

CHAPTER 310

CORPORATIONS ORGANIZED TO ACQUIRE AND MANAGE PUBLIC LANDS AND PROVIDE RECREATION FACILITIES

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**310.01 ORGANIZATION.** Any number of adult persons, not less than five, residing in any city in the state, excepting cities of the first class, may organize a public corporation for the purpose of acquiring, holding, governing, managing, controlling, and improving parks, playgrounds, boulevards, and pleasure drives within and in the vicinity of the city in which they reside. Such corporation shall be without capital stock and shall be governed by a board of directors. It shall have all the powers and privileges conferred by this chapter.

[1929 c. 209 s. 1] (7902-1)

**310.02 CERTIFICATE OF INCORPORATION.** Such persons shall adopt and sign a certificate of incorporation containing:

- (1) The name of the corporation; its general purpose; and its location;
- (2) The terms for admission to membership;
- (3) The names and places of residence of the incorporators; and
- (4) The number of members constituting its board of directors; the date of the annual meeting at which they shall be elected; and the names and addresses of those composing the board until the first election.

The certificate shall be acknowledged and recorded in the office of the secretary of state and in the office of the register of deeds in the county where the corporation is located. Any such corporation may amend its certificate of incorporation as provided in the case of other corporations. Neither the original certificate of incorporation nor any amendment thereto need be published.

[1929 c. 209 s. 2] (7902-2)

**310.03 POWERS.** Corporations authorized by this chapter shall have full power to acquire, hold, govern, manage, control, and improve parks, playgrounds, boulevards, and pleasure drives over which their powers and jurisdiction extend under the provisions of this chapter and to lay out the same, and shall have the power to take and hold, by gift or bequest for such purposes, personal property, and to take and hold, by purchase, gift, grant, dedication, or devise, real property for such purposes, located within the limits as fixed by section 310.04, but shall take and hold such property and exercise the powers in trust for the city in connection with which the parks, playgrounds, boulevards, or pleasure drives shall be laid out and maintained.

[1929 c. 209 s. 3] (7902-3)

**310.04 MAY ACCEPT GIFTS OR ACQUIRE IN ANY MANNER.** Any city of the class mentioned in section 310.01 shall have power to take, by gift or bequest, any personal property for the purpose of securing, constructing, or maintaining parks, playgrounds, boulevards, or pleasure drives and may also take and hold, by grant, devise, dedication, or by purchase, any real property within the county in which it is located for like purposes, and any such city situated in two or more counties shall have like power to acquire real estate for such purposes in any such county. Any such city located upon or within one mile of the county boundary line may take real property by grant, devise, or dedication for the purposes aforesaid, either in the county in which it is located or in such other county. No city

of the class mentioned in section 310.01, nor any corporation organized under the provisions of this chapter, shall have power to take by gift or bequest, or acquire in any other manner, any lands within the confines of any city of the first class.

[1929 c. 209 s. 4] (7902-4)

**310.05 GIFTS SHALL BE LEGAL AND VALID.** All gifts, grants, bequests, devises, or dedications for the benefit or advantage of any such corporation in its trust capacity, as aforesaid, or for the benefit or advantage of any such city for the purposes aforesaid, whether made to trustees for or directly to any such corporation or city, shall be legal and valid, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents or profits of any real estate, and shall be executed and enforced and exclusively devoted to the specific objects for which they shall have been designed according to the provisions of the instrument making the same, without being subject to the limitations and restrictions provided by law in other cases; but no such accumulation shall be allowed to produce a fund more than 20 times as great as that originally given.

[1929 c. 209 s. 5] (7902-5)

**310.06 CITIES MAY TRANSFER MANAGEMENT OF PROPERTY TO CORPORATION.** Any such city may, by a vote of its council, vest in and transfer to any such corporation in trust, as hereinbefore provided, the management and control of any real property held by it for parks, playgrounds, boulevards, or pleasure drives, in whatsoever manner the same were acquired by such city; but any such city may, by a like vote, revoke the transfer to the corporation and reinvest the management and control of the property in its own officers at any time that it may deem it for the public interest so to do.

[1929 c. 209 s. 6] (7902-6)

**310.07 CITIES MAY APPROPRIATE MONEY.** It shall be lawful for any such city to appropriate to any such corporation moneys, not to exceed \$1,500 a year, for the uses and purposes of such corporation, when expressly authorized by a two-thirds vote of the council and approved by the mayor.

