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Chapter XII - Parks and Recreation

Dear Reader:

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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Chapter XII - Parks and Recreation

Park and Recreation Commission

Private Acts of 1939 Chapter 341

SECTION 1. That the County of Hamilton be and it is hereby authorized through its Quarterly Court to create a Park and Recreation Commission, and to establish, maintain and operate through said Commission, parks, playgrounds and recreational areas as hereinafter provided. Said Commission shall consist of five (5) members, one of whom shall be the County Judge or Chairman of the County Court. Two of said members shall be Justices of the Peace, but not more than one shall be appointed from each Civil District. The other two members shall be residents and citizens of Hamilton County, but not member [sic] of the Quarterly Court.

SECTION 2. That the Quarterly County Court shall appoint said Commission at the first regular or special session of the County Court following the passage of this bill. The terms of the members of the first Commission shall be as follows: One of said members shall be appointed for a term of five (5) years and the terms of the other members shall be fixed so that the term of one member shall expire annually, beginning twelve (12) months from the appointment of said Commission. Any vacancy in an appointive membership other than by expiration shall be filled for the unexpired term by the Quarterly County Court, which shall also have the authority to remove any appointive member for wilful misconduct or incompetency, but only after reasonable notice of the charges against him are submitted in writing and an opportunity is given for a public hearing. After the first Commission is appointed, all appointments thereafter shall be made by the Quarterly County Court and shall be for a period of five (5) years except for vacancies as above provided.

SECTION 3. That the Commission shall elect its Chairman from among its appointive members for a term of one year with eligibility for re-election. It shall keep adequate and accurate records of all its findings, proceedings and transactions. Such records shall be open and available for public inspection at all times. The Commission may employ play leaders, playgrounds directors, supervisors, recreational superintendents or such other employees as it may from time to time deem necessary for the proper management of the work and may contract with other agencies for such services as it may require. The Commission may adopt such rules and regulations as are necessary for the operation of the parks as it may be authorized and directed by the Quarterly County Court. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated by the Quarterly County Court for said purposes. For the purpose of this Act the Commission may accept any gift or donation of real estate, monies, personal property or services, but if the acceptance of same will subject the county to any additional or continuing expense the acceptance shall be subject to the approval of the Quarterly Court.

SECTION 4. That the Quarterly County Court be and it is authorized to appropriate funds at its July term each year upon a budget submitted by said Commission for the purpose of defraying all expenses incident to operating the park and recreation areas.

SECTION 5. That the Quarterly County Court may dedicate and set apart for use as playgrounds, recreation centers and for other recreation purposes any land or buildings, including schools and school grounds, owned or leased by said county and not dedicated to another and inconsistent public use, provided, however, that no such lands and buildings may be so dedicated without the approval of the agency in direct control of such lands or buildings. The County may, upon the approval of the Quarterly Court, acquire for park and recreational purposes, lands, buildings and equipment by gift, purchase, condemnation or lease. The Commission may improve and maintain such property and may acquire, construct, and maintain such facilities and equipment on same as are necessary or desirable, may collect rentals for the use of the facilities where same is let to third persons. Any funds so collected by or for the Commission for the use of said property and/or facilities shall be paid in to the county's general fund. The Commission may enter into contracts with private persons or agencies for the leasing of concession privileges within the parks or recreation areas operated by said Commission and such contracts shall set forth the minimum standards to be observed by the lessee regarding the construction, appearance, maintenance, operation and sanitary facilities of the concession, such standards shall be in conformity with the rules and regulations of the Division of Hotel and Restaurant Inspection of the State Department of Conservation. All rentals collected shall be paid into the general fund as herein provided.

SECTION 6. That the Commission may cooperate with other agencies in carrying out its program and with the approval of the Quarterly Court may enter into agreements with the State or Federal Government or with the Commission of other counties or municipalities for the joint establishment and financing of

parks, recreation areas or supervised recreational programs.

SECTION 7. That for the purpose of carrying out a more coordinated program and for reducing the administrative cost of such program Hamilton County and any municipalities therein may jointly operate and maintain a recreation and playground park or parks. Such commission shall make such contract or contracts with the municipality or its agents with reference to the management and maintenance of said project as may be directed by the Quarterly County Court.

SECTION 8. That nothing in this Act shall be deemed to modify or supplant any provision of any private or special statute, creating a park or recreation commission; provided, however, that such commission shall be deemed to have all such powers in addition to the powers granted under this Act.

SECTION 9. That should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of this Act as a whole or any part thereof other than the part so held to be unconstitutional or invalid.

SECTION 10. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 23, 1939.

COMPILER'S NOTE: Private Acts of 1941, Chapter 156, Section 4, published herein, grants direct supervision of parks and recreation to the county council.

Parks and Recreation - Historical Notes

1. Acts of 1891, Chapter 21, was an act to cede the jurisdiction of the State of Tennessee to the United States of America over all such roads as were described therein and lay within the territorial limits of the state, for the purposes of a national park known as the Chickamauga and Chattanooga National Park, pursuant to the act of congress, entitled "An Act to establish a National Military Park at the battle-field of Chickamauga," approved August 19, 1890. The cession was conditioned upon the State of Tennessee retaining a concurrent jurisdiction with the United States over said roads with respect to all civil and criminal process issued under the authority of the state, whereby said process might be executed upon as if this act had not been passed; and that nothing was to interfere with the jurisdiction of the United States over any matter set out in the act of congress or with any laws, rules or regulations that congress might thereafter adopt for the preservation and protection of the ceded property.
2. Acts of 1895, Chapter 2, was an act to cede the jurisdiction of the State of Tennessee over additional territory lying along both sides of the roads ceded in the previous act, to the United States of America, for the purpose of widening said roads. The additional land consisted of the following tracts: Orchard Knob, a tract of seven acres in the outskirts of Chattanooga; a tract of three acres, more or less, on Missionary Ridge, known as Bragg's headquarters; a tract of five acres on Missionary Ridge, known as the DeLong place; and an agreement for the purchase of the extreme north point of Missionary Ridge. The cession was conditional, similar to the previous cession.
3. Acts of 1899, Chapter 251, was an act to enlarge and extend the provisions of the previous Act, to cover an additional tract of land on Lookout Mountain, known as Point Park, to be held and constitute a part of the National Military Park. The 1895 act was extended and made applicable to Point Park, and the jurisdiction of the state was ceded to the United States over said Point Park to the same extent and upon the same conditions in all respects as the cession of jurisdiction in said act.

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