



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter XII - Parks and Recreation

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,

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

Arrow Lake

Private Acts of 1935 Chapter 200

SECTION 1. That Arrow Lake, lying in the 7th Civil District of Maury County, and being a body of water compounded by a dam erected for the purpose of catching drainage or rain waters on the property of the Charleston Mining Company; the said lake having an overflow or inflow only two or three months in the year, be and the same is hereby declared and established as a private lake.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 20, 1935.

Maury County Park

Private Acts of 1957 Chapter 296

SECTION 1. That Maury County, Tennessee, is hereby authorized and empowered to own, purchase, lease, construct, operate, equip, and maintain a general park in said County, acting by and through its Quarterly County Court with authority to accept a legal title to such park and to own such park and either operate or maintain same under the provisions of a Board of Park Commissioners; or to lease the park facilities or any portion thereof to a non-profit corporation only by and with the approval of the Maury County Quarterly Court.

SECTION 2. That said Maury County, Tennessee, is hereby authorized and empowered to acquire by gift, purchase or the exercise of eminent domain, lands or rights in lands upon which to construct, equip, maintain, and operate such park, and to accept gifts and donations, funds, money, aids, grants, and assistance of any kind for the purpose aforesaid from any person, firm association, corporation or group of persons, including the United States of America, or any agency thereof, and the State of Tennessee and any agency thereof, and any County or Municipality in the State of Tennessee.

SECTION 3. That the said Park shall be known and designated as the Maury County Park and shall be comprised of and situated on the following described tract or parcel of land together with all buildings and other improvements and all appurtenances thereunto belonging, together with any other land which may be hereinafter acquired, and more particularly described as follows:

Located and situated in the Ninth Civil District of Maury County, Tennessee.

BEGINNING at a point in center of L & N Railroad, in the center of the Experiment Lane, said point being the center of the railroad trestle over the Experiment Lane; thence with center of said railroad N. 85 deg. 34' W. 2224.1 ft. to a point of curve; thence with a 3 deg. curve to the left a distance of 862.1 ft. to a point in center of said tract; thence leaving said railroad and with existing fence S. 89 deg. 15' W. 1899.3 ft. to a concrete monument; thence N. 4 deg. 15' E. 1578 feet to a concrete monument; thence S. 85 deg. E. 1450 ft. to a concrete monument; thence S. 9 deg. 45' W. 550 ft.; thence S. 85 deg. E. 550 ft.; thence N. 9 deg. 45' E. 550 ft.; thence S. 85 deg. E. 1137.5 ft.; thence N. 9 deg. 47' E. 291.3 ft. to the point of intersection of the Experiment Lane; thence with said Land S. 38 deg. 49' E. 1301.84 ft. to the point of curve; thence with same on a 7 deg. curve to the left, a distance of 721.9 ft.; thence with same S. 89 deg. 21' E. 86.25 ft. to the point of curve; thence with a 56 deg. curve to the right, a distance of 157.74 ft. thence with same S. 1 deg 91' E. 109 ft. to the point of beginning. Being a portion of the property conveyed to Monsanto Chemical Company by deed of record in Book 8, Page 213, Register's Office of Maury County, Tennessee. And being the same property conveyed to Maury County, Tennessee, by deed executed by Monsanto Chemical Company, by deed recorded in Book 303, Page 551 of the Register's Office of Maury County, Tennessee.

SECTION 4. That all parks and recreation areas now or hereafter owned or operated by Maury County shall be operated and controlled by a Board of Park Commissioners, seven (7) in number, and all shall be citizens and residents of Maury County, greater than twenty-one (21) years of age who shall serve without compensation (said office being honorary and not constituting a County office), in the manner and for the terms hereinafter provided; and provided that no member of said Board of Park Commissioners shall be a member of the Maury County legislative body; and provided further that no member of the Board of Park Commissioners or no member of the legislative body of Maury County shall profit financially by reason of the operation of the parks and recreation areas owned or operated by Maury County; and further that

no property operated and controlled by a Board of Park Commissioners shall be subject to a debt of the County.

