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Committee on City Park Legislation, 1914-1915. Reel 1, Frame 1-235

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COMMITTEE

ON CITY PARK

LEGISLATION,

1914-1915

Minutes,

Correspondence,

Clippings

The Madison Democrat.
August 6, 1914.

PRESENT PARK SYSTEM MAY UNDERGO CHANGE

PARK BOARD CONFIRMS SPECIAL
LEGISLATIVE COM-
MITTEE.

The board of directors of the Madison Park and Pleasure Drive association last night confirmed the appointment of the members of the special legislative committee which is to take up questions of legislation that will, if necessary, result in a complete reorganization of the present park system.

At the annual meeting of the association a resolution was adopted providing for a committee of ten, consisting of Rev. T. B. Johnson, who presided at the meeting, Mayor Kayser, President Carl A. Johnson of the Board of Commerce, President E. N. Warner of the park board and six others. Mr. Warner appointed as the other members of the committee Aldermen Utter, Prien and Bourke, members of the park board, and Judge E. Ray Stevens, Sam T. Swansen and C. B. Lester. Mr. Lester is connected with the legislative reference library and as he is directly interested in this kind of work Mr. Warner concluded that he would be a valuable member of the committee and would make an ideal secretary.

It was deemed advisable to add at least five more members and the committee was authorized to select them. As Westport, Blooming Grove and the town of Madison are interested in parks and drives Mr. Warner suggested that a citizen of each of these towns be added to the committee.

Mr. Warner declared that the committee should peruse the statutes as there might be sufficient laws relating to the work of the park board on the books so that it would not be necessary to change the present system. Mr. Warner said that the board has been working at a disadvantage for some time because of apparent lack of jurisdiction. If new legislation is needed the legislature might be asked to pass laws which would place the

control of the parks and drives within the city and owned by the city beyond the limits into the hands of a city park board and leave the outside park and drive work to the Park and Pleasure Drive association.

JUDGE STEVENS HEADS COMMITTEE ON PARK WORK

CREATION OF PARK DISTRICTS
ONE OF SUBJECTS TO BE
CONSIDERED.

The committee which was appointed at the last annual meeting of the Madison Park and Pleasure Drive association to investigate methods of insuring the continuity of the park work in and about Madison last night organized at the city hall by electing Judge E. Ray Stevens as chairman and C. B. Lester as secretary. Subcommittees were appointed to take up the details of the work planned and another meeting will be held December 23.

The general committee was enlarged by adding C. A. Johnson, L. M. Hanks, F. M. Crowley, F. W. Cantwell, Dr. C. G. Dwight, F. W. Karstens, John M. Olin, John S. Donald, C. N. Brown, John B. Heim and W. W. Warner. The following members of the board of directors of the Madison Park and Pleasure Drive association were added to the committee:

B. F. Mautz, F. M. Schlingen, E. C. Smith and F. W. Hoyt.

The council members of the board were appointed members of the committee which was selected at the annual meeting. With the new additions the general committee now has a membership of 25. The new members will be invited to the meeting December 23.

E. N. Warner, president of the association, was appointed chairman of the committee on deeds and valuations which is to compile the assets of the association. The other members are F. W. Hoyt, Alderman A. O. Utter, C. N. Brown and B. F. Mautz.

C. B. Lester, Sam T. Swansen and Alderman John C. Prien were appointed as the members of the committee on the creation of a park district, including territory within and without the city.

W. J. Teckemeyer, president of the Board of Commerce, invited the committee to have a representative meeting in conference with the executive committee of the board at its next meeting. E. N. Warner was designated to meet with the board's committee.

It is proposed to change the annual meeting of the association from April to January as the fiscal year of the city ends December 31. A committee consisting of F. M. Schlingen, E. C. Smith, F. M. Crowley, F. W. Cantwell and Alderman John L. Bourke was appointed to make arrangements for the meeting. The recommendations which the general committee will agree upon are to be submitted to the association at its annual meeting.

At the adjourned meeting December 23 the report which Mr. Lester's committee will make on park areas is to be discussed.

PROPOSE CHANGE OF PARK SYSTEM

Madison Democrat
Jan. 7, 1915.

Citizen Committee Considers Bill

WILL SUBMIT REPORT TO PARK AND PLEASURE DRIVE ASSOCIATION.

A tentative bill which provides that cities of the second and third class may by a majority vote of the council create a metropolitan park district was submitted to the committee of 25 citizens, including the members of the park board, by a special committee in the city engineer's office at the city hall last night.

The measure was considered section by section and suggestions for changes were made which will be incorporated in the redrafting of the bill. The report will be presented to the Madison Park and Pleasure Drive association at a special meeting to be held in the council chamber January 27. If the report is approved the bill will be introduced in the legislature and strong efforts will be made to have it passed.

If the bill becomes a law all park work will be placed in the hands of a board of park commissioners and after this year no more voluntary subscriptions would be asked for. However, if the bill fails to pass the work will be continued under the present system.

The proposed bill leaves it optional with common councils in cities of the second and third class to create metropolitan park districts which will comprise such territory as is already included within the boundaries of such cities and any contiguous territory within the same counties which may become annexed. The board of commissioners is to be a separate and distinct corporation, assume such official name as the council may designate and possess all the powers necessary and convenient to accomplish the objects and perform the duties prescribed by law. If the territory within a city is created as a park district, and if within two years from the date of its creation no contiguous territory has been annexed, the council may abolish such park district and such abolition shall act as a dissolution of the corporation.

To Petition for Annexation.

Any territory contiguous to a park district may become annexed to it for park and pleasure drive purposes if a majority of the electors and the owners of at least one-third of the taxable property in the territory proposed to be annexed, together petition the park board to annex such territory, or, if there are no resident electors within the territory proposed to be annexed, the board may annex the territory upon the presentation of a petition from the owners of at least one-half of the taxable property within the territory to be annexed.

Upon the presentation of a petition from not less than 15 per cent. of the

electors in any contiguous territory indefinitely described, the park board may, at its own discretion, order an election to be held in the district proposed to be annexed at which the question of annexation is to be submitted. If the proposition is rejected by the electors it can not be submitted again within one year.

Five Members on Board.

The park board is to consist of five members, all of whom must be residents of the park district. The mayor is to appoint them, selecting three from the city and two from that portion of the park district lying outside of the city. If the park district is confined to the city entirely all of the members are to be appointed from the city.

The board is to elect a president, secretary and treasurer and may employ a superintendent and such other employes as it may deem necessary and fix their compensation.

To Make Own Rules.

The bill authorizes the board to adopt rules and by-laws for its organization and the regulation of its business, to receive from any person or private or public corporation the gift or transfer of any money, property, land, trust or right of way as a gift or in trust, to make rules and regulations for the government, management, control and protection for all parks, boulevards and pleasure drives within its jurisdiction, to buy or lease lands for park and pleasure drive purposes within the county in which the park district is situated, to pass orders providing for the condemnation of any property within the park district and to bring action for condemnation as under the law now in force and to have exclusive and absolute control and power to plant, transplant, maintain, protect and care for shade trees in any of the public highways within the park district.

Any city, village or township lying in whole or in part within the park district may transfer to the park board the control of any highway or open space controlled by them as may be mutually agreed upon. Cities, villages and towns may also enter into an agreement with the park board for the joint control of parks or pleasure drives within the county.

Any property lying within the park district will be assessed for carrying on the work.

At previous meetings of the committee there was proposed the question as to whether the annual meeting of the Madison Park and Pleasure Drive association should be changed from April to January, owing to the fact that the fiscal year of the city ends December 31. Last night, however, it was decided that the officers of the park board call a special meeting of the association to receive the report of the committee and transact such other business as may come before the meeting. In view of the importance of the subject it is desired that the members of the association turn out in large numbers.

The committee which prepared the tentative bill comprises C. B. Lester, Sam T. Swansen and Alderman Prien.

In the absence of Judge Stevens, chairman of the general committee, Mayor Kayser was chosen temporary chairman.

John S. Donald, secretary of state, met with the committee. He was appointed as a member at a previous meeting.

PARK COMMISSION MAY BE RESULT OF ACTIVITY HERE

*Miss. State Journal
Jan. 7, 1915*

Citizens Discuss Bill For Legis-
lature Which Would
Create Board

CIVICS BODIES INTERESTED

Will Lobby For New Measure If
It Is Approved at Park
Board's Session

The city council, the Park and Pleasure Drive association and a special citizens' committee of 25 members, may lobby for a bill to be introduced in the legislature that will enable cities of second and third classes to create a metropolitan park district by a majority vote of the council.

At a meeting of the citizens' committee last night the proposed measure was considered. It will be presented to the pleasure drive association at a special meeting January 27. If the report is approved all civic interests will work for its passage. In the event of its becoming a law all park work will be placed in the hands of the board of park commissioners and then no more voluntary subscriptions will be asked for. Otherwise the work will continue under the present system.

The board of park commissioners would be a new municipal body which would possess absolute power over the creation and maintenance of parks.

Some of the sections proposed by the measure include power to annex territory contiguous to park property by a vote of the majority of electors and the owners of at least one-third of the taxable property; if territory within a city is created as a park district and if within two years from date of its creation no property has been annexed, the council may abolish such district and this will act as dissolution of the park corporation; on presentation of a petition signed by not less than 15 per cent of the electors in any territory contiguous to park districts, the park board may order an election held in the district proposed to be annexed. If the question is rejected by electors it cannot be again submitted for one year; the board of commissioners is to consist of five members, appointed by the mayor.

Officers

ERNEST N. WARNER
PRESIDENT
CHARLES N. BROWN
VICE-PRESIDENT
EUGENE C. SMITH
SECRETARY
FRANK W. HOYT
TREASURER

**Madison Park and Pleasure Drive
Association**

Directors

JOHN L. BOURKE
ADOLPH H. KAYSER
FRANK W. HOYT
BEN F. MAUTZ
JOHN C. PRIEN
FRED M. SCHLIMGEN
EUGENE C. SMITH
ARTHUR UTTER
ERNEST N. WARNER

Madison, Wis., Dec. 14, 1914.

Mr. C. B. Lester,
Legislative Reference Bureau,
Madison, Wisconsin.

Dear Sir:-

A meeting of the committee of ten appointed at the annual meeting of the Park and Pleasure Drive Association to consider matters relating to a Greater Madison Park Program will be held on Wednesday evening, December 16, 1914, at the office of the city engineer, in the City Hall, at 8 o'clock.

Yours very truly,

Ernest Warner

President.

Officers

ERNEST N. WARNER
PRESIDENT
CHARLES N. BROWN
VICE-PRESIDENT
EUGENE C. SMITH
SECRETARY
FRANK W. HOYT
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FRED M. SCHLINGEN
EUGENE C. SMITH
ARTHUR UTTER
ERNEST N. WARNER

Madison, Wis., December 18, 1914.

Dear Sir:-

There will be a meeting of the Committee of Ten, now raised to be a Committee of Twenty-five, on the consideration of the Park Program for Madison and Vicinity, at the office of the city engineer, in the City Hall, at 8 o'clock on Wednesday evening, December 23rd. You will please accept this as a notice of your appointment to such committee.

A sub-committee consisting of Mr. C. B. Lester, Mr. Sam E. Swanson and Mr. John C. Frien will report at this meeting on ways and means of organizing the park work to include territory within and without the city.

The meeting should be one of considerable interest and that the committee may have the full benefit of the judgment of all its members your attendance is earnestly desired.

Very respectfully,

E. Ray Stevens
L. M. C.

Chairman of Committee.

To William J. Teckemeyer, Thomas B. Johnson, Sam E. Swanson, C. B. Lester, L. M. Hanks, C. A. Johnson, Frank Crowley, F. W. Cantwell, C. G. Dwight, F. B. Karstens, John M. Olin, Charles N. Brown, John S. Donald, John B. Heim, W. W. Warner, John L. Bourke, Adolph H. Kayser, Frank W. Hoyt, Ben F. Mautz, John C. Frien, Fred M. Schlingen, Eugene C. Smith, Arthur Utter and Ernest N. Warner.

*Mr. W. W. Warner is ill so that it will be impossible for him to attend
P.S. Warner -*

First meeting of Committee appointed to consider a Park Program for Madison held at office of City Engineer, Dec. 18, 1914, at 8 p.m.

Committee organized by electing Judge Stevens as chairman for the meeting and C. B. Lester as secretary.

Mr. E. N. Warner outlined in some detail the general nature of the problem before the committee.

It was voted to increase the committee by the addition of the following named persons: - Charles N. Brown, F. W. Cantwell, F. M. Crowley, John S. Donald, Dr. C. G. Dwight, L. M. Hanks, John B. Heim, C. A. Johnson, F. W. Karstens, John M. Olin, W. W. Warner, and F. W. Hoyt, Ben F. Mantz, F. M. Schlingens, and E. C. Smith.

It was voted that the following sub-committees be appointed by the chair:

1. A committee to report as to what has been done in the organization of park territory to include a district both within and without a city. The chairman appointed Messrs. Lester, Swanson and Grien.

2. A committee to consider and report upon the present assets, duties, and obligations of the existing Association.

The chairman appointed Messrs. Warner, Hoyt, Utter, Brown, and Mantz.

3. A committee to consider and if necessary plan for a special meeting of the Association to be held in January.

The chairman appointed Messrs. Schlinger, Smith, Bourke, Crowley, and Cantwell.

Mr. Teckemeyer presented an invitation of the Executive Committee of the Board of Commerce, inviting a representative of this Committee to meet with them on Monday, Dec. 21, 1914. Mr. E. N. Warner was designated as such representative.

It was voted to call the next meeting of the Committee on Wednesday evening, Dec. 23, 1914, at the same time and place.

On motion the Committee adjourned to that date.

Members present during the meeting were: Messrs. Bourke, Lester, Pien, Stevens, Swansen, Teckemeyer, Utter, Warner (E. N.) and Hoyt, Mantz, Smith, and Schlinger.

W. H. Lester
Secretary

Meeting of the Committee on a Park Program for Madison held at Office of City Engineer Dec. 23, 1914 at 8 p.m.

Judge E. Ray Stevens presiding.

Minutes of last meeting read and approved.

A report of the committee as to organization of a park district to include territory both within and without the city was called for. The chairman presented a report of progress made in the consideration of this question, and after discussion of several points brought up by the work so far done, it was

Voted to accept the report and continue the committee to report at a later meeting, taking under consideration the suggestions presented in the discussion.

Voted that Mr. Wm. Ryan, City Attorney, be made a member of the Committee and appointed to serve on the sub-committee on organization of a park district.

Mr. Warner reported on his meeting with the Executive Committee of the Board

of Commerce, expressing their desire to be
of assistance in the work of the Committee.

Mr. Warner reported as chairman of
the committee on deeds and valuations
detailing work so far done in collecting
and arranging documents, and it was

Voted to accept the report and
continue the committee.

The committee on a special meeting
of the Association had no report to
make as its work depended upon the
results reached by other committees.

The meeting adjourned to meet
again at the same time and place
on Jan. 6, 1915.

A. Lester
Secretary

REGISTERED MAIL

CITY ENGINEER

E. E. PARKER

OFFICE OF CITY ENGINEER

CITY OF WASHINGTON

Officers

ERNEST N. WARNER
PRESIDENT
CHARLES N. BROWN
VICE-PRESIDENT
EUGENE C. SMITH
SECRETARY
FRANK W. HOYT
TREASURER

Madison Park and Pleasure Drive Association

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JOHN C. PRIEN
FRED M. SCHLINGEN
EUGENE C. SMITH
ARTHUR UTTER
ERNEST N. WARNER

Madison, Wis., January 4, 1915.

Dear Sir:-

The adjourned meeting of the Committee of Twenty-five on the consideration of the Park Program for Madison and Vicinity will be held at the office of the city engineer, in the City Hall, at 8 o'clock on Wednesday evening, January 6th, 1915.

Yours very truly,

E. Ray Stevens
D. M. C.
Chairman of Committee.

To William J. Teckemeyer, Thomas B. Johnson, Sam T. Swansen, C. B. Lester, L. M. Hanks, C. A. Johnson, Frank Crowley, F. W. Cantwell, C. G. Dwight, F. W. Karstens, John M. Olin, Charles N. Brown, John S. Donald, John B. Heim, W. W. Warner, John L. Bourke, Adolph H. Kayser, Frank W. Hoyt, Ben F. Mautz, John C. Prien, Fred M. Schlingen, Eugene C. Smith, Arthur Utter and Ernest N. Warner.

ESTABLISHED, 1900

Chase Teachers' Agency

~~Chase Teachers' Agency~~
The Cooperative Teachers' Agency

W. E. Chase, Proprietor

(Licensed Employment Agent)

2009 ADAMS STREET
TELEPHONE 4836

Madison, Wisconsin, January 4, 1918.

Mr. C. B. Lester,

City.

Dear Sir:-

In considering properties for parks, I hope you will bear in mind the 300 ft. of lakeshore at the east end of Brittingham Boulevard, just west of the Chicago and Northwestern tracks. It is at the turnaround of the drive, and a park is needed there. I am willing to sell the property at a reasonable price.

Sincerely,

W. E. Chase.

Committee on a Park Program for
Madison met at Office of City Engineer on
Jan. 6-1915 - at 8 p.m.

Minutes of the previous meeting were
read and approved.

A more detailed report of the committee
on the organization of a park district,
was presented and fully discussed,
section by section. A number of changes,
and suggestions to be considered, were
presented. The committee was instructed
to re-draft in bill form, and present
the report at an early meeting of the
Park and Pleasure Drive Assn., as the
report of the Committee of Twenty five.

It was voted to recommend the
calling of a special meeting of the
Association in the Council Chamber
on Wednesday evening, Jan. 27th and
the subcommittee appointed at the
meeting of Dec. 18, 1914, was instructed
to consider plans for that meeting.

Adjourned.

A. H. Hester,
Secy.

Madison, Wisconsin

CITY ENGINEER

E. E. PARKER

OFFICE OF CITY ENGINEER

City and of Madison

Madison, Wis., January 20, 1915.

You are hereby notified that there will be a special meeting of the members of the Madison Park and Pleasure Drive Association held at the Council Chamber in the City Hall, Madison, Wis., on Wednesday evening, January 27th, at 7:30 o'clock, to receive the report of the committee appointed at the annual meeting in 1914 to "investigate methods of insuring the continuity of the park work in and about Madison and placing it on a self sustaining basis" and to transact such other business as may properly come before the meeting.

ERNEST N. WARNER, President.

MADISON

JAN 20-15

8 --- PM

WIS.

THIS SIDE OF CARD IS FOR ADDRESS ONLY



9152

Mr. Lester

Mr. C. B. Lester,

Madison, Wis.

Officers

ERNEST N. WARNER
PRESIDENT
CHARLES N. BROWN
VICE-PRESIDENT
EUGENE C. SMITH
SECRETARY
FRANK W. HOYT
TREASURER

**Madison Park and Pleasure Drive
Association**

Directors

JOHN L. BOURKE
ADOLPH H. KAYSER
FRANK W. HOYT
BEN F. MAUTZ
JOHN C. PRIEN
FRED M. SCHLIMGEN
EUGENE C. SMITH
ARTHUR UTTER
ERNEST N. WARNER

Madison, Wis., April 10, 1915.

Mr. C. B. Lester,
Legislative Reference Library,
Madison, Wisconsin.

My dear Lester:-

Bill No. 413, S., our proposed park bill,
is slated for hearing before the committee on
corporations of the Senate on Thursday afternoon,
April 15th, at 2 P. M.

The board of directors of the Madison Park
and Pleasure Drive Association at its meeting
last Wednesday evening directed me to request
the sub-committee who prepared the bill to
appear before the committee to explain its
provisions.

I hope it will be possible for you to
attend upon this hearing.

Yours very truly,

Ernest N. Warner

President.

Committee members

Original J. L. Bourke
T. B. Johnson
A. H. Kayser
C. B. Lester
J. C. Prien

E. Ray Stevens
S. T. Swansen
W. J. Teckemeyer
Arthur Utter
E. N. Warner

Added C. N. Brown
F. W. Cantwell
Frank Crowley
J. S. Donald
C. G. Dwight

L. M. Hanks
~~J. B. Heim~~
~~F. W. Hoyt~~
C. A. Johnson
F. W. Karstens
J. M. Olin
~~W. W. Warner~~ Wm Ryan

(Bd.) F. W. Hoyt
B. F. Mantz

F. M. Schlingens
E. C. Smith.

The City of Madison

OFFICE OF CITY ENGINEER

E. E. PARKER,
CITY ENGINEER

Madison, Wisconsin,

Legislation

Notes and

Drafts

Payson
City

Section 1. Cities of the second or third class may by a majority vote of the common council create a metropolitan park district which will comprise such territory as is already included within the boundaries of said city, and any other contiguous territory within the same county, which may become annexed in any one of the ways provided in section 2. The commissioners of such park district ^{provided for in section 3,} and their successors in office, shall be a separate and distinct corporation, shall assume such official name as the common council may designate, and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. If the territory within such a city is created as such park district, and if within two years from the date of its creation no contiguous territory has become annexed, the common council of such city may by a majority vote abolish such park district and such ^{abolition} shall act as a dissolution of the corporation.

Section 2. Any territory contiguous to such park district may become annexed to it for park and pleasure drive purposes in any one of the following ways:

(a) If a majority of the electors, and the owners of at least one-third of the taxable property in the territory proposed to be annexed, together petition the board of park commissioners of such park district that such territory be annexed, such board ~~commissioners~~ may annex such territory by a majority vote of all its members.

(b) If there are no resident electors within the territory proposed to be annexed, the board of park commissioners of such park district may annex such territory upon the presentation of a petition from the owners of at least one-half of the taxable property within such territory asking to be annexed.

(c) Upon the presentation of a petition from not less than fifteen per cent of the electors in any contiguous territory, ^{definitely described} the board of park commissioners of such park district may, at its own discretion, order an election to be held in such territory proposed to be annexed at which the question of annexation shall be submitted. The board shall give notice of such election by publication of the petition ^{and} of the board's approval, ~~and of the notice of the~~

(modification of territory)

~~election~~ in some newspaper published within the park district, once a week for four successive weeks immediately preceding such election. The board of park commissioners shall have authority to provide for the necessary officers and means for submission of such question at election and for the canvass of returns. The expenses of such election shall be borne by the territories which petitions to be annexed. If annexation is approved by a majority of the electors voting at such election the board of park commissioners shall declare such territory to be a part of such park district. Whenever a proposition to annex territory has been submitted to an election and rejected, a similar proposition may not be again submitted within one year thereafter.

for the same territory

Section 3. Whenever any such park district shall have been established it shall be under the supervision of a board of park commissioners. Such board shall consist of five members, who shall be residents and electors in such park district, appointed in the following manner. The chairman of the county board of supervisors shall appoint two commissioners to hold office for two and four years respectively, and the mayor of the city which was originally created as such park district shall appoint three commissioners to hold office for one, three, and five years respectively. Whenever any such commissioner retires, his successor shall ^{be} appointed to serve for a term of five years by the officer who originally appointed the retiring commissioner. Any vacancy in the board shall be filled by appointment by the officer who made the original appointment. Any commissioner may be removed from office for inefficiency, neglect of duty, or malfeasance in office, upon public hearing, by the ^{joint} action of the ~~said~~ chairmen of the county board of supervisors and the mayor of said city.

