoke/steam, glare, distracting lights, or electric interference. All external lights shall be directed down or shielded to prevent glare to aircraft. (2) Height: Height limitations as described in Section 4 of this zoning resolution.

**Section 6.** Non-Conforming Uses: The regulations prescribed in Sections 4 and 5 of this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction alteration, or intended use of any structure the construction or alteration of which was begun prior to the effective date of this resolution, and is diligently prosecuted and completed within two years thereof.

**Section 7.** Non-Conforming Uses Abandoned or destroyed-Whenever the Warren County Memorial Airport Zoning Committee determines that a non-conforming use has been abandoned or more than 80% tom down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this zoning resolution.

**Section 8.** Variances. Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed inthis resolution, may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this resolution.

**Section 9.** Permits.

- (1) Future Uses. No material change shall be made in the use of land, and no structure shall be erected, altered, or otherwise established in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, unless a permit therefore shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted. Upon the request of the Warren County Memorial Airport Zoning Committee, a permit applicant must obtain a site survey by a Certified Engineer, at the applicant's expense, when a proposed structure is close to the height limitation of the corresponding zone.
- (2) Existing Uses. Before any existing use, structure or tree may be replaced, substantially altered or repaired ,rebuilt, allowed to grow higher, or replanted , within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this resolution or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of existing use, structure, or tree shall be granted.

**Section 10.** Hazard Marking and Lighting. Any permit or variance granted under Section 8 or 9 may, if such action is deemed advisable to effectuate the purposes of this resolution and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain thereon, at the owners own expense, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

**Section 11.** Appeals.

- (1) Any person aggrieved, or taxpayer affected, by any decision of the County made in its administration of this resolution, or the Warren County Memorial Airport Committee, if of the opinion that a decision of the Airport Zoning Committee is an improper application of this resolution, may appeal to the Board of Zoning Appeals for which provision is made in Section 13.
- (2) All appeals taken under this Section must be taken within a reasonable time, as provided by the rules of the Board, by filing with the Airport Zoning Committee and with the Board, a notice of appeal specifying the grounds thereof. The Airport Zoning Committee shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Zoning Committee certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the Board on notice of the Airport Zoning Committee and on due cause shown.
- (4) The Board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- (5) The Board may, in conformity with the provisions of this resolution reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made.
- (6) The Board shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, or affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this resolution.
- (7) The concurring vote of a majority of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the Airport Zoning Committee, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution, or to affect any variance in this resolution.

**Section 12.** Airport Zoning Committee.

- (1) There is hereby created an Airport Zoning Committee for the purpose of enforcing the regulations and restrictions set out in the Revised Airport Zoning Resolution, July, 2008.
- (2) The Airport Zoning Committee shall consist of five (5) members, each to be appointed for a term of four (4) years and to be removable for cause by the County Commission of Warren Tennessee upon written charges and after public hearing. In the first instance, one member shall be appointed for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year, and two for a term of four (4) years. Thereafter each member appointed shall serve for a term of four (4) years or until his successor is duly appointed and qualified.
- (3) The Airport Zoning Committee shall adopt rules for its governance and procedure in harmony with the provisions of this resolution. Meetings of the Committee shall be held at the call of the chairman and at such other times as the Committee may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Zoning Committee shall be public. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Committee and shall be a public record.

**Section 13.** Board of Zoning Appeals.

- (1) There is hereby created a Board of Zoning Appeals to have and exercise the following powers:
  - (a) To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Committee in the enforcement of this resolution.
  - (b) To hear and decide special exceptions to the terms of this resolution upon which such Board may be required to pass by subsequent resolution.
  - (c) To hear and decide specific variances under Section 10.
- (2) The Board of Zoning Appeals shall consist of five (5) members, each to be appointed for a term of four (4) years and to be removable for cause by the County Commission of Warren Tennessee upon written charges and after public hearing. In the first instance, one member shall be appointed for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year, and two for a term of four (4) years. Thereafter each member appointed shall serve for a term of four (4) years or until his successor is duly appointed and qualified.

- (3) The Board shall adopt rules for its governance and procedure in harmony with the provisions of this resolution. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed *in* the office of the Board and shall be a public record.

**Section 14.** Amendments. The County Commission of Warren, Tennessee may from time to time amend the boundary, shape, or regulation of any zone or any other provision of this resolution. Any member of the County Commission may introduce such amendment into the court or any official board or any other person may petition to the County Commission requesting an amendment or amendments to this resolution. No such amendment shall become effective unless the same is first submitted for approval, disapproval or suggestions to the Warren County Planning Committee. If the Planning Committee within thirty (30) days disapproves any such submission, it shall require favorable vote of a majority of the entire membership to become effective. If the Planning Committee neither approves nor disapproves such proposed amendment within thirty (30) days after such submissions, the action on such amendment by said committee shall be deemed favorable. Upon the introduction of such amendment, the County Court Clerk shall be instructed to publish a notice of such request for an amendment together with a notice of time set for public hearing by the court on the requested change. Said notice shall be published one (1) time in a newspaper of general circulation. Action on the amendment by the County Commission shall take place no sooner than fifteen (15) days after the date of publication of such notice.

