

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 10.
PARKS, PUBLIC BUILDINGS, GROUNDS,
AND SPACE.

CHAPTER 2.
RECREATION BOARD.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 2. RECREATION BOARD.

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CHAPTER 2. RECREATION BOARD.

SUBCHAPTER I. MEMBERSHIP OF THE RECREATION BOARD.

§ 10-201. CREATION.

There is hereby created in and for the District of Columbia a Recreation Board hereinafter referred to as "the Board."

(Apr. 29, 1942, 56 Stat. 261, ch. 265.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-201.

1973 Ed., § 8-201.

Miscellaneous Notes

Establishment--D.C. Advisory Committee on Recreation & Parks: See Mayor's Order 90-191, December 13, 1990.

Recreation Board abolished: The Recreation Board, together with the position of Superintendent of Recreation, was abolished and the functions of both the Board and the Superintendent were transferred to the Commissioner of the District of Columbia by Reorganization Plan No. 3 of 1968. Organization Order No. 10, dated June 27, 1968, established a Department of Recreation, under the direction and control of the Commissioner, headed by a Director of Recreation.

§ 10-202. COMPOSITION; SELECTION; TENURE; QUALIFICATIONS.

The Board shall consist of 7 members as follows: a representative of the Mayor of the District of Columbia selected by the Mayor; a representative of the Board of Education selected by that Board; the Superintendent of the National Capital Parks ex-officio; and 4 members, who shall have been for 5 years immediately preceding their selection bona fide residents of the District of Columbia, appointed by the Mayor of the District of Columbia for a term of 4 years each, except the original appointments which shall be for terms of 1, 2, 3, and 4 years, respectively. The appointment of the 4 citizens shall be without regard to race, sex, or creed, and shall take judicious account of the various parent, civic, and other organizations through which residents of the District voice their civic wishes and advance the common welfare. The 2 members of the Board representing the Mayor and the Board of Education shall be designated annually by their respective agencies.

(Apr. 29, 1942, 56 Stat. 261, ch. 265, art. I, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-202.

1973 Ed., § 8-202.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of

Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-203. LIABILITY.

The members of the Board shall not be personally liable in damages for any official action of the said Board performed in good faith, nor shall any member of said Board be liable for any costs that may be taxed against them or the Board on account of any such official action; but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits brought against the municipality; nor shall the said Board or any of its members be required to give any supersedeas bond or security for costs or damages on any appeal whatever.

(Apr. 29, 1942, 56 Stat. 261, ch. 265, art. I, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-203.

1973 Ed., § 8-203.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-204. VACANCIES.

Vacancies shall be filled for the unexpired term by the agency which made the original selection.

(Apr. 29, 1942, 56 Stat. 262, ch. 265, art. I, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-204.

1973 Ed., § 8-204.

§ 10-205. COMPENSATION.

The members of the Board shall serve without compensation for such service.

(Apr. 29, 1942, 56 Stat. 262, ch. 265, art. I, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-205.

1973 Ed., § 8-205.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-206. OFFICERS; RULES AND REGULATIONS.

The Board shall select from among its citizen membership its Chairman and its Secretary and is hereby authorized and empowered to adopt all necessary rules and regulations for the conduct of its business.

(Apr. 29, 1942, 56 Stat. 262, ch. 265, art. I, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-206.

1973 Ed., § 8-206.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-207. MEETINGS.

The Board shall hold stated meetings and such additional meetings as they may from time to time deem necessary. All meetings of the Board shall be open to the public.

(Apr. 29, 1942, 56 Stat. 262, ch. 265, art. I, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-207.

1973 Ed., § 8-207.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

SUBCHAPTER II. FUNCTIONS AND ADMINISTRATIVE RESPONSIBILITIES.

§ 10-211. DETERMINATION OF GENERAL POLICY; SUPERVISION OF EXPENDITURES.

