

**RULES
OF
TENNESSEE DEPARTMENT OF CONSERVATION
DIVISION OF STATE PARKS**

**CHAPTER 0400—2—6
COMMERCIAL AND PRIVATE OPERATIONS**

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0400—2—6—.01 ADVERTISEMENTS. Commercial notices or advertisements shall not be displayed, posted or distributed on park area lands unless prior written permission has been granted by the Director. Such permission may be granted if the notice or advertisement is of goods, services, or facilities available within the park area or, if in the opinion of the Director, such notices and advertisements are found to be desirable or necessary for the convenience and guidance of the public.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987.

0400—2—6—.02 BUSINESS OPERATIONS. Engaging in or soliciting any business in a park area except in accordance with the provisions of a permit, contract, or other written agreement with the Department is prohibited.

Authority: T.C.A. § 1-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987.

0400—2—6—.03 CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES. Constructing or attempting to construct a building, or other structure, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or any other private or public utility, upon, across, over, through, or under any park areas, except in accordance with the provisions of a valid permit, contract, or other written agreement with the Department of Conservation is prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.04 DISCRIMINATION IN EMPLOYMENT PRACTICES.

- (1) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public within any park area is prohibited from discriminating against any employee or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract or sublease. As used in this section, the term “employment” shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

(Rule 0400-2-6-.04, continued)

- (2) Each such proprietor, owner or operator must post the following notice:

Notice

This is a facility operated in an area under the jurisdiction of the Tennessee Department of Conservation.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, State Parks, Nashville, Tennessee 37243.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.05 DISCRIMINATION IN FURNISHING PUBLIC ACCOMMODATIONS AND TRANSPORTATION SERVICES.

- (1) The proprietor, owner or operator and the employees of any hotel, inn, lodge, or other facility or accommodations offered to or enjoyed by the general public within a park area and, while using such a park area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from: (a) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (b) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodations, facility, service, or privilege offered to or enjoyed by the general public.
- (2) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services, or privileges:

Notice

This is a facility operated in an area under the jurisdiction of the Tennessee Department of Conservation.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, State Parks, Nashville, Tennessee 37243.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.06 EATING OR LODGING ESTABLISHMENTS.

- (1) No establishment offering food, or lodging for sale on any privately owned lands under the legislative jurisdiction of the State of Tennessee may be operated without a permit obtained from the Superintendent. Such permit may include terms and conditions deemed necessary

(Rule 0400—2—6—.06, continued)

by the Superintendent to the health, safety, and welfare of the public and it may be revoked upon failure to comply with the requirements of paragraphs (2) and (3) of this Rule or the conditions set forth in the permit.

- (2) Such establishment shall be maintained and operated in accordance with the rules and regulations recommended by the Tennessee Public Health Department for such establishments, and the substantive requirements of State and local laws and regulations relating to such establishments, which would apply if such privately owned lands were not subject to the jurisdiction of the State of Tennessee. In the event of conflict or inconsistency between such Tennessee Public Health Department recommendations and State or local laws for the former shall prevail.
- (3) The Superintendent shall have the right to inspect such establishments at reasonable times to determine whether the establishment is being operated in accordance with the applicable rules and regulations.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.07 IMPOUNDMENT OF ANIMALS.

- (1) Animals trespassing in park areas may be impounded by the Superintendent and, if not claimed by the owner within the periods specified in this section, shall be disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.
- (2) If the owner is known, prompt written notice of the impounding will be served upon him, and in the event of his failure to remove the impounded animal within five (5) days from delivery of such notice, it will be disposed of in accordance with prescribed procedures.
- (3) If the owner is unknown, no disposal of the animal shall be made until at least fifteen (15) days have elapsed from the date that a notice of the impounding is first published in a newspaper of general circulation in the county of which the trespass occurs and is posted at the county courthouse.
- (4) The owner may redeem the animal by submitting proof of ownership and paying all expenses of the State for capturing, advertising, pasturing, feeding, impounding, and the amount of damage to any public property injured or destroyed by or through such trespass.
- (5) In determining the claim of the State in any animal trespass, the value of forage consumed shall be computed at the daily, weekly, monthly, or yearly commercial rates prevailing in the locality for the class animal found in trespass. The claim shall include the pro rata salary of employees for the time spent and the expenses incurred in and about the investigation, reports, and settlement or prosecution of the claim.
- (6) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is in an amount less than the amount of the claim of the State or of the officer's appraised value of the animal, whichever is the lesser amount, such animal may be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the State if of value for that purpose.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.08 MEMORIALIZATION. The installation of any monument, memorial, tablet, or other commemorative installation in a park area without permission of the Director is prohibited.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.09 NUISANCES. The creation or maintenance of a nuisance upon the State owned lands of a park area or upon any private lands within a park area under the exclusive legislative jurisdiction of the State is prohibited.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.10 PROSPECTING, MINING, AND MINERAL LEASING. Prospecting, mining, and the location of mining claims under the general mining laws and leasing under the mineral leasing laws are prohibited in park areas, except as authorized by law.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.11 RESIDENCE ON STATE LANDS. Residing in park areas is prohibited, except in accordance with a permit or other written agreement with the State authorizing such use, or by employees of the Division of State Parks.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.

0400—2—6—.12 TRESPASS ON STATE LANDS. The running at large, herding, driving across, or grazing of animals of any kind on the public lands of an area, or the use of such lands for agricultural purposes, is permitted only under a valid lease, contract, or special use permit issued by the Department of Conservation.

Authority: T.C.A. § 11-108. Administrative History: Original rule certified May 24, 1974.