**Section 15.** Penalties. Each violation of this resolution or of any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not more than \$50.00 or imprisonment for not more than thirty (30) days, or both such fine and imprisonment, and each day a violation continues shall be a separate offense.

**Section 16.** Conflicting Regulations. Where this resolution imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provisions of this resolution shall govern.

**Section 17.** Severability. If any of the provisions of this resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 18.** Effective date. This resolution shall take effect from and after the date of its passage the public welfare requiring it.

**REGULATIONS OF SEXUALLY ORIENTED ADULT BUSINESSES IN  
WARREN COUNTY, TENNESSEE**

**SECTION 1. DEFINITIONS**

- A. **Adults-Only Bookstores:** An establishment having as a substantial or significant portion of its stock in trade, books, magazine, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.
- B. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment which at any time features:
- (1) Persons who appear in a state of nudity; or
  - (2) Life performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities;” or
  - (3) Films, motion pictures, video cassettes, slides, electronic media (including but not limited to internet websites), or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- C. **Adult Entertainment Center:** An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the reviewing of any such activity.
- D. **Adults-Only Motion Picture Theaters:** An enclosed building used for presenting films, distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Anatomical Areas” for observation by patrons therein.
- E. **Adult Motel:** A hotel, motel or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, electronic media (including internet websites), or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- F. **Massage Parlor:** An establishment or place primarily in the business of providing massage or tanning services for purposes of sexual stimulation or where one or more of the employees exposes to public view of the patrons within said establishment, at any time, “specified anatomical areas.”
- G. **Nudity:** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- H. **Rap Parlor:** An establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults.
- I. **Sauna:** An establishment or place primarily in the business of providing (i) steam bath, and (ii) massage services.
- J. **Sexual Conduct:** Acts of masturbation, homosexuality, sexually intercourse, or physical contact with a persons’ unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.
- K. **Sexual Excitement:** The condition of human male or female genitals when in a state of sexual stimulation or arousal.
- L. **Sadomasochistic Abuse:** Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise, physically restrained on the part of one so clothed.
- M. **Specified Criminal Activity:** Any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; rape; sexual assault; molestation; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of this state or other states or countries; for which:
- (1) Less than five years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed, whichever is the later date, if the conviction or plea is for a misdemeanor offense; or
  - (2) Less than ten years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed, whichever is the later date, if the conviction is of a felony offense; or
  - (3) Less than ten years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed for the last conviction or plea, whichever is the later date, if the conviction or pleas are for two or more misdemeanor offenses or combination or misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period;

provided further that the fact that a conviction is being appealed shall have no effect whatsoever on the provisions of this article.

N. **“Specified Sexual Activities”** or **“Anatomical Areas”** for observation by patrons therein. **“Specified Sexual Activities”** or **“Anatomical Areas”** for the purpose of these regulations are defined as follows:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and **“Specified Anatomical Areas”** as defined:
  - (a) Less than completely and opaquely covered: (i) human genitals, pubic region; (ii) buttock; and (iii) female breast below a point immediately above the top of the areola.

**SECTION 2. SPECIFIED CRIMINAL ACTIVITY BY OPERATORS, EMPLOYEES, ENTERTAINERS, AND OTHERS.**

- A. No person may own or operate a sexually oriented business within the county if:
  - (1) He/she has a record of **“specified criminal activity,”** as defined in this article, if the owner or operator is an individual.
  - (2) Any officer, director, partner or other individual having at least one percent (1%) direct or beneficial financial interest in the operator has a record of **“specified criminal activity,”** as defined in this article, to work on the premises of the business.
- B. No operator of a sexually oriented business may allow any employee who has a record of **“specified criminal activity,”** as defined in this article, to work on the premises of said business.
- C. No operator of a sexually oriented business may allow any entertainer who has a record of **“specified criminal activity,”** as defined in this article, to perform on the premises of the business.
- D. No operator or employee of a sexually oriented business may knowingly allow any **“specified criminal activity”** to occur on the premises of the business.
- E. No operator or employee of a sexually oriented business may allow any patron or customer who has carried out any **“specified criminal activity”** on the premises of the business to reenter the premises.
- F. The Sheriff’s Department or the District Attorney General may at any time investigate the criminal record of any person who owns or will own at least one percent (1%) direct or beneficial interest in the business or of any employee of a sexually oriented business or any entertainer performing at a sexually oriented business.

**SECTION 3. LOCATION RESTRICTIONS**

- A. No adults-only bookstore, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor, or sauna shall be operated or maintained within five thousand (5000) feet of the property line of lot devoted to residential use, a church, a state-licensed day care facility, public library, or private public educational facilities which serve persons age seventeen (17) or younger, an elementary school, a high school, funeral parlor/home, a public park, community center, a business licensed or permitted to sell beer or intoxicating liquors, or another adults-only bookstore, adult cabaret, adult entertainment center, adults-only motion picture theater, adult motel, massage parlor, rap parlor, or sauna.
- B. The distance limitations in this section shall be measured in a straight line from and to the nearest lot lines of said premises.