The Board shall determine all questions of general policy relating to public recreation in and for the District of Columbia, and shall supervise and direct expenditure of all appropriations and/or other funds made available to the Board.

(Apr. 29, 1942, 56 Stat. 262, ch. 265, art. II, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-211.

1973 Ed., § 8-208.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-212. SUPERINTENDENT OF RECREATION; APPOINTMENT AND DUTIES; QUALIFICATIONS; OTHER EMPLOYEES; VOLUNTEER SERVICES.

(a) The Board is hereby authorized to appoint a Superintendent of Recreation, which position is hereby authorized and created, who shall be the chief executive officer of the Board but not a member thereof, and shall be charged with the general organization, administration, and supervision of the program of public recreation contemplated and provided for by this chapter. The Superintendent shall be a person of such training, experience, and capacity as will especially qualify him to discharge the duties of the office. He shall possess those qualifications of education, training, and experience in recreation work as well as executive and administrative experience which will assure a thorough knowledge of current theory and practice in public recreation and give promise of the administrative ability necessary to administer a program of public recreation in and for the Nation's Capital.

(b) The Board, upon the recommendation of the Superintendent, is empowered to appoint, promote, demote, and terminate the employment of such personnel as are necessary to carry out the purposes of this chapter. The Superintendent may suspend for cause for a period not exceeding 30 days any employee of the Board.

(c) All present personnel of the Community Center and Playgrounds Department whose services have heretofore been rated satisfactory shall be retained by the Board with the understanding that this provision does not contemplate the continued employment of individuals whose service is inefficient, and such

personnel shall continue to function under existing rules and regulations until such time as classification and civil service requirements have been effected.

(d) The Superintendent and all other regular annual personnel of the Recreation Board shall be employees of the District of Columbia.

(e) Upon recommendation of the Superintendent, the Board is authorized to employ, on a part-time basis, without regard to the prohibition against double salaries provided by § 58 of Title 5, United States Code, such teachers, custodial, and other employees of the United States, the District of Columbia, and the Board of Education, upon approval by the present employer, as may be necessary to keep in operation and to conduct therein appropriate phases of the recreation program authorized by this chapter.

(f) The respective facilities of the United States, the District of Columbia, and the Board of Education shall, by the agreement of the respective agencies of the government having control of such facilities, be made available to the Board under the terms of this chapter.

(g) The Superintendent is authorized to employ for a 90-day period as full- or part-time employees, such referees, umpires, swimming-pool guards and attendants, gymnasium and playground supervisors, and other similar special employees as may be necessary to carry out the recreation program authorized by this chapter; provided, that the retention in the District service of any such employees for a period longer than 90 days shall be subject to the approval of the Board.

(h) The Board is authorized to accept upon recommendation of the Superintendent the gratis services of such persons as may volunteer to aid in the conduct of any of its activities.

(Apr. 29, 1942, 56 Stat. 262, ch. 265, art. II, § 2; Oct. 28, 1949, 63 Stat. 972, ch. 782, title XI, § 1106(a); Apr. 23, 1958, 72 Stat. 97, Pub. L. 85-383, § 1; Mar. 3, 1979, D.C. Law 2-139, § 3205(g), 25 DCR 5740.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-212.

1973 Ed., § 8-209.

Temporary Addition of Section

Section 2 of D.C. Law 18-251 added a provision to read as follows:

"Sec. 2. Summer safety plan for public pools.

"The Mayor shall issue a report to the Council no later than 10 days from the effective date of the Summer Pool Safety Emergency Act of 2010, effective July 19, 2010 (D.C. Act 18-487), and on May 1st of each subsequent year, detailing a summer safety plan for District-operated public pools. The plan shall include:

"(1) A review of the appropriate lifeguard-to-swimmer ratio;

"(2) A lifeguard schedule plan for each public pool;

"(3) A medical safety summary, including the availability of automated external defibrillator devices, for each public pool; and

"(4) Feasibility of installing an automated drowning detection system in public pools."