Compensation for secretary

(5)

Section 4. The board of park commissioners shall annually elect one of its members to act as president, one to act as secretary, and one to act as treasurer. The treasurer shall execute, and deliver to the county treasurer a bond, with sureties, ^{to be approved by such board,} in the ~~sum~~ ^{equal to at least} the amount of taxes apportioned to the park district. Such commissioners shall serve without compensation. Three commissioners shall constitute a quorum for the transaction of business. The board shall employ a superintendent and such other employees as it may deem necessary, and ~~shall~~ fix their compensation. ~~stage~~. No member of the board of park commissioners shall be appointed to any such position.

conditioned for the faithful performance of the duties of his office.

Copies of said rules & regulations shall be posted up in convenient places in and upon such parks, boulevards and pleasure drives.

(6)

Section 5. It shall be the duty of the board of park commissioners, and it shall have power, jurisdiction and authority:

(1) To adopt rules and by-laws for its organization and the regulation of its business.

(2) To receive from any person, or private or public corporation the gift or transfer of any money, property, land, trust, or right of way as a gift or in trust.

(3) To make rules and regulations for the government, management, ~~and~~ ^{and protection} control of all such parks, boulevards and pleasure drives as it may receive or buy or lease, ^{and} for the preservation of order therein. To purchase such equipment as may be necessary ^{for} the proper improvement and care thereof. Any ^{member of such board} ~~officer of the~~ ^{of park commissioners}

^{or its superintendent} ~~such park district~~ shall have the powers of police officers for the enforcement of all ^{such} rules and ^{such} regulations as ^{are} adopted by the board.

The municipal or police courts of any city within such park district shall have jurisdiction of any offense ^{against} such rules and regulations, in the same manner and to the same extent as they have jurisdiction of misdemeanors.

(4) To buy or lease ^{for park or pleasure drive purposes} lands within the county in which such park district is situated.

(5) To pass orders providing for the condemnation of any property

within the park district, and to bring action for such condemnation in the same way, so far as applicable, as is provided in sections 1846 to 1856 inclusive of the statutes.

(6) To have exclusive and absolute control and power to plant, transplant, maintain, protect, and care for shade trees in any of the public highways of said park district.

(8) To publish an annual report of its accounts and transactions. The books of the board of park commissioners shall be public records open to inspection.

(7) Generally to govern, manage, control, maintain and improve all ~~said~~ parks, boulevards, pleasure drives ~~and~~, or other property ~~as may come~~ ~~with its jurisdiction under~~ over which its powers and jurisdiction extend under the provisions of this act.

Section b. Any city or village lying in whole or in part within ^{such} ~~the~~ park district may transfer to the board of park commissioners the control of any highway or open space controlled by ~~the~~ ^{such a village} city upon such terms as may mutually be agreed upon. Such city or village may also enter into an agreement with the board of park commissioners for the joint control of parks or pleasure drives within the county. The board of park commissioners may also transfer to any such city or village, by mutual agreement, the management and control of any highway or open space owned by the board. Any ~~and~~ public park corporation ~~organized~~ organized under sections 1787a to 1787o inclusive of the statutes, may transfer ~~its~~ ~~trust of bequests, parks or pleasure drives to said~~ ~~board of park commissioners.~~ To such board of ^{park} commissioners as trustee any parks boulevards or pleasure drives or any gifts or grants therefor over which its powers and jurisdiction extend under the provisions of said sections

How transfer

Part of city benefitted by Minn. plan

(9)

Section 7. Whenever any improvement, proposed on motion of the board of park commissioners, will be, in the judgment of such board, of special benefit to contiguous property within the park district, the board of park commissioners may carry out such improvement ~~and apportion the cost as follows.~~ ~~on the special assessment plan.~~ The board shall determine what proportion of the cost of such improvement shall be assessed upon the property specially benefited, and what proportion, if any, shall be borne by the park district as a whole. Before the final adoption of plans providing for such improvements, the board of park commissioners shall give notice to the taxpayers affected by such improvement by publication in a newspaper published within the park district, and shall give an opportunity for public hearing. Said board shall assess upon each tract of real estate to be specially taxed, the share of cost to be borne by such real estate, and shall certify such assessment to the proper collecting officers in the district in which such real estate is situated. Before such assessment the board of park commissioners shall give notice ^{thereof} ~~of such~~ in a newspaper published within the park district, and shall give an opportunity for public hearing and protest from the taxpayers affected.

Section 8. It shall be the duty of the board of park commissioners to receive and consider requests from property holders within the park district asking for the planting or alteration of shade trees or ^{for} any other improvement in the highway abutting the property of said ^{property} holders. If such improvement meets with the approval of the board, it may make such improvement in such manner and on such terms as ~~it~~ it may agree upon with said property holders.

Section 9. The board of park commissioners may incur indebtedness for the purpose of acquiring, laying out, and improving parks and pleasure drives or lands for park or pleasure drive purposes. This indebtedness shall not exceed one quarter of one per cent of the assessed valuation of the taxable property within the ~~park~~ park district, unless indebtedness in excess of said amount is approved by a three-fifths majority of the voters in such ^{park} district voting at an election ordered by the board of park commissioners. Said election shall be conducted in the same manner as provided in section 2, sub-section (C). ^{In no case shall indebtedness exceed 5 percent of the taxable property within such} All bonds issued by the board shall be ^{park district} made payable in not more than twenty years, and the board shall establish a sinking-fund which shall secure such payment. The board shall include in its annual tax levy a sum sufficient to pay the interest on its funded debt and to maintain said sinking-fund. All bonds issued by said board shall ~~before being delivered to the purchaser,~~ be registered by the treasurer of the county in which said park district is situated, before they are delivered to the purchaser.

Limitation on
tax

12

(925-119)

Section 10. The board of park commissioners shall, prior to the first day of October each year, make an estimate of the expenses of said board of park commissioners for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by taxation. The ~~treasurer~~ of said board shall apportion such amount among the various cities, towns or parts of cities and towns which constitute such park district, according ^{to} the valuation of the taxable property ^{within such park district} in said cities, towns or parts of cities and towns ~~which constitute the park district~~. Said ~~treasurer~~ ^{board} shall certify such various ~~amounts~~ amounts to the city or town clerks in said cities or towns, and it shall thereupon be the duty of said clerks immediately to carry out on the tax rolls of such cities or towns respectively for such year a tax for the purposes of said park district ~~of the same percent~~ on all taxable property within that portion of their respective cities or towns included within such park district, and such tax so carried out on such tax rolls is hereby declared duly levied and a lien on such taxable property until paid the same as other taxes as provided by law. ~~Delinquent taxes shall be collected in the same manner as provided in sections 1126 to 1144.~~ It shall be the duty of the treasurers of such cities and towns to collect

said tax in the same manner as other taxes, and the said treasurers respectively shall pay over in each year in full the amount of taxes so carried out on said rolls and assessed on said property in their cities and towns respectively for the purposes of such board of park commissioners, to the treasurer of said board. If the taxes hereby provided for shall not be collected by said treasurers they shall be returned with and as delinquent taxes, and their collection shall be enforced in the manner now provided by law for collecting delinquent taxes.

Section 11. It shall be the duty of the treasurer of the board of park commissioners to keep all moneys received or raised in any way for the purposes of such board of park commissioners, and to pay out the same ~~whenever said board shall prefer to have~~ ^{upon} ~~the~~ certified bill, voucher or schedule signed by ~~its~~ ^{the} president and secretary ^{of said board} setting forth the names of the claimants, the amounts of each claim and the purpose for which expended. He shall preserve and invest such funds in such manner as may be prescribed by the board.

~~Section 13. This act shall take effect upon passage and publication.~~

Title Enacting Clause

SECTION 1. Cities of the second or third class may by a majority vote of the common council create a metropolitan park district which will comprise such territory as is already included within the boundaries of the city, and any other territory within the same county, which may become annexed in any one of the ways outlined in section 2. Such park district shall be a separate and distinct ^{public} corporation, ~~and~~ shall assume such official name as the common council may designate, ^{and shall possess the} If a city is created, such a park district, and if, within two years from the date of its creation, no contiguous territory has become annexed, the common council may ^{abolish dist. and shall dissolve} dissolve the park district by a majority vote.

SECTION 2. Any territory contiguous to such park district may become annexed to it for park and driveway purposes in any one of the following ways:

(a) If a majority of the electors, and the owners of at least one-third of the taxable property in the territory proposed to be annexed, together petition the board of park commissioners of the park district that such territory be annexed, the board of park commissioners may annex such territory by a majority vote of all its members.

(b) If there are no resident electors within the territory proposed to be annexed, the board of park commissioners of the park district may annex such territory upon the presentation of a petition from the owners of at least one-half of the taxable property within such territory asking to be annexed.

(c) Upon the presentation of a petition from not less than 15 per cent of the electors in any contiguous territory, the board of park commissioners of the park district shall order an election to be held after due notice given within the territory proposed to be

as Regents

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§379

territory

abolish dist. and shall dissolve

county board chosen

?

annexed, at which the electors shall vote on the question of annexation. If annexation is approved by a majority of the ^{votes cast} ~~voters~~ at such election, such territory shall constitute a part of the park district. Whenever a proposition to annex territory has been submitted to a vote and rejected, a similar proposition may not be again submitted within two years thereafter.

residents SECTION 3. When any such park district shall have been established it shall be under the supervision of a board of park commissioners. Such board shall consist of five members appointed in the following manner: *Shum. County Bd.* The governor shall appoint two commissioners to hold office for two and four years respectively, and the mayor of the city which was originally created as the park district shall appoint three members to hold office for one, three, and five years respectively. Thereafter, at the end of each year, the governor and the mayor of such city shall alternately appoint a new member who shall serve for a term of five years. Any vacancy in the board shall be filled by appointment by the officer who made the original appointment. Any commissioners may be removed from office for inefficiency, neglect of duty, or malfeasance in office, upon public hearing, by the joint action of the governor and the mayor of said city.

SECTION 4. The board of park commissioners shall annually elect one of its members to act as ^{pres and one as secretary} ~~chairman~~. ~~He shall receive an annual salary of fifteen hundred dollars.~~ None of the ~~other~~ commissioners shall receive any compensation. Three commissioners shall constitute a quorum for the transaction of business. The board shall employ a superintendent ~~and a person to act as secretary and treasurer~~ and such other ~~officers and employees~~ as it may deem necessary. ~~The board shall fix the salaries of all its employees and shall have the power of removal for just cause.~~ ^{and fix their compensation.} No member of the board shall be

appointed to any such position.

SECTION 5. It shall be the duty of the board of park commissioners, and it shall have power, jurisdiction and authority:

(1) To receive from any person or private or public corporation the gift or transfer of any money, property, land, trust, or right of way.

(2) To ^{govern, control and improve} manage all such parks and driveways as it may buy and lay out or receive as a gift or in trust.

(3) To buy or lease lands within the county in which the park district is situated.

(4) To pass orders ^{as to} providing for the condemnation of any property within the park district, and to bring action in the proper courts for condemnation.

(5) To have the exclusive control to plant and protect shade trees on any public highway within the district. ~~It shall be the duty of the board to~~ ^{shall} consider requests from property holders with regard to the protection or planting or changing of ~~the~~ trees on the highway abutting their property. If the requests meet with the approval of the board it shall act upon them on such terms as they may mutually agree upon with the property holders. Whenever the board ^{shall propose to make any such improvements as planting, protecting or changing any shade trees in any highway, they shall give notice of such contemplated improvement in one or more newspapers published within the park district, for at least two weeks prior to any meeting in which they shall decide to make such improvement. If there is no newspaper published within the district they shall post an adequate number of notices in prominent places. The cost of such improvement shall be borne by the real estate in front of which they are made.}

Rules & Regulations

*as to
Railway*

*improvement
streets*

tax rolls
tax rolls
 The board shall certify the cost thereof pertaining to each tract of real estate, to the person having charge of the collection of taxes within that ~~part~~ of the park district, and the amount of cost of such improvement shall become a lien upon said real estate. The collecting officers shall place the assessment so made against any property in the actual tax bills rendered to owners of such property, and such taxes shall be collected in the same manner as other taxes against said property.

(8) To publish annually a full report of its accounts and transactions. The board shall always ~~not~~ keep its books open to inspection.

SECTION 6. Any city within the park district may transfer to the board of park commissioners, the control of any highway or open space controlled by the city, upon such terms as may be mutually agreed upon. It may also enter into an agreement with the board for the joint control of parks and driveways within the county. The board of park commissioners may also transfer to any city within the park district the control of any highway or open space controlled by the board. *Trustee transfer - Law 99*

SECTION 7. If at any time any proposed improvement ~~of a park or driveway~~ will ~~be of special~~ ^{any} benefit to contiguous property, and if this property lies within the limits of any city, the board of park commissioners may petition the common council of such city to cause the improvement to be made, according to the general plan adopted by the board, on the special assessment plan as ^{provided} ~~outlined~~ in sections 925-175 and 925-175a of the statutes. The board of park commissioners may provide that ^a certain proportion of the cost of such improvement shall be borne by the park district as a whole.

SECTION 8. If at any time any proposed improvement ~~of a park or driveway~~ will ~~be of special~~ ^{any} benefit to contiguous property which

General improvement plan - gen. procedure

lies within the park district but not within the limits of a city, the board of park commissioners shall have the same power to assess upon such property the amount of betterments accruing to it by reason of the improvement, as is now conferred on cities of the second, third or fourth class in sections 925-175 and 925-175a of the statutes. The board shall also have power to abate such proportion of any assessment for betterments made by it as it shall deem expedient.

SECTION 9. The board of park commissioners may incur indebtedness for the purpose of acquiring, laying out or improving parks and driveways on lands for park or driveway purposes. This indebtedness shall not exceed one quarter of one per cent of the taxable property in the park district. If the board desires to borrow more than this amount they may submit the question to the electors in the park district at a general or special election and may incur indebtedness up to but not exceeding five per cent of the taxable property, ~~if~~ ^{or} approved by a three-fifths vote of the elections in the park district. All bonds issued by the board shall be registered by the county treasurer. The board shall establish a sinking fund which will ~~secure~~ secure the payment of the bonds within twenty years after the date of issue. The board shall include in its annual tax levy a sufficient sum to pay the interest and maintain the sinking fund of all outstanding bonds.

SECTION 10. The board of park commissioners shall yearly determine the amount of money needed to meet the general expenses of the board and the maintenance and running expenses of the parks and driveways under the control of said board. They shall certify such amount to the county board which shall levy a general tax, not to exceed one mill, on all property within the park district, sufficient to raise the amount certified by the board of park commissioners.

proportion to assessed valuation

ALTERNATIVE TO SECTION ~~10~~ 10.

Section 10. The board of park commissioners shall yearly determine the amount of money needed to meet the general expenses of the board and the maintenance and running expenses of the parks and driveways under the control of said board. They shall certify such amount to the county board which shall ~~certify such~~ levy a general tax, not to exceed one mill, on all property within the park district, sufficient to raise the amount certified by the board of park commissioners. They shall apportion such tax according to the proportion determined by the commissioners as provided in section 11.

Section 11. The circuit shall, on application from the board of park commissioners, appoint a commission of three persons who shall, after due notice and hearing, determine the boundaries of the various parts into which the district shall be divided for assessment purposes, and shall determine the proportion in which each division shall annually pay taxes for the support of the park district for the term of five years next following such determination. ~~In making such determination~~ In making such determination the commissioners shall take into consideration benefit derived, population, and valuation of property. Such apportionment shall be made every five years. Said commissioners shall receive such salary and shall employ such help as the board of park commissioners may determine. None of such commissioners appointed by the circuit court shall be ~~members of~~ residents in the park district.

ter. created.

SECTION 1. Cities of the second or third class may by a majority vote of the common council create a metropolitan park district which will comprise such territory as is already included within the boundaries of the city, and any other territory within the same county, which may become annexed in any one of the ways outlined in section 2. Such park district shall be a separate and distinct corporation and shall assume such official name as the common council may designate. *its territory with out a city* If a city is created such a park district, and if, within two years from the date of its creation, no contiguous territory *abolish* has become annexed, the common council may *which shall act as a dissolution of the corporation* dissolve the park district by a majority vote.

SECTION 2. Any territory contiguous to such park district may become annexed to it for park and driveway purposes in any one of the following ways:

(a) If a majority of the electors, and the owners of at least one-third of the taxable property in the territory proposed to be annexed, together petition the board of park commissioners of the park district that such territory be annexed, the board of park commissioners may annex such territory by a majority vote of all its members.

(b) If there are no resident electors within the territory proposed to be annexed, the board of park commissioners of the park district may annex such territory upon the presentation of a petition from the owners of at least one-half of the taxable property within such territory asking to be annexed.

(c) Upon the presentation of a petition from not less than 15 per cent of the electors in any contiguous territory, the board of park commissioners of the park district shall *if they approve such petition* order an election to be held after due notice given within the territory proposed to be

refer to statutes on this question of election.

annexed, at which the electors shall vote on the question of annexation. If annexation is approved by a majority of the ~~votes cast at~~ ^{votes cast at} such election, such territory shall constitute a part of the park district. Whenever a proposition to annex territory has been submitted to a vote and rejected, a similar proposition may not be again submitted within two years thereafter.

SECTION 3. When any such park district shall have been established it shall be under the supervision of a board of park commissioners.

residents & electors in the district
Such board shall consist of five members appointed in the following manner: The ~~governor~~ ^{chairman of county board (see name)} shall appoint two commissioners to hold office for two and four years respectively, and the mayor of the city which was originally created as the park district shall appoint three members to hold office for one, three, and five years respectively. *fix*

Thereafter, at the end of each year, the ~~governor and the mayor~~ of such city shall alternately appoint a new member who shall serve for a term of five years. Any vacancy in the board shall be filled by appointment by the officer who made the original appointment. Any commissioners may be removed from office for inefficiency, neglect of duty, or malfeasance in office, upon public hearing, by the joint action of the governor and the mayor of said city.

SECTION 4. The board of park commissioners shall annually elect one of its members to act as ~~chairman~~ ^{president, one as sec. & one as treas.} *board*. He shall receive an annual salary of fifteen hundred dollars. None of the ~~other~~ commissioners shall receive any compensation. Three commissioners shall constitute a quorum for the transaction of business. The board shall employ a superintendent and a person to act as ~~secretary and treasurer~~ and such ~~other officers and employees~~ as it may deem necessary. *fix their compensation*
~~The board shall fix the salaries of all its employees and shall have the power of removal for just cause.~~ No member of the board shall be

appointed to any such position.

SECTION 5. It shall be the duty of the board of park commissioners, and it shall have power, jurisdiction and authority:

(a) *make necessary rules for meetings etc.*

(1) To receive from any person or private or public corporation the gift or transfer of any money, property, land, trust, or right of way.

(2) To manage all such parks and ^{pleasant drives} ~~driveways~~ as it may buy and lay out or receive as a gift or in trust.

(3) To buy or lease lands within the county in which the park district is situated.

(4) To pass orders ^{see section on condemnation for railroad} providing for the condemnation of any property within the park district, and to bring action in the proper courts for condemnation.

(5) To have the exclusive control to plant and protect shade trees on any public highway within the district. It shall be the duty of the board to consider requests from property holders with regard to the protection or planting or changing of ~~the~~ trees on the highway abutting their property. If the requests meet with the approval of the board it shall act upon them on such terms as they may mutually agree upon with the property holders. Whenever the board shall ^{upon its own motion} propose to make any such improvements as planting, protecting or changing any shade trees in any highway, they shall give notice of such ~~an~~ ^{an} contemplated improvement in one or more newspapers published within the park district, for at least two weeks prior to any meeting in which they shall decide to make such improvement. ~~If there is no newspaper published within the district they shall post an adequate number of notices in prominent places.~~ The cost of such improvement shall be borne by the real estate in front of which they are made.

*Prop. hold
must
present
etc.*

Reains numbers. no streets.

The board shall certify the cost thereof pertaining to each tract of real estate, to the person having charge of the collection of taxes within that part of the park district, and the amount of cost of such improvement shall become a lien upon said real estate. The collecting officers shall place the assessment so made against any property in the actual tax bills rendered to owners of such property, and such taxes shall be collected in the same manner as other taxes against said property.

see street improve ment

(8) To publish annually a full report of its accounts and transactions. The board shall always ~~not~~ keep its books open to inspection.

be published records open to inspection

via prove

SECTION 6. Any city within the park district may transfer to the board of park commissioners, the control of any highway or open space controlled by the city, upon such terms as may be mutually agreed upon. It may also enter into an agreement with the board for the joint control of parks and driveways within the county. The board of park commissioners may also transfer to any city within the park district the control of any highway or open space controlled by the board.

Section for rules & regulations - introduced in courts within the city.

SECTION 7. If at any time any proposed improvement of a park or driveway will be of special benefit to contiguous property, and if this property lies within the limits of any city, the board of park commissioners may petition the common council of such city to cause the improvement to be made, according to the general plan adopted by the board, on the special assessment plan, as ^{promoted} outlined in sections 925-175 and 925-175a of the statutes. The board of park commissioners may provide that ^a certain proportion of the cost of such improvement shall be borne by the park district as a whole.

pleasants drive

Mutual agreement record

so far as applicable

SECTION 8. If at any time any proposed improvement of a park or driveway will be of special benefit to contiguous property which

lies within the park district but not within the limits of a city, the board of park commissioners shall have the same power to assess upon such property the amount of betterments accruing to it by reason of the improvement, as is now conferred on cities of the second, third or fourth class in sections 925-175 and 925-175a of the statutes. The board shall also have power to abate such proportion of any assessment for betterments made by it as it shall deem expedient.

SECTION 9. The board of park commissioners may incur indebtedness for the purpose of acquiring, laying out or improving parks and driveways ^{or} ~~on~~ lands for park or driveway purposes. This indebtedness shall not exceed one quarter of one per cent of the taxable property in the park district. If the board desires to borrow more than this amount they may submit the question to the electors in the park district at a general or special election and may incur indebtedness up to but not exceeding five per cent of the taxable property, ~~if~~ ^{so} approved by a three-fifths vote of the elections in the park district. All bonds issued by the board shall be registered by the county treasurer. The board shall establish a sinking fund which will ~~secure~~ secure the payment of the bonds within twenty years after the date of issue. The board shall include in its annual tax levy a sufficient sum to pay the interest and maintain the sinking fund of all outstanding bonds.

SECTION 10. The board of park commissioners shall yearly determine the amount of money needed to meet the general expenses of the board and the maintenance and running expenses of the parks and driveways under the control of said board. They shall ^{Asperter a letter to} certify such amount ^{for the collection according to assessment valuation.} to the county board which shall levy a general tax, not to exceed one mill, on all property within the park district, sufficient to raise the amount certified by the board of park commissioners.

park fund to treas. of park board - bonding of this

ALTERNATIVE TO SECTION ~~10~~ 10.