#### **SECTION 4. LICENSE REQUIREMENTS**

- A. No business subject to these Regulations shall operate in Warren County unless it has been issued an Adult-Oriented Business license.
- B. Businesses subject to these Regulations shall apply for an Adult-Oriented Business license by submitting an application to the County Clerk along with an Application Fee of One Thousand Dollars (\$1,000.00) and a Permit Fee of Four Thousand Dollars (\$4,000.00).
- C. Any owner or operator of a business subject to these Regulations must be a legal citizen of the United States and provide documentation upon request prior to the issuance of an Adult-Oriented Business license.
- D. Any business subject to these Regulations shall have a valid business license issued by Warren County and provide proof upon request prior to the issuance of an Adult-Oriented Business license.

#### **SECTION 5. INVESTIGATION OF COMPLAINTS AND PENALTIES FOR VIOLATIONS.**

- A. Complaints of violations of these Regulations shall be made to the office of the County Executive of Warren County.
- B. Complaints of violations of these Regulations shall be investigated by the Sheriff's Department and/or the District Attorney General. Any expenses incurred due to enforcement of these Regulations by law enforcement officers or others shall be paid out of Permit Fees.
- C. Penalties for Violations:
  - (1) The following penalties shall apply to a business that has been issued a valid Adult-Oriented Business license.
    - (a) First Violation. The penalty for a first violation of these Regulations shall be a fine in the amount of one Thousand Five Hundred Dollars (\$1,500.00) payable to Warren County.
    - (b) Second Violation. The penalty for a second or subsequent violation of these Regulations shall be a license revocation for six (6) months.

- (2) If a business subject to these Regulations is found to be violating these Regulations by operating without having a current valid Adult Oriented Business license the penalty shall be a Five Thousand Dollar (\$5,000.00) fine. Further, said business and any owner or operator of said business shall be prohibited from operating and from applying for an Adult Oriented Business license for a period of two years from the date of said violation.

**SECTION 6. SEVERABILITY.**

If any subsection, sentence, clause, phrase or portion of these Regulations of Adult-Oriented Businesses in Warren County, Tennessee, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

**SECTION 7. EFFECTIVE DATE**

These Regulations of Adult-Oriented Businesses in Warren County, Tennessee, shall take effect as provided by the Policy and Personnel Committee and the County Commission, the public welfare requiring it.

\_\_\_\_\_  
County Executive

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman of Policy and Personnel Committee

Date: \_\_\_\_\_

\_\_\_\_\_  
County Attorney

Date: \_\_\_\_\_

**T.C.A. § 5-1-115. Overgrown vegetation—Accumulating debris—Removal**

(a) The authority in this section is permissive and not mandatory and may or may not be exercised by a county, as each county deems appropriate.

(b) If it is determined by the appropriate department or person, as designated by the governing body of a county, that any owner of record of real property has created, maintained or permitted to be maintained on such property, the growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter, garbage, or any combination of the preceding elements, or a vacant dilapidated building or structure, so as to endanger the health, safety or welfare of other citizens, or to encourage the infestation of rats and other harmful animals, the appropriate department or person shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

- (1) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the community; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(c)(1) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the appropriate department or person shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The cost shall be a lien upon the property in favor of the county. These costs shall be placed upon the tax rolls of the county as a lien upon the property and shall be collected in the same manner as the county's taxes are collected, when the county causes a notice thereof to be filed in the office of the register of deeds of the county in which the property lies, second only to liens of the state, county and municipality for taxes, any lien of the county for special assessments and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. Such notice shall identify the owner of record of the real property, contain the property address, describe the property sufficiently to identify it and recite the amount of the obligation secured by the lien.

(2) If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the ten-day period provided for in subdivision (c)(1) shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

(d)(1) The county governing body or the appropriate department, or both, may make any rules and regulations necessary for the administration and enforcement of this section. The county shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (b). A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (b). Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the board, agency or commission under the provisions of this subsection (d) may seek judicial review of the order or act. The time period established in subsection (c) shall be stayed during the pendency of a hearing.

(e) Except in any county having a population of

<u>not less than</u>	<u>nor more than</u>
5,800	6,100
31,500	31,800
40,200	40,500
55,700	56,000
77,800	78,000
92,200	92,500

According to the 1990 federal census or any subsequent federal census, the provisions of subsection (c) permitting a county to remedy such dangerous conditions shall not apply to any parcel of property upon which an owner-occupied residence is located.

(f) The provisions of this section are in addition and supplemental to, and not in substitution for, similar authority in any county's charter or other applicable law. [Acts 1989, ch. 49, § 1; 1990, ch. 941, §§ 1, 2; 1992, ch. 997, § 1; 1994, ch. 894, §§ 1-3; 1996, ch. 613, § 1; 1999, ch. 53, § 1; 2000, ch. 791, § 1; 2003, ch. 3, § 1.]

**PUBLIC CHAPTER NO. 595**

**SENATE BILL NO. 1265**

**By Burchett, Marrero, Ford, Norris, Tate, Raymond Finney**

**Substituted for: House Bill No. 1877**

**By Towns, Lollar, Todd, McManus, Eldridge, Kernell, Bell, Coley, Lundberg, Matheny, Baird, Sargent, Curtiss, Harry Brooks, Rinks**

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 5, relative to the offense of littering.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**SECTION 1.** Tennessee Code Annotated, Title 39, Chapter 14, Part 5 is amended by deleting the part in its entirety and by substituting instead the following:

**Section 39-14-501.** As used in this part, unless the context otherwise requires:

- (1) “Commercial Purpose” means litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity;
- (2) “Garbage” includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- (3) “Litter” includes garbage, refuse, rubbish and all other waste material, including a tobacco product as defined in § 39-17-1503(9) and any other item primarily designed to hold or filter a tobacco product while the tobacco is being smoked;
- (4) “Refuse” includes all putrescible and nonputrescible solid waste; and
- (5) “Rubbish” includes nonputrescible solid waste consisting of both combustible and non-combustible waste.

