

CHAPTER 448

PARKS AND PARKWAYS; PARK DISTRICTS; PARK BOARDS

448.01 VILLAGES MAY ACQUIRE LAND FOR PARK PURPOSES BY CONDEMNATION.

HISTORY. 1919 c. 197 s. 1; M.S. 1927, s. 1264-3; 1933 c. 319; Ex. 1936 c. 41; M. Supp. s. 1264-3; 1945 c. 366 s. 1.

Village has no power to purchase land for park purposes on instalment plan, though the current tax levy is sufficient to pay the first instalment, it being insufficient to pay the entire price. OAG Dec. 13, 1929.

This provision is controlling as to villages under Revised Laws 1905, and not more than \$2,000 may be paid for a park, and a park may not be purchased on the instalment plan. OAG April 30, 1935 (476b-10).

Village funds may be appropriated for the purchase of land for park purposes. OAG March 20, 1935 (476b-10).

Village and town may jointly own and maintain a public park. OAG Jan. 8, 1936 (330c-5).

Village desiring to widen a street may purchase an entire lot, and use the excess for a park. OAG March 2, 1939 (469a-12).

Council may acquire land outside its corporate limits for park and recreation purposes and appropriate money from the general revenue fund, not exceeding \$2,000, without submitting the proposition to the electors, if the village has sufficient money on hand or available out of the current tax levy in process of collection. OAG Jan. 17, 1938 (476b-10).

Village may purchase, out of available funds, vacant lot to be used for park purposes without a vote of the electors. OAG April 6, 1937 (469a-12).

There is no statutory authority authorizing a village to purchase lots for re-sale on a commercial basis, but a village has a right to acquire a tract of lake shore property for the purpose of creating and maintaining a public park. OAG March 6, 1939 (469a-12).

Village may issue bonds to pay the cost of land for park purposes upon the approval of the electors. OAG June 6, 1935 (44b-10).

Advertisement for bids for the purchase of park lands is not required. OAG May 19, 1930.

Village may purchase 172-acre farm for park and sewer purposes where the owner claims overflow from sewage disposal plant creates a private nuisance, and may do so without a vote of the electors where the cost is less than \$2,000. OAG Feb. 10, 1938 (476b-10).

Village may use funds for leasing land for park and playground purposes. OAG March 21, 1935 (476b-10).

Village may lease outside its limits for a bathing beach, but cannot expend money for making permanent improvements thereon, and may employ beach guards. OAG Dec. 26, 1935 (476b-10).

A school board may lease land to a village to be used as a playground, if it reserves for itself the right to use the land at any time for school purposes, without a vote of the electors, and village may enter into such an agreement. OAG Feb. 18, 1938 (622a-7).

There is no prohibition against a village accepting a gift of 240 acres to be used for recreational purposes. The acceptance is a question of policy for the village to decide. 1942 OAG 256, Dec. 22, 1942 (476B-10).

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448.02 APPROPRIATION FROM REVENUE FUND FOR IMPROVEMENT.

HISTORY. 1919 c. 197 s. 2; M.S. 1927 s. 1264-4.

The improvement of parks may be paid for out of the general funds of the village. OAG Dec. 31, 1937 (476b-10).

448.03 ACQUISITION OF LAND FOR PUBLIC PARK AND FAIR GROUND PURPOSES.

HISTORY. 1919 c. 345 s. 1; M.S. 1927 s. 1734-1.

448.04 PARKS AND GOLF COURSES.

HISTORY. 1905 c. 335 s. 1; G.S. 1913 s. 1739; G.S. 1923 s. 1731; M.S. 1927 s. 1731; 1935 c. 293 s. 1; M. Supp. s. 1731.

Under its city charter, Sleepy Eye cannot expend money for improvements in a park outside its corporate limits OAG May 5, 1931.

City may operate a skating rink and is not liable for injuries received therein where no charge is made, being a governmental function. OAG Feb. 11, 1935 (844b-1).

City may erect a building or arena to be used as an indoor skating rink and bathhouse, and issue bonds therefor. OAG Nov. 21, 1935 (59b-11).

A city of the fourth class may pay money to a hockey club maintaining a skating rink and warming house in consideration of the place being thrown open to the public certain days in the week without charge. OAG Nov. 3, 1933.

City of North Mankato had power to establish and maintain a playground and park, and could grant a ball club a concession, in consideration of the construction of a grandstand, and charge for admission to the ball park, the general public to have the full use of the playing field during six days of the week and the ball club the use thereof only on Sundays. OAG March 18, 1937 (59b-11).