Section 4(b) of D.C. Law 18-251 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2 of Summer Pool Safety Emergency Act of 2010 (D.C. Act 18-487, July 19, 2010, 57 DCR 7167).

Legislative History of Laws

Law 2-139, the "District of Columbia Government Comprehensive Merit Personnel Act of 1978," was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

References in Text

Section 58 of Title 5, United States Code, referred to in subsection (e) of this section, was repealed by the Act of August 19, 1964, 78 Stat. 492, Pub. L. 88-448, § 402(a)(1). See now § 5533 of Title 5, United States Code.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-213. COMPREHENSIVE PROGRAM FOR PUBLIC RECREATION; LEASING RIGHTS NOT AFFECTED.

(a) The Board shall have power and authority to adopt, conduct, direct, or cause to be conducted or directed, under its supervision, a comprehensive program of public recreation which shall include the operation and direction of games, sports, arts and crafts, hobby shops, music, drama, speech, nursery play, dancing, lectures, forum for informal discussion, and such other physical, social, mental, and creative opportunities for leisure-time participation as the Board shall deem advisable to offer in major recreation centers, playfields, athletic fields, playgrounds, tennis courts, baseball diamonds, swimming pools, beaches, golf courses, community centers, and social centers in schools, parks, or other publicly owned buildings, as well as other recreational facilities which may be agreed upon between the Board and the agencies having jurisdiction over such facilities. The public properties utilized by the Board for the above purposes shall include those designated by the National Capital Planning Commission, in accordance with a comprehensive plan, as suitable and desirable units of the District of Columbia recreational system.

(b) Nothing in this chapter contained shall be construed as affecting any rights under any existing lease or leases lawfully entered into by any agency mentioned or affected by this chapter, nor shall anything in this chapter contained be construed as affecting the right of any such agency in the future lawfully to enter into leases of land or premises under its control for recreational purposes.

(Apr. 29, 1942, 56 Stat. 263, ch. 265, art. II, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-213.

1973 Ed., § 8-210.

Transfer of Functions

The functions, powers and duties of the National Capital Park and Planning Commission were transferred to the National Capital Planning Commission by the Act of June 6, 1924, 43 Stat. 463, ch. 270, § 9, as added by the Act of July 19, 1952, 66 Stat. 790, ch. 949, § 1.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-213.01. DISPOSITION OF FEES.

Effective June 14, 1980, all fees and receipts from those activities for which the Department of Recreation and Parks determines to charge a fee shall be deposited in the General Fund.

(Apr. 29, 1942, ch. 265, art. II, § 4a, as added May 16, 1995, D.C. Law 10- 255, § 12, 41 DCR 5193.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-213.1.

Legislative History of Laws

Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1995, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective May 16, 1995.

References in Text

Pursuant to Mayor's Order 2000-20, the agency formerly known as the Department of Recreation and Parks shall be known as the Department of Parks and Recreation.

§ 10-214. ANNUAL BUDGET.

The Board shall prepare and submit to the Mayor of the District of Columbia an annual budget itemizing the appropriations necessary for the performance of its functions and duties under this chapter, including appropriations necessary for the purchase of books, literature, newspapers, periodicals, technical reference material, trophies, and medals, and as provided in § 10-224, the Board's share of the cost of improvement, maintenance, and upkeep of the buildings and grounds used by the Board and which are under the jurisdiction of the Board of Education, the Mayor, or the National Park Service.

(Apr. 29, 1942, 56 Stat. 263, ch. 265, art. II, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-214.

1973 Ed., § 8-212.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-215. ANNUAL REPORT.

The Board shall submit to the Mayor of the District of Columbia an annual report of its activities, together with recommendations for further activities and development, or curtailment.

(Apr. 29, 1942, 56 Stat. 264, ch. 265, art. II, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-215.