**Section 39-14-502.**

(a) A person commits littering who:

- (1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;

- (2) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or
- (3) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within this state.

(b) Whenever litter is placed, dropped, or thrown from any motor vehicle, boat, airplane, or other conveyance in violation of this section, the trier of fact may, in its discretion and in consideration of the totality of the circumstances, infer that the operator of the conveyance has committed littering.

(c) Whenever litter discovered on public or private property is found to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings that display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, the trier of fact may, in its discretion and in consideration of the totality of the circumstances, infer that such person has committed littering.

**Section 39-14-503.**

- (a) Mitigated criminal littering is littering in an amount less than or equal to five pounds (5 lbs.) in weight or seven and one-half (7.5) cubic feet in volume.
- (b) Mitigated criminal littering is a Class C misdemeanor punishable by a fine of fifty dollars (\$50.00) and as provided in subsections (c) and (d).
- (c) A person charged with a violation of this section may, in lieu of appearance in court, submit the applicable fifty dollar (\$50.00) fine to the clerk of the court that has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed. A person paying in this manner is not subject to the provisions of subsection (d), and, in the discretion of the judge, may be excused from paying court costs for the offense.
- (d) In addition to the penalties established in this section, the court shall require a person convicted under this part to remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not more than forty (40) hours. The court, in its discretion, may also require a person convicted under this section to work in a recycling center or other appropriate location for any stated period of time not to exceed eight (8) hours.

**Section 39-14-504.**

- (a) Criminal littering is littering in an amount more than five pounds (5 lbs.) in weight or seven and one-half (7.5) cubic feet in volume and less than or equal to ten pounds (10 lbs.) in weight or fifteen (15) cubic feet in volume.
- (b) Criminal littering is a Class B misdemeanor.
- (c) In addition to the penalties established in this section, the court shall require a person convicted under this part to remove litter from the state or local highway

system, public playgrounds, public parks or other appropriate public locations for not more than eighty (80) hours. The court, in its discretion, may also require a person convicted under this section to work in a recycling center or other appropriate location for any stated period of time not to exceed eight (8) hours.

**Section 393-14-505.**

- (a) Aggravated criminal littering is littering:
  - (1) In an amount exceeding ten pounds (10 lbs.) in weight or fifteen (15) cubic feet in volume; or
  - (2) In any amount for any commercial purpose.
- (b) Aggravated criminal littering is a Class A misdemeanor, except in the following circumstances, in which case it is a Class E felony:
  - (1) Upon the third conviction in any amount exceeding ten pounds (10 lbs.) in weight or fifteen (15) cubic feet in volume; or
  - (2) Upon the second conviction in any amount exceeding one thousand pounds (1000 lbs.) in weight or two hundred (200) cubic feet in volume or in any amount for any commercial purpose.
- (c) In addition to the penalties established in the section, the court shall require a person convicted under subsection (a) to remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not more than one hundred and sixty (160) hours. The court, in its discretion, may also require a person convicted under this section to work in a recycling center or other appropriate location for any stated period of time not to exceed eight (8) hours.

**Section 39-14-506.**

In addition to the penalties established in this part, the court may, in its discretion, require a person convicted under this part to remove any substance listed under § 39-14-501 that was dropped, placed or discharged by the person and restore the property or waters damaged by the littering to its former condition at the person's expense.

**Section 39-14-507.**

- (a)
  - (1) Any motor vehicle, which transports litter, as defined in § 39-14-501, or any material likely to fall or be blown off onto the highways, shall be required to have such material either in an enclosed space or fully covered by a tarpaulin.
  - (2) If such motor vehicle is a non-commercial, not-for-hire pickup truck, the provisions of this subsection (a) shall be construed to be complied with if the material on such non-commercial, not-for-hire pickup truck is secured in such a way as to reasonably ensure it will not fall or be blown off the vehicle.

- (3) All other pickup trucks and other motor vehicles are required to comply with the provisions of subdivision (a)(1).
- (4) Any motor vehicle having a gross weight of less than sixteen thousand pounds (16,000 lbs.) which is transporting litter, as defined in § 39-14-501, to an energy recovery facility, as defined in § 68-211-501(2), shall be required to have such material in an enclosed space, unless it is a motor vehicle with a factory installed hydraulic lift system that lifts the entire bed of the truck.
- (5) The provisions of this subsection (a) do not apply to motor vehicles transporting recovered materials to a convenience center or scrap dealer for recycling.
- (6) The provisions of this section shall not apply to motor vehicles which transport crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, other building materials, forest products, unfinished lumber, agricultural lime and agricultural products, and which are loaded in compliance with the four inch (4") requirement of § 55-7-109. Such exemption shall not apply to any load if any law enforcement officer sees any part of such material blowing off such vehicle. The provisions of this section shall also not apply to motor vehicles that transport farm produce going to market, or from field to field, or from field to storage.