As amended by: Private Acts, 2019, Chapter 21.

SECTION 5. That the initial members of the Board of Commissioners shall be: DeWitt H. Viar; Thomas H. Reynolds; Charlie Skillington; James B. McLaren; Sam R. McGaw; Ralph L. Newbert; and J. B. Erwin. The term of office of each member of said initial Board of Park Commissioners shall be three (3) years from and after April 8, 1957, and upon the expiration of the three (3) year term as herein provided and at the regular April, 1960 term of the Maury County Quarterly Court, or if vacancies occur for any causes before that date, such vacancies shall be filled in the same manner by the said Quarterly Court at its next regular session or at such sessions called for that purpose, provided however if deemed advisable by the said Quarterly Court, the said Quarterly Court shall elect a Board of Park Commissioners, as follows: Two (2) members for one year; two (2) members for two years; three (3) members for three years; and thereafter upon the expiration of the terms of said members of said Board of Commissioners or upon any vacancy which may occur for any reason, or otherwise, shall be filled by an election by the Maury County Quarterly Court for the regular terms as hereinabove provided or for the unexpired term of any member creating a vacancy. The election and acceptance of each respective member of said Board of Park Commissioners shall be duly filed in the office of the County Court Clerk of Maury County, Tennessee. Any member of the Board of Park Commissioners shall be eligible for re-election. The Board of Park Commissioners shall elect a Chairman, Vice-Chairman, Secretary, Treasurer; or Secretary and Treasurer; provided that nothing contained herein shall prevent the Board from electing and designating the Park Superintendent as Secretary of said Board of Park Commissioners. The said Board of Park Commissioners shall meet at least once each quarter, and oftener, if necessary, and shall keep complete, permanent and public records and minutes, reflecting all business and transactions of the said Board of Park Commissioners. All checks or warrants drawn on funds belonging or appropriated to said Maury County Park shall be signed by the Treasurer and countersigned by the Chairman of the Board, or in lieu thereof countersigned by some other member of the Board duly designated by the Board.

SECTION 6. That the Board of Park Commissioners shall be vested with full, absolute, and complete authority and responsibility for the operation, maintenance, management, conduct, and control of the business and affairs of all parks and/or recreation areas now or hereafter owned or operated by Maury County; such operation maintenance, management, conduct, and control, however, shall not be inconsistent with existing contractual obligations of Maury County, Tennessee. Said authority shall include, but shall not be limited to, the establishment, promulgation, and enforcement of rules, regulations, and policies necessary to direct and supervise the operation, maintenance, and control of all parks and/or recreation areas now or hereafter owned or operated by Maury County, including, but not limited to, the regulation of the dates and hours of the opening and closing of said Park and the regulations and routing of traffic along and over the roads and passage-ways therein, the administration of all financial affairs, the execution of all contracts, agreements, and other instruments, and the employment, compensation, discharge, and supervision of all personnel in conjunction with Maury County policies, and to adopt the necessary and proper bylaws.

As amended by: Private Acts, 2019, Chapter 21.

SECTION 7. That the Board of Park Commissioners shall have authority to employ and fix the compensation of a Park Superintendent, and such other personnel and employees as may be necessary, whose duties and responsibilities shall be determined and prescribed by the Board of Park Commissioners.

SECTION 8. The entire Maury County Legislative Body shall constitute the park committee of the Maury County Legislative Body whose duties shall be to advise and consult with the Board of Park Commissioners concerning measures and matters pertaining to and affecting the welfare of the Maury County park system.

As amended by: Private Acts of 1989, Chapter 53

SECTION 9. That said Board of Park Commissioners shall annually prepare and submit to the Maury County Quarterly Court a budget reflecting in detail all estimated receipts and disbursements of all parks and recreation areas owned or operated by Maury County, together with the receipts and disbursements of the previous year. Said budget shall be submitted not later than April 1, for approval of the Quarterly Court at the regular July term of each year, and the said Park Commission is without authority to make contracts beyond the budget approved by the said Quarterly County Court.