City may lease land outside the city for a transient camp where the main reason or object is to have the state and government employ transients for the construction of a dam and bathing beach and the improvement of the park system. OAG Sept. 6, 1934 (330c-2).

448.05 PARK BOARDS IN CERTAIN CITIES.

HISTORY. 1895 c. 8 s. 185; 1905 c. 335 s. 2; G.S. 1913 s. 1740; G.S. 1923 s. 1732; M.S. 1927 s. 1732; 1935 c. 293 s. 2; 1939 c. 103; M. Supp. s. 1732.

A city of the fourth class may not abolish a park board established under this section. OAG June 20, 1931.

Statute controls over ordinance as to the method of appointing the members of the park board. OAG Oct. 9, 1935 (59a-32).

448.06 ANNUAL APPROPRIATION.

HISTORY. 1905 c. 335 s. 3; G.S. 1913 s. 1741; G.S. 1923 s. 1733; M.S. 1927 s. 1733.

448.07 APPLICATION.

HISTORY. 1905 c. 335 s. 5; G.S. 1913 s. 1742; G.S. 1923 s. 1734; M.S. 1927 s. 1734.

448.09 CITIES OF FIRST, SECOND, OR THIRD CLASS MAY ACQUIRE LANDS FOR PARKS AND PARKWAYS.

HISTORY. 1903 c. 293 s. 1.

448.10 CONDEMNATION PROCEEDINGS.

HISTORY. 1903 c. 293 s. 2.

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448.11 NOTICE OF FILING OF REPORT OF APPRAISERS.

HISTORY. 1903 c. 293 s. 3.

448.12 CONFIRMING APPRAISEMENT; APPEAL.

HISTORY. 1903 c. 293 s. 4.

448.13 WHEN APPEAL TO BE TAKEN.

HISTORY. 1903 c. 293 s. 5.

448.14 JURY TRIAL; VERDICT FINAL, EXCEPTIONS.

HISTORY. 1903 c. 293 s. 6.

448.15 FILING OF CERTIFIED LIST OF LANDS ACQUIRED, AWARDS, AND PLATS.

HISTORY. 1903 c. 293 s. 7.

448.16 ANNUAL ESTIMATES, LIMITATION OF EXPENDITURES; TAX LEVY; CITY PARK FUND.

HISTORY. 1903 c. 293 s. 8.

448.17 PUBLIC PARKS, PARKWAYS, AND PLAYGROUNDS.

HISTORY. 1925 c. 257 s. 1; M.S. 1927 s. 1566-1.

448.18 TAX LEVY.

HISTORY. 1925 c. 257 s. 2; M.S. 1927 s. 1566-2.

448.19 ISSUE AND SALE OF BONDS.

HISTORY. 1925 c. 257 s. 3; M.S. 1927 s. 1566-3.

448.20 POWERS ADDITIONAL.

HISTORY. 1925 c. 257 s. 4; M.S. 1927 s. 1566-4.

448.21 EXCHANGE LANDS FOR PARKS OR PLAYGROUNDS.

HISTORY. 1911 c. 26 s. 1; G.S. 1913 s. 1565; G.S. 1923 s. 1551; M.S. 1927 s. 1551.

448.22 PURCHASE OF LAND FROM FEDERAL GOVERNMENT FOR CIVIC CENTER OR PUBLIC PARK.

HISTORY. Ex. 1933 c. 6 s. 1; M. Supp. s. 1630-2½h.

448.23 COMPENSATION FOR LAND CONDEMNED FOR PARKS.

HISTORY. 1905 c. 103 s. 1; G.S. 1913 s. 1553; G.S. 1923 s. 1539; M.S. 1927 s. 1539.

448.24 PAYMENT FROM PARK FUND.

HISTORY. 1905 c. 103 s. 2; G.S. 1913 s. 1554; G.S. 1923 s. 1540; M.S. 1927 s. 1540.

448.25 ABANDONMENT OF PROCEEDINGS.

HISTORY. 1905 c. 103 s. 3; G.S. 1913 s. 1555; G.S. 1923 s. 1541; M.S. 1927 s. 1541.

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448.26 ONE MILL TAX FOR PARKS AND PARKWAYS.

HISTORY. 1909 c. 359 s. 1; G.S. 1913 s. 1556; G.S. 1923 s. 1542; M.S. 1927 s. 1542.