(b) A violation of this section is a Class B misdemeanor. In addition to the penalties for a Class B misdemeanor, the court may, in its discretion, impose any of the penalties set forth in § 39-14-503(d).

**Section 39-14-508.**

- (a) County legislative bodies may, by resolution, impose regulations for litter control, including the placing, dropping, throwing, collection and storage of garbage, litter, refuse and rubbish on public or private property. The definitions pursuant to § 39-14-501 for commercial purposes, garbage, litter, refuse, and rubbish may be included by reference in any such resolution. The county legislative body is authorized to include in the resolution that a violation occurs if a person:
  - (1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it; or
  - (2) Negligently places or throws glass, litter or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway. Such regulations shall be at least as stringent as the provisions of this part.
- (b)
  - (1) The regulations promulgated in accordance with the provisions of subsection (a) may grant authority for the county to require property owners to conform their property to the regulations by removal of garbage, litter, refuse or rubbish. The county shall send a statement to the owner itemizing the cost of

the removal. If the owner fails to reimburse the county for the cost of the removal within sixty (60) days, the statement shall constitute a lien upon the property. The statement shall constitute a lien upon the property as of the date the notice is filed and shall have priority from the date of the filing of the notice, but shall not affect, or have priority over, any valid lien, right, or interest in the property duly recorded, or duly perfected by filing, prior to the filing of the notice and shall not have priority over any real estate tax liens, whether attaching on the property before or after the filing of the notice.

- (2) If such property owner is aggrieved by the amount of the lien filed, such owner may submit the matter to the chancery court of the county in which the property is located to determine the appropriate amount of the lien. A decision of that court may be appealed according to the Tennessee Rules of Appellate Procedure.
  - (3) The lien provided in this section shall be entered in the records of the register of deeds of the county in which the property lies. Such lien shall be satisfied to the extent of the value of the consideration received at the time of the transfer of ownership, and if the lien is not fully satisfied at the time of transfer, it shall remain a lien upon the property until it is fully satisfied.
- (c) Each resolution adopted in accordance with subsection (a), or the caption and a complete summary of the resolution, shall be published after its final passage in a newspaper of general circulation in the county. No such resolution shall take effect until the publication.
  - (d) Any violation of the provisions or regulations adopted pursuant to subsection (a) shall be punished by imposing a monetary penalty in accordance with the provisions of § 5-1-121.
  - (e) No provision in this section shall be construed as applying to any activity regulated pursuant to Title 68, Chapters 211 or 212 or Title 69, Chapter 3.

**Section 39-14-509.**

All law enforcement agencies, officers, and officials of this state or any political subdivision thereof or any enforcement agency, officer, or any official of any commission or authority of this state or any political subdivision thereof is authorized, empowered, and directed to enforce compliance with this part.

**Section 39-14-510.**

- (a) All proceeds from the fines imposed by this part shall be deposited in the general fund of the county where the offense occurred and designated for county operating costs with preference given to litter prevention programs and education such as those conducted by Keep America Beautiful.
- (b) Any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person for mitigated criminal littering shall receive a reward of fifty dollars (\$50.00). Any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person

for criminal littering or aggravated criminal littering shall receive a reward of two hundred and fifty dollars (\$250.00). The county where the offense occurred shall provide the reward money from the proceeds of the mandatory fines collected under the provisions of this section.

**Section 39-14-511.**

In counties with an environmental court designated pursuant to Chapter 426 of the Public Acts of 1991, such courts shall exercise exclusive general sessions jurisdiction, pursuant to Title 40, over this part.

**SECTION 2.** This act shall take effect July 1, 2007, the public welfare requiring it.

**PASSED: June 12, 2007**

**/s/ RON RAMSEY, SPEAKER OF THE SENATE**

**/s/ JIMMY NAIFEH, SPEAKER, HOUSE OF REPRESENTATIVES**

**APPROVED this 28<sup>th</sup> day of June 2007**

**/s/ PHIL BREDESEN, GOVERNOR**

# **CODES/ENVIRONMENTAL OFFICER**

## **Operational Procedures and Penalties**

**Warren County, Tennessee**

**February, 2008**

**OPERATIONAL PROCEDURES AND PENALTIES  
FOR  
WARREN COUNTY CODES/ENVIRONMENTAL OFFICER**

The following procedures have been established by the Warren County Commission for the purpose of administering and enforcing the provisions of the Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000, hereinafter referred to as the Junkyard/Scrapyard Act; the Warren County Mobile Home Park Regulations Act of 2000, hereinafter referred to as the Mobile Home Park Act; the Warren County Regional Planning Commission; the Subdivision Regulations for Warren County Planning Region; the Revised Airport Zoning Resolution; Regulations of Sexually Oriented Adult Businesses in Warren County, Tennessee, hereinafter referred to as the Adult Businesses Act; T.C.A. § 5-1-115, Overgrown Vegetation—Accumulating Debris; T.C.A. § 39-14-501 et seq., Criminal Littering; and any future acts passed by the Warren County Commission.

Regulations contained herein are in no way intended to discriminate against any business or resident of Warren County, Tennessee. The regulations are established to promote and protect public safety, health and welfare, and to preserve and enhance the scenic beauty of Warren County. The purpose of the Codes/Environmental Officer Position shall not be misconstrued or misinterpreted in any manner that would restrict normal operating procedures for commercial or private agricultural operations.