Section 10. The board of park commissioners shall yearly determine the amount of money needed to meet the general expenses of the board and the maintenance and running expenses of the parks and driveways under the control of said board. They shall certify such amount to the county board which shall ~~authorize~~ ~~such~~ levy a general tax, not to exceed one mill, on all property within the park district, sufficient to raise the amount certified by the board of park commissioners. They shall apportion such tax according to the proportion determined by the commissioners as provided in section 11.

Section 11. The circuit shall, on application from the board of park commissioners, appoint a commission of three persons who shall, after due notice and hearing, determine the boundaries of the various parts into which the district shall be divided for assessment purposes, and shall determine the proportion in which each division shall annually pay taxes for the support of the park district for the term of five years next following such determination. ~~In making such determination~~ In making such determination the commissioners shall take into consideration benefit derived, population, and valuation of property. Such apportionment shall be made every five years. Said commissioners shall receive such salary and shall employ such help as the board of park commissioners may determine. None of such commissioners appointed by the circuit court shall be ~~members~~ residents in the park district.

SECTION 1. Cities of the second or third class may by a majority vote of the common council create a metropolitan park district which will comprise such territory as is already included within the boundaries of the city, and any other territory within the same county, which may become annexed in any one of the ways outlined in section 2. ~~Such~~ ^{The} park district, ^{Commissioners and their successors in office} shall be a separate and distinct corporation ~~and~~ shall assume such official name as the ^{and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties} common council may designate. If a city is created such a park district, and if, within two years from the date of its creation, no contiguous territory has become annexed, the common council may dissolve the park district by a majority vote.

SECTION 2. Any territory contiguous to such park district may become annexed to it for park and driveway purposes in any one of the following ways:

(a) If a majority of the electors, and the owners of at least one-third of the taxable property in the territory proposed to be annexed, together petition the board of park commissioners of the park district that such territory be annexed, the board of park commissioners may annex such territory by a majority vote of all its members.

(b) If there are no resident electors within the territory proposed to be annexed, the board of park commissioners of the park district may annex such territory upon the presentation of a petition from the owners of at least one-half of the taxable property within such territory asking to be annexed.

(c) Upon the presentation of a petition from not less than 15 per cent of the electors in any contiguous territory, the board of park commissioners of the park district shall order an election to be held after due notice given within the territory proposed to be

provided by law.

annexed, at which the electors shall vote on the question of annexation. If annexation is approved by a majority of the votes ^{cast at such} ~~at such~~ election, such territory shall constitute a part of the park district. Whenever a proposition to annex territory has been submitted to a vote and rejected, a similar proposition may not be again submitted within two years thereafter.

SECTION 3. When any such park district shall have been established it shall be under the supervision of a board of park commissioners. Such board shall consist of five members appointed in the following manner: The governor shall appoint two commissioners to hold office for two and four years respectively, and the mayor of the city which was originally created as the park district shall appoint three members to hold office for one, three, and five years respectively. Thereafter, at the end of each year, the governor and the mayor of such city shall alternately appoint a new member who shall serve for a term of five years. Any vacancy in the board shall be filled by appointment by the officer who made the original appointment. Any commissioners may be removed from office for inefficiency, neglect of duty, or malfeasance in office, upon public hearing, by the joint action of the governor and the mayor of said city.

SECTION 4. The board of park commissioners shall annually elect one of its members to act as chairman. [He shall receive an annual salary of fifteen hundred dollars. None of the other commissioners shall receive any compensation.] Three commissioners shall constitute a quorum for the transaction of business. The board shall employ a superintendent [and a person to act as secretary and treasurer] and such other ~~officers~~ and employees as it may deem necessary. The board shall fix the salaries of all its employes and shall have the power of removal for just cause. No member of the board shall be

appointed to any such position.

SECTION 5. It shall be the duty of the board of park commissioners, and it shall have power, jurisdiction and authority:

(1) To receive from any person or private or public corporation the gift or transfer of any money, property, land, trust, or right of way.

(2) To manage all such parks and driveways as it may buy and lay out or receive as a gift or in trust.

(3) To buy or lease lands within the county in which the park district is situated.

(4) To pass orders providing for the condemnation of any property within the park district, and to bring action in the proper courts for condemnation.

(5) To have the exclusive control to plant and protect shade trees on any public highway within the district. It shall be the duty of the board to consider requests from property holders with regard to the protection or planting or changing of ~~the~~ trees on the highway abutting their property. If the requests meet with the approval of the board it shall act upon them on such terms as they may mutually agree upon with the property holders. Whenever the board shall ~~propose to make~~ ^{propose to make} any such improvements as planting, protecting or changing any shade trees in any highway, they shall give notice of such contemplated improvement in one or more newspapers published within the park district, for at least two weeks prior to any meeting in which they shall decide to make such improvement. (If there is no newspaper published within the district they shall post an adequate number of notices in prominent places.) The cost of such improvement shall be borne by the real estate in front of which they are made.

The board shall certify the cost thereof pertaining to each tract of real estate, to the person having charge of the collection of taxes within that park of the park district, and the amount of cost of such improvement shall become a lien upon said real estate. The collecting officers shall place the assessment so made against any property in the actual tax bills rendered to owners of such property, and such taxes shall be collected in the same manner as other taxes against said property.

(8) To publish annually a full report of its accounts and transactions. The board shall always ~~not~~ keep its books open to inspection.

SECTION 6. Any city within the park district may transfer to the board of park commissioners, the control of any highway or open space controlled by the city, upon such terms as may be mutually agreed upon. It may also enter into an agreement with the board for the joint control of parks and driveways within the county. The board of park commissioners may also transfer to any city within the park district the control of any highway or open space controlled by the board.

SECTION 7. If at any time any proposed improvement of a park or driveway will be of special benefit to contiguous property, and if this property lies within the limits of any city, the board of park commissioners may petition the common council of such city to cause the improvement to be made, according to the general plan adopted by the board, on the special assessment plan as ^{provided} outlined in sections 925-175 and 925-175a of the statutes. The board of park commissioners may provide that ^a certain proportion of the cost of such improvement shall be borne by the park district as a whole.

SECTION 8. If at any time any proposed improvement of a park or driveway will be of special benefit to contiguous property which

lies within the park district but not within the limits of a city, the board of park commissioners shall have the same power to assess upon such property the amount of betterments accruing to it by reason of the improvement, as is now conferred on cities of the second, third or fourth class in sections 925-175 and 925-175a of the statutes. The board shall also have power to abate such proportion of any assessment for betterments made by it as it shall deem expedient.

SECTION 9. The board of park commissioners may incur indebtedness for the purpose of acquiring, laying out or improving parks and driveways on lands for park or driveway purposes. This indebtedness shall not exceed one quarter of one per cent of the taxable property in the park district. If the board desires to borrow more than this amount they may submit the question to the electors in the park district at a general or special election and may incur indebtedness up to but not exceeding five per cent of the taxable property, if so approved by a three-fifths vote of the elections^{ors} in the park district. All bonds issued by the board shall be registered by the county treasurer. The board shall establish a sinking fund which will ~~serve~~ secure the payment of the bonds within twenty years after the date of issue. The board shall include in its annual tax levy a sufficient sum to pay the interest and maintain the sinking fund of all outstanding bonds.

SECTION 10. The board of park commissioners shall yearly determine the amount of money needed to meet the general expenses of the board and the maintenance and running expenses of the parks and driveways under the control of said board. They shall certify such amount to the county board which shall levy a general tax, not to exceed one mill, on all property within the park district, sufficient to raise the amount certified by the board of park commissioners.

ALTERNATIVE TO SECTION ~~10~~ 10.

Section 10. The board of park commissioners shall yearly determine the amount of money needed to meet the general expenses of the board and the maintenance and running expenses of the parks and driveways under the control of said board. They shall certify such amount to the county board which shall ~~verify such~~ levy a general tax, not to exceed one mill, on all property within the park district, sufficient to raise the amount certified by the board of park commissioners. They shall apportion such tax according to the proportion determined by the commissioners as provided in section 11.

Section 11. The circuit shall, on application from the board of park commissioners, appoint a commission of three persons who shall, after due notice and hearing, determine the boundaries of the various parts into which the district shall be divided for assessment purposes, and shall determine the proportion in which each division shall annually pay taxes for the support of the park district for the term of five years next following such determination. ~~In making such determination~~ In making such determination the commissioners shall take into consideration benefit derived, population, and valuation of property. Such apportionment shall be made every five years. Said commissioners shall receive such salary and shall employ such help as the board of park commissioners may determine. None of such commissioners appointed by the circuit court shall be ~~members of~~ residents in the park district.

CSH

A BILL

To create section , of the statutes, relating to park districts within and about cities of the second and third classes.

The people of the State of Wisconsin, represented in senate and assembly , do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section .

1. Any city of the second or third class, however organized, may by a majority vote of the council create a park district which will comprise such territory as is already included within the boundaries of said city, and any other contiguous territory within the same county, which may become annexed to such park district in any one of the ways provided in subsection 2. The board of park commissioners of such park district provided for in subsection 3 and their successors in office, shall be a separate and distinct public corporation, shall assume such official name as the council may designate, and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. If the territory within such a city is created as such park district, and if within two years from the date of its creation no contiguous territory has become annexed, the council of such city may by a three-fourths vote abolish such park district and such abolition shall act as a dissolution of the corporation and the title to all property of such corporation shall vest in such city which shall thereafter have full power to govern, manage, control, maintain and improve the same.

2. Any territory contiguous to such park district may become

annexed to it for park, boulevard and pleasure drive purposes in any one of the following ways:

? (a) If a majority of the electors, and the owners of at least one-third of the taxable property in the territory proposed to be annexed, together petition the board of park commissioners of such park district that such territory be annexed, such board may annex such territory by a majority vote of all its members.

(b) If there are no resident electors within the territory proposed to be annexed, the board of park commissioners of such park district may annex such territory upon the presentation of a petition from the owners of at least one-half of the taxable property within such territory asking to be annexed.

(c) Upon the presentation of a petition from not less than fifteen per cent of the electors in any contiguous territory definitely described, the board of park commissioners of such park district may, at its own discretion, order an election to be held in such territory provided to be annexed at which the question of annexation shall be submitted. The board shall give notice of such election by publication of the petition and of the board's approval in some newspaper published within the park district, once a week for four successive weeks immediately preceding such election. The board of park commissioners shall have authority to provide for the necessary officers and means for submission of such question at election and for the canvass of returns. The expenses of such election shall be borne by the territory which petitions to be annexed. If annexation is approved by a majority of the electors voting at such election the board of park commissioners shall declare

and upon such terms as it shall see fit.

out

such territory to be a part of such park district. Whenever a proposition to annex territory has been submitted to an election and rejected, a similar proposition for the same territory may not be again submitted within one year thereafter.

*confirmed
by council*

3. Whenever any such park district shall have been established it shall be under the supervision of a board of park commissioners. Such board shall consist of five members, who shall be residents and electors in such park district and who shall be appointed by the mayor of the city which was created as such park district. Whenever such park district shall include territory outside the corporate limits of such city, with resident electors therein, the mayor shall thereafter appoint at least two members of said board who are residents and electors in such territory outside the corporate limits of the city. When a park district is created as provided in subsection 1, the first members of the board of park commissioners shall be appointed for terms of one, two, three, four and five years, respectively. Thereafter when the term of any park commissioner shall expire, his successor shall be appointed for a full term of five years. Any vacancy in such board caused otherwise, than by expiration of term shall be filled by an appointment for the remainder of such unexpired term.

4. The board of park commissioners shall annually elect one of its members president, one treasurer, and a secretary from among the members of the board or otherwise. The treasurer shall execute to the corporation by its official name and deliver to it a bond, with sureties to be approved by said board, in a sum equal to at least the amount of taxes apportioned to the park district, conditioned for

the faithful performance of the duties of his office. Such commissioners shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Three commissioners shall constitute a quorum for the transaction of business. The board may employ a secretary, a superintendent, and such other employes as it may deem necessary, and fix their compensation; no member of the board of park commissioners shall be appointed to any such position except that of secretary.

5. It shall be the duty of the board of park commissioners, and it shall have power, jurisdiction and authority:

(a) To adopt rules and by-laws for its organization and the regulation of its business.

(b) To receive from any person, or private or public corporation the gift or transfer of any money, property, land, trust, or right-of-way, as a gift or in trust.

(c) To adopt rules, regulations and ordinances for the government, management, control and protection of all such parks, boulevards and pleasure drives as it may receive or buy or lease, and to secure the quiet, orderly and suitable use and enjoyment thereof by the people, and to fix and ordain penalties for the violation thereof. Such ordinances shall take effect from and after the publication thereof in the official newspaper of said city, and the same shall be enforced by prosecution in the municipal or police courts of said city as in the case of other ordinances of said city. The city attorney of said city shall have charge of all prosecutions and shall prosecute all violations

of such park ordinances before the municipal or police courts of such city. The clerk of such court shall receive all fines imposed by said court for the violation of park ordinances, and shall keep full, accurate and detailed account of the same, and shall, on the first Monday of every month, deliver over to the treasurer of said board of park commissioners all moneys so received, which moneys when so paid shall be used for the purposes of said board. Any member of such board of park commissioners or its superintendent, and such other employes as it may designate in writing, shall have the powers of police officers for the enforcement of all rules, regulations and ordinances adopted by said board.

(d) To buy or lease lands for park, boulevard or pleasure drive purposes within the county in which such park district is situated, and to sell or exchange property no longer required for its purposes.

(e) To acquire by condemnation any real estate within the park district which it shall be authorized to take for the purposes of its organization, in the manner, so far as applicable, provided in sections 1846 to 1856 inclusive, of the statutes.

(f) To have exclusive and absolute control and power to plant, transplant, maintain, protect, and care for shade trees in any of the public highways of said park district.

(g) Generally to govern, manage, control, maintain, and improve all parks, boulevards, pleasure drives, or other property over which its powers and jurisdiction extend under the provisions of this section, and to acquire and maintain such

equipment as may be necessary to properly carry out these purposes.

(h) To publish an annual report of its accounts and transactions. The books of the board of park commissioners shall be public records open to inspection.

6. Any city, town or village lying in whole or in part within such park district may transfer to the board of park commissioners the control of any highway or open space controlled by such city, town or village, upon such terms as may be mutually agreed upon. Any such city, town or village may enter into an agreement with the board of park commissioners for the joint control of any parks, boulevards or pleasure drives within the county. The board of park commissioners may transfer to any such city, town or village, by mutual agreement, the management and control of any highway or open space controlled by the board. Any public park corporation organized under the provisions of sections 1787a to 1787c, inclusive, of the statutes, may transfer to such board of park commissioners as trustee any parks, boulevards or pleasure drives, or any gifts or grants therefor, over which its powers and jurisdiction extend under the provisions of said sections; any property so transferred shall be held by such board of park commissioners subject to all the conditions and trusts under which it was held by such public park corporation.

Add elsewhere in section

7. (1) Whenever any change or improvement ^{or the acquiring of property for the purpose of that section} is proposed by the board of park commissioners at the expense of the real estate to be benefited thereby, it shall view the premises and determine the damages and benefits which will accrue to each parcel of real estate by such proposed change or improvement; the entire cost of

the proposed change or improvement, the benefits and damages that will accrue to the several parcels of real estate thereby, and the amount that should be assessed under the provisions of this section to each parcel of such real estate as benefits accruing thereto by such proposed change or improvement. Said board shall make and file in its office a report showing its determination on the questions so required to be considered by it.

(2) Notice shall be given by the board of park commissioners that such report is open for review at its office and will be so continued for the space of ten days after the day^x of such notice and that on a day and hour named therein, which shall be not more than three days after the expiration of said ten days, said board will hear all objections that may be made to such report: Such notice shall be published in the official newspaper of the city at least once and copies of such notice shall be posted~~d~~ at convenient places at intervals of not more than five hundred feet along any highway through or adjacent to the real estate so determined to be affected by such proposed change or improvement. Such posted notices shall be printed in type not smaller than pica. Such publication and posting shall be made five days prior to the date of hearing objections as aforesaid. No irregularity in the form of such report, nor of said notice, shall affect its validity if it fairly contains the information required to be conveyed thereby. At the time specified for hearing objections to said report, said board shall hear all parties interested, who may appear for that purpose, reduce to writing all objections that may be made and all evidence that may be offered to sustain the

same, and may review, modify and correct said report as it deems just; and thereupon a complete and final report and determination shall be made and filed by said board in its office, together with all objections and evidence ~~taken~~ before it to sustain the same and proof of publication of said notice and an affidavit of the posting thereof as herein specified, which affidavit shall be received in all cases as presumptive evidence of the facts therein stated. No irregularity in the form of said report or manner of conducting the proceedings by said board, or in the proof of publication or in the affidavit of posting, shall affect the legality of said report, unless it shall appear that the owners of the property affected by the proceedings were clearly misled by such irregularity and have not had an opportunity to be heard. At such hearing any member of the board may administer oaths ~~(as may be necessary in conducting it)~~. Thereupon, when such final determination shall have been reached by the said board it shall publish notice in the official paper of the city once in each week for two successive weeks that a final determination has been made as to the benefits and damages that will accrue to the real estate in the case of the proposed change or improvement, and of the benefits and damages to be assessed to the real estate in the case of such proposed change or improvement.

(3) If the owner of any parcel of land mentioned in said notice feels himself aggrieved by reason of the determination made by the board of park commissioners he may, within twenty days after the date of such determination, appeal therefrom to the circuit court, and such appeal shall be taken, tried and determined

and bonds for costs shall be given and costs awarded in like manner as in cases of appeals from the disallowance of claims under chapter 40a, of the statutes; provided, that in case any contract shall have been made for making the proposed change or improvement ~~said~~ appeal shall not affect said contract, but a certificate against the parcel of real estate in question for the amount of benefits assessed to such parcel shall be issued notwithstanding such appeal; and in case the appellant shall succeed the difference between the amount charged in the certificate so issued and the ~~amount~~ amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate shall be paid from the funds of the park district. The appeal herein provided for from the report of the board of park commissioners as finally confirmed by such board shall be the only remedy of the owner of any parcel of land or of any person interested therein affected by such change, or improvement for the redress of any grievance he may have by reason of the making of such change or improvement covered by said report.

(4) If in any action at law the court shall determine that any special assessment as provided for in this section is invalid for any cause, the board of park commissioners shall proceed forthwith to make a new assessment of benefits and damages against the property of the plaintiff as required herein in the case of such original assessment, in accordance with the provisions of section 1210e, of the statutes, so far as applicable.

8. It shall be the duty of the board of park commissioners to receive and consider requests from property holders within the park

district asking for the planting or alteration of shade trees or for any other improvement in the highway abutting the property of said property holders. If such improvement meets with the approval of the board, it may make such improvement in such manner and on such terms as it may agree upon with said property holders.

9. The board of park commissioners may incur indebtedness for the purpose of acquiring, laying out, and improving parks, boulevards and pleasure drives, or lands for parks, boulevards or pleasure drive purposes. This indebtedness shall not exceed one-quarter of one per cent of the assessed valuation of the taxable property within the park district, unless indebtedness in excess of said amount is approved by a three-fifths majority of the voters within such park district voting at an election ordered by the board of park commissioners. Said election shall be conducted in the same manner as provided in subdivision (c) of subsection 2 of this section. In no case shall indebtedness exceed five per cent of the assessed valuation of taxable property within the park district. All bonds issued by the board shall be made payable in not more than twenty years, and the board shall establish a sinking fund which shall secure the payment of such bonds at maturity. The board shall include in its annual tax estimate a sum sufficient to pay the interest on such bonded debt and to maintain said sinking fund. All bonds issued by said board shall be certified by the treasurer of the city included within said park district before they are delivered to the purchaser,

and may be registered if the board of park commissioners shall so direct.

10. The board of park commissioners shall, prior to the first day of October in each year, make an estimate of the expenses of said board for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by taxation; such amount to be raised by taxation shall not exceed one mill on the assessed valuation of the taxable property within said park district. The said board shall apportion such amount among the cities, towns and villages, or parts of cities, towns, and villages, which constitute such park district, according to the assessed valuation of the taxable property within such park district in said cities, towns and villages, or parts thereof. Said board shall certify such apportioned amounts to the respective city, town and village clerks, including in such certificate any special assessment, as provided for in this section, assessed against any property within any such city, town, or village, and said clerks shall thereupon carry out on the tax rolls of such cities, towns, or villages, respectively, for such year, a tax for the purposes of said park district on all taxable property within that portion of their respective cities, towns, or villages, within such park district and such tax so carried out on such tax rolls is hereby declared duly levied and a lien on such taxable property until paid the same as other taxes as provided by law. It shall be the duty of the treasurers of such cities, towns, and villages to collect said tax in the same manner as other taxes, and the said treasurers, respectively, shall pay

over to the treasurer of said board of park commissioners in each year within ten days after the date fixed by law for the return of taxes as delinquent, the amount in full of taxes so carried out on said rolls and assessed on said property in their respective cities, towns, and villages for the purposes of such board of park commissioners. If the taxes hereby provided for shall not be collected by said treasurers they shall be returned with and as delinquent taxes, and their collection shall be enforced in the manner provided by law for collecting delinquent taxes; when collected such delinquent taxes shall be paid over to the treasurer of said board of park commissioners.

11. No city, town, or village, in connection with which any such park, boulevard, or pleasure drive shall be maintained under the provisions of this section shall be liable for any damage resulting from any want of repair or insufficiency in construction or maintenance of any parks, boulevards or pleasure drives, nor shall any such board of park commissioners 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 within and upon such parks, boulevards, and pleasure drives, outside the city limits, at intervals of not exceeding one mile, a notice in large plain letters as follows: "Any person using this park (or boulevard, or drive, as the case may be) does so at his own risk as to defects therein."

12. It shall be the duty of the treasurer of the board of park commissioners to keep all moneys received or raised in any

way for the purposes of such board of park commissioners, and to pay out the same upon certified bill, voucher or schedule signed by the president and secretary of said board setting forth the names of the claimants, the amounts of each claim and the purpose for which expended. He shall preserve and invest such funds in such manner as may be prescribed by the board.

SECTION 2. This act shall take effect upon passage and publication.

SECTION 1. Cities of the second or third class may by a majority vote of the common council create a metropolitan park district which will comprise such territory as is already included within the boundaries of said city, and any other contiguous territory within the same county, which may become annexed in any one of the ways provided in section 2. The commissioners of such park district provided for in section 3 and their successors in office, shall be a separate and distinct ^{public} corporation, shall assume such official name as the common council may designate, and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. If the territory within such ^a city is created as such park district, and if within two years from the date of its creation no contiguous territory has become annexed, the common council of such city may by a majority vote ~~abolish~~ such park district and such abolition shall act as a dissolution of the corporation. ✓

SECTION 2. Any territory contiguous to such park district may become annexed to it for park ^{boulevard} and pleasure drive purposes in any one of the following ways:

(a) If a majority of the electors, and the owners of at least one-third of the taxable property in the territory proposed to be annexed, together petition the board of park commissioners of such park district that such territory be annexed, such board may annex such territory by a majority vote of all its members.

