

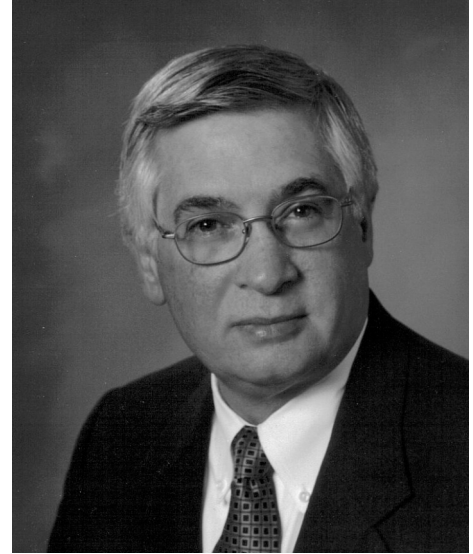
SHELBY COUNTY ENVIRONMENTAL COURT

Judge Larry E. Potter

**201 Poplar Avenue, Suite 255
Memphis, TN 38103
(901) 545-3456**

Larry.potter@shelbycountyttn.gov

Web site: www.shelbycountyttn.gov



The Memphis Environmental Court was founded in 1982 to serve as a "bridge over troubled water" for matters relating to the health and quality of life of our citizens. The purpose of the Court was to ensure that our children's legacy was that of a better Memphis.

Prior to the establishment of a separate court to handle environmental concerns, the Memphis city courts generally were ineffective in taking action against substandard property violations. General Sessions' Environmental Court, however, gave meaning to the term "expedient justice" by its ability to readily and specifically respond to our community's environmental needs.

In 1991 the Tennessee State Legislature created the Shelby County Environmental Court and thus eliminated jurisdictional limitations posed by city and county divisions. The Court's powers were also expanded to aid enforcement of the law. For example, "injunctive relief" was added to give "teeth" to existing local environmental legislation.

Evidence of the Environmental Court's success is seen in the substantial growth of caseloads over the past sixteen years. Gratifying results, such as repair of an indigent family's dwelling so that the children enjoy a healthier and happier home life, further demonstrate the successful actions of the Court.

Judge Larry E. Potter is a graduate of Memphis State Law School and has practiced law in Memphis since 1978. He was appointed to fill a vacancy on the Municipal Court in 1982, was elected to a full term in 1983. Judge Potter brings a varied professional background in municipal law to the bench. He served as an Assistant Public Defender, Chief Public Defender and Assistant City Attorney. In 1982, he became the first Environmental Court Judge in Memphis, Shelby County and the State of Tennessee. And, in 1991 Judge Potter was appointed by the Shelby County Commission to the newly created position of judge for the Shelby County Environmental Court. Judge Potter also hears environmental cases in five Community Courts. With his judicial experience, Judge Potter is considered an authority on the subject of environmental law. He travels through the United States consulting with governmental authorities on the establishment of environmental courts in their communities. His expertise gives him the insights needed to deal with the environmental issues confronting our community and its citizens. The continued success of the Environmental Court relies on the participation of both citizens and government of Shelby County.

Judge Potter is committed not only to the Memphis and Shelby County of today, but also to the Memphis and Shelby County of tomorrow. Because our children are our future, we must all strive for a cleaner and safer environment for them.

Shelby County Environmental Court - Major Areas of Violations:

Health Code Violations

Each year the Health Department responds to over 15,000 environmental health complaints. Prompt action by the court attempts to correct hazards that pose a threat to the public health and safety of the citizens of Memphis and Shelby County. These matters encompass all areas of the city and county. These primary areas of environmental concerns include the following:

SANITATION: These cases involve littering/illegal dumping, high grass and noxious growth, rat harborage/rat infestation, sewage outcropping, defective plumbing, improper food service operations and supervision of personal care homes. Some of these cases involve restaurants, stores and food vendors who sell food that represents a threat to consumers.

MOSQUITO CONTROL: Items may not accumulate so as to provide a breeding area for mosquitoes. Discarded and used tires are often responsible for offering a place for mosquitoes to breed. These cases obviously have a serious effect on the health and safety of citizens.

RABIES CONTROL: These cases involve dogs running at large, unlicensed and unvaccinated. Citizens often suffer dog bites in many of these cases and the court requires prompt action.

POLLUTION CONTROL: These matters can involve air pollution, water quality violations, and asbestos removal. This area of the law will see more activity in the future, and more court cases can be expected as the result of an increased awareness by the public.

INFECTIOUS DISEASES: These cases include Tuberculosis (TB). Persons with known TB may be brought to court in order to require treatment by the department. The court may order such individuals to be examined, tested and treated to prevent transmission of TB to the community.

Housing Code Violations

The Department of Housing improvement is responsible for citywide administration and enforcement of ordinances that establish minimum housing standards and regulate abandoned vehicles on public and private property. The department conducts systematic house-by-house inspections of designated geographic areas within the city and will also perform inspections in response to approximately 10,000 citizen complaints received annually.

Since substandard housing and urban blight has become an increasing problem, this area of the law has received a great deal of attention in the past several years. Some of these cases involve landlords who offer substandard property for high rental prices.

Fire Code Violations

The Fire Protection Bureau of the City of Memphis Fire Department and the Shelby County Fire Department are responsible for reducing the hazards of fire in the city of Memphis and Shelby County. They perform their tasks in four (4) major categories: Fire Code Enforcement, Arson Investigation & Prosecution, Public Fire Safety Education and Commercial Anti Neglect issues.

Compliance with fire code requirements is needed to provide reasonable regulations consistent with nationally recognized practices for the protection of life and property from the hazards of fire.

The type of violations brought to court may include arson, locked or blocked exit doors, failure to remove hazardous materials, dangerous accumulation of waste materials, failure to install smoke detectors, failure to install proper fire protection systems, leaking underground storage tanks, failure to secure vacant buildings and Commercial Anti Neglect cases. Unfortunately many of these cases involve serious injuries and fatalities.

Building and Zoning Code Violations

The Zoning and Codes Enforcement Ordinances were enacted to prevent excessive congestion of population and to encourage classification of land uses as to promote both urban and non-urban development. These

ordinances are rather complicated in nature and court cases can be rather complex. They include standards to which buildings or structures must conform, such as lot areas, set back and yard requirements, use limitations, parking, loading and storage requirements applicable to buildings, and uses of improper additions or alterations of existing buildings, special use requirements, site plan review, and cases involving Standard Building Code, Standard Mechanical Code, Standard Plumbing Code and Standard Gas Code. The Codes Enforcement Complaint Division makes approximately 12,000 inspections each year.

The Court's Impact on Local Environmental Quality

Under the continuous leadership of Larry Potter, The Shelby County Environmental Court serves as a model for other courts throughout the United States. The people of Memphis and Shelby County should feel proud of the prototypical role that our court has played in the development of the American environmental court system. More importantly, we should recognize the substantial environmental achievements made by the Court during its twenty five years of existence. As evidenced by dramatic increases in both the number of environmental complaints and the effective actions taken against those complaints, departmental inspectors and citizens no longer battle a system that is incapable of following through on their recommendations and needs.

Judge Potter has also been supportive of several initiatives to increase compliance with environmental codes in Memphis and Shelby County. Judge Potter, in cooperation with Keep America Beautiful, assists other areas in establishing an environmental court.

The Shelby County Environmental Court is an example of the American system at its best - a unique partnership between local government and the community that solves old problems with innovative, new solutions. Thanks to the Court, the environmental consciousness of Memphis and Shelby County is thriving and we are well on our way to providing our children the legacy of a better place to live.