

**RESOLUTION NO.  
7.3.23 A**

**RESOLUTION OF THE BOARD OF COUNTY COMMISISONERS OF GRAINGER COUNTY, TENNESSEE TO ADOPT POWERS GRANTED TO MUNICIPALITIES DESCRIBED IN T.C.A. § 6-2-201(22) AND (23) PURSUANT TO T.C.A. 5-1-118 AND TO PROHIBIT HOMELESS SHELTERS, PAIN CLINICS, DRUG OR ALCOHOL REHABILITATION FACILITIES, MENTAL HEALTH INSTITUTIONS, HALF-WAY HOUSES AND SIMILAR BUSINESSES OR FACILITIES WITHIN UNINCORPORATED AREAS OF GRAINGER COUNTY.**

*WHEREAS*, the Tennessee Code Annotated §5-1-118 authorizes counties that do not have zoning regulations in effect throughout the county to exercise certain municipal powers by resolution, including the power to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers and to prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

*WHEREAS*, the Board of County Commissioners of Grainger County has determined that it would be beneficial to the inhabitants of the county for Grainger County to exercise the powers granted to municipalities in T.C.A. 6-2-201 (22) and (23) by adopting a resolution pursuant to the provisions of T.C.A. § 5-1-118(c); and

*WHEREAS*, the Board of County Commissioners of Grainger County has determined that there can potentially be adverse impacts to the county and its inhabitants caused by homeless shelters, pain clinics, drug or alcohol rehabilitation facilities, mental health institutions, half-way houses and similar businesses or facilities that could have a negative impact on the agriculture environment, the road system, and other services provided in the county and which are potentially detrimental or liable to be detrimental to the health, morals, comfort, safety, convenience or welfare of inhabitants of unincorporated areas of Grainger County; and

*WHEREAS*, the regulations are deemed the minimum regulations necessary to achieve the goal to minimize or eliminate negative impacts from these types of uses; and

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

IT IS HEREBY RESOLVED:

That the Board of County Commissioners of Grainger County, Tennessee hereby adopts powers granted to municipalities as described in T.C.A. § 6-2-201(22) and (23) pursuant to the provisions of T.C.A. § 5-1-118; and

That the Board of County Commissioners of Grainger County, Tennessee hereby prohibits homeless shelters, pain clinics, drug or alcohol rehabilitation facilities, mental health institutions, half-way houses and similar businesses or facilities from operating or existing within the unincorporated areas of Grainger County as being detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of Grainger County.

**Validity:** If any provisions of this resolution or its regulations, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution or its regulations which can be given effect without the invalid provision or application, and to that end, the provisions of this resolution and its regulations are declared to be severable, and the remaining provisions of this resolution and its regulations shall remain subject to enforcement.

**Effective Date:** This Resolution shall be in force immediately after its passage and publication, the public welfare requiring it.

Approved and adopted by the Board of County Commissioners of Grainger County, Tennessee by the following votes 13 Aye 0 Nay.

This the 3<sup>rd</sup> day of July, 2023. 1 Pass 1 Absent

Mike Byrd  
Mike Byrd, County Mayor

Angie Lamb  
Angie Lamb, County Clerk