1973 Ed., § 8-213.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

SUBCHAPTER III. RELATIONSHIP TO OTHER AGENCIES.

§ 10-221. TRANSFER OF FUNCTIONS OF COMMUNITY CENTER AND PLAYGROUNDS DEPARTMENT; TRANSFER OF UNEXPENDED FUNDS.

All the functions of the Community Center and Playgrounds Department now under the joint control of the Mayor of the District of Columbia and the Board of Education are hereby transferred to and shall, after the effective date of this chapter, be vested in the said Recreation Board. The transfer of all such functions shall include transfer of the unexpended balance of the appropriation of the Community Center and Playgrounds Department, any unexpended balance in trust funds, and the salary of the coordinator now carried in the appropriation of the National Capital Parks.

(Apr. 29, 1942, 56 Stat. 264, ch. 265, art. III, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-221.

1973 Ed., § 8-214.

References in Text

The words "effective date of this chapter", appearing near the end of the first sentence of this section, mean 30 days from the date of its approval.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of the Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-222. CONTROL OF LANDS, BUILDINGS, AND OTHER FACILITIES.

The control of all land, buildings, and other facilities used by the Board shall be in accordance with agreements reached between the Board and the governmental agencies having jurisdiction over such properties.

(Apr. 29, 1942, 56 Stat. 264, ch. 265, art. III, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-222.

1973 Ed., § 8-215.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-223. POWERS OF BOARD OF EDUCATION, MAYOR OF DISTRICT OF COLUMBIA, OR NATIONAL PARK SERVICE UNABRIDGED.

No power or authority conferred by this chapter shall be construed to abridge the powers of the Board of Education, the Mayor of the District of Columbia, or the National Park Service to refuse the use of any ground, building, or facility under their individual or collective control whenever the use of any such ground, building, or facility for recreational purposes would interfere with the use or purpose for which such ground, building, or facility was acquired or created, and nothing herein expressed or implied shall be construed to abrogate any powers vested in the Board of Education by the Organic Act of 1906 insofar as the control of public education and all necessary facilities and personnel is concerned.

(Apr. 29, 1942, 56 Stat. 264, ch. 265, art. III, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-223.

1973 Ed., § 8-216.

Change in Government

This section originated at a time when local government powers were delegated to a Board of

Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 10-224. AGREEMENTS FOR MAINTENANCE AND IMPROVEMENT OF PLAYGROUNDS, ETC.; TRANSFER OF FUNDS, ETC.

The maintenance and improvement of all playgrounds and recreation areas and facilities now under the control of the Board of Education, or of the Mayor of the District of Columbia, or of the National Park Service, or which may hereafter be acquired by any of said agencies for said purpose, may be provided for by agreement between the Board and the Board of Education, the Council of the District of Columbia, and the National Park Service, respectively. The Board is hereby authorized to transfer to the said agencies such funds, equipment, and personnel as may be necessary to carry said agreements into effect.

(Apr. 29, 1942, 56 Stat. 264, ch. 265, art. III, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-224.

1973 Ed., § 8-217.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-225. SERVICES ON REIMBURSABLE BASIS.

The Board is authorized to arrange with other governmental agencies for services on a reimbursable basis.

(Apr. 29, 1942, 56 Stat. 264, ch. 265, art. III, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-225.

1973 Ed., § 8-218.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.

§ 10-226. TRANSFER OF EQUIPMENT, ETC., OF COMMUNITY CENTER AND PLAYGROUNDS DEPARTMENT.

All equipment, machinery, supplies, and materials of the Community Center and Playgrounds Department shall, on the effective date of this chapter, be transferred to the Board.

(Apr. 29, 1942, 56 Stat. 264, ch. 265, art. III, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-226.

1973 Ed., § 8-219.

References in Text

The words "effective date of this chapter", appearing in this section, mean 30 days from the date of its approval.

Miscellaneous Notes

Recreation Board abolished: See Historical and Statutory Notes following § 10- 201.