As amended by: Private Acts, 2019, Chapter 21.

SECTION 10. That the Board of Park Commissioners shall prepare and submit to the Quarterly Court of Maury County, prior to each regular January and July meetings of said Court, a complete financial statement and report, which among other things, shall reflect a comparison of actual receipts and disbursements with budgeted receipts and disbursements for the latest available period. Provided that the Quarterly Court may provide for an audit of the books, records, and financial affairs of all parks and recreation areas owned or operated by Maury County at any time it may deem same advisable or necessary.

As amended by: Private Acts, 2019, Chapter 21.

SECTION 11. That the Quarterly Court of Maury County be and the same is hereby authorized to appropriate to the Maury County Park from the general funds of the County, such sums as may be required to commence the operation of said Park, and thereafter such sums as may be required to pay any deficits arising in the operation and maintenance of said Park; and said Quarterly Court of Maury County is further authorized and empowered to levy a park tax sufficient for this purpose upon all the taxable property located in said County. Said tax to be a special tax not to exceed Ten (\$0.10) Cents upon each One Hundred (\$100.00) Dollars worth of taxable property; and provided that the funds derived from such levy shall be carried upon the official books and records of said County, separate and apart from other accounts, and which tax shall be in addition to the levy for general County purposes.

SECTION 12. That all Acts resolutions, including resolutions appropriating funds and resolutions accepting gifts of land and other gifts, heretofore done by the Maury County Quarterly Court be and the same is hereby ratified.

SECTION 13. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly Court of Maury County on or before the next regular meeting of such Quarterly Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Quarterly Court and shall be certified by him to the Secretary of State.

SECTION 14. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 20, 1957.

Park Rules

Private Acts of 2003 Chapter 39

SECTION 1. Whenever used in this act, the respective terms have the following meanings unless otherwise herein expressly defined:

- (1) "Board" means board of county commissioners of Maury County.
- (2) "Bridle path or trail" means any path or trail maintained for persons riding on horseback.
- (3) "Commission" means the Maury County board of park commissioners established and authorized by Chapter 296 of the Private Acts of 1957, to serve as the recreation advisory board for Maury County.
- (4) "County" means Maury County.
- (5) "Department" means the department of parks and recreation.
- (6) "Foot path or trail" means any path or trail maintained for pedestrians.
- (7) "Holder" means any person to which a permit is issued and which is nontransferable.
- (8) "Owner" means any person, firm, association, co-partnership, or corporation, owning, leasing, operating, or having the exclusive use of a vehicle, animal, or any other similar item which item is used in recreation areas and structures owned, operated, or leased by the county.
- (9) "Park", unless specifically limited, means all parks, playgrounds, recreation centers, parkways, water areas, or other recreation areas and structures owned, operated, or leased by the county.
- (10) "Permit" means any written license issued by or under authority of the department, permitting the performance of a specified act or acts.
- (11) "Person" means any natural person, corporation, company, association, joint stock association,

firm, or co-partnership.

(12) "Regulation" means any regulation duly adopted by the commission and posted as a parks and recreation centers regulation.

(13) "Unnecessary stopping" means bringing a vehicle to a complete stop at a point other than a parking place, other than in conformity with the state vehicle and traffic laws and other than because of a defect in said vehicle.

(14) "Vehicle" means any wheeled conveyance, whether motor powered or animal driven, including, but not limited, to automobiles, trucks, go-carts, four-wheelers, motor bikes, and motorcycles. "Vehicle" does not include self-powered bicycles, wheelchairs and similar devices for the disabled, baby carriages, and vehicles in service of the county parks.

(15) "Excessive noise" means any noise by radio or amplification device or other reason that is disturbing or distracting (at a distance of fifty feet (50') or more) to the public or employee of the park.