[1929 c. 209 s. 7] (7902-7)

**310.08 OFFICIALS EX OFFICIO MEMBERS OF BOARD OF DIRECTORS.** The mayor of any such city, and the members of the park committee of its council, where such a committee is provided for, shall be ex officio members of the board of directors of any corporation organized under this chapter.

[1929 c. 209 s. 8] (7902-8)

**310.09 LANDS HELD IN TRUST.** All lands acquired by any corporation organized under this chapter, or subject to its control and management, shall be held in trust, as aforesaid, for public parks, playgrounds, boulevards, and pleasure drives for the recreation, health, welfare, and benefit of the public and shall be free to all persons, subject to such necessary and reasonable rules and regulations as shall, from time to time, be adopted, under the provisions of this chapter, for the well-ordering and government thereof. All such lands and personal property so held in trust for such purposes shall be exempt from taxation; provided, that such lands only as are used for parks, playgrounds, boulevards, and pleasure drives shall be exempt from taxation.

[1929 c. 209 s. 9] (7902-9)

**310.10 POWERS AND DUTIES.** Such corporations shall have power to make rules and regulations for the government, management, and control of such parks, playgrounds, boulevards, and pleasure drives and for the preservation of order therein, to restrict traffic and prohibit heavy teaming thereon, to employ such persons and purchase such machinery and tools as may be necessary for the proper improvement, management, and care thereof, and prescribe the respective duties and authority of their employees and fix the amount of their compensation. Copies of these rules and regulations shall be posted in convenient places in and upon such parks, playgrounds, boulevards, and drives and the officers of the corporation, or any superintendent thereof, shall have power to summarily enforce all such regulations; and, for that purpose, shall have the powers of police officers. Any such officer or superintendent may also summarily arrest any person engaged in the violation of any provision of section 310.13; and, for that purpose, shall have the same powers as a policeman within the city in connection with which any such park, playground, boulevard, or drive shall be maintained; and the municipal or police courts of any such city shall have jurisdiction of any such offense and also

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of any offense committed under section 310.14, in the same manner and to the same extent as they have jurisdiction of misdemeanors.

[1929 c. 209 s. 10] (7902-10)

**310.11 PUBLIC LIABILITY ON DRIVES.** No city in connection with which any such park, playground, boulevard, or pleasure drive shall be maintained under the provisions of this chapter shall be liable for any damage resulting from any want of repair or insufficiency in construction or maintenance of any parks, playgrounds, boulevards, or pleasure drives, nor shall any such corporation so holding the same in trust, or its officers, agents or servants, be liable for any damage resulting from any want of repair or insufficiency therein. There shall be placed at conspicuous points along such drives, outside the city limits, at intervals of not exceeding one mile, a notice in large, plain letters, as follows: "Any person using this drive does so at his own risk as to defects therein."

[1929 c. 209 s. 11] (7902-11)

**310.12 MAY ACQUIRE RIGHT TO USE PUBLIC HIGHWAYS.** Any such corporation may procure, by agreement with the supervisors of any town, the right to take and use any part of any public highway in the town to be used in connection with any drive or boulevard under the management and control of the corporation, and may agree with the supervisors upon the amount of compensation and damages to be paid by the corporation to the town therefor. Every such agreement with the supervisors shall be in writing and be filed in the town clerk's office; and the compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of the town.

[1929 c. 209 s. 12] (7902-12)

**310.13 PENALTIES FOR DESTROYING PROPERTY.** Any person who shall injure, remove, break, burn, cut down, root up, sever, or carry away any tree, shrub, plant, root, vine, or flower standing or growing in or upon any such park, playground, boulevard, or pleasure drive, or who shall tear down, mutilate, deface, destroy, or injure any signboard, milestone, post, guide-board, bridge, fence, walk, or railing, or any part thereof, or any printed or written copy of the rules or regulations of the corporation, or of any statute relating to parks, playgrounds, boulevards, or pleasure drives, posted or being in or upon such parks, playgrounds, boulevards, or pleasure drives, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine not exceeding \$10.00, but, upon proof that any such act was maliciously done, he shall, upon conviction thereof, be punished by a fine not exceeding \$50.00.

[1929 c. 209 s. 13] (7902-13)

**310.14 VIOLATION A MISDEMEANOR.** Any person who shall violate any of the rules or regulations of such corporation mentioned in section 310.10, which shall be posted as required by that section, shall be guilty of a misdemeanor; and, upon conviction thereof, punished by a fine not exceeding \$10.00.

[1929 c. 209 s. 14] (7902-14)