448.27 PARK DISTRICTS IN CERTAIN VILLAGES; TAX LEVY.

HISTORY. 1927 c. 358 s. 1; M.S. 1927 s. 1260-1.

448.28 PROVISIONS, HOW AVAILED OF.

HISTORY. 1909 c. 486 s. 1; G.S. 1913 s. 1746; G.S. 1923 s. 1738; M.S. 1927 s. 1738.

448.29 ORDINANCE; SUBMISSION TO VOTERS; BALLOTS.

HISTORY. 1909 c. 486 s. 2; G.S. 1913 s. 1747; G.S. 1923 s. 1739; M.S. 1927 s. 1739.

448.30 PARK DISTRICTS, HOW KNOWN; POWERS.

HISTORY. 1909 c. 486 s. 3; G.S. 1913 s. 1748; G.S. 1923 s. 1740; M.S. 1927 s. 1740.

448.31 BOARD OF PARK COMMISSIONERS.

HISTORY. 1895 c. 8 s. 185; 1909 c. 486 s. 4; G.S. 1913 s. 1749; G.S. 1923 s. 1741; M.S. 1927 s. 1741.

448.32 POWERS OF COMMISSION.

HISTORY. 1909 c. 486 s. 5; G.S. 1913 s. 1750; G.S. 1923 s. 1742; M.S. 1927 s. 1742.

The fact that the commissioners appointed by the district court to reappraise and reassess the benefits resulting from a park improvement took into consideration the report of the commissioners appointed by the park board to fix such benefits, is not fatal. In re Acquisition of Lands in City of Mpls. 161 M 515, 200 NW 807.

The office of county attorney and park district attorney are incompatible. OAG Feb. 5, 1935 (358a-1).

448.33 MEETINGS; ORDINANCES; CONTRACTS; CLAIMS.

HISTORY. 1909 c. 486 s. 6; G.S. 1913 s. 1751; G.S. 1923 s. 1743; M.S. 1927 s. 1743.

448.34 JURISDICTION OF MUNICIPAL COURT.

HISTORY. 1909 c. 486 s. 7; G.S. 1913 s. 1752; G.S. 1923 s. 1744; M.S. 1927 s. 1744.

448.35 GENERAL LAWS, WHEN APPLICABLE.

HISTORY. 1909 c. 486 s. 8; G.S. 1913 s. 1753; G.S. 1923 s. 1745; M.S. 1927 s. 1745.

448.36 BOARD OF PARK COMMISSIONERS; ELECTION, TERMS.

HISTORY. 1905 c. 167 s. 1; G.S. 1913 s. 1330; G.S. 1923 s. 1255; M.S. 1927 s. 1255.

Until a levy has been made under section 1258 [448.39] the village council may appropriate money for park purposes under section 1264-4 [448.02]. OAG April 10, 1931.

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448.37 OFFICERS; VACANCIES.

HISTORY. 1905 c. 167 s. 2; G.S. 1913 s. 1331; G.S. 1923 s. 1256; M.S. 1927 s. 1256.

448.38 DUTIES AND POWERS.

HISTORY. 1905 c. 167 s. 3; G.S. 1913 s. 1332; G.S. 1923 s. 1257; M.S. 1927 s. 1257.

448.39 PARK FUND; LEVY.

HISTORY. 1905 c. 167 s. 4; G.S. 1913 s. 1333; G.S. 1923 s. 1258; M.S. 1927 s. 1258; 1939 c. 25; M. Supp. s. 1258.

Park board must turn gift money into the village treasury and expend it pursuant to warrants drawn upon it, and cannot expend such money without restrictions and without the consent of the village council. OAG April 10, 1931.

Neither the village council nor the park board may issue warrants where there is no money immediately available in the treasury for their payment, unless in anticipation of current tax levy sufficient to cover the same, and anticipation warrants may not be discounted under any circumstances. OAG April 19, 1937 (476c-2).

448.40 PROSECUTION OF OFFENSES; PENALTIES.

HISTORY. 1905 c. 167 s. 3; G.S. 1913 s. 1334; G.S. 1923 s. 1259; M.S. 1927 s. 1259.

448.41 DOCKS, BOAT HOUSES; CONTRACTS AND LEASES.

HISTORY. 1905 c. 167 s. 7; G.S. 1913 s. 1336; G.S. 1923 s. 1261; M.S. 1927 s. 1261.

The park board of the village of Excelsior may be licensed to sell non-intoxicating malt liquors. OAG April 22, 1933.