SECTION 2. In the interpretation of this act:

- (1) Any terms in the singular shall include the plural;
- (2) Any term in the masculine shall include the feminine and the neuter;
- (3) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act;
- (4) No provision hereof shall make unlawful any act necessarily performed in line of duty or work as such, or by any person, his agents, or employees, in the proper and necessary execution of the terms of any agreement with the county or the department.
- (5) Any act, the performance of which is deemed prohibited by local ordinance unless performed in compliance with a duly authorized permit, shall be lawful if performed under, and in accordance with any restrictions of, such a permit; and
- (6) This act is in addition and supplemental to state vehicle and traffic laws which are in force in all parks, and such laws incorporated herein and made apart hereof. If, however, any provision of this act conflicts with general law in any provision, the provisions of general law shall control.

SECTION 3. This act shall be effective within and upon all parks, as defined by this act, and shall regulate the use thereof by all persons.

SECTION 4. The department may issue permits, consistent with the rules and regulations of the commission for the use of parks. A permit to do any act shall authorize the same only insofar as it may be performed in strict compliance with the terms of the permit and any applicable provisions of local or state law. Noncompliance with the terms of a permit shall constitute grounds for its revocation by the department, or by its authorized representative, and such action by the department shall be final after the permit holder has had an opportunity for a hearing regarding the revocation by the department.

In case of revocation of any permit, all moneys paid for or on an account thereof shall, at the option of the department, be forfeited to and be retained by the department. The holder of such permit, together with its agents and employees who violated such terms and conditions, shall be jointly and severally liable to the county for all damages and losses suffered by it in excess of money so forfeited and retained. Neither such forfeiture or retention by the county of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability for punishment for any violation of any provisions of this act.

SECTION 5. No person shall remove, destroy, cut down, scar, mutilate, injure, take, or gather in any manner any tree, flower, fern, shrub, rock, or other plant or mineral in any park unless authorized by permit.

SECTION 6. No person shall in any manner injure, deface, disturb, destroy, or disfigure any part of any park, nor any building, sign, equipment, or other property found therein.

SECTION 7. No person shall deposit in any part of any park any garbage, sewerage refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or other waste material of obnoxious material, except in containers designated for such purposes.

SECTION 8. No person shall pollute the streams, lakes, or other waters of any park in any manner, bathe pets, wash vehicles or clothing, or throw, cast, lay, drop, or discharge into or leave in the streams, lakes, or other waters of the park or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid which may or shall result in the pollution of said waters. Bathing of farm animals in provided areas is permitted.

SECTION 9. No person shall drive a vehicle in any park within or upon a safety zone, walk, bridle path, bicycle trail, jogging trails, fire truck trail, service road, or any part of any park not so designated by the department as a roadway.

SECTION 10. No person in a park shall operate any go-cart, minibike, dirt bike, or motorized cycle; provided, however, regularly licensed vehicles and operators may have access to streets and roadways within the parks to the same extent as public streets, subject to the traffic rules of this act and general law.

SECTION 11. No person shall ride a bicycle on other than the right-hand side of a paved vehicular road or paths designated for that purpose, or fail to keep in single file when two (2) or more bicycles are operating as a group. Bicyclists shall be permitted to ride on trails designated for bicycles or any other areas not reserved for pedestrian use only. A bicyclist shall wheel or push a bicycle by hand over any grassy area, wooded trail or paved area reserved for pedestrian use only. In addition, the use of bikes, scooters, skateboards, or skates in spectator or other designated areas is prohibited.

SECTION 12. No person shall ride any other person over the age of six (6) years of age on a single passenger bicycle in any park, or ride a bicycle in violation of the height and weight requirements of Tennessee Code Annotated, Section 55-52-105. All persons under the age of sixteen (16) shall wear helmets for bicycles pursuant to Tennessee Code Annotated, Section 55- 52-105, and all persons under the age of eighteen (18) shall wear protective pads and helmets for skating and skateboarding.

SECTION 13. No person shall ride a bicycle in any park at nighttime without an attached headlight in accordance with Tennessee Code Annotated, Section 55-8-177.

SECTION 14. No owner or drive shall cause or permit a vehicle to stand anywhere in any park outside of designated parking spaces, except for a reasonable time in a driving area in order to receive or discharge passengers.

SECTION 15. No person shall cause or permit a vehicle to obstruct traffic by unnecessary stopping in a park.