(b) If there are no resident electors within

Care of property

5/4

the territory proposed to be annexed, the board of park commissioners of such park district may annex such territory upon the presentation of a petition from the owners of at least one-half of the taxable property within such territory asking to be annexed.

(c) Upon the presentation of a petition from not less than fifteen per cent of the electors in any contiguous territory definitely described, the board of park commissioners of such park district may, at its own discretion, order an election to be held in such territory provided to be annexed at which the question of annexation shall be submitted. The board shall give notice of such election by publication of the petition and of the board's approval in some newspaper published within the park district, once a week for four successive weeks immediately preceding such election. The board of park commissioners shall have authority to provide for the necessary officers and means for submission of such question at election and for the canvass of returns. The expenses of such election shall be borne by the territory which petitions to be annexed. If annexation is approved by a majority of the electors voting at such election the board of park commissioners shall declare such territory to be a part of such park district. Whenever a proposition to annex territory has been submitted to an election and rejected, a similar proposition for the same territory may not be again submitted within one year thereafter.

SECTION 3. Whenever any such park district shall have been established it shall be under the supervision of a board of park

commissioners. Such board shall consist of five members, who shall be residents and electors in such park district, appointed in the following manner: The chairman of the county board of supervisors shall appoint two commissioners to hold office for two and four years respectively, and the mayor of the city which was originally created as such park district shall appoint three commissioners to hold office for one, three and five years respectively. Whenever any such commissioner retires, his successor shall be appointed to serve for a term of five years, by the officer who originally appointed the retiring commissioner. Any vacancy in the board shall be filled by appointment by the officer who made the original appointment. Any commissioner may be removed from office for inefficiency, neglect of duty, or malfeasance in office, upon public hearing, by the joint action of the chairman of the county board of supervisors and the mayor of said city.

Mayor appoint all ~~two~~ outside new territory

unexpired remainder of term

out

city from award to otherwise

Mayor for benefit of park dist.

reimbursed actual and necessary expenses

secretary

term expiration

authority

or by judge of county

SECTION 4. The board of park commissioners shall annually elect one of its members to act as president, one to act as secretary, and one to act as treasurer. The treasurer shall execute and deliver to the county treasurer a bond, with sureties to be approved by such board, in a sum equal to at least the amount of taxes apportioned to the park district, conditioned for the faithful performance of the duties of his office. Such commissioners shall serve without compensation. Three commissioners shall constitute a quorum for the transaction of business. The board shall employ a superintendent and such other employes as it may deem necessary, and fix their compensation. No member of the board

of park commissioners shall be appointed to any such position.

SECTION 5. It shall be the duty of the board of park commissioners, and it shall have power, jurisdiction and authority:

(1) To adopt rules and by-laws for its organization and the regulation of its business.

(2) To receive from any person, or private or public corporation the gift or transfer of any money, property, land, trust, or right-of-way as a gift or in trust.

(3) To make rules and regulations for the govern-
ment, management, control and protection of all such parks,

boulevards and pleasure drives as it may receive or buy or lease
and for the preservation of order therein. Copies of said rules

ordinances
and regulations shall be posted up in convenient places in and
upon such parks, boulevards and pleasure drives. To purchase

such equipment as may be necessary for the proper improvement
and care thereof. Any member of such board of park commissioners

other officers
or its superintendent shall have the powers of police officers
for the enforcement of all such rules and regulations as are

adopted by the board. The municipal or police courts of any
city within such park district shall have jurisdiction of any

offense against such rules and regulations, in the same manner
and to the same extent as they have jurisdiction of misdemeanors.

(4) To buy or lease lands for park or pleasure
drive purposes within the county in which such park district is
situated.

(5) To *acquire by* ~~purchase~~ ~~providing~~ for the condemnation

Sell + dispose of property no longer required for its purpose. *in*

which it shall be authorized to take for the purpose of its organization

~~any property~~ ^{real estate} within the park district, and to bring action for such condemnation in the same way, so far as applicable, ~~as~~ ^{in the manner} provided in sections 1846 to 1856 inclusive of the statutes.

Min. Law

Water ordinance

(6) To have exclusive and absolute control and power to plant, transplant, maintain, protect, and care for shade trees in any of the public highways of said park district.

brushing

Highway ordinance

(7) Generally to govern, manage, control, maintain and improve all parks, boulevards, pleasure drives or other property over which its powers and jurisdiction extend under the provisions of this act.

(8) To publish an annual report of its accounts and transactions. The books of the board of park commissioners shall be public records open to inspection.

W

Township

SECTION 6. Any city or village lying in whole or in part within such park district may transfer to the board of park commissioners the control of any highway or open space ^{city or} controlled by such a/village upon such terms as may mutually be agreed upon. Such city or village may also enter into an agreement with the board of park commissioners for the joint control of parks or pleasure drives within the county. The board of park commissioners may also transfer to any such city or village, by mutual agreement, the management and control of any highway or open space ~~and~~ ^{controlled} by the board. Any public park corporation organized under sections 1787a to 1787e inclusive of the statutes, may transfer to such board of park commissioners as trustee any parks, boulevards or pleasure drives or any gifts

Prop. as to transportation. Shall be under the subject of the transportation trust. See what is subject.

subject to duties originally intended

or grants therefor over which its powers and jurisdiction extend under the provisions of said sections.

SECTION 7. Whenever any improvement, proposed on motion of the board of park commissioners, will be, in the judgment of such board, of special benefit to contiguous property within the park district, the board of park commissioners may carry out such improvement and apportion the cost as follows: The board shall determine what proportion of the cost of such improvement shall be assessed upon the property specially benefited, and what proportion, if any, shall be borne by the park district as a whole. Before the final adoption of plans providing for such improvements, the board of park commissioners shall give notice to the taxpayers affected by such improvement by publication in a newspaper published within the park district, and shall give an opportunity for public hearing. Said board shall assess upon each tract of real estate to be specially ~~benefited~~^{benefitted}, the share of cost to be borne by such real estate, and shall certify such assessment to the proper collecting officers in the district in which such real estate is situated. Before such assessment the board of park commissioners shall give notice thereof in a newspaper published within the park district, and shall give an opportunity for public hearing, ~~and protect from the taxpayers~~

SECTION 8. It shall be the duty of the board of park commissioners to receive and consider requests from property holders within the park district asking for the planting or

925-178
180

Re-write

alteration of shade trees or for any other improvement in the highway abutting the property of said property holders. If such improvement meets with the approval of the board, it may make such improvement in such manner and on such terms as it may agree upon with said property holders.

SECTION 9. The board of park commissioners may incur indebtedness for the purpose of acquiring, laying out, and improving parks and pleasure drives or lands for park or pleasure drive purposes. This indebtedness shall not exceed one-quarter of one per cent of the assessed valuation of the taxable property within the park district, unless indebtedness in excess of said amount is approved by a three-fifths majority of the voters in such park district voting at an election ordered by the board of park commissioners. Said election shall be conducted in the same manner as provided in section 2, sub-section (c). In no case shall indebtedness exceed 5 per cent of the taxable property within such park district. All bonds issued by the board shall be made payable in not more than twenty years, and the board shall establish a sinking fund which shall secure such payment. The board shall include in its annual tax levy a sum sufficient to pay the interest on its ^{bonded} debt and to maintain said sinking fund. All bonds issued by said board shall be ^{certified} ~~registered~~ by the treasurer of the ^{city included within} ~~county~~ in which said park district is ~~situated~~, before they are delivered to the purchasers

SECTION 10. The board of park commissioners shall, prior to the first day of October each year, make an estimate of the

in
payt. of such
bonds at
maturity

may be requir-
ted if bd,
so direct.

expenses of said board of park commissioners for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by taxation. The said board shall apportion such amount among the various cities, towns or parts of cities and towns which constitute such park district, according to the valuation of the taxable property within such park district in said cities, towns, or parts of cities and towns. Said board shall certify such various amounts to the city or town clerks in said cities or towns, and it shall thereupon be the duty of said clerks immediately to carry out on the tax rolls of such cities or towns respectively for such year a tax for the purposes of said park district on all taxable property within that portion of their respective cities or towns within such park district, and such tax so carried out on such tax rolls is hereby declared duly levied and a lien on such taxable property until paid the same as other taxes as provided by law. It shall be the duty of the treasurers of such cities and towns to collect said tax in the same manner as other taxes, and the said treasurers respectively shall pay over in each year in full the amount of taxes so carried out on said rolls and assessed on said property in their cities and towns respectively for the purposes of such board of park commissioners, to the treasurer of said board. If the taxes hereby provided for shall not be collected by said treasurers they shall be returned with and as delinquent taxes, and their collection shall be enforced in the

not to exceed 1 mill on assessed valuation villages

including any special assessments on any property within such city etc.

on or before 15 March within 10 days after tax roll returned

Paying over delinquent

manner now provided by law for collecting delinquent taxes.

SECTION 11. It shall be the duty of the treasurer of the board of park commissioners to keep all moneys received or raised in any way for the purposes of such board of park commissioners, and to pay out the same upon certified bill, voucher or schedule signed by the president and secretary of said board setting forth the names of the claimants, the amounts of each claim and the purpose for which expended. He shall preserve and invest such funds in such manner as may be prescribed by the board.

*Copy marked
with Mr. Chis's
Suggestions*

STATE OF WISCONSIN

IN SENATE

*Changes
as adopted
in committee
Apr. 17*

BILL NO. 413, S.

March 12, 1915—Introduced by Senator BOSSHARD. Referred to committee on Corporations.

A BILL

To create section 959-17m of the statutes, relating to park districts within and about cities of the second and third classes. The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. There is added to the statutes a new section to
2 read: Section 959-17m. 1. Any city of the second or
3 third class, however organized, may by a majority vote of the
4 council create a park district which will comprise such
5 territory as is already included within the boundaries of
6 said city, and any other contiguous territory within the same
7 county, which may become annexed to such park district in
8 any one of the ways provided in subsection 2 of this section.
9 The board of park commissioners of such park district
10 provided for in subsection 3 of this section and their suc-
11 cessors in office, shall be a separate and distinct public cor-
12 poration, shall assume such official name as the council may
13 designate, and shall possess all the powers necessary or con-
14 venient to accomplish the objects and perform the duties

15 prescribed by law. If the territory within such a city is
16 created as such park district, and if within two years from
17 the date of its creation no contiguous territory has become
18 annexed, the council of such city may by a three-fourths
19 vote abolish such park district and such abolition shall act
20 as a dissolution of the corporation and the title to all property
21 of such corporation shall vest in such city which shall there-
22 after have full power to govern, manage, control, maintain
23 and improve the same.

24 2. Any territory contiguous to such park district may
25 become annexed to it for park, boulevard and pleasure drive
26 purposes in any one of the following ways:

27 (a) If a majority of the electors, and the owners of at
28 least one-third of the taxable property in the territory
29 proposed to be annexed, together petition the board of park
30 commissioners of such park district that such territory be
31 annexed, such board may annex such territory by a majority
32 vote of all its members.

33 (b) If there are no resident electors within the territory
34 proposed to be annexed, the board of park commissioners of
35 such park district may annex such territory upon the pre-
36 sentation of a petition from the owners of at least one-half of the
37 taxable property within such territory asking to be annexed.

38 (c) Upon the presentation of a petition from not less
39 than fifteen per cent of the electors in any contiguous

Ohio would omit

in area

real

Same as in (a)

real

area

40 territory definitely described, the board of park commis-
41 sioners of such park district may, at its own discretion and
42 upon such terms as it shall determine, order an election to
43 be held in such territory prosposed to be annexed at which
44 the question of annexation shall be submitted. The board
45 shall give notice of such election by publication of the peti-
46 tion and of the board's approval in some newspaper published
47 within the park district, once a week for four successive
48 weeks immediately preceding such election. The board of
49 park commissioners shall have authority to provide for the
50 necessary officers, ballots, polling places, and all other
51 things necessary in conducting an election for the sub-
52 mission of such question and for the canvass of returns
53 thereof. If annexation is approved by a majority of the
54 electors voting at such election the board of park commis-
55 sioners shall declare such territory to be a part of such park
56 district. Whenever a proposition to annex territory has
57 been submitted to an election and rejected, a similar pro-
58 position for the same territory may not be again submitted
59 within one year thereafter.

60 3. Whenever any such park district shall have been
61 established it shall be under the supervision of a board of
62 park commissioners. Such board shall consist of five
63 members, who shall be residents and electors in such park
64 district and who shall be appointed by the mayor and con-

65 firm'd by the council of the city which was created as such
66 park district. Whenever such park district shall include
67 territory outside the corporate limits of such city, with
68 resident electors therein, the mayor shall thereafter appoint
69 at least two members of said board who are residents and
70 electors in such territory outside the corporate limits of the
71 city. When a park district is created as provided in sub-
72 section 1 of this section, the first members of the board of
73 park commissioners shall be appointed for terms of one,
74 two, three, four and five years, respectively. Thereafter
75 when the term of any park commissioner shall expire, his
76 successor shall be appointed for a full term of five years.
77 Any vacancy in such board caused otherwise than by expira-
78 tion of term shall be filled by an appointment for the re-
79 mainder of such unexpired term.

80 4. The board of park commissioners shall annually elect
81 one of its members president, one treasurer, and a secretary
82 who may be elected from among the members of the board.
83 The treasurer shall execute and deliver a bond to the cor-
84 poration by its official name with sureties to be approved by
85 said board, in a sum equal to at least the amount of taxes
86 apportioned to the park district, conditioned for the faithful
87 performance of the duties of his office. Such commissioners
88 shall serve without compensation, but shall be reimbursed
89 for actual and necessary expenses incurred in the performance

*not less than
one nor more
than two*

90 of their duties. Three commissioners shall constitute a
 91 quorum for the transaction of business. The board may
 92 employ a secretary, a superintendent, and such other em-
 93 ployes as it may deem necessary, and fix their compensation.
 94 No member of the board of park commissioners shall be
 95 appointed to any such position except that of secretary.

no pay to secy.

96 5. It shall be the duty of the board of park commis-
 97 sioners, and it shall have power, jurisdiction and authority:

provided, that if any member of the b.d. be elected secy. he shall serve without compensation

98 (a) To adopt rules and by-laws for its organization and
 99 the regulation of its business.

100 (b) To receive from any person, or private or public
 101 corporation by gift, transfer, devise or in trust any money,
 102 property, land trust or right of way.

103 (c) To adopt rules, regulations and ordinances for the
 104 government, management, control and protection of all such
 105 parks, boulevards and pleasure drives ~~as it may receive or~~
 106 ~~buy or lease,~~ and to secure the quiet, orderly and suitable

over which its powers and jurisdiction extend under the provisions of this section

107 use and enjoyment thereof by the people, and to fix and
 108 ordain penalties for the violation thereof. Such ordinances
 109 shall take effect from and after the publication thereof in
 110 the official newspaper of said city, and the same shall be
 111 enforced by prosecution in the municipal or police courts of
 112 said city as in the case of other ordinances of said city.

113 The city attorney of said city shall have charge of all prose-
 114 cutions and shall prosecute all violations of such park ordin-

115 ances before the municipal or police courts of such city.
116 The clerk of such court shall receive all fines imposed by said
117 court for the violation of park ordinances, and shall keep full,
118 accurate and detailed account of the same, and shall, on
119 the first Monday of every month, deliver over to the treas-
120 urer of said board of park commissioners all moneys so
121 received, which moneys when so paid shall be used for the
122 purposes of said board. Any member of such board of
123 park commissioners or its superintendent, and such other
124 employes as it may designate in writing, shall have the
125 powers of police officers for the enforcement of all rules,
126 regulations and ordinances adopted by said board.

127 (d) To buy or lease lands for park, boulevard or pleasure
128 drive purposes within the county in which such park district
129 is situated, and to sell or exchange property no longer
130 required for its purposes.

131 (e) To acquire by condemnation any real estate within
132 that part of the park district within the city limits which it
133 shall be authorized to take for the purposes of its organ-
134 ization, in the same manner, so far as applicable, as is
135 provided in sections ~~1848 to 1856~~, inclusive, of the statutes.

136 (f) To have exclusive and absolute control and power to
137 plant, transplant, maintain, protect, and care for shade
138 trees in any of the public highways of said park district.

139 (g) Generally to govern, manage, control, maintain, and

*with the approval
of the council
of the city
constituted
the original
park district*

895 to 903

on p. 6

(f.) To charge and improve all parks, boulevards, or pleasure drives within the city limits, controlled by the board, at the expense of the real estate to be benefited thereby as hereinafter provided.

on p. 15.

This act shall not be construed to repeal sections 959-9 to 959-17, or sections 1787a to 1787o, inclusive, of the statutes.

on p. 15

All lands or personal property owned or held in trust by any such board of park commissioners shall be exempt from taxation.

Bill No. 413, S.

140 improve all parks, boulevards, pleasure drives, or other
141 property over which its powers and jurisdiction extend
142 under the provisions of this section, and to acquire and
143 maintain such equipment as may be necessary to properly
144 carry out these purposes.

145 (h) To publish an annual report of its accounts and
146 transactions. The books of the board of park commis-
147 sioners shall be public records open to inspection.

148 6. Any city, town or village lying in whole or in part
149 within such park district may transfer to the board of park
150 commissioners the control of any highway or open space
151 controlled by such city, town or village, upon such terms as
152 may be mutually agreed upon. Any such city, town or
153 village may enter into an agreement with the board of park
154 commissioners for the joint control of any parks, boulevards
155 or pleasure drives within the county. The board of park
156 commissioners may transfer to any such city, town or village,
157 by mutual agreement, the management and control of any
158 highway or open space controlled by the board. Any
159 public park corporation organized under the provisions of
160 sections 1787a to 1787o, inclusive, of the statutes, may
161 transfer to such board of park commissioners as trustee any
162 parks, boulevards or pleasure drives, or any gifts or grants
163 therefor, over which its powers and jurisdiction extend under
164 the provisions of said sections; any property so transferred

*Change
here
ABH*

*Change
here ABH*

*By unani-
mous vote
of vol. 2
directors*

165 shall be held by such board of park commissioners subject
166 to all the conditions and trusts under which it was held by
167 such public park corporation.

*is this
condemna
tion?*

168 7. (1) Whenever any change or improvement ^{*of parks, boulevards*} ~~of the~~
169 ~~acquiring of property~~ ^{*or pleasure drives*} within the city limits ~~for the purpose of~~
170 ~~this section~~, is proposed by the board of park commissioners
171 at the expense of the real estate to be benefited thereby,
172 it shall view the premises and determine the damages and
173 benefits which will accrue to each parcel of real estate by
174 such proposed change or improvement ~~or acquiring of~~
175 ~~property~~; the entire cost of the proposed change or improve-
176 ment ~~or acquiring of property~~, the benefits and damages
177 that will accrue to the several parcels of real estate thereby,
178 and the amount that should be assessed under the provisions
179 of this section to each parcel of such real estate as benefits
180 accruing thereto by such proposed change or improvement, ~~or~~
181 ~~acquiring of property~~. Said board shall make and file in
182 its office a report showing its determination on the questions
183 so required to be considered by it.

184 (2) Notice shall be given by the board of park com-
185 missioners that such report is open for review at its office and
186 will be so continued for the space of ten days after the date
187 of such notice and that on a day and hour named therein,
188 which shall be not more than three days after the expiration
189 of said ten days, said board will hear all objections that may

190 be made to such report. Such notice shall be published in
191 the official newspaper of the city at least once and copies of
192 such notice shall be posted at convenient places at intervals
193 of not more than five hundred feet along any highway
194 through or adjacent to the real estate so determined to be
195 affected by such proposed change or improvement, ~~or ac-~~
196 ~~quiring of property.~~ Such posted notices shall be printed
197 in type not smaller than pica. Such publication and
198 posting shall be made five days prior to the date of hearing
199 objections as aforesaid. No irregularity in the form of
200 such report, nor of said notice, shall affect its validity if it
201 fairly contains the information required to be conveyed
202 thereby. At the time specified for hearing objections to
203 said report, said board shall hear all parties interested, who
204 may appear for that purpose, reduce to writing all objections
205 that may be made and all evidence that may be offered to
206 sustain the same, and may review, modify and correct said
207 report as it deems just; and thereupon a complete and final
208 report and determination shall be made and filed by said
209 board in its office, together with all objections and evidence
210 taken before it to sustain the same and proof of publication
211 of said notice and an affidavit of the posting thereof as herein
212 specified, which affidavit shall be received in all cases as
213 presumptive evidence of the facts therein stated. No
214 irregularity in the form of said report or manner of conducting

215 the proceedings by said board, or in the proof of publication
216 or in the affidavit of posting, shall affect the legality of said
217 report, unless it shall appear that the owners of the property
218 affected by the proceedings were clearly misled by such
219 irregularity and have not had an opportunity to be heard.
220 At such hearing any member of the board may administer
221 oaths. Thereupon, when such final determination shall
222 have been reached by the said board it shall publish notice
223 in the official paper of the city once in each week for two
224 successive weeks that a final determination has been made
225 as to the benefits and damages that will accrue to the real
226 estate in the case of the proposed change or improvement ~~or~~
227 ~~acquiring of property~~, and of the benefits and damages to
228 be assessed to the real estate in the case of such proposed
229 change or improvement, ~~or acquiring of property.~~

230 (3) If the owner of any parcel of land mentioned in said
231 notice feels himself aggrieved by reason of the determination
232 made by the board of park commissioners, he may, within
233 twenty days after the date of such determination, appeal
234 therefrom to the circuit court, and such appeal shall be
235 taken, tried and determined and bonds for costs shall be
236 given and costs awarded in like manner as in cases of appeals
237 from the disallowance of claims under chapter 40a of the
238 statutes; provided, that in case any contract shall have
239 been made for making the proposed change or improvement,

240 ~~or for acquiring property,~~ said appeal shall not affect said
241 contract, but a certificate against the parcel of real estate in
242 question for the amount of benefits assessed to such parcel
243 shall be issued notwithstanding such appeal; and in case the
244 appellant shall succeed, the difference between the amount
245 charged in the certificate so issued and the amount adjudged
246 to be paid as benefits accruing to the parcel of real estate
247 described in such certificate shall be paid from the funds of
248 the park district. The appeal herein provided for from the
249 report of the board of park commissioners as finally con-
250 firmed by such board shall be the only remedy of the owner
251 of any parcel of land or of any person interested therein
252 affected by such change, or improvement ~~or acquiring of~~
253 ~~property~~ for the redress of any grievance he may have by
254 reason of the making of such change or improvement ~~or the~~
255 ~~acquiring of property~~ covered by said report.

256 (4) If in any action at law the court shall determine that
257 any special assessment as provided for in this section is
258 invalid for any cause, the board of park commissioners shall
259 proceed forthwith to make a new assessment of benefits and
260 damages against the property of the plaintiff as required
261 herein in the case of such original assessment, in accordance
262 with the provisions of section 1210e of the statutes, so far as
263 applicable.

264 8. It shall be the duty of the board of park commis-

265 sioners to receive and consider requests from property
 266 holders within the park district asking for the planting or
 267 alteration of shade trees or for any other improvement in
 268 the highway abutting the property of said property holders.
 269 If such improvement meets with the approval of the board,
 270 it may make such improvement in such manner and on such
 271 terms as it may agree upon with said property holders.