**SECTION 1. Notice to Remove**

Whenever a violation of any enforceable Codes, Acts, Private Acts, and Statutes shall come to the attention of the Warren County Codes/Environmental Officer or his/her designee, the Warren County Codes/Environmental Officer shall serve a written notice to remove the violation(s) upon the occupant and owner of the property where the violation exists. It shall constitute sufficient notice when (1) a copy of said notice is posted in a conspicuous place upon the property alleged to be in violation, and (2) duplicate copies are sent by registered mail to the occupant and owner of the property at his/their last known address.

**SECTION 2. Consent of Notice**

The notice shall fully describe the alleged violation of any enforceable Code, Act, Private Act, or Statute and shall allow the occupant and/or owner of the property thirty (30) days to remove the violation from the premises prior to any further action by the Warren County Codes/Environmental Officer.

**SECTION 3. Failure to Comply with Notice**

Any person or entity failing to comply with the notice to remove within thirty (30) days shall be cited into the General Sessions Court of Warren County.

#### **SECTION 4. Board and Commission Appeals**

Any person or entity found in violation of any of the following enforceable Codes, Acts, Private Acts, or Statutes may appeal to the appropriate Board or Commission in writing no later than ten (10) days from the date of the notice to remove. Upon receipt of appeal, the appropriate Board or Commission will notify appellant of hearing date.

- (1) Any person or entity found in violation of the Junkyard/Scrapyard Act may appeal to the Warren County Planning Commission or Warren County Health and Welfare Committee.
- (2) Any person or entity found in violation of the Mobile Home Park Act may appeal to the Warren County Planning Commission.
- (3) Any person or entity found in violation of the Subdivision Regulations for Warren County Planning Region may appeal to the Warren County Planning Commission.
- (4) Any person or entity found in violation of the Revised Airport Zoning Resolution may appeal to the Warren County Airport Board or the Warren County Planning Commission.
- (5) Any person or entity found in violation of the Adult Businesses Act may appeal to the Adult Oriented Business Board of Warren County.

Any person or entity found to be in violation after the hearing before the appropriate Board or Commission must correct the violation within the original period of thirty (30) days or be subject to legal action.

#### **SECTION 5. Enforcement of Operational Procedures**

The following process is specific to the Junkyard/Scrapyard Act:

- (1) Notice shall be sent by the Warren County Codes/Environmental Officer or his/her designee to the owner and occupant of the premises.
- (2) If the violation persists beyond the thirty (30) day limit announced in the notice, then citations to the General Sessions Court of Warren County shall be issued and served on the owner and occupant.
- (3) A hearing will be held in General Sessions Court to determine whether a violation of the Junkyard/Scrapyard Act exists.
- (4) If a violation is found, then the court, pursuant to Private Chapter No. 75, can penalize the violator up to \$1,000.00, plus costs. This is a continuing offense and the penalty may be increased per day for as long as the violation continues. The violator has ten (10) days to appeal.
- (5) After the ten (10) day time period for appeal has passed, pursuant to T.C.A. § 27-5-101, where the judge has entered a judgment for fines and costs in General Sessions Court, and the same remain unpaid for thirty (30) days thereafter, the court is authorized by and through its clerk to issue execution. The Circuit Court Clerk should be trained to issue execution. Execution may be had on the bank accounts of the violators. This option will probably not be effective after the first withdrawal, however, and does not ensure that the

property will be cleaned. The clerk may also issue garnishment of the violators' wages and levy of execution on the violators' personal and real property.

- (6) After the judgment is final, Warren County may enter the premises and remove the violation. The owner and/or occupant will be charged with the cost of clean-up and/or removal. This will require a second citation to General Sessions Court to determine the reasonableness of the costs and obtain a judgment for those costs. This will also involve the risk of civil action against the county if the violator claims that the refuse, junk, abandoned motor vehicles and rubbish were his personal treasures and not junk at all. Careful oversight and documentation should be kept if this option is pursued.
- (7) After the judgment is final, if the county does not wish to undertake the clean-up and/or removal and attempt to recover the costs, the violator may be held in contempt for failing to abide by the order of the General Sessions Court. Pursuant to T.C.A. § 29-9-103, the fine for contempt of the General Sessions Court is \$10.00. The General Sessions Court has the power to not only fine, but to also jail violators for contempt. According to T.C.A. §29-9-104, if the contempt consists of an omission to perform an act which it is yet in the power of the person to perform, he may be imprisoned until he performs it.

## **SECTION 6. Penalties**

(A) **Junkyard/Scrapyard Act.** Compliance by residents and businesses within the thirty (30) day time period will result in no penalty being imposed. Failure to fully comply with correction of all violations of the Junkyard/Scrapyard Act shall, upon conviction, result in imposition of fines up to one thousand dollars (\$1,000.00) for each offense, plus the imposition of costs, as specified for residential and commercial violations. Each separate day such violation is continued after the conviction shall constitute a separate offense. After a conviction for violation of the Junkyard/Scrapyard Act becomes final, Warren County may, at its discretion, choose to enter upon the offending premises and remove the refuse, junk, abandoned motor vehicles or rubbish. In that event, the occupant and/or owner shall be jointly liable to Warren County for all reasonable costs associated with the removal of the refuse, junk, abandoned motor vehicles or rubbish.

