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Private Acts of 1941 Chapter 345

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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Private Acts of 1941 Chapter 345

SECTION 1. That Roane County through its Quarterly County Court be and it is hereby authorized to create a Park and Recreation Commission, hereinafter referred to as the Commission, and to establish, operate, equip, maintain, improve, and enlarge, through said Commission, parks, playgrounds and recreational areas and facilities as hereinafter provided.

SECTION 2. That the Commission shall consist of the County Judge, two members of the Quarterly Court to be selected by the Quarterly Court, and two resident citizens of the County, not members of the Quarterly Court, but appointed by the Quarterly Court; provided that no more than one member of the Quarterly County Court on said Commission shall be from any one minor civil district of Roane County.

The terms of office of the members of said Commission shall be as follows:

(a) Of the first Commission to be appointed following the passage of this Act, one member shall be appointed for a term of five (5) years, and the terms of the other four members shall be arranged so that the term of one member will expire annually, beginning twelve (12) months from the appointment of said Commission.

(b) Following the first appointments to the Commission, all appointments made thereafter shall be for a period of five (5) years except for vacancies as hereinafter provided. Provided further that the membership of any member of the Quarterly County Court on said Commission shall not be longer than his term of office on said Court.

SECTION 3. That any vacancy in the membership of said Commission, other than by expiration, shall be filled for the unexpired term by the Quarterly County Court; provided further that that body shall also have the power to remove any member for willful misconduct or incompetency, but only after six (6) weeks' notice of the charges against him are submitted in writing and an opportunity is given for a public hearing.

SECTION 4. That the Commission shall elect its Chairman from among its appointive members for a term of one year with eligibility for reelection, and the Commission may create and fill such other offices as it may determine. 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 adopt such rules and regulations as are necessary for the operation of the park and recreation areas.

SECTION 5. That funds for the use of said Commission in the discharge of its duties shall be provided by any one or more of the following: a special appropriation, a tax levied on the real and personal property of Roane County, or by the collection of fees and charges for the use of the recreation areas or facilities; provided further, that Roane County is hereby specifically authorized to levy taxes in an amount sufficient to carry out the provisions of this Act; provided further, that any appropriations requested by said Commission shall be based on a budget prepared and submitted to the Quarterly County Court at least one (1) month before the beginning of each fiscal year; provided further, that all funds, irrespective of source, available to said Commission shall be used for the purpose of defraying all expenses incident to the establishment, operation, maintenance, equipment, improvement, and expansion of the park and recreation system.

The expenditures of the Commission shall be within the total of the amounts appropriated and of the accrued revenue from any other sources.

The Quarterly County Court of Roane County may levy and collect a tax, the rate of which is to be set by said Court and the proceeds of which are to be designated as the "Park and Recreation Fund." This tax, if adopted, shall be levied and collected in the usual manner and shall be in addition to and exclusive of other taxes which Roane County may levy and collect.

SECTION 6. That the Commission may cooperate with other agencies in carrying out its program and, with the approval of the Quarterly County Court, may enter into agreements with the State or Federal Government or with the Park and Recreation Commission or other corresponding body of other counties or municipalities for the joint establishment and financing of parks, recreation areas or supervised recreational programs.

The Commission may enter into contracts with private persons or agencies, individually or jointly, for the leasing of concession privileges within the parks or recreation areas operated by said Commission and such contracts shall set forth the standards to be observed by the lessee regarding the construction, appearance, maintenance, and operation of all facilities. All rentals and fees accruing from such contracts shall be paid into the general funds of Roane County to the account of the Park and Recreation Commission.

SECTION 7. That the Quarterly County Court may dedicate and set apart for use as parks, playgrounds, recreation centers and for other recreation purposes any land, buildings, and equipment, 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, buildings and equipment, may be so dedicated without the approval of the agency in direct control of such lands or buildings. The County may, on the approval of the Quarterly County 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, operate, and maintain such facilities and equipment as are necessary or desirable.

The Commission may employ trained recreation leaders, recreational area directors, supervisors, superintendents or such other employees as it may deem necessary for the proper management and conduct of the work, and it 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.

SECTION 8. That Roane County, through its Park and Recreation Commission may apply to the State Department of Conservation for advice and consultation pertaining to the planning, acquisition, establishment, development, maintenance, operation, and enlargement of park and recreation areas, systems, facilities, and programs, and it shall be the duty of said department to assist such municipality to the fullest extent of its power and facilities to assist on such matters.

SECTION 9. That nothing in this Act shall be deemed to modify or supplant any provision of any earlier private or special statute creating a public park or recreation body (whether designated as board, commission, council, bureau, or other title); provided, however, that such body shall be deemed to have all such original powers in addition to the powers granted under this Act except wherein the latter may be at variance with the original in which case the original ones shall prevail.

SECTION 10. That should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of the remainder of this Act nor any part thereof other than the part so held to be unconstitutional or invalid.

SECTION 11. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 13, 1941.

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