SECTION 16. Rate of speed in excess of fifteen (15) miles per hour is prohibited in a park.

SECTION 17. No person shall use, ride, or walk a horse in a park, except to, from, or along a bridle path or other designated areas.

SECTION 18. Pets allowed in parks shall be attended and on a leash not more than six feet (6') long.

SECTION 19. No pets of any kind, with the exception of service dogs (seeing eye dogs, handicap assistance, or hearing dogs) shall be permitted in spectator areas or other designated areas of a park.

SECTION 20. No person within the confines of any park shall hunt, pursue, trap, shoot, injure, kill, or molest in any way, any bird or animal, except with permission of the department and only if such person possesses the necessary permit required by general law; provided, however, any such activities must be performed in compliance with all applicable general law.

No person shall have any wild or dangerous bird or animal in his possession within any park.

SECTION 21. No person shall carry, possess, or discharge firearms of any description (including air guns or paint ball guns) within any park, except duly authorized law enforcement officers in accordance with general law.

SECTION 22. Unless otherwise authorized by law, no person shall bring into or have in any park an explosive or explosive substances, including, but not limited to, fireworks.

SECTION 23. No person shall kindle, build, maintain, or use a fire other than in places provided or designated for such purposes, except by permit. Any fire shall be continuously under the care and direction of a competent person over sixteen (16) years of age from the time it is kindled until it is extinguished. No person within the confines of any park shall throw away or discard any lighted match, cigarette, cigar, or other burning object. All objects must be entirely extinguished before being thrown away or discarded.

SECTION 24. No person shall consume or possess alcoholic beverages of any kind in any park, nor shall any person possess or consume any illegal drug in the park.

SECTION 25. No person in a park shall willfully and intentionally disobey a lawful order or a park superintendent, warden, caretaker, ranger, law enforcement officer; use obscene language; unreasonably disturb or annoy others; be under the influence of intoxicants; do any act tending to or amounting to a breach of the peace; or conduct himself in any disorderly manner whatsoever.

SECTION 26. Enforcement of the provisions of this act shall be as provided herein. So long as such is consistent with general law, park rangers and any other state law enforcement officer or law enforcement

officer of Maury County or a local municipality shall have the duty and responsibility to enforce this act and shall be empowered to issue citations when in their judgment any provisions of this act have been violated.

SECTION 27. No person in a park shall willfully cause excessive noise, either by radio, amplification, or by other means, that is disturbing to the public or park staff at a distance of fifty feet (50') or more.

SECTION 28. No person shall, in any park, sell or offer for sale, hire, lease, or let out any object or merchandise, any building, booth, tent, staff, or any other structure whatsoever or charge admission to any meeting, exhibition, contest, or event, except under permit.

SECTION 29. No sign, notice, or advertisements of any nature shall be erected or posted at any place within any park without permission in writing from the department; nor shall any musical instrument, radio, talking machine, or drum be operated or any noise be made for the purpose of attracting attention to any exhibition of any kind, except by permit.

SECTION 30. No person shall, within any park, solicit alms or contributions for any purpose, except by permit.

SECTION 31. The commission shall have the authority to establish open and closing hours of all parks. All persons shall leave the park as specified by the commission or under permit.

SECTION 32. No person shall use or gain admittance to, or attempt to use or gain admittance to, the facilities in any park for use in a manner for which a charge is made by the department unless the person pays the charge or pays a price fixed by the board.

SECTION 33. The violation of any of the provisions of this act shall be subject to a civil penalty not to exceed fifty dollars (\$50.00), except that violations of general law shall be punished according to such law.

SECTION 34. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer and certified to the secretary of state.

SECTION 35. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 34.

Passed: May 12, 2003.

Parks and Recreation - Historical Notes

The following act has no current effect but is included here for reference purposes as it once applied to the Board of Park Commissions.

1. Private Acts of 1971, Chapter 197, amended the Private Acts of 1957, Chapter 296 by increasing the number of commissioners serving on the park board and providing for the election of a chairman.

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