272 9. The board of park commissioners may incur indebted-
 273 ness for the purpose of acquiring, laying out, and improving
 274 parks, boulevards and pleasure drives, or lands for parks,
 275 boulevards, or pleasure drive purposes. ^{Such} ~~This~~ indebtedness
 276 shall ~~not~~ ^{at no time} exceed one-quarter of one per cent of the assessed
 277 valuation of the taxable property within the park district, ~~real estate~~
 278 ~~unless indebtedness in excess of said amount is approved by~~
 279 a three-fifths majority of the voters within such park district
 280 voting at an election ordered by the board of park com-
 281 missioners. Said election shall be conducted in the same
 282 manner as provided in subdivision (c) of subsection 2 of this
 283 section. In no case shall indebtedness exceed five per cent
 284 of the assessed valuation of taxable property within the park
 285 ~~district~~. All bonds issued by the board shall be made
 286 payable in not more than twenty years, and the board shall
 287 establish a sinking fund which shall secure the payment of
 288 such bonds at maturity. The board shall include in its
 289 annual tax estimate a sum sufficient to pay the interest on

~~make it longer~~

~~shd. bonds be. liens~~

~~is this limitation contrary to const.~~

290 such bonded debt and to maintain said sinking fund. All
291 bonds issued by said board shall be certified by the treasurer
292 of the city included within said park district before they are
293 delivered to the purchaser, and may be registered if the
294 board of park commissioners shall so direct.

295 10. The board of park commissioners shall, prior to the
296 first day of October in each year, make an estimate of the
297 expenses of said board for the ensuing year, including all
298 necessary incidental expenses, and the amount thereof which
299 it will be necessary to raise by taxation; such amount to be
300 raised by taxation shall not exceed one mill on the assessed
301 valuation of the taxable property within said park district.
302 The said board shall apportion such amount among the
303 cities, towns and villages, or parts of cities, towns, and
304 villages, which constitute such park district, according to the
305 assessed valuation of the taxable property within such park
306 district in said cities, towns and villages, or parts thereof.
307 Said board shall certify such apportioned amounts to the
308 respective city, town and village clerks, including in such
309 certificate any special assessment, as provided for in this
310 section, assessed against any property within any such city,
311 and said clerks shall thereupon carry out on the tax rolls of
312 such cities, towns, or villages, respectively, for such year, a
313 tax for the purposes of said park district on all taxable
314 property within that portion of their respective cities,

315 towns, or villages, within such park district and such tax so
316 carried out on such tax rolls is hereby declared duly levied
317 and a lien on such taxable property until paid the same as
318 other taxes, as provided by law. It shall be the duty of the
319 treasurers of such cities, towns, and villages to collect said
320 tax in the same manner as other taxes, and the said treas-
321 urers, respectively, shall pay over to the treasurer of said
322 board of park commissioners in each year within ten days
323 after the date fixed by law for the return of taxes as delin-
324 quent, the amount in full of taxes so carried out on said
325 rolls and assessed on said property in their respective cities,
326 towns, and villages for the purposes of such board of park
327 commissioners. If the taxes hereby provided for shall not
328 be collected by said treasurers they shall be returned as
329 delinquent taxes, and their collection shall be enforced in the
330 manner provided by law for collecting delinquent taxes;
331 when collected such delinquent taxes shall be paid over to
332 the treasurer of said board of park commissioners.

333 11. No city, town, or village, in connection with which
334 any such park, boulevard, or pleasure drive shall be main-
335 tained under the provisions of this section, shall be liable
336 for any damage resulting from any want of repair or in-
337 sufficiency in construction or maintenance of any parks,
338 boulevards or pleasure drives, nor shall any such board of
339 park commissioners or its officers, agents or servants, be

340 liable for any damage resulting from any want of repair or
341 insufficiency therein. There shall be placed at conspicuous
342 points within and upon such parks, boulevards, and pleasure
343 drives, outside of the city limits, at intervals of not exceeding
344 one mile, a notice in large plain letters as follows: "Any
345 person using this park (or boulevard, or drive, as the case
346 may be) does so at his own risk as to defects therein."

347 12. It shall be the duty of the treasurer of the board of
348 park commissioners to keep all moneys received or raised
349 in any way for the purposes of such board of park com-
350 missioners, and to pay out the same upon certified bill,
351 voucher or schedule signed by the president and secretary
352 of said board setting forth the names of the claimants, the
353 amounts of each claim and the purpose for which expended.
354 He shall preserve and invest such funds in such manner as
355 may be prescribed by the board.

Not repeal
Section 2. This act shall take effect upon passage and
2 publication.

315 towns, or villages, within such park district and such tax so
316 carried out on such tax rolls is hereby declared duly levied
317 and a lien on such taxable property until paid the same as
318 other taxes, as provided by law. It shall be the duty of the
319 treasurers of such cities, towns, and villages to collect said
320 tax in the same manner as other taxes, and the said treas-
321 urers, respectively, shall pay over to the treasurer of said
322 board of park commissioners in each year within ten days
323 after the date fixed by law for the return of taxes as delin-
324 quent, the amount in full of taxes so carried out on said
325 rolls and assessed on said property in their respective cities,
326 towns, and villages for the purposes of such board of park
327 commissioners. If the taxes hereby provided for shall not
328 be collected by said treasurers they shall be returned as
329 delinquent taxes, and their collection shall be enforced in the
330 manner provided by law for collecting delinquent taxes;
331 when collected such delinquent taxes shall be paid over to
332 the treasurer of said board of park commissioners.

333 11. No city, town, or village, in connection with which
334 any such park, boulevard, or pleasure drive shall be main-
335 tained under the provisions of this section, shall be liable
336 for any damage resulting from any want of repair or in-
337 sufficiency in construction or maintenance of any parks,
338 boulevards or pleasure drives, nor shall any such board of
339 park commissioners or its officers, agents or servants, be

340 liable for any damage resulting from any want of repair or
341 insufficiency therein. There shall be placed at conspicuous
342 points within and upon such parks, boulevards, and pleasure
343 drives, outside of the city limits, at intervals of not exceeding
344 one mile, a notice in large plain letters as follows: "Any
345 person using this park (or boulevard, or drive, as the case
346 may be) does so at his own risk as to defects therein."

347 12. It shall be the duty of the treasurer of the board of
348 park commissioners to keep all moneys received or raised
349 in any way for the purposes of such board of park com-
350 missioners, and to pay out the same upon certified bill,
351 voucher or schedule signed by the president and secretary
352 of said board setting forth the names of the claimants, the
353 amounts of each claim and the purpose for which expended.
354 He shall preserve and invest such funds in such manner as
355 may be prescribed by the board.

Not repeal
Section 2. This act shall take effect upon passage and
2 publication.

- ✓ Exempt land from taxation - see present law.
- ✓ Not to repeal present laws.
- ✓ Const. provisions as to condemnation for public purposes.

STATE OF WISCONSIN

IN SENATE

SUB. AMDT. NO. 1, S., TO BILL NO. 413, S.

April 29, 1915—Offered by COMMITTEE ON CORPORATIONS.

A BILL

To create section 959-17m of the statutes, relating to park districts within and about cities of the second and third classes. The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. There is added to the statutes a new section to read: Section 959-17m. 1. Any city of the second or third class, however organized, may by a majority vote of the council create a park district which will comprise such territory as is already included within the boundaries of said city, and any other contiguous territory within the same county, which may become annexed to such park district in any one of the ways provided in subsection 2 of this section. The board of park commissioners of such park district provided for in subsection 3 of this section, and their successors in office, shall be a separate and distinct public corporation, shall assume such official name as the council may designate, and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law.

15 2. Any territory contiguous to such park district may be
16 come annexed to it for park, boulevard and pleasure drive
17 purpose in any one of the following ways:

18 (a) If a majority of the electors, and the owners of at least
19 one-third in area of the taxable real property in the territory
20 proposed to be annexed, together petition the board of park
21 commissioners of such park district that such territory be
22 annexed, such board may annex such territory by a majority
23 vote of all its members.

24 (b) If there are no resident electors within the territory
25 proposed to be annexed, the board of park commissioners of
26 such park district may annex such territory upon the presen-
27 tation of a petition from the owners of at least one-half in
28 area of the taxable real property within such territory asking
29 to be annexed.

30 (c) Upon the presentation of a petition from not less than
31 fifteen per cent of the electors in any contiguous territory
32 definitely described, the board of park commissioners of such
33 park district may, at its own discretion and upon such terms
34 as it shall determine, order an election to be held in such ter-
35 ritory proposed to be annexed at which the question of annex-
36 ation shall be submitted. The board shall give notice of such
37 election by publication of the petition and of the board's
38 approval in some newspaper published within the park dis-
39 trict, once a week for four successive weeks immediately pre-

40 ceding such election. The board of park commissioners shall
41 have authority to provide for the necessary officers, ballots,
42 polling places, and all other things necessary in conducting
43 an election for the submission of such question and for the
44 canvass of returns thereof. If annexation is approved by a
45 majority of the electors voting at such election the board of
46 park commissioners shall declare such territory to be a part
47 of such park district. Whenever a proposition to annex terri-
48 tory has been submitted to an election and rejected, a similar
49 proposition for the same territory may not be again submitted
50 within one year thereafter.

51 3. Whenever any such park district shall have been estab-
52 lished it shall be under the supervision of a board of park
53 commissioners. Such board shall consist of five members, who
54 shall be residents and electors in such park district and who
55 shall be appointed by the mayor and confirmed by the council
56 of the city which was created as such park district. Whenever
57 such park district shall include territory outside the corporate
58 limits of such city, with resident electors therein, the mayor
59 shall thereafter appoint not less than one nor more than two
60 members of said board who are residents and electors in such
61 territory outside the corporate limits of the city. When a park
62 district is created as provided in subsection 1 of this section,
63 the first members of the board of park commissioners shall be
64 appointed for terms of one, two, three, four and five years,

65 respectively. Thereafter when the term of any park com-
66 missioner shall expire, his successor shall be appointed for a
67 full term of five years. Any vacancy in such board caused
68 otherwise than by expiration of term shall be filled by an
69 appointment for the remainder of such unexpired term.

70 4. The board of park commissioners shall annually elect
71 one of its members president, one treasurer, and a secretary
72 who may be elected from among the members of the board.
73 The treasurer shall execute and deliver a bond to the corpora-
74 tion by its official name with sureties to be approved by said
75 board, in a sum equal to at least the amount of taxes appor-
76 tioned to the park district, conditioned for the faithful per-
77 formance of the duties of his office. Such commissioners shall
78 serve without compensation, but shall be reimbursed for actual
79 and necessary expenses incurred in the performance of their
80 duties. Three commissioners shall constitute a quorum for
81 the transaction of business. The board may employ a secre-
82 tary, a superintendent, and such other employes as it may
83 deem necessary, and fix their compensation. No member of
84 the board of park commissioners shall be appointed to any
85 such position except that of secretary; provided, that if any
86 member of the board be elected secretary he shall serve with-
87 out compensation.

88 5. It shall be the duty of the board of park commissioners,
89 and it shall have power, jurisdiction and authority:

90 (a) To adopt rules and by-laws for its organization and
91 the regulation of its business.

92 (b) To receive from any person, or private or public cor-
93 poration by gift, transfer, devise or in trust any money,
94 property, land, trust or right of way.

95 (c) To adopt rules, regulations and ordinances for the
96 government, management, control and protection of all
97 parks, boulevards and pleasure drives over which its powers
98 and jurisdiction extend under the provisions of this section,
99 and to secure the quiet, orderly and suitable use and enjoy-
100 ment thereof by the people, and to fix and ordain penalties
101 for the violation thereof. Such ordinances shall take effect
102 from and after the publication thereof in the official news-
103 paper of said city, and the same shall be enforced by prose-
104 cution in the municipal or police courts of said city as in the
105 case of other ordinances of said city. The city attorney of
106 said city shall have charge of all prosecutions and shall prose-
107 cute all violations of such park ordinances before the muni-
108 cipal or police courts of such city. The clerk of such court
109 shall receive all fines imposed by said court for the violation
110 of park ordinances, and shall keep full, accurate and detailed
111 account of the same, and shall, on the first Monday of every
112 month, deliver over to the treasurer of said board of park
113 commissioners all moneys so received, which moneys when so
114 paid shall be used for the purposes of said board. Any mem-

115 ber of such board of park commissioners or its superintendent,
116 and such other employes as it may designate in writing, shall
117 have the powers of police officers for the enforcement of all
118 rules, regulations and ordinances adopted by said board.

119 (d) To buy or lease lands for park, boulevard or pleasure
120 drive purposes within the county in which such park district
121 is situated, and, with the approval of the council of the city
122 constituting the original park district, to sell or exchange
123 property no longer required for its purposes.

124 (e) To acquire by condemnation any real estate within
125 that part of the park district within the city limits which it
126 shall be authorized to take for the purposes of its organiza-
127 tion, in the same manner, so far as applicable, as is provided
128 in sections 895 to 903, inclusive, of the statutes.

129 (f) To change or improve all parks, boulevards or pleasure
130 drives within the city limits, controlled by the board, at the
131 expense of the real estate to be benefitted thereby, as herein-
132 after provided.

133 (g) To have exclusive and absolute control and power to
134 plant, transplant, maintain, protect, and care for shade trees
135 in any of the public highways of said park district.

136 (h) Generally to govern, manage, control, maintain, and
137 improve all parks, boulevards, pleasure drives, or other prop-
138 erty over which its powers and jurisdiction extend under the
139 provisions of this section, and to acquire and maintain such

140 equipment as may be necessary to properly carry out these
141 purposes.

142 (i) To publish an annual report of its accounts and trans-
143 actions. The books of the board of park commissioners shall
144 be public records open to inspection.

145 6. Any city, town or village lying in whole or in part
146 within such park district may transfer to the board of park
147 commissioners the control of any park, boulevard, pleasure
148 drive, or highway or any other open space controlled by such
149 city, town or village, upon such terms as may be mutually
150 agreed upon. Any such city, town or village may enter into
151 an agreement with the board of park commissioners for the
152 joint control of any parks, boulevards or pleasure drives with-
153 in the county. The board of park commissioners may
154 transfer to any such city, town or village, by mutual agree-
155 ment, the management and control of any park, boulevard,
156 pleasure drive, or highway or any other open space controlled
157 by the board. Any public park corporation organized under
158 the provisions of sections 1787a to 1787o, inclusive, of the
159 statutes, may by the unanimous vote of its board of directors,
160 transfer to such board of park commissioners as trustee any
161 parks, boulevards or pleasure drives, or any gifts or grants
162 therefor, over which its powers and jurisdiction extend under
163 the provisions of said sections; any property so transferred
164 shall be held by such board of park commissioners subject to

165 all the conditions and trusts under which it was held by such
166 public park corporation.

167 7. (1) Whenever any change or improvement of parks,
168 boulevards or pleasure drives within the city limits is pro-
169 posed by the board of park commissioners at the expense of
170 the real estate to be benefitted thereby, it shall view the
171 premises and determine the damages and benefits which will
172 accrue to each parcel of real estate by such proposed change
173 or improvement; the entire cost of the proposed change or
174 improvement, the benefits and damages that will accrue to
175 the several parcels of real estate thereby, and the amount
176 that should be assessed under the provisions of this section
177 to each parcel of such real estate as benefits accruing thereto
178 by such proposed change or improvement. Said board shall
179 make and file in its office a report showing its determination
180 on the questions so required to be considered by it.

181 (2) Notice shall be given by the board of park commis-
182 sioners that such report is open for review at its office and
183 will be so continued for the space of ten days after the date
184 of such notice and that on a day and hour named therein,
185 which shall be not more than three days after the expiration
186 of said ten days, said board will hear all objections that may
187 be made to such report. Such notice shall be published in the
188 official newspaper of the city at least once and copies of such
189 notice shall be posted at convenient places at intervals of

190 not more than five hundred feet along any highway through
191 or adjacent to the real estate so determined to be affected by
192 such proposed change or improvement. Such posted notices
193 shall be printed in type not smaller than pica. Such publica_
194 tion and posting shall be made five days prior to the date of
195 hearing objections as aforesaid. No irregularity in the form
196 of such report, nor of said notice, shall affect its validity if it
197 fairly contains the information required to be conveyed there-
198 by. At the time specified for hearing objections to said
199 report, said board shall hear all parties interested, who may
200 appear for that purpose, reduce to writing all objections that
201 may be made and all evidence that may be offered to sustain
202 the same, and may review, modify and correct said report as
203 it deems just; and thereupon a complete and final report and
204 determination shall be made and filed by said board in its
205 office, together with all objections and evidence taken before
206 it to sustain the same and proof of publication of said notice
207 and an affidavit of the posting thereof as herein specified,
208 which affidavit shall be received in all cases as presumptive
209 evidence of the facts therein stated. No irregularity in the
210 form of said report or manner of conducting the proceedings
211 by said board, or in the proof of publication or in the affidavit
212 of posting, shall affect the legality of said report, unless it
213 shall appear that the owners of the property affected by the
214 proceedings were clearly misled by such irregularity and have

215 not had an opportunity to be heard. At such hearing any
216 member of the board may administer oaths. Thereupon,
217 when such final determination shall have been reached by the
218 said board it shall publish notice in the official paper of the
219 city once in each week for two successive weeks that a final
220 determination has been made as to the benefits and damages
221 that will accrue to the real estate in the case of the pro-
222 posed change or improvement, and of the benefits and dam-
223 ages to be assessed to the real estate in the case of such
224 proposed change or improvement.

225 (3) If the owner of any parcel of land mentioned in said
226 notice feels himself aggrieved by reason of the determination
227 made by the board of park commissioners, he may, within
228 twenty days after the date of such determination, appeal
229 therefrom to the circuit court, and such appeal shall be
230 taken, tried and determined and bonds for costs shall be
231 given and costs awarded in like manner as in cases of appeals
232 from the disallowance of claims under chapter 40a of the
233 statutes; provided, that in case any contract shall have been
234 made for making the proposed change or improvements,
235 said appeal shall not affect said contract, but a certificate
236 against the parcel of real estate in question for the amount
237 of benefits assessed to such parcel shall be issued notwith-
238 standing such appeal; and in case the appellant shall suc-
239 ceed, the difference between the amount charged in the cer-

240 tificate so issued and the amount adjudged to be paid as
241 benefits accruing to the parcel of real estate described in such
242 certificate shall be paid from the funds of the park district.
243 The appeal herein provided for from the report of the board
244 of park commissioners as finally confirmed by such board
245 shall be the only remedy of the owner of any parcel of land
246 or of any person interested therein affected by such change
247 or improvement for the redress of any grievance he may have
248 by reason of the making of such change or improvement
249 covered by said report.

250 (4) If in any action at law the court shall determine that
251 any special assessment as provided for in this section is
252 invalid for any cause, the board of park commissioners shall
253 proceed forthwith to make a new assessment of benefits
254 and damages against the property of the plaintiff as required
255 herein in the case of such original assessment, in accordance
256 with the provisions of section 1210e of the statutes, so far as
257 applicable.

258 8. It shall be the duty of the board of park com-
259 missioners to receive and consider requests from property
260 holders within the park district asking for the planting or
261 alteration of shade trees or for any other improvement in the
262 highway abutting the property of said property holders. If
263 such improvement meets with the approval of the board, it
264 may make such improvement in such manner and on such

265 terms as it may agree upon with said property holders.

266 9. The board of park commissioners may incur indebted-
267 ness for the purpose of acquiring, laying out, and improving
268 parks, boulevards and pleasure drives, or lands for parks,
269 boulevards, or pleasure drive purposes. Such indebtedness
270 shall at no time exceed one-quarter of one per cent of the
271 assessed valuation of the taxable property within the park
272 district. All bonds issued by the board shall be made pay-
273 able in not more than twenty years, and the board shall es-
274 tablish a sinking fund which shall secure the payment of
275 such bonds at maturity. The board shall include in its annual
276 tax estimate a sum sufficient to pay the interest on such
277 bonded debt and to maintain said sinking fund. All bonds
278 issued by said board shall be certified by the treasurer of the
279 city included within said park district before they are de-
280 livered to the purchaser, and may be registered if the board
281 of park commissioners shall so direct.

282 10. The board of park commissioners shall, prior to the
283 first day of October in each year, make an estimate of the
284 expenses of said board for the ensuing year, including all
285 necessary incidental expenses, and the amount thereof which
286 it will be necessary to raise by taxation; such amount to be
287 raised by taxation shall not exceed one mill on the assessed
288 valuation of the taxable property within said park district.
289 The said board shall apportion such amount among the

290 cities, towns and villages, or parts of cities, towns, and
291 villages, which constitute such park district, according to the
292 assessed valuation of the taxable property within such park
293 district in said cities, towns and villages, or parts thereof.
294 Said board shall certify such apportioned amounts to the
295 respective city, town and village clerks, including in such
296 certificate any special assessment, as provided for in this
297 section, assessed against any property within any such city,
298 and said clerks shall thereupon carry out on the tax rolls of
299 such cities, towns, or villages, respectively, for such year, a
300 tax for the purposes of said park district on all taxable proper-
301 ty within that portion of their respective cities, towns or
302 villages within such park district and such tax so carried
303 out on such tax rolls is hereby declared duly levied and a
304 lien on such taxable property until paid the same as other
305 taxes, as provided by law. It shall be the duty of the treas-
306 urers of such cities, towns and villages to collect said tax
307 in the same manner as other taxes, and the said treasurers,
308 respectively, shall pay over to the treasurer of said board of
309 park commissioners in each year within ten days after the
310 date fixed by law for the return of taxes as delinquent, the
311 amount in full of taxes so carried out on said rolls and assessed
312 on said property in their respective cities, towns and villages
313 for the purposes of such board of park commissioners. If
314 the taxes hereby provided for shall not be collected by said

315 treasurers, they shall be returned as delinquent taxes, and
316 their collection shall be enforced in the manner provided by
317 law for collecting delinquent taxes; when collected such
318 delinquent taxes shall be paid over to the treasurer of said
319 board of park commissioners.

320 11. No city, town or village, in connection with which
321 any such park, boulevard, or pleasure drive shall be main-
322 tained under the provisions of this section, shall be liable for
323 any damage resulting from any want of repair or insufficiency
324 in construction or maintenance of any parks, boulevards or
325 pleasure drives, nor shall any such board of park commis-
326 sioners or its officers, agents or servants, be liable for any
327 damage resulting from any want of repair or insufficiency
328 therein. There shall be placed at conspicuous points within
329 and upon such parks, boulevards and pleasure drives, out-
330 side of the city limits, at intervals of not exceeding one
331 mile, a notice in large plain letters as follows: "Any person
332 using this park (or boulevard, or drive, as the case may be)
333 does so at his own risk as to defects therein."

334 12. It shall be the duty of the treasurer of the board of
335 park commissioners to keep all moneys received or raised in
336 any way for the purposes of such board of park commis-
337 sioners, and to pay out the same upon certified bill, voucher or
338 schedule signed by the president and secretary of said board
339 setting forth the names of the claimants, the amounts of

340 each claim and the purpose for which expended. He shall
341 persevere and invest such funds in such manner as may be
342 prescribed by the board.