1. **Residential Penalties.** A fine of Fifty Dollars (\$50.00) shall be imposed upon any resident who fails to correct, within the allotted thirty (30) days, all violations documented by the Warren County Codes/Environmental Officer on the notice to remove. An additional fine of Fifty Dollars (\$50.00) **per day** shall be imposed for each subsequent day violation is not corrected after date of conviction
2. **Commercial Penalties.** A fine of Five Hundred Dollars (\$500.00) shall be imposed upon any business who fails to correct, within the allotted thirty (30) days, all violations documented by the Warren County Codes/Environmental Officer on the notice to remove. An additional fine of Five Hundred Dollars (\$500.00) **per day** shall be imposed for each subsequent day violation is not corrected after date of conviction.

In the case of excessive and repeated violations by either residents or businesses, the maximum fine of One Thousand Dollars (\$1,000.00), shall be recommended by the Warren County Codes/Environmental Officer during prosecution.

Offenses Punishable by Fine:

1. Junkyard/Scrapyard—5 unlicensed and/or inoperable motor vehicles
2. Landfill as defined in Junkyard/Scrapyard Act
3. Appliances or parts thereof, furniture, mattresses, box springs, or parts thereof
4. Scrap copper or brass, steel or scrap ferrous or non-ferrous material

5. Unoccupied mobile homes or mobile home parts that are not part of a state licensed dealer's operation
6. Garbage, debris, trash, or scrap metal processors
7. Overgrown vegetation and accumulating debris as defined in T.C.A. § 5-1-115.

The Junkyard/Scrapyard Act incorporates the word "establishment," which by definition means (1) a household, place of residence, including furnishings, grounds etc; (2) a place of business together with its employees, merchandise and equipment. Therefore, Items 3, 4, 5 and 6 apply to residences as well as businesses within Warren County.

### **Exceptions**

These guidelines shall not apply to the following:

- the display of new or used vehicles by a licensed car dealership
- the temporary storage of vehicles being repaired by a body shop or repair garage
- any motor vehicle retained by the owner for antique collection purposes which is licensed by the State of Tennessee as such a vehicle
- the orderly stacking of lumber and materials at lumber yards or building supply businesses
- the temporary storage of building supplies on the site of commercial or residential building projects
- recycling centers
- locations at which locally handcrafted wood rockers or swings are made, displayed or sold
- farm implements that are operational and functional but not self-propelled including, but not limited to, trailers, disks, plows, and tillers
- the aesthetic display of antique items

No exceptions shall invite plundering, endanger the health or safety of others, create a fire hazard, or materially depreciate the value of the real property of others.

**(B) Mobile Home Park Act.** Compliance within the thirty (30) day time period by the owner of any mobile home park found to be in violation of the Mobile Home Park Act will result in no penalty being imposed. Failure to fully comply with correction of all violations of the Mobile Home Park Act shall, upon conviction, result in imposition of fines up to one hundred dollars (\$100.00) for each offense. Each separate day such violation is continued after the conviction shall constitute a separate offense.

**(C) Planning Commission.** The Warren County Planning Commission makes all final decisions. The Warren County Environmental Officer assists in obtaining information including distances, measurements, pictures, etc. and reports to the Planning Commission at regularly scheduled meetings as needed.

**(D) Subdivision Regulations.** The Warren County Planning Commission is responsible for all financial deposits and procedures as contained within the Subdivision Regulations for Warren County Planning Region. The Warren County Environmental Officer assists in obtaining information including distances, measurements, pictures, etc. and reports to the Planning Commission at regularly scheduled meetings as needed.

**(E) Airport Zoning Resolution.** Pursuant to the Revised Airport Zoning Resolution, offenses punishable by fine include the use of property in the vicinity of the Warren County Memorial Airport which creates a hazard to all airport approach surfaces.

**(F) Adult-Oriented Businesses.** The Warren County Codes/Environmental Officer will assist the Adult-Oriented Business Board in obtaining information including distances, measurements, and other information as necessary. Pursuant to Section 5 C (1) of the Adult Businesses Act, penalty for the first violation shall be One Thousand Five Hundred Dollars (\$1,500.00). Penalty for second or subsequent violations shall be license revocation for six (6) months. A fine of Five Thousand Dollars (\$5,000.00) shall be imposed upon any adult business operating without an Adult Oriented Business License.

**(G) Overgrown Vegetation—Accumulating Debris.** Pursuant to T.C.A. § 39-14-501 et seq, a warrant will be issued by the county Sheriff's Department for all applicable violations, resulting in prosecution by the District Attorney. Mandatory fines are set forth in the statutes.

**(H) Criminal Littering.** Pursuant to T.C.A. § 39-14-501 et seq., a warrant will be issued by the county Sheriff's Department for all applicable violations, resulting in prosecution by the District Attorney. Mandatory fines are set forth in the statute.

