

**RESOLUTION
NO. 7.3.23 A**

AMENDED RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GRAINGER COUNTY, TENNESSEE 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 previously 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 has previously adopted such a resolution; and

WHEREAS, the Board of County Commissioners of Grainger County has previously 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 has adopted Resolution 7.3.23 A;

WHEREAS, the Board of County Commissioners of Grainger County now desires to amend such Resolution as recited, described and reflected herein in this Amended Resolution, but not further

or otherwise, the provisions of the prior Resolution 7.3.23 A being adopted by reference herein as fully as if set forth verbatim and with all provisions that are not in conflict with this Amended Resolution remaining in effect; 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 previously adopted 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.

Administration and Enforcement: The appropriate Grainger County Officials shall be authorized to enforce these regulations. If any property owner or owners, business owner or owners, lessors, lessees, occupiers of property, operators, managers of property or other persons are found to be in violation of the provisions set forth in this resolution then such person or persons shall be subject to civil penalties of fifty dollars (\$50.00) for each offense. Every day of non-compliance constitutes a separate offense. If violations continue, Grainger County may, in addition to imposing a fine or fines and/or taking any other actions authorized by law, file a petition with the appropriate courts seeking an injunction to close any non-conforming use, to have the same declared a public nuisance, and/or to pursue any and all other damages, equitable relief or recourse available pursuant to applicable law.

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 14 Aye 0 Nay.

This the 9th day of Dec., 2024.


Mike Byrd, County Mayor


Angie Lamb, County Clerk