343 13. All lands or personal property owned or held in trust
344 by any such board of park commissioners shall be exempt
345 from taxation.

Section 2. This act shall not be construed to repeal sections
2 959-9 to 959-17, inclusive, or sections 1787a to 1787o, inclusive,
3 of the statutes.

Section 3. This act shall take effect upon passage and
2 publication.

1/4
A Bill

To create section _____, of the statutes, relating to park districts within and about cities of the second and third classes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:-

Section 1. There is added to the statutes a new section to read: ~~as follows~~. Section

_____. 1. Any city of the second or third class, ^{however organized,} may by a majority vote of the ~~council~~ council create a park district which will comprise such territory as is already included

2/ within the boundaries of said city, and
any ^{other} contiguous territory within the same
county, which may become annexed to such
park district in any one of the ways pro-
vided in subsection 2. ^(Board of Parks) The commissioners
of such park district provided for in sub-
section 3 and their successors in office, shall
be a separate and distinct public corpora-
tion, shall assume such official name as
the ~~common~~ council may designate, and
shall possess all the powers necessary or
convenient to accomplish the objects and
perform the duties prescribed by law. If the
territory within such a city is created as

3/ such park district, and if within two years from the date of its creation no contiguous territory has become annexed, the ~~council~~ council of such city may by a three-fourths vote abolish such park district and such abolition shall act as a dissolution of the corporation and the title to all property of such corporation shall vest in such city which shall thereafter have full power to govern, manage, control, maintain and improve the same.

2. Any territory contiguous (etc. - copy here section 2 of latest draft from middle p. 1 to bottom p. 2.)

4./ 3. Whenever any such park district shall have been established it shall be under the supervision of a board of park commissioners. Such board shall consist of five members, who shall be residents and electors in such park district and who shall be appointed by the mayor of the city which was created as such park district. Whenever such park district shall include territory outside the corporate limits of such city, ~~and~~ with resident electors therein, the mayor shall thereafter appoint at least two members of said board who are residents and electors in such territory outside the corporate limits of the city.

5/ When a park district is created as provided in subsection 1, the first members of the board of park commissioners shall be appointed for terms of one, two, three, four and five years, respectively. Thereafter when the term of any park commissioner shall expire, his successor shall be appointed for a full term of five years. Any vacancy in such board caused otherwise than by expiration of term shall be filled by an appointment for the remainder of such unexpired term.

4. The board of park commissioners shall annually elect one of its members president,

one treasurer, and a secretary from among the members of the board or otherwise. The treasurer shall execute to the corporation by its official name and deliver to it a bond, with sureties to be approved by said board, in a sum equal to at least the amount of taxes apportioned to the park district, conditioned for the faithful performance of the duties of his office. Such commissioners shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Three commissioners shall constitute a quorum for the transaction

7/ of business. The board may employ a secretary, a superintendent, and such other employes as it may deem necessary, and fix their compensation; ~~no~~ member of the board of park commissioners shall be appointed to any such position except that of secretary.

5. It shall be the duty of the board of park commissioners, and it shall have power, jurisdiction and authority:

(a.) To adopt rules and by-laws for its organization and the regulation of its business.

(b.) To receive from any person, or private or public corporation the gift or transfer

8./
of any money, property, land, trust, or
right-of-way, as a gift or in trust.

(C.) To adopt rules, regulations and
ordinances for the government, manage-
ment, control and protection of all such
parks, ^{boulevards} ~~boulevards~~ and pleasure drives
as it may receive or buy or lease, and
to secure the quiet, orderly and suitable
use and enjoyment thereof by the people,
and to fix and ordain penalties for the
violation thereof. Such ordinances shall
take effect from and after the publication
thereof in the official newspaper of said
city, and the same shall be enforced by

9. / prosecution in the municipal or police courts of said city as in the case of other ordinances of said city. The city attorney of said city shall have charge of all prosecutions and shall prosecute all violations of such park ordinances before the municipal or police courts of such city. The clerk of such court shall receive all fines ~~and penalties~~ imposed by said court for the violation of park ordinances, and shall keep full, accurate and detailed account of the same, and shall, on the first Monday of every month, deliver over to the treasurer of said board of park commissioners all moneys so received, which

10/ moneys when so paid shall be used for the purposes of said board. Any member of such board of park commissioners or its superintendent, and such other employees as it may designate in writing, shall have the powers of police officers for the enforcement of all rules, regulations and ordinances adopted by said board.

(d) To buy or lease lands for park, ^{boulevard} or pleasure drive purposes within the county in which such park district is situated, and to sell or exchange property no longer required for its purposes.

(e) To acquire by condemnation any

11/
real estate within the park district which it shall be authorized to take for the purposes of its organization, in the manner, so far as applicable, provided in sections 1846 to 1856, inclusive, of the statutes.

(f.) To have exclusive and absolute control and power to plant, transplant, maintain, protect, and care for shade trees in any of the public highways of said park district.

(g.) Generally to govern, manage, control, maintain, and improve all parks, ^{boulevards,} pleasure drives, or other property over which its powers and jurisdiction extend under the provisions of this section, and to acquire and maintain

12/ such equipment as may be necessary to properly carry out these purposes.

(b.) To publish an annual report of its accounts and transactions. The books of the board of park commissioners shall be public records open to inspection.

6. Any city, town, or village lying in whole or in part within such park district may transfer to the board of park commissioners the control of any highway or open space controlled by such city, town or village, upon such terms as may be mutually agreed upon. ~~Such~~ ^{such} city, town or village may

13/ enter into an agreement with the board
of park commissioners for the joint control
of ^{any} parks, ^{boulevards} or pleasure drives within the county.
The board of park commissioners may transfer
to any such city, town or village, by mutual
agreement, the management and control
of any highway or open space controlled
by the board. Any public park corporation
organized under the provisions of sections
1787a to 1787o, inclusive, of the statutes,
may transfer to such board of park com-
missioners as trustee any parks, ^{boulevards} or pleasure
drives, or any gifts or grants therefor ~~over~~ over

14/ which its powers and jurisdiction extend under the provisions of said sections; any property so transferred shall be held by such board of park commissioners subject to all the conditions and trusts under which it was held by such public park corporation.

7. (1) Whenever any ^{change or} improvement is proposed by the board of park commissioners at the expense of the real estate to be benefited thereby, it shall view the premises and determine the damages and benefits which will accrue to each parcel of real estate by such proposed ^{change or} improvement; the entire cost of the proposed change or

15. improvement, the benefits and damages that will accrue to the several parcels of real estate thereby, and the amount that should be assessed under the provisions of this section to each parcel of ~~such~~ real estate as benefits accruing thereto by such proposed change or improvement. Said board shall make and file in ~~their~~ its office a report showing ~~their~~ ^{its} determination on the questions so required to be considered by ~~them~~ it.

(2.) Notice shall be given by the board of park commissioners that such report is open for review at ~~their~~ ^{its} office and

16.) will be so continued for the space of ten days after the date of such notice and that on a day ^{and hour} named therein, which shall be not more than three days after the expiration of said ten days, said board will ~~be in session~~ ~~to~~ hear all objections that may be made to such report. Such notice shall be published in the official newspaper of the city at least once and copies of such notice shall be posted at convenient places at intervals of not more than five hundred feet ^{along any highway through or} adjacent to the real estate so determined to be affected by such

17.

proposed change or improvement. Such posted notices shall be printed in type not smaller than pica. Such publication and posting shall be made five days prior to the date of hearing objections as aforesaid. No irregularity in the form of such report, nor of said notice, shall affect its validity if it fairly contains the information required to be conveyed thereby. At the time specified for hearing objections to said report, said board shall hear all parties interested, who may appear for that purpose, reduce to writing all objections that may be made and all evidence that may be offered to sustain the same.

18/ and may review, modify and correct
said report as ~~they~~^{it} deems just; and
thereupon a complete and final report and
shall be made and filed by said
board in its office, together with all
objections and evidence taken before it
~~to~~ to sustain the same and proof
of publication of said notice and an
affidavit of the posting thereof as ~~above~~
herein specified, which affidavit shall
be received in all cases as presumptive
evidence of the facts therein stated. No
irregularity in the form of said report or
manner of conducting the proceedings by

and determination

19./ said board, or in the proof of publication
or in the affidavit of posting, shall affect
the legality of said report, unless it shall
appear that the owners of the property
affected by the proceedings were clearly
misled by such irregularity and have
not had an opportunity to be heard. At
such hearing any member of the board
may administer oaths [as may be
necessary in conducting it]. Thereupon, when
such final determination shall have been
reached by the said board ~~and filed in~~
~~its office~~ it shall publish notice in the
official paper of the city once in each
week for two successive weeks that a final

20/ determination has been made as to the benefits and damages that will accrue to the real estate in the case of the proposed change or improvement, and of the benefits and damages to be assessed to the real estate in the case of such proposed change or improvement.

(3.) If the owner of any parcel of land mentioned in said notice feels himself aggrieved by reason of the determination made by the board of park commissioners he may, within twenty days after the date of such determination, appeal therefrom to the circuit court, and such appeal shall be taken, tried

21/ and determined and bonds for costs shall be given and costs awarded in like manner as in cases of appeals from the disallowance of claims under chapter 40a, of the statutes; provided, that in case any contract shall have been made for making the proposed changes or improvements said appeal shall not affect said contract, but a certificate against the parcel of real estate in question for the amount of benefits assessed to such ~~lot~~^{parcel} shall be issued notwithstanding such appeal; and in case the appellant shall succeed the difference between the amount charged in the certificate so issued

22.

and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate shall be paid from the funds of the park district. The appeal herein provided for from the report of the board of park commissioners as finally confirmed by such board shall be the only remedy of the owner of any parcel of land or of any person interested therein affected by such change or improvement for the redress of any grievance he may have by reason of the making of such change or improvement covered by said report.

23./ (4.) If in any action at law the court shall determine that any special assessment as provided for in this section is invalid for any cause, the board of park commissioners shall proceed forthwith to make a new assessment of benefits and damages against the property of the plaintiff as required herein in the case of such original assessment, in accordance with the provisions of section 1210E, of the statutes, so far as ~~the same~~ applicable.

24.

8. It shall be the duty (etc, copy here section 8 of last draft, at bottom p. 6 and top P. 7.)

9. The board of park commissioners ~~shall~~ may incur indebtedness for the purpose of acquiring, laying out, and improving parks, boulevards and pleasure drives, or lands for park, boulevard or pleasure drive purposes. This indebtedness shall not exceed one-quarter of one per cent of the assessed valuation of the taxable property within the park district, unless indebtedness in excess of said amount is approved by a

25. / three-fifths majority of the voters within such park district voting at an election ordered by the board of park commissioners. Said election shall be conducted in the same manner as provided in subdivision (c.) of subsection 2 of this section. In no case shall indebtedness exceed five per cent of the ^{assessed} valuation of taxable property within the park district. All bonds issued by the board shall be made payable in not more than twenty years, and the board shall establish a sinking fund which shall secure the payment of such bonds, ~~with~~ ~~interest,~~ at maturity. The board shall include

26. / in its annual tax estimate a sum sufficient to pay the interest on such bonded debt and to maintain said sinking fund. All bonds issued by said board shall be certified by the treasurer of the city included within said park district before they are delivered to the purchaser, and may be registered if the board of park commissioners shall so direct.

10. The board of park commissioners shall, prior to the first day of October in each year, make an estimate of the expenses of said board for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary

27. to raise by taxation; such amount to be raised by taxation shall not exceed one mill on the assessed valuation of the taxable property within said park district. The said board shall apportion such amount among the cities, towns, ~~and~~ villages, or parts of cities, towns, and villages, which constitute such park district, according to the assessed valuation of the taxable property within such park district in said cities, towns, and villages, or parts thereof. Said board shall certify such apportioned amounts to the respective, city, town, and village clerks, including

28. in such certificate any special assessment, as ~~herein~~ provided for in this section, assessed against any property within any such city, town, or village, and ~~it~~ said clerks shall thereupon carry out on the tax rolls of such cities, towns, or villages, respectively, for such year, a tax for the purposes of said park district on all taxable property within that portion of their respective cities, towns, or villages, within such park district, and such tax so carried out on such tax rolls is hereby declared duly levied and a lien on such taxable property until paid the same as other taxes as provided by law.

29./ It shall be the duty of the treasurers of such cities, towns, and villages to collect said tax in the same manner as other taxes, and the said treasurers, respectively, shall pay over ~~in each year~~ to the treasurer of said board of park commissioners in each year within ten days after the date fixed by law for the return of taxes as delinquent, the amount in full of taxes so carried out on said rolls and assessed on said property in their respective cities, towns, and villages for the purposes of such board of park commissioners. If the taxes hereby provided for shall not be collected by said treasurers they shall be

30. returned with and as delinquent taxes, and their collection shall be enforced in the manner ~~now~~ provided by law for collecting delinquent taxes; when collected such delinquent taxes shall be paid over to the treasurer of said board of park commissioners.

11. No city, town, or village, in connection with which any such park, boulevard, or pleasure drive shall be maintained under the provisions of this section shall be liable for any damage resulting from any want of repair or insufficiency ~~of~~ in construction or maintenance of any parks, boulevards or pleasure drives, nor shall any such board of park commissioners,

31. / 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 within and upon such parks, boulevards, and pleasure drives, outside the city limits, at intervals of not exceeding one mile, a notice in large plain letters as follows: "Any person using this park [or boulevard, or ~~pleasure~~ drive, as the case may be] does so at his own risk as to defects therein."

12. It shall be the duty (etc. here copy section 11 - last page of former draft.)

32.

Section 2. This act shall take effect upon passage and publication.

4.

Ordinances - Minn. p. 15

(3) such other employees as designate
in writing.

→ Copy Minn. provision for rules and
ordinances.

§ 10 of the bill as to liability?

When collected ⁸⁸⁵¹⁰ said delinquent taxes shall be
paid over to the treasurer of said board.

3/

§ 4. The bd. of pk. cours. shall annually elect one
of its members president, one treasurer, and a
secretary from among the members of the board
or otherwise.

execute and deliver to the corporation by name

3/ term of five years. Any vacancy in such board caused otherwise than by expiration of term shall be filled by an appointment for the remainder of such unexpired term.

with resident electors
therein 3/

and who shall be appointed by the mayor of the city which was created as such park district. Whenever such park district shall include territory outside the corporate limits of such city, the mayor shall thereafter appoint at least two members of said board who are residents and electors in such territory outside the corporate limits of the city.

When ~~such~~ a metropolitan park district is created as provided in section, the first members of the board of park commissioners shall be appointed for terms of one, two, three, four, and five years, respectively. Thereafter when the term of any park commissioner shall expire his successor shall be appointed for a full

1/
~~and all property of every kind~~
and such city shall succeed to all ~~the rights, powers,~~
~~duties and obligations~~ of such board of park com-
missioners.

and the title to all property of such bd. of park
comrs. shall vest in such city which shall thereafter
have power to govern, manage, control, maintain
and improve the same.

determine benefits

file determination open to
inspection.

give notice of public hearing,
assess, with modifications.
appeal to circuit court.

If not proper assessment (as
- 1210 d) then re-assess as
in 1210 e

178-180 then 184

Park Administration

- ① Offices or headquarters
- ② section 5, sub-section (2). alternative terms for receipt of properties as outlined section 3 in present law.
- ③ refer to section 5 of present law with regard to limitation of trust.
- ④ refer to section 6 of present law — transfer of parks ^{from city} to care of park board.
- ⑤ police power of the city within such parks.
- ⑥ liability of city or park board for damages.

Court. instructed to consider
matter of adequate supervision.
Consider matter of continuing
present organization in
addition. Maintain good
features of present plan and
get bring in governmental
power.

Bd - elected or appointed.

Area taxed.

Local assessments for
special benefits.

Adequate supervision of work.

Three main plans for continuance

1. Should Ass'n. re-organize on definite membership basis, flat rate. Plan of admin. like State Hist. Soc.

2. City park board - present statute broad.

3. Any change substituting a new body depends upon obligations of Ass'n. If possible & thought desirable, procedure might be creation of a park district, at first city area & later extended perhaps by petition.

Warner
Hoyt
Utter
Brown
Mantz

Lester
Swanson
Prien

Spears

Information
on
Legislation
Elsewhere

August 13, 1914.

Mass. State Branch, American Federation
of Labor,
BOSTON, Mass.

Gentlemen:-

We are interested in the work
of the Metropolitan Park Commission of Massa-
chusetts, and have noted House bill No.422 of
January 1913, as presented by you.

We should appreciate any informa-
tion you might give us to the reasons for your
petition for the abolition of this commission.

Yours sincerely,

August 13, 1914.

Mr. Charles Bolden,
State Library,
Boston, Mass.

Dear Sir:-

We should like to get information with regard to bill No.422 of the House, Jan.1913, providing for the abolition of the Metropolitan Park Commission.

Any information you could give with regard to the reasons for bringing in this bill, debate on it, and what came of it, would be much appreciated.

Yours sincerely,



STATE LIBRARY OF MASSACHUSETTS
STATE HOUSE, BOSTON

19 August, 1914.

Mr. C. K. Merison,
Free Library Commission,
Legislative Reference Instruction,
Madison, Wis.

Dear Sir:-

In reply to your request of the 13th instant for information in regard to bill No. 422 of the House, Jan. 1914, providing for the abolition of the Metropolitan Park Commission, I have sent you under separate cover printed matter which I hope will be of service in the matter.

Very truly yours,

Charles Belden
State Librarian. (f)

EDWARD S. ALDEN, PRESIDENT
189 HIGH STREET, HOLYOKE

VICE-PRESIDENTS
JOHN J. KEARNEY
63 SHAWMUT AVE., BOSTON
GEORGE H. MILLER
63 KING ST., WORCESTER
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44 I STREET, SOUTH BOSTON
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2 GILMAN PLACE HAVERHILL
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542 SPRINGFIELD ST., CHICOPEE
MARTIN T. JOYCE
SECRETARY-TREASURER
427 OLD SOUTH BLDG., BOSTON

Massachusetts State Branch American Federation of Labor

OFFICE OF SECRETARY-TREASURER



HEADQUARTERS
427 OLD SOUTH
BUILDING
294 WASHINGTON
STREET
BOSTON, MASS.
TELEPHONE
1793 FORT HILL

MAILED 25

BOSTON, MASSACHUSETTS

August 19, 1914

Mr. C. K. Morison,
Wisconsin Library Commission,
Madison, Wisconsin.

Dear Sir:

Yours of August 13th relative to House Bill 422 calling for the abolition of the Metropolitan Park Commission of Massachusetts received.

In answer to your query would say: our object in presenting the petition we did to the Massachusetts Legislature was because we felt that several men were suspended in violation of the Civil Service rules, and non-citizens were kept at work. Also we further felt in purchasing material money was being wasted, and that the makeup of the Commission was opposed to the wage earner; furthermore, they absolutely refused to give hearings as to the cause of the suspension of the above mentioned men, at a time when we felt we had good grounds to prove that employees working from four to eleven years respectively in the department with no complaint against their work, should at least be given a hearing to state their side of the case.

The Commission felt that we had no right to question

2 C.K.M.

the suspension of these men or the action of their superintendent as they were bigger than all the people of Massachusetts and it was impossible for them to commit a wrong.

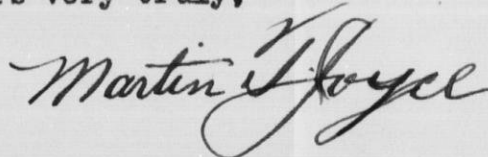
We have since then presented the entire matter to the Governor of this Commonwealth and up to the present time we have not heard the results of his investigation.

This organization feels that persons who are on Commissions are at least servants of the people and that the Wage earner should have given some redress.

When we put in petition, we did not feel that the legislature would abolish the commission but it gave us a golden opportunity to show to the legislators and the public the methods used by the Metropolitan Park Commission.

Trusting this is the information desired, I am,

Yours very truly,

A handwritten signature in cursive script that reads "Martin Joyce". The signature is written in dark ink and is positioned above the typed name.

Secretary-Treasurer

August 25, 1914.

Mr. John A. Lapp,

Bureau of Legislative Information,

State House,

Indianapolis, Indiana.

Dear Sir:-

Will you kindly let us know whether Indianapolis or other cities or municipalities in the state are organized into sanitary districts under the law passed in 1913?

Any descriptive pamphlets on such or similar metropolitan districts would be appreciated.

Yours very truly,

Bureau of Legislative Information

Board

S. M. FALSTON GOVERNOR
W. L. BRYAN, PRES. INDIANA UNIVERSITY
W. E. STONE, PRES. PURDUE UNIVERSITY
D. C. BROWN STATE LIBRARIAN
EVANS WOOLLEN INDIANAPOLIS

STATE HOUSE, INDIANAPOLIS, IND.

JOHN A. LAPP,
DIRECTOR

August 29, 1914.

Mr. C. K. Morrison,
Legislative Reference Department,
State House,
Madison, Wisconsin.

Dear Sir:-

As yet no cities or districts in this State have been organized under the provisions of the Sanitary law passed in 1913. We have no other metropolitan districts in this State although a proposal was made at the last session to establish a port district at Evansville.

Recently, my assistant, Mr. Charles Kettleborough, prepared an article for the Department of Legislation of the American Political Science Review, a brief review of the development of metropolitan districts in the United States for the last few years. This will appear in the November issue of the Review but if it will be of interest to you, I can furnish you a typewritten copy.

Yours very truly,

John A. Lapp
Director.

M.

September 1, 1914.

Mr. John A. Lapp,
Bureau of Legislative Information,
State House,
Indianapolis, Ind.

Dear Sir:-

The article which Mr. Kettleborough
is preparing on the development of metropolitan
districts will be of great use to us. As the November
issue of the Review will be too late, ^{we} ~~we~~ shall be very
glad to receive a typewritten copy, as you suggest.

Yours very truly,

Bureau of Legislative Information

Board

S. M. RALSTON . . . GOVERNOR
W. L. BRYAN, PRES. INDIANA UNIVERSITY
W. E. STONE, PRES. PURDUE UNIVERSITY
D. C. BROWN . . . STATE LIBRARIAN
EVANS WOOLLEN . . . INDIANAPOLIS

STATE HOUSE, INDIANAPOLIS, IND.

JOHN A. LAPP,
DIRECTOR

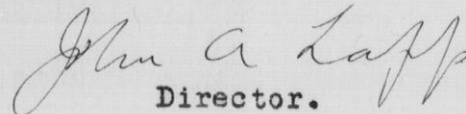
Sept. 3, 1914.

Mr. C. K. Morrison,
Legislative Reference Department,
Madison,
Wisconsin.

Dear Mr. Morrison:-

I am enclosing a copy of Mr. Kettleborough's article on the Development of Special Municipal Districts. This is the only copy we have and I would like for you to return it as soon as you are through with it.

Yours very truly,


Director.

M.

August 25, 1914.

Mr. Frederick Rex,
Municipal Reference Library,
City Hall,
Chicago, Illinois.