# **CODES/ENVIRONMENTAL OFFICER**

## **Definitions**

**Warren County, Tennessee  
February, 2008**

### **DEFINITIONS**

## **Junkyard/Scrapyard Act**

- (1) A motor vehicle is any vehicle which is designed to be self-propelled and to travel along the ground, and shall include but not be limited to automobiles, buses, motorbikes, motorcycles, motor scooters, all-terrain vehicles (ATV's), trucks, tractors, go-carts, golf carts, campers and trailers. Farm implements, including but not limited to, trailers, disks, plows, tillers, etc, that are operational and functional but not self-propelled are not considered to be motor vehicles.
- (2) An abandoned motor vehicle is one which does not have lawfully affixed thereto any unexpired license plate or plates and is in a state of disrepair, wrecked, dismantled, partially dismantled, discarded, and is incapable of being moved under its own power.
- (3) Refuse, junk and rubbish includes but is not limited to abandoned motor vehicles or parts thereof; machinery or parts thereof; appliances or parts thereof; glass; building materials (excluding exceptions specified in Operational Procedures Section 6A); building rubbish; old rope; rags; paper; bottles; iron or other base metals; all articles discarded or no longer used as a manufactured article composed of any one or more of the materials mentioned herein; or any residential or commercial refuse, byproduct, waste or remains. ***For the purposes herein contained, "refuse" includes all putrescible and nonputrescible solid waste; "rubbish" includes nonputrescible solid waste consisting of both combustible and noncombustible waste; "junk" includes old or discarded material or objects.***
- (4) "Appliances or parts thereof, furniture, mattresses, box springs, or parts thereof" for the purposes herein contained includes, but is not limited to, ***any or all items described which are maintained within view of any adjoining residence or any state or county highway; which, due to excessive numbers in some instances, detract from the natural beauty of the area and effectively depreciate the value of the real property of others; or which present a health, fire or safety hazard. These items must be disposed of properly at appropriate collection sites; the burning of said items constitutes a violation of state environmental laws. Therefore, any outdoor storage or display constitutes a violation of the Junkyard/Scrapyard Act.***
- (5) "Scrap copper or brass, steel or scrap ferrous or non-ferrous material" for the purposes herein contained includes, but is not limited to, ***the visible collection of scrap metal at any location other than a recycling center of approved commercial collection site.***
- (6) "Unoccupied mobile homes or mobile home parts that are not part of a state licensed dealer's operation" for the purposes herein contained applies to, but is not limited to, ***any mobile home which, if occupied, presents health and/or safety hazards to residents or tenants***
- (7) "Garbage, debris, trash, or scrap metal processors" for the purposes herein contained includes, but is not limited to, ***the visible, excessive collection of worthless, unnecessary, broken, discarded, useless or offensive matter; the excessive growth of trees, vines, grass, or underbrush; or the visible, excessive collection of scrap metal at any location other than a recycling center or approved commercial collection site.***
- (8) "Nuisance" for the purposes herein contained means the use of one's property that causes danger or annoyance to others or that interferes with others using or enjoying their own property; therefore, "nuisance" will be subject to reasonable interpretation when enforced.

- (9) “Grandfathered in,” for the purposes herein contained, relates only to establishments which possessed active junkyard/scrapyard business licenses prior to adoption of the Junkyard/Scrapyard Act on February 16, 2000.

**Warren County Mobile Home Park Regulations Act of 2000**

“Mobile home” for the purposes herein contained are defined as (1) A self-propelled or non-self-propelled vehicle, with a length exceeding thirty-five feet (35’), so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use thereof for human habitation, and so constructed to permit its being used as a conveyance upon public streets or highways; or (2) Manufactured houses or portable modular units in excess of eight feet six inches (8’6”) in width or when towing vehicle and manufactured home are in excess of sixty feet (60’) in length. T.C.A. § 55-4-402

# **CODES/ENVIRONMENTAL OFFICER**

## **Official Forms**

**Warren County, Tennessee  
February, 2008**

### **NOTICE OF VIOLATION**

DATE \_\_\_\_\_ OCCUPANT OF PROPERTY \_\_\_\_\_

OWNER OF PROPERTY \_\_\_\_\_

ADDRESS/LOCATION OF PROPERTY \_\_\_\_\_

Notice is hereby issued that the property listed has been found in violation of:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Junkyard/Scrapyard Act  | <input type="checkbox"/> Mobile Home Park Act      | <input type="checkbox"/> Planning Commission     |
| <input type="checkbox"/> Subdivision Regulations | <input type="checkbox"/> Airport Zoning Resolution | <input type="checkbox"/> Adult-Oriented Business |
| <input type="checkbox"/> Overgrown Vegetation    | <input type="checkbox"/> Criminal Littering        | <input type="checkbox"/> Other _____             |

due to \_\_\_\_\_  
Nature of Violation

The owner of this property must correct said violation within thirty (30) days from the date of this notice, which is \_\_\_\_\_ . Failure to comply with this notice within thirty (30) days will result in a citation to the General Sessions Court of Warren County, Tennessee, and a fine of up to \$\_\_\_\_\_ .

If you wish to appeal this notice, you must do so in writing no later than ten (10) days from the date of this notice, which is \_\_\_\_\_ .

\_\_\_\_\_  
Warren County Codes/Environmental Officer

For further information, contact:  
Warren County Codes/Environmental Officer  
201 Locust Street, Suite 1, McMinnville, TN 37110  
Phone 931-474-2633  
Fax 931-474-2638