



May 20, 2024

Health - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Fire Protection

The following act regarding fire protection in Sevier County passed the General Assembly, but does not appear to have been properly ratified locally.

1. Private Acts of 1989, Chapter 117, authorized the county executive of Sevier County, during periods of dryness or high winds, in his discretion, or upon the petition of a majority of the fire chiefs of Sevier County, to issue orders prohibiting open burning in all areas within Sevier County except those within the corporate limits of any municipality. An individual, company, corporation, or other legal entity violating the terms or conditions of an order issued by the county executive was subject to a civil penalty of \$50. The Secretary of the State has no record of the act ever being approved locally. There is a resolution on file with the Sevier county clerk indicating that the county legislative body adopted the private act; however, it is dated prior to the time the act was passed by the General Assembly and signed into law and the language of the resolution does not conform to the language of the private act as it ultimately passed. Hence, it appears the act was never properly ratified locally after passage by the General Assembly and therefore never became an effective law under the Home Rule Amendment to the State Constitution which requires local approval.

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