Dear Sir:-

Will you kindly give us a citation to the law under which the Chicago sanitary district is organized?

Could you give us any description of the general system or a report, in pamphlet form? Any general information as to this or similar metropolitan districts would be appreciated.

Yours sincerely,

Chicago, Sept. 1, 1914.

Mr. C. K. Morison,
Legislative Reference Librarian,
Madison, Wisconsin.

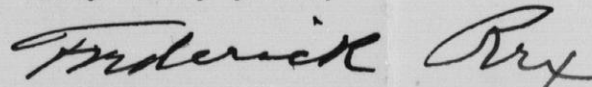
Dear Sir:-

In reply to your letter of the 25th inst. we are sending you under separate cover a copy of the report issued by the Chicago Bureau of Public Efficiency on the Nineteen Local Governments in Chicago, showing the multiplicity of overlapping taxing bodies with many elective officials.

On pages 21-24 of this report you will find a description of the functions and government of the Sanitary District of Chicago.

Hoping this will give you the information you desire, we remain,

Very truly yours,



Municipal Reference Librarian.

August 26, 1914.

Mr. Richard J. Watrous,
Sec'y American Civic Association,
Washington, D. C.

Dear Sir:-

We are anxious to get all the information you can give us with regard to administration of parks through metropolitan areas as distinct from parks confined to strict corporate areas.

The points of particular interest are the method of administration and the distribution of support through taxes.

Yours very truly,

Monison

September 23, 1914.

Mr. Charles Belden,
State Librarian,
Boston, Massachusetts.

My dear Belden:-

House Bill No. 420, 1914, is a resolve to provide for an investigation as to a metropolitan police district under metropolitan fire district.

Will you please let me know whether this resolve went through and whether there are available any hearings or other information as to arguments for or against the proposed plan?

Yours very truly,



STATE LIBRARY OF MASSACHUSETTS
STATE HOUSE, BOSTON

25 September, 1914.

Clarence B. Lester, Esq.,
Department of Legislative Reference Instruction,
Free Library Commission,
Madison, Wis.

My dear Mr. Lester:-

In reply to your inquiry of the
23d instant, House Bill No. 420, 1914, was reported
leave to withdraw on Feb. 27, 1914, the committee's
report being accepted on Mar. 6, 1914.

I do not know of any available material
giving information either pro or con the proposed resolve,
but would suggest, should you care to look further into the
subject, that you write Representative Benjamin F. Haines,
18 Tremont Street, Boston, a petitioner for the bill and
the member most likely to be able to enlighten you in the
matter.

Sincerely yours,

Charles Belden
State Librarian. (f)

STATE OF MINNESOTA



House of Representatives

39TH SESSION

THIRTY-THIRD DISTRICT
JOHN A. LARIMORE,
Minneapolis, Minnesota,
Hennepin County.

St. Paul, Minnesota,

Feb. 8, 1915.

Miss Mary Moran,
Secr'y to Charles McCarthy,
Wisconsin Free Library Commission,
Madison, Wisconsin.

Dear Madam:

I am in receipt of your favor of the 3rd inst.
Replying to your inquiry, I would say that I herewith
enclose you copies of the bill as per your request.

Yours very truly,

J. A. Larimore
Chairman, Judiciary Committee.

PARK BILLS INTRODUCED

MEASURES WOULD ENLARGE
POWERS OF BOARD AND IN-
CREASE TX LEVY.

A small bundle of Minneapolis park board bills was introduced in the house today by Representative John A. Larimore and referred to the tricounty delegation. One measure authorizes an issue of \$250,000 in bonds, to bear 4 per cent interest, and not to be sold at less than 95. Another gives the park board police power over property acquired for park purposes outside the city limits. A tax of one-fourth of a mill is asked to purchase and maintain playgrounds and a tax of one-eighth of a mill for planting and caring for shade trees. To enable the board to get cash discounts on small bills, an amendment is proposed to the 1913 law giving the city council authority to pay such accounts promptly, so as to include the park board, and creating a revolving fund of \$1,000 for the purpose. Authority to assess the cost of sprinkling and oiling parkways upon owners of abutting property is granted by another bill. Representative Paul W. Guilford today introduced a bill to prohibit playing of tennis, baseball or any like game on a public playground within 125 feet of a residence.

A BILL

FOR AN ACT RELATING TO CITIES OF THE FIRST CLASS AND THE GOVERNMENT OF PARKS AND PARKWAYS HERETOFORE ESTABLISHED BY SUCH CITIES WITHIN OR WITHOUT THE CORPORATE LIMITS AND THE REGULATION OF THE USE OF NAVIGABLE LAKES BOUNDED BY SUCH PARKS OR PARKWAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. The Board of Park Commissioners of each city of the first class not organized under Section 36, Article 4 of the State Constitution, shall have power to regulate the use of parks and parkways heretofore actually acquired in the name of the city whether within or without the corporate boundaries, and may adopt ordinances to secure the quiet, orderly and suitable use and enjoyment of such parks and parkways by the people and fix and ordain penalties for the violation thereof, which ordinances shall take effect from and after the publication thereof in the official newspaper of the city. The penalties for such violation may include fines not exceeding one hundred dollars (\$100) or confinement in the city workhouse not exceeding ninety (90) days.

Section 2. Whenever such parks or parkways, or both, embrace the major part of the shore of any navigable lake, the Board of Park Commissioners may regulate the use of the waters of such lake, and for that purpose adopt ordinances and prescribe penalties for the violation as provided in Section 1.

① City Park Commissioners (other than 1st class) ^{Statute} ~~Seco.~~ 13, § 553-3 seq.

Council may establish a board of park commissioners, and upon a majority vote of the members - elect receive by purchase or gift for the use of the city lands for parks, boulevards, pleasure drives, cemeteries, drainage, sewerage or garbage grounds within or without the city limits and may exercise police supervision over the same. The city may also receive by gift, grant or devise and hold in trust for the people of the city both real and personal property, and apply the principal or income thereof, according to the terms of the gift, grant or devise, to the purchase of lands for parks, boulevards and pleasure drives situated within the county where the city is located or to the maintenance and improvement thereof.

City shall not be liable for any damage resulting from insufficiencies in construction of parks, boulevards or pleasure drives owned by the city outside the city limits.

Appointment of park commissioners (after ~~the~~ board is established by an ordinance of the council) within 10 days after establishment of board, by mayor, 5 freeholders of the city for term of 1, 2, 3, 4, 5 yrs. respectively. Annual ~~at~~ appointment and retirement of one.

Organization of board within 5 or 10 days after appointment. Choose a president from amongst members for 1 year. Elect a yearly secretary who must serve without salary unless such salary is authorized by the council. Sec'y to be bonded. ~~by~~ Annual meeting 1st Tues. in May. No salary for commissioners.

① City board of park commissioners (continued)

Powers and duties of board:

All lands owned by city for park or pleasure drive purposes within or without city, or to be hereafter acquired to be ^{and managed} fully controlled by board and subject to rules and regulations adopted by board.

Rules and regulations for government of such parks etc. must be approved by council, and council may prescribe proper penalties and methods of enforcement.

Claims and demands against city, allowed by board, must first be audited by city clerk. Board must present annually to council a detailed report of its transactions and an itemized ~~report~~ account of all expenditures, list of employes, etc.

Funds to be held by city treasurer.

Board not allowed to contract debt without authorization by city council.

May purchase ^{or lease} lands within limits of county, only if ordered by resolution of council

Wis. Public Park Corporation

(Wis. Stat. '13 sec 1787a)

Not less than 5 residents may organize a public corporation
without capital stock; + mayor ex officio + one alderman
Annual members, by polling fee annually elected.
Life members

Powers: to gov., manage, control and improve parks,
boulevards and pleasure drives

Y to lay out same

Y to receive, purchase, and hold same, in trust for the
city in with which said parks, boulevards
etc. are maintained.

City has similar power to purchase & maintain
parks, and also has power to

vest & transfer same to park corporation & to
revoke same at any time.

Council may make grants to corporation

Council may appoint park superintendent
with such powers as they see fit.

Metropolitan planning board

Board to consist of 5 for term of 5 yrs. 3 by gov. 2 by mayor of Bost.
After first term gov. shall appoint 1 for 5 yrs, 1 for 3 yrs.
1 for 1 yr.; mayor 1 for 4 yrs., 1 for 2 yrs.; and thereafter each to
have term of 5 yrs.

Jurisdiction: greater Boston

Powers and duties: make or obtain surveys, makes plans or series
of plans. Plans of towns which affect more than itself, must
be approved by board. May render assistance to individual
towns or plans. If a plan is not approved by the
board it cannot be executed sooner than a year after
disapproval. May present question of execution of met.
improvements before govt. of each pol. unit in which
improvement is physically situated, with plans &
estimate of cost. Board to classify submitted plans
as ordinary or extraordinary.

Cost of improvements.

I. Ordinary: 65% by towns in which plans situated.
25% by remaining towns in prop. determined
by commission hereinafter described.
10% by commonwealth.

II. Extraordinary: not exceeding 65% by towns in which
plans situated, as determined by
commission.

② not less than 25% by remaining moneys, as determined by law, & in prop. as determined by com.

10% by commonwealth.

Financed by loans issued by commonwealth.

Three commissioners annually appointed by supreme judicial court; non-residents of district. To determine proportion of payments by each city & town for interest, serial loan requirements, expenses, including expenses of administration. Also the variations for 65% + 25% in case of extraordinary improvements

➔ Proportion to be based on benefit in each case and with due account of pop., valuation, and any other things which, in the opinion of the said commission, should affect the contribution.

Chairman to receive \$10,000, others \$1,000. Expenses of administration to be assessed 50% prop. among cities & towns, 10% by commonwealth.

Complete annual report to general court.

①

Comprises Boston and 37 cities and towns

Board of 5 commissioners app'd by governor

Term 5 yrs: annual retirement of one.

Salary: chairman \$4,500, others \$600.

Powers: 1. Eminent domain

Rules, regulations, etc. for management of system.

→ 2. May co-operate, by mutual consent, with another county or city in park and parkway improvement.

→ 3. May agree with any one of constituent municipalities to take over control of certain of its parks, or may transfer control of a metropolitan park to a municipality [Act '98 § 4]

|| (N.B. Commission did not take charge of separate holdings but has secured others and joined many of old and new by parkway)

4. Special duties imposed by legislature at different times e.g. ^{Charles} R. Damm.

5. May assess upon real estate for the amount of betterments accruing to said real estate by reason of taking over neighboring land for park purposes.

Finances:

1. "Metropolitan Parks Fund" — grants and gifts held in trust by Treasurer and receiver general; expended under direction of Ph. Com.

2. Appropriations by legislature at various times (interest + sinking fund to be allotted amongst cities)

3. Apportionment of expenses (^{maintenance} ~~commisng~~; interest on bonds; sinking fund)

A. 3 commissioners (non-residents) app'd every 5 yrs. by supreme judicial court, to determine proportion in which cities are to pay during next 5 yrs.

trunk system
app. tax
B. Ph Commissioners to certify yearly to treasurer of common-
wealth their annual estimate of expenses. ^{not > \$20,000}
② - d

[see next page]

Boston

(2)

C. Treasurer of commonwealth to estimate amount of annual expenses to be allotted to each city
Collected like other municipal taxes.

> D. One half of all expenses to be thus allotted amongst cities.
One half to be apportioned to commonwealth. (Amend '99.

Boston

Fire Prevention Commission of the Metropolitan District of the Commonwealth of Mass.

(Senate 313, 1914. ? passed)

Following provisions to apply to such cities of the 40 mentioned as may vote by $\frac{2}{3}$ maj. in council, and to such towns as vote an absolute majority at any regular or special meeting.

Consist of 3 resident commissioners appointed by gov. for 6 yrs. (biennial single retirement) Salary: Chairman \$4,000; others \$3,500; app'd secy (i.e. by board) \$2,500.

Powers: all supervisory and administrative powers heretofore vested in councils, boards, etc., together with right to enact rules either for the whole area or a specified portion.

All expenses of commission to be apportioned annually among cities and towns, $\frac{1}{2}$ in proportion to their last annual taxable valuation, and $\frac{1}{2}$ in proportion to ~~last~~ population.

complete control
apportioned tax

(5)

Bost.

[Act '95 p. 565

Metropolitan Water Board (as amalgamated with sewerage board into the
Metropolitan Water and Sewerage Board '01, p. 106; 06).

Consists of 3 commissioners appointed by gov. (originally for 5, 4, 3 yrs. respectively;
afterwards, yearly retirement)
Chairman designated by gov. Salary \$5,000, and 2 \$4,500.
[above as amended]

Powers and duties of water board:

1. Construct and operate a trunk system to supply 7 cities, 6 towns,
and charge each ^{city} for supply of water.
2. Take charge of Boston system.
3. Each city to have control of its own system, but water
rate is subject to approval of board.

Etc.

Finances: Treasurer of Commonwealth to estimate expense and
apportion $\frac{1}{3}$ in proportion to assessed valuation, $\frac{2}{3}$ in
proportion to water supplied by metropolitan system

trunk system

app. tax

(6)

Missouri state law for outer park system

(Civic League of St. Louis 352,599 842)

Establishment by petition of 5% of voters in proposed district, followed by submission to voters at general election.

Organization: 5 commissioners appointed by (annual retirement of one) president to have salary of \$2,500.

Powers: Plan, adopt and maintain park and parkway system
Etc.

Finances: May issue bonds $\frac{1}{2}\%$ - 20 yrs.

May levy general tax, 2 mills, for maintenance purposes.

Annexation of any adjoining territories by petition, and mayors vote in both this territory & the public reservation district

general tax

(8)

Washington

Metropolitan Park Districts. (for trunk system generally) (Saw 07. p. 182.)

Cities of first class may vote on question and elect 5 comm. (in re-elec. of.)

Annexation of neighboring territory, on petition, if approved by board.

Finances:

Board may levy general tax on all prop. each yr, not more than $1\frac{1}{2}$ mills.

May incur indebtedness to extent of $1\frac{1}{4}\%$; to extent of 5% if $\frac{3}{5}$ maj. in district.

trunk system
general tax

(7)

Illinois: Sanitary districts: 2 or more
municipalities in same county.

[Saw's 11 p. 299
amend. 13 1905]

Establishment by petition from proposed district to county judge &
submission to electors.

Organization: County judge and two circuit court judges to constitute
a board of commissioners, ^{to} ~~and~~ divide districts into
5 wards (and re-appoint every 10 yrs) and appoint
Board of 5 commissioners (annual single retirement)
Salary \$1,000 and \$500.

Powers: all necessary powers with regard to the control of sanitation
throughout the whole district.

Finances: May borrow money to extent of 5%, after submission of
loan to electors — must have sinking fund.

May levy annual taxes for maintenance, int., &
sinking fund, not more than $\frac{1}{2}$ %.

complete control
general tax

(10)

Illinois sanitary districts.

[Rev. St. 1912 p. 349]

- (2) Consisting of municipalities or territory within 3 miles of municipality.
- General expenses covered by general tax on district.
- Expense for improvements defrayed either by special assessment on lands benefited or by general tax levy.

Drainage districts (as found in Ill., Texas, Col., Kansas)

Drainage managed either by county or by small districts created in swampy districts, etc.

Expenses either on county or by local assessment plan.

Milwaukee
Board of Park Commissioners

①

(Wis. laws, 1889, ch. 488. (Milwaukee charter); laws 1891, ch. 179)

Mayor, subject to approval of council, appoints 5 commissioners for a term of 5 yrs (yearly retirement of one) to serve without salary. Mayor nominates chairman.

Commissioners employ a secretary with a salary of not over \$1,500.

Duties: Control all parks & make regulations.

Financial transactions subject to supervision of comptroller.

May purchase or lease lands within the county of Milwaukee, after approval by council.

Finances.

for
initial ex-
pense.

Common council^{is} authorized to provide by ordinance for the issue of corporate bonds not exceeding \$100,000, (1889), to be used for establishing & maintaining two or more parks. — (not more than 20 yrs. or 5%.)

Common council shall annually lay a tax on personal and real property to pay for interest and sinking fund.

Mill. - Park Com.

(Laws, 1907, ch. 249)

Annual tax.

The common council is to include in the tax levy on all taxable property a special tax not exceeding $7\frac{1}{2}$ tenths of a mill, the amount to be determined by the board of park commissioners and certified to the council and city comptroller when they make their annual report. This constitutes a distinct fund to be used only for park purposes. Disbursed according to resolution of the park commissioners authorizing the payment of bills and accounts after these have been audited and ordered by the board, and audited by the comptroller.

(Madison)

①

Wis. cities other than 1st class.

Statutes, 1913, sec. 959-9 to 959-17

Council may establish a board of park commissioners. Mayor appoints 5 for term of 5 years (yearly single retirement) to serve without salary. They elect a secretary, not a member, to serve for one year, without salary, unless authorized by the council. Annual meeting in May.

Powers and duties. Full control and management of all parks and boulevards, and power to lay out same. All their regulations must be approved by the council before going into effect. May buy or lease lands within the county only if so ordered by a resolution of the council specifying the land to be purchased, the maximum price and the terms of payment. Annual report to council of transactions, ^{rentals of property, etc.} itemized account, viz -

Finances. All funds "received or raised," must be paid over to the city treasurer and disbursed according to resolution of the board authorizing the payment of bills and accounts after they have been audited by the board, and after the resolution of the board and the accounts have been audited by the city comptroller (or clerk) and approved by the council.

All claims against the city, before being allowed by the board, must be audited by the comptroller (or city clerk)

May contract debt only as expressly authorized by council.

(see next page)

(Madison)

Stat. 1913, sec. 926-17 to
926-20

(2)

Wis. cities of third & fourth class

Taxation. Council may, by a $\frac{2}{3}$ vote, create one or more park districts out of the territory embraced within the limits of the city.

Council may, by a $\frac{2}{3}$ vote, levy a tax on property in the district not to exceed one mill on all real & personal property.

Boston.

①

Proposed Metropolitan Planning Board

Bill presented by metropolitan
plan commission 1912

Board to consist of 5 for 5 yrs. (annual single retirement) 3 by governor, 2 by mayor of Boston. Chairman, salary, \$10,000. Other, \$1,000.

Jurisdiction: 38 cities and towns of "greater Boston":

Powers and duties. ① Make a comprehensive plan for the present and probable future requirements of the metropolitan district in respect to a system of traffic thoroughfares, parks, and all public improvements tending to the advantage of the metropolitan district as a place of business and of residence. ② Power to suspend for a year the execution of any plan which directly affects more than one city or town in the metropolitan district. ③ May make recommendations to individual cities. ④ The board designates what are ordinary and what are extraordinary metropolitan improvements. Annual report to general court.

Cost of improvements: ① ordinary. 65% by municipalities in which situated
25% by remainder, in proportion determined by three commissioners appointed by the Supreme court.
10% by the state.

② extraordinary. 65% or less as determined by the three commissioners.

25% or more, as determined by commissioners and in proportion set by them.

10% by state

Boston

(2)

Proposed Metropolitan Planning Board

Finance. State to issue bonds every five years to meet the cost of these improvements. Limited \$5,000,000 per year.

Supreme court to appoint each year three commissioners, not residents of the metropolitan district, to determine proportion of costs to be paid by the various cities and towns for metropolitan improvements and the expenses of the Planning Board. They shall determine the amount to be paid on the basis of benefit with due account of population, valuation and any other thing which should ^{affect} the proportional contributions.

Arkansas

[Kettiborough: municipal corporations.]

Little Rock and Memphis highway district (120 miles)

(one of numerous other but smaller highways supported by districts)

Crosses 8 counties.

District includes all territory within 5 miles of either side of road.

$\frac{1}{2}$ cost with district, $\frac{1}{2}$ with counties through which it passes.

Work in charge of 4 commissioners, named in statute, appointed by gov.

Boston

Metropolitan Park Commission

Laws, 1883, ch. 407
(amended)

Board of 5 commissioners by gov. for 5 years (rotates retirement) Chairman \$4,500; others \$600. This board is in addition to park boards in various of the units of the districts.

Power. Establish & control parks & parkways through the district. May agree to take over any of the parks of an independent town, or may transfer parks back to it.

Finances. Legislature periodically appropriates funds to be raised by the sale of bonds.

The cost of interest, sinking fund, and maintenance of the parks is apportioned $\frac{1}{2}$ to the state and $\frac{1}{2}$ amongst the various cities, as follows: -

Supreme court appoints 3 non-resident commissioners every 5 yrs. to determine proportion in which the cities are to contribute during the next 5 yrs. The state treasurer estimates the amount - not to exceed a sum periodically changed by the legislature. This to be collected like other municipal taxes.

Providence.

R. X. Conn., 1907, p. 20, 1909, p. 136
1913, p. 108

Metropolitan Park Commission of Providence Plantations

Similar to Boston.

Board of 4 ex-officio members and 5 members appointed by gov. (retires retirement) No salaries. Chooses from its members a president, a secretary and an executive committee of 5.

Paras : same as Met. Park Com. of Boston.

Yinnias, Similar, but state does not pay any of costs. No assessment in any one city to exceed $\frac{1}{2}$ mil.

N.B. Commission advises in 1909 report that the executive authority be vested in one.

Washington

Jan 1907, p. 182.

Metropolitan Park Districts.

Cities of first class may vote on question of creating a metropolitan park district. A petition of 15% of the electors requires submission of the question. 5 commissioners elected (notary retirement)

Annexation of adjoining territory in same county in following manner: petition of 25 voters; if an incorporated town, 20% of electors. 3 opportunities given for hearing. If the board of park commissioners agree to proposals, they shall submit the question to voters in proposed district. Adopted by majority.

Finance. Maximum indebtedness to extent of $\frac{1}{4}\%$ of taxable property. Additional indebtedness up to 5% if so approved by $\frac{2}{3}$ of electors.

Board may levy a general tax on all property, not more than $1\frac{1}{2}$ mills. To include interest on bonds.

Indiana: Sanitary districts

[Sons '13. p. 821.]

including 2 or more incorporated municipalities

Establishing of districts, by petition from proposed district to board of county ~~board~~ commissioners and submission to electors.

Consist of 5 trustees (equally distributed amongst district) appt'd by gov. for first term and afterwards elected as a whole every 4 yrs.
Salaries: \$1,200 and \$1,000.

Organization. Elect president who may veto ordinances; passed over by $\frac{4}{5}$ maj.
All money must first be appropriated by ordinance by board.
Report biennially to gov. & each house.
Books open to inspection of houses.

Powers

1. Provide for main systems which benefit whole district.
2. Individual municipalities to have control of respective systems but plans of proposed trunk lines are subject to approval of commission.

Finances

1. May borrow, and issue bonds, to extent of 2% of assessed prop. with sinking fund.
2. May raise money to defray expenses of any improvement made by board.
3. May levy tax on all prop. in district not more than $\frac{1}{2}$ % and certify to county auditor to be collected like other state & county taxes.

trunk system
General tax

(9)

Other methods of apportionment:

Proposed Fire Prevention Commission for Boston metropolitan

district: - $\frac{1}{2}$ in proportion to last valuation, $\frac{1}{2}$ in proportion to population.