448.42 LEASE TO PRIVATE CLUB.

HISTORY. 1905 c. 167 s. 8; G.S. 1913 s. 1337; G.S. 1923 s. 1262; M.S. 1927 s. 1262.

448.43 PARK BOARDS.

HISTORY. 1895 c. 8 s. 185; 1909 c. 441 s. 1; G.S. 1913 s. 1820; 1923 c. 26 s. 1; G.S. 1923 s. 1868; M.S. 1927 s. 1868.

A park board may not be abolished in the absence of a statute so providing, and abolishment does not result from the reincorporation of a village into a city of the fourth class. OAG Oct. 4, 1934 (624e-11).

The statute controls over ordinances as to the method of appointing members of the park board. OAG Oct. 9, 1935 (59a-32).

448.44 POPULATION, HOW DETERMINED.

HISTORY. 1909 c. 441 s. 2; G.S. 1913 s. 1821; G.S. 1923 s. 1869; M.S. 1927 s. 1869.

448.45 BOARD, HOW CONSTITUTED AND APPOINTED, TERM.

HISTORY. 1909 c. 441 s. 3; G.S. 1913 s. 1822; G.S. 1923 s. 1870; M.S. 1927 s. 1870.

448.46 POWERS AND DUTIES OF PARK BOARD.

HISTORY. 1909 c. 441 s. 4; G.S. 1913 s. 1823; 1923 c. 26 s. 2; G.S. 1923 s. 1871; M.S. 1927 s. 1871; 1931 c. 299; M. Supp. s. 1871.

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An employee of the park board was not a police officer, within the meaning of the civil service act, though he had authority to make an arrest in the park and carried a star. *McDougall v Baich*, 194 M 550, 261 NW 180.

A city may not appropriate from its light fund moneys to be used for the improvement of a state park. OAG Jan. 15, 1934.

448.47 COMPENSATION OF MEMBERS.

HISTORY. 1909 c. 441 s. 5; G.S. 1913 s. 1824; G.S. 1923 s. 1872; M.S. 1927 s. 1872.

448.48 PROVISIONS, HOW AVAILED OF.

HISTORY. 1909 c. 441 s. 6; G.S. 1913 s. 1825; G.S. 1923 s. 1873; M.S. 1927 s. 1873.

448.49 BOARDS OF PARK COMMISSIONERS IN CITIES OF THE FOURTH CLASS.

HISTORY. 1901 c. 303 ss. 1 to 3.

448.50 MEMBERS OF PARK BOARD MAY RESIGN.

HISTORY. 1929 c. 153 s. 1; M. Supp. s. 1442-47.

448.51 MAY FILL VACANCIES IN BOARD OF PARK COMMISSIONERS.

HISTORY. 1937 c. 323 s. 1; M. Supp. s. 1442-47a.

448.52 PARK FUNDS.

HISTORY. 1903 c. 4; R.L. 1905 s. 762; G.S. 1913 s. 1547; G.S. 1923 s. 1533; M.S. 1927 s. 1533.

448.53 PARKS OR PARKWAYS OUTSIDE CITY LIMITS.

HISTORY. 1895 c. 244; 1901 c. 139; R.L. 1905 s. 763; G.S. 1913 s. 1548; G.S. 1923 s. 1534; M.S. 1927 s. 1534.

Minneapolis, under its city charter, may acquire lands for park purposes, even though such lands are located within the corporate limits of another municipality. Lands located within one and one-half miles from the city limits are adjacent to the city within the language of the city charter authorizing the acquisition of such lands for park purposes. Authority to acquire and maintain parks includes the authority to acquire and maintain a public golf course. A park is a pleasure ground for the recreation of the public to promote its health and enjoyment. *Booth v City of Mpls.* 163 M 223, 203 NW 625.

448.54 REGULATING TRAVEL ON PARKWAYS.

HISTORY. 1907 c. 440 s. 1; G.S. 1913 s. 1557; G.S. 1923 s. 1543; M.S. 1927 s. 1543.

448.55 POWER OF COUNCIL TO LEVY ASSESSMENTS NOT DIVESTED.

HISTORY. 1907 c. 440 s. 2; G.S. 1913 s. 1558; G.S. 1923 s. 1544; M.S. 1927 s. 1544.

448.56 POWERS AND AUTHORITY OF BOARDS OF PARK COMMISSIONERS IN CITIES.

HISTORY. 1895 c. 8 ss. 186 to 188; 1895 c. 243 ss. 1 to 5.