

SENATE BILL 3408

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 12,  
Chapter 1, Part 2, relative to private property  
rights.

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

SECTION 1. Tennessee Code Annotated, Section 12-1-202, is amended by adding the  
following language as a new, appropriately designated subdivision:

( ) "Private property rights" means:

- (A) The exclusive authority to determine how private property is used;
- (B) The peaceful possession, control and enjoyment of private property;
- (C) The ability to make contracts to sell, rent, or give away all or part of  
the private property;
- (D) Not having to accommodate, implement, or adhere to local  
"Sustainable Development" policies such as Smart Growth, Wetlands Project,  
Wildlands Project, Resilient Cities Plan, Regional Visioning Projects, Green Eco  
Projects, alternative projects such as "greenways" and "bike lanes," or any other  
form of "Green Space" projects;
- (E) That local, city, county and state governments are prohibited from  
exercising eminent domain for the sole purpose of acquiring private property so  
as to resell to a private interest or generate revenues;
- (F) The ability to reasonably display the United States, Tennessee, and  
personal flags and signs on private property, expressing freedom of speech or  
the desire to sell such property;

(G) That no local, city, county or state government has the authority to impose directives, ordinances, fees or fines regarding aesthetic landscaping, color selections, tree and plant preservation, or open spaces on private property;

(H) That no local, city, county or state government shall interfere with the interior or exterior aspects of a home on private property except for structural safety concerns;

(I) That no local, city, county, or state government shall implement a land use plan that requires any part of private property be set aside for public use or for a Natural Resource Protection Area where no construction or disturbance may occur;

(J) That no local, city, county, or state government shall implement a law or ordinance restricting the number of dwellings that may be placed on private property;

(K) That no local, city, county, or state government shall alter or impose zoning restrictions or regulations that will devalue or limit the ability to sell private property;

(L) That no local, city, county, or state government shall limit the profitable agricultural activities by mandating and controlling what crops and livestock are grown on the private property; and

(M) That no local, city, county or state government shall exercise eminent domain beyond the recognized legal boundary, city limit, county line, state line or any other defined jurisdictional limit;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.