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# Elderly and Child Care Centers

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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,

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# Elderly and Child Care Centers

## Public Acts of 1992 Chapter 957

**SECTION 1.** Tennessee Code Annotated, Title 6, Chapter 54, is amended by adding Section 2 through 8 as a new part.

**SECTION 2.** The purpose of this act is to facilitate the operation of a child care center by a municipality. This act shall enable a municipality to establish a child care center and require payment of fees for the privilege of using a child care center.

**SECTION 3.** Definitions. Wherever used in this act, the following terms shall have the following meanings:

- (1) "Child Care Center" or "Day Care Center" means a facility and all appurtenances by which child care is rendered by an agency operated by a person which receives thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours a day without transfer of custody.
- (2) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of a child care center, preliminary planning to determine the feasibility of a child care center, the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of a child care center, and the inspection and supervision of the construction of a child care center.
- (3) "Municipality" means any county, metropolitan government, or incorporated town or city or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.
- (4) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or county.

**SECTION 3.** The governing body of any municipality may authorize the construction, extension, enlargement, acquisition, improvement or operation of a child care center within or without its corporate boundaries.

**SECTION 4.** Consistent with all requirements of state and federal law that apply to such activities, a child care center may:

- (1) Exercise general regulation over the planning, location, construction, operation and maintenance over a child care center within or without the municipality; and
- (2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this act including the adoption of a system of fees for services.

**SECTION 5.** A municipality constructing, operating, or maintaining a child care center is authorized to establish a child care center user's fee which may be assessed and collected from each user of the child care center. These fees shall be reasonable in amount and used by the municipality for purposes set forth in this act.

**SECTION 6.** A municipal legislative body may finance a child care center under the provisions of the Local Government Public Obligations Act of 1986, as amended which is codified at Tennessee Code Annotated, Title 9, Chapter 21.

**SECTION 7.** The powers conferred by this act are in addition and supplemental to the powers conferred by any other law, charter, or home rule provision.

**SECTION 8.** Nothing herein shall be construed to limit the power or authority of the Department of Human Services with respect to regulation of child care centers of Tennessee. Any ordinance, or regulation adopted or imposed by a municipality shall be consistent with the regulations and oversight by the Tennessee Department of Human Services.

**SECTION 9.** The provisions of this act shall only apply in counties having a population of not less than 103,100 nor more than 103,400 according to the 1990 Federal Census or any subsequent Federal Census.

**SECTION 10.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 11.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 30, 1992.

**COMPILER'S NOTE:** This is a special public act and is not codified in Tennessee Code Annotated.

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