Boston Met. Water & Sewerage Board: -

$\frac{1}{3}$ in proportion to valuation, $\frac{2}{3}$ in proportion to water supplied.

Providence. Metropolitan Park Commission of Providence Plantations.

(Act '07 p. 80. Amend. '09 p. 136. + '13 p. 108.)

①

- Board consists of: A. ex officio:
1. Mayors of the 3 cities, presidents of the 8 town councils.
 2. President of Brown University.
 3. President of Providence board of trade.
 4. Director of Rhode Island School of Design.
 5. President of Providence Art Club.
 6. Pres. of Rhode Island Chapter of Amer. Institute of Architects.
- B. app'td by governor: 5 commissioners, qualified electors, Annual single retirement.

Without compensation.

Officers: Commission chooses annually from members a president, secretary and an executive committee of 5 (president being an ex officio member of this committee)

Powers and duties:

1. Employ and discharge at pleasure, setting salary.
2. Annual report (proceedings + finances) to general assembly.
3. Eminent domain.
4. Necessary acts and regulations for execution of powers.
5. May transfer control of individual parks to individual cities + vice versa. Or, may jointly control.

Finances:

- A. Metropolitan trust fund similar to Boston's. Expenditure through state auditor and treasurer.
- B. Proportion for 5 yrs. fixed by 3 non-resident commissioners app'td every fifth yr. by superior court, on application of park commissioners. (Provision for case where park plans are not sufficiently advanced in order to determine benefit)

trunk system apportioned tax

③

see next page

Providence

(2)

- C. Amount yearly assessed on each city to be determined by general treasurer ^{in above property} and to be included in state tax.
- D. No assessment for any one city to exceed $\frac{1}{2}$ mil per yr.
- E. Occasional appropriations from the state funds are made by the legislature for general or particular purposes.

N.B. The commission advise in their 1909 report that the executive authority should be vested in one, ~~and~~

see shade tree commissioners. 3- by mayor
John T. Ross

(4)

Mass.
Metropolitan Park Commission ①

Mass.

① Boston (Boston and 37 ^{other} towns).

(Acts of Mass. chaps. 407, '93, et seq.)

Consists of 5 commissioners appointed by gov. & council (renamed & ^{renewed} ~~renewed~~ _{renewed}).

Term 5 yrs., annual retirement.

Salary (out of funds of com.) chairman \$4,500. } amended '02
other \$600. }

Before '99, no compensation.

Powers

(Com. did not take charge of separate holdings but has secured others and joined many of old and new by parkways)

To acquire land; right of eminent domain only if may. in met. board and in local town board (if any)

To make regulations, appoint police, erect buildings etc.

May join with another county or city in improving roads, parks, etc.

May agree with town to transfer control of certain parks etc. to its authority; or to take over control of such (amend. '98, p. 404)

Various special powers are granted by state legislature. e.g. Dam construction across Charles River. Commissioners (spec. app.) appointed to apportion cost between Boston, Cambridge, Newton, Woburn. (Acts '98, p. 489)

see next page

e.g. also, right to provide for band concerts, zoo, garden.

Mass.

(2)

② Boston

Powers (continued)

May assess upon real estate for the amount of betterments accruing to said real estate by reason of taking over neighboring land for park purposes.

Finances:

"Met. Parks Fund", consisting of grants & contributions of land or other personal property, to be held in trust for the Commonwealth by the treasurer and receiver general of the Commonwealth of Mass.

Used and expended under direction of Met. Park Com

Appropriations made by state legislature, issuing certificates of debt designated as "Met. Park Loans" Sinking fund

- e.g. initial approp. \$1,000,000
- '96 - 1,500,000
- '97 - 2,500,000
- '98 - 1,000,000

present amt. about 14M

Apportionment of expenses (including interest, sinking fund & an. expenses)

3 commissioners (non-residents) to be appt'd by supreme judicial court every 5 yrs. to determine proportion of annual payment of cities & towns

Amended for issuing 5 yrs. (Boston to be 50%) (in 1870)

see next page * Patrons - no assess. for any 1 yr. to exceed 1/2 mill in any one city. repealed 39.

Mass.

(3)

3 Bot.

Annual estimate of expenses to be made by
Met. Park Com. + certified to treasurer of
Commonwealth

Treasurer to estimate amt. of annual expenses
to be paid by each city and town.

- { One half of such expenses to be thus apportioned
to cities of met. park district
- { One half to be apportioned to Commonwealth

*

All to be included in state tax. ^{Amend 19}

(originally, whole expense borne by met. park dis.)

X Boston Metropolitan Park System

* See rather, Met. Park Com.
Mass. Acts chap. 407, '93

Chambers of Comm.: Annals of Amer.
Academy Pol. & Soc. Sc. (352.599 A17)

Commission for investigation 1892

Metropolitan Park Com., chap. 407, '93. (Boston & 37 sur. cit. & towns)

Jurisdiction: limited only by statutory definition of its purposes & by amt. of appropriations.

Powers: to provide & build parkways, bath-houses and other park structures

Present approximate appropriation is
\$14,000,000

Of total expenditures about $\frac{1}{2}$ has been for land, $\frac{1}{2}$ for development & improvement.

Annual cost of maintenance \$500,000.

Appropriations in first instance by State

{ Annual approp. for maintenance in state tax
Annual payment for repayment of 1st approp., in state tax

These allotted amongst cities and towns by table of percentages prepared once in 5 yrs. by the superior court upon report of a special commissioner appointed by it for that purpose.

* Boston

Fire prevention commission of the metropolitan district of commonwealth of Mass. (Stats 313, 14, ? passed)

Consist of 3 resident citizens appt'd by gov. and council
Term 6 yrs, ^{biennial} one retirement. Com. appoints sec.

Powers: all supervisory and admin. - heretofore vested in councils, boards, etc. + power to enact rules either for the whole district or any specified portion.

All expenses of commission apportioned annually among all cities & towns in met. dis., $\frac{1}{2}$ in proportion to their last annual taxable valuation, and $\frac{1}{2}$ in proportion to next preceding federal or state census; the amt. so apportioned to be added to their proportion of state tax.

These provisions to apply only to such cities of the met. dis. as may vote by a $\frac{2}{3}$ maj. of council to accept them, and to towns which vote by straight majority at any regular or special meeting

→ Salaries: Chairman \$4,000
other 3,500
sec. 2,500

Bost.
Water
+ Sewer

Metropolitan Water and Sewerage Board

(Mass. Acts: '01, p. 106
06, p.

3 members by gov. and council, nearly retirement of one
promoted to (except first commissioners, 5, 4, 3 yrs.)
fill vacancies gov.
Chairman designated by gov.

\$5,000 for chairman, \$4,500 for each of others.

{ Met. sewerage commissioners —
" water Board 1889
see Met. Water Board.

① Mass. Metropolitan Water Board

(Act 195 p. 565)

Bost. Water

Consists of 3 by gov. & comm. / an. retire. of 1, expect 1st yr. 5, 9, 3 yrs. respec.
Removable by gov.
1 to be citizen of Boston
1 medford
1 Commonwealth

salaries: chairman 5,000; others, 24,500.

Chairman chosen by gov.

Powers & duties: 1. appt. inspect, rec., & other nec. agents & removal at pleasure.

2. construct, maintain & operate a system of met. waterworks in accordance with ¹⁸⁹⁵ plans of State board of health (presented to leg.) & then supply water to 7 cities & 6 towns as named, constituting Met. Wat. Dis.

3. may take in any other town within 10 mi. of state house & furnish water on terms prescribed for fornamed cities and on such payment as board may determine.

4. shall furnish water to companies owning pipe systems in these cities

5. payment of money distributed to cities in proportion to total amt. of annual assessments theretofore paid by them respectively.

Amended

(merely establish certain means to ~~supply~~ old or new pipe systems)

(2) Mass. Met. Water Board (cont)

Boat
Water

- 6. may utilize water power for electrics etc. or sell it for 15 yrs, or the electrics;
- 7. may construct & maintain buildings, machinery, works, conduits, aqueducts, pipes, drains, wires; dig up streets etc. etc.
- 8. Take charge of Boston system.
- 9. Inherent domain (benefit to be taken into acct. in determining damages)
- 10. Each city shall have control of its own system but its minimum water rate shall be subject to approval of board.

Finances : 1. Treasurer & receiver general shall, from time to time, on request of board visit lands not exceeding 27 sq (30-40 yrs) and establish sinking fund.

March
06
all cities
 $\frac{1}{3}$ preced-
 $\frac{2}{3}$ valuations
water
 $\frac{2}{3}$ supply

2. Treasurer each year estimate the amt. required over & above receipt from premiums of bonds, rates for water supply & sale of property (e.g. water rights), to pay int., sinking fund, maintenance & shall apportion to Boston its proportion according to the proportion of its valuation in preceding year to valuation of other cities & towns in preceding year. ^{Requirements} Apportioned to other cities & towns

③ Mass. Met. Water. Bond

Best.
water

~~$\frac{1}{3}$ in proportion to valuations $\frac{2}{3}$ in proportion to pop.~~ Part of state tax.

Certain exemption for cities supplying part of its own water supply or buying it from a contractor — \$12 per 100 gals.

Essex
County

N.J.

Country Parks

(i.e. Essex County 352,599 AN7, p.50)

(N.J. Laws '95, p.169)

New Jersey

In any county of more than 200,000 county judge must appoint 5 commissioners for 5 year (annual retirement vacancy - no removal).

*Meet expenses a board of 3 disinterested residents appointed by circuit courts shall from time to time, on requisition of board of park commrs. raise funds not more than $2\frac{1}{2}\%$ (within fund) — ~~and such funds~~ Receipt also from benefit assessments.

Only to committee force when approved by major in county election.

Law carried with appropr. of $2\frac{1}{2}\%$ of county funds without reference to local assessment for park purposes.

Various approps. by leg. — county funds.

Illinois - Sanitary districts - Territory within one
county (Ill. laws '11 p. 299)

Any territory within 3 miles of incorporated town may be included.

Petition by 300 voters of proposed district to county judge, with
description of territory. Judge to call assistance of 2 judges of
B. of Com. circuit court to consider boundaries. Meetings for public discussion.
Submission to electors - abs. maj.

Organization of board:

Judges to divide district into 5 wards. (nowward to have ^{more than} $\frac{1}{4}$ pop.)

One trustee for each ward.

Board of comms (i.e. of judges) must re-appoint district ^{at least} every
4 years. in order to preserve compactness as to pop., shape,
territory.

Board of commissioners to re-appoint trustees every 4 yrs. (entered into law)
Amend 13, p. 305. Term 5 yrs. on retirement. (length of first term by lot)

Powers & duties of board of trustees

- 3 a quorum. may adjourn daily in smaller numbers.
1. elect clerk, treas, chief eng, attorney & other employees, with
salaries set by them; remove official during their pleasure;
provided pres. not > 1,000, other < 500, att. 2,000.
2. pass all nec. ordinances, rules, & regulations for management
& conduct of business etc.
3. purchase & summit domain.
4. borrow money & issue bonds not > 5% of tax. prop. ^(submitting to electors)
5. must provide for collection of direct an. tax to pay int. &
principal under due (not longer than 20 yrs)
6. contracts 30 days. advertisement lowest bidder or name.
7. levy taxes for general expenses not > $\frac{1}{2}$ % certified to co. clerk.
8. power to bargain with neighbours etc. for their use of their sewer or
or vice versa.

① Indiana: sanitary district

(Comm. 13. p. 821)

Any area ^{of contiguous} containing two or more
~~two or more contiguous~~ municipalities ^{in same county} may form sanitary
 district by voting after petition to county commissioners of
 500 freehold votes (at least 100 from each) describing territory
 to be included. Board of co. com. shall hold ^{open} meetings for
 discussion of location and boundaries of district & then submit to voters
 If a maj. in each of mun. or sects. of mun. in proposed
 district then, board shall incorporate such as a sanitary
 district. Expenses with county if board not passed.

5 trustees by gov. (residents, not more than 3 of one pol. party) (not more
 than 3 from any one municipality) If not more than 5, one
 from each.; if less, one from each, & rest at large by voters
 district. Election similar at next general elec. & each
 four years succeeding.

President \$1,200; rest, \$1,000. → State right to appeal.

Powers & duties: (1) clerk, treas., chief - engineer, attorney to hold
 office during pleasure of board. Fix their
arrange
finance rep.
 (2) power to pass all nec. ordinances, resolutions,
 orders, rules for management & conduct of
 business, & to enforce same.

* Organization: (3) ^{see next page} elect one of members president. Six regular
 terms of meetings; keep accurate record of all proceedings
 President may veto any ordinance, rule, approval
 but it may be & prevail with objections at next

② gen. meeting. Can be passed over veto after recommendation by
Dred. $\frac{2}{5}$ maj.

All orders must first be approved by board by ordinance.

All ordinances shall take effect upon approval except those
for approval which must be published within 30 days. — then 10 days

Provs 4. provide for main system & adjuncts thereof which
benefit the whole system, district.

5. Individual municipalities may have control of own
system, except that they must present ^{to trustees} for approval
plans of proposed general outlet, main or trunk sewer.

6. Purchase & eminent domain. Price must be paid
before possession taken. \downarrow Right of way over private or pub. prop.

7. Borrow money & issue bonds to extent of not more than
2% of taxable prop. in district as determined by last
state assessment.

Provide for payment of int. & sink. fund (2 yrs)
by providing for collection of annual taxes

8. Contracts, after publication, to lowest bidder or more.

9. Levy & collect taxes ^{on district prop.} not more than $\frac{1}{2}$ %; certified to
auditor of courts

10. Raise money to defray expenses of any improvement
made by board.

③ India

bi-ann. + at end of first year.

Report at end of each² years to gov, + each branch of leg. separately
as to expend., receipts, copies of contracts
gov. + leg. right to examine books. + call for further reports
& documents.

Annexation of contiguous territories by ~~some means~~ in
some manner as original upon petition of local trustees.

Missouri

Missouri state law for outer park system

1910 (Civil League of St. Louis 352.599 5a2)

Petition of 5% of voters in ^{proposed} district necessary to have question submitted
Carried by maj. at gen. election

Gov. appoints 5 mems. (known as Board of Pub. Reservation Com-
missions) for terms of 5 yrs.

Not more than 3 from any one polit. party.

No compensation except pres. \$2,500 annu-

Powers 1. select pres.

2. engage employes

3. plan & adopt park & parkway system

4. select & condemn land for same.

5. to police & maintain same

Expenses: 1. Power to issue bonds $\frac{1}{2}$ % of assess. prop. for payment
of land and props. — 20 yrs.

2. Power to levy gen. tax not > 2 mills, not to dis-
tract for maintenances purposes.

Territories adjoining any public reservation district may
become a part by petition & maj. vote in
district & portion dearing to be annexed

① Providence

① Metropolitan Park Commission of Providence

Plantations

(Act: '07 chap. 1466 P. 80
amend: '09 p. 136)

- Consists of
- (1) Mayors of the 3 cities and presidents of ⁸ town committees
 - (2) President of Brown University
 - (3) President of board of trade of Prov.
 - (4) Director of Rhode Island School of Design
 - (5) President of Prov. Art Club.
 - (6) President of R. I. Chapter of the Amer. Institute of Architects
 - (7) 5 commrs. appt'd by gov. for term of 5 yrs ^(an. retire) (qualified electors in district)

Without compensation

Officers. Commission chooses annually from members a president, secy, executive committee of 5 members of which president is ex-officio member.

Powers and duties

1. Employ & discharge at pleasure & set salary.
2. Annual report (proceedings & finances) to gen. assm.
3. Acquire and maintain parks & parkways.
4. Eminent domain, provided, no interference with a city's water supply.
5. Rules & all acts necessary for proper execution of power.
6. Cities may transfer, or jointly control, parks & vice versa.

OVER

② Providence P. Com.

Providence

② Finance:

State auditor, upon receipt of vouchers authenticated by exec. com. of met. p. comm., to draw his orders on the general treasurer for payment

General treasurer to be trustee of all gifts of land, etc known as met. p. trust fund, & to be used under direction of park com.

Proportion of } amended § 3 b. 108 — see next page
Expenses of interest on bonds, sinking fund & maintenance to be ^{borne by} ~~apportioned~~ among various cities and towns, to be fixed by 3 commissioners (non-residents) appointed every fifth year by the superior court on application of met. p. comm.

No assess. for one city one year to be more than $\frac{1}{2}$ mil.
(Comparison of assess. fixed by superior court)

Amount yearly assessed on each town to be determined by gen. treasurer on the above-mentioned proportion and included in ann. state tax.

Occasional appropriation for gen. purposes from state funds and also for particular purposes e.g. buying of land
(5,000, 5,500, 5,500, 10,000, 13,000, 15,000)

③ Providence

③ Providence P. Com.

Appportionment of expenses

the 3 Commissioners, ^{if they} shall ^{decide} before expiration of term, that work is not well enough advanced ^{or so} ^{contemplated work} ^{distribution}

as to amount of reasonable estimation of relative

benefits, or if work under way is of such a kind that

the benefits derived at completion would probably

alter aspects of award made within their term, they

may, with consent of sup. court, postpone their

return of their award for not more than 3 yrs.

① ^{p. 58}
Proc. Metropolitan Park Commission of Providence
Plantations

(Report 1909 - 336.47. R3. v5)

State of Rhode Island acts as underwriter and holds the title to all properties which shall be acquired in met. park district.

Expenses: State bonds are issued for the necessary expenses.

Cost of maintaining these bonds, with all other disbursements due to admin. is divided among the 3 cities & towns that are wholly or partially included in the district, according to degree of benefit derived by each.

Organization: see over

(2)

Pror. Executive authority should be vested in one Board should merely direct policy, not details.

Tendency should be stopped of delegating supervision of particular localities to sub-committees (lose sight of larger questions)

Wash.

Metropolitan Park Districts ①

Laws of Wash. '07. p. 182

Wash

Cities of first class may vote on question of establishing and at same election choose 5 commissioners by 1, 2, 3, 4, 5 yrs. (an. rotate.)

Neighboring territory may be annexed for this purpose if, on petition from such territory, the board of park commissioners approve and submit to voters of said territory.

No compensation — elect pres. & clerk from members

Powers: eminent domain (+ all usual powers)
provide for policeman, sec. of board & all nec. employ
(to become civil service)

All parks, boulevards, etc. to be subject to police regulations of city in which situated.

(powers continued; see next page)

Finances: board may levy tax ^{general} on all prop. each yr. not $> 1\frac{1}{2}$ mills
to be certified to county officials for collec.
same as other general taxes.

may incur indebtedness not exceeding $\frac{1}{4}$ % of
assess. value of bonds -
in excess of this but not $> 5\%$, if
approved by $\frac{3}{4}$ maj. in park district.
(issue bonds)

interest paid annually by tax

{ indebtedness paid off when desired.
{ may create sinking fund (amend. '09)

Provs (continued)

- > Board may petition city council to have improvements made on local assessment plan (balanced cost to fall on metrop. district) (amend. '03)
- lands may be transferred from cities to control of park com.
- > Whenever boards shall assume control of parks etc. they shall also assume indebtedness & provide for interest in usual way.

3 members appointed by gov. term of yrs., biennial retirement of one

Director of state geological survey and state forester are required to meet with the board with latter desired and to consult with them on all matters as requested.

Powers

Supervision of all park lands of state unless placed in other boards.

Government of same, & loggers out of roads & bridges in same

Accept devise of land, mines.

Enforce laws for prevention of forest fires

Purchase land for park purposes.

Eminent domain through commission of appraisement (sec. 605-7)

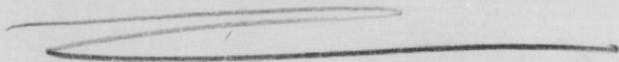
In case premises ^(situated in limits of proposed park) have a value too great to warrant purchase for park purposes, board may make friendly agreement for supervision of such premises

All money rec'd from sale of timber etc. to be paid into state treasury.

Biennial report to gov. month before legislature regarding requirements of new parks, extension of existing parks and ^{such} other recommendations as they deem necessary.

Annual appropriations e.g. ^{Mar. 1914} \$18,000; \$10,000; \$8,000; \$2,000 for protection & improvement ^{respectively} of certain ^{respective} existing parks.

Park Commission



AN ACT

Relating to cities of the first class, providing for the annexation to territory for park and playground and boulevard purposes, providing for the acquisition of land and construction of improvements therein, and taxes and bonds for obtaining the necessary funds in connection therewith.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. All cities of the first class which have
2 adopted, or may hereafter adopt, the provisions of chapter
3 114, Laws of 1907, and amendments thereof (for govern-
4 ment by commission), shall have power in addition to such
5 power as may be otherwise provided for the government
6 of such cities; to annex, by ordinance, for park, play-
7 ground and boulevard purposes only any platted or un-
8 platted lands that will form contiguous territory with the
9 boundaries of said city, describing the same definitely but
10 in general terms by legal subdivisions, plat or otherwise,
11 and upon such annexation the power to make all needful
12 police regulations necessary for the preservation of good
13 order and peace of the city, and for the supervision, main-
14 tenance and government of such parks, playgrounds, boule-
15 vard, and all other general powers of the city so far as the

16 same are applicable, shall extend to such territory, pro-
17 vided, that the same shall not be subject to *taxation* by such
18 city except for park, playground and boulevard purposes
19 as may be provided by law or by this act.

SEC. 2. The board of commissioners of such city, in
2 addition to such power as is now vested in them for such
3 purposes, shall have power to purchase and condemn all
4 lands in such territory annexed for such purposes which
5 they may declare to be necessary for the improvement of
6 the city for parks, playgrounds and boulevard purposes, and
7 shall have power to lay out and establish parks, playgrounds
8 and boulevards in and through such territory, and shall
9 have power and are directed to improve such parks, play-
10 grounds and boulevards, and to grade, pave, macadamize,
11 gutter or curb any such park, playground and boulevard
12 whenever they determine it to be necessary. Payment for
13 any such land purchased or condemned, or for the grading,
14 paving, macadamizing, curbing or guttering or other im-
15 provement herein provided for, shall be made from the
16 proceeds of special assessments, general improvement bonds
17 based on such special assessments, and general improve-
18 ment bonds of the city for the amount assessed against the
19 city for the benefit of the city generally.

SEC. 3. Whenever the board of commissioners of such
2 city shall determine it to be necessary to acquire lands for
3 such purposes or to make such improvements, they shall
4 adopt a resolution declaring such necessity, describing in
5 general terms the land to be acquired, and the proposed
6 improvements and cause to be made, by the city engineer
7 of said city, an estimate, under oath, of the cost of said
8 improvements, and shall appoint three disinterested ap-
9 praisal commissioners who shall take and subscribe an oath
10 for the faithful performance of their duties under the pro-
11 visions of this act, and who shall receive for their services,
12 as compensation for the time which they are actually em-
13 ployed, three dollars a day and actual expenses. It shall
14 be the duty of such appraisal commissioners to assess the
15 damages and value of the land taken and damages to land
16 not taken; to fix the proportion or amount of benefit to each
17 of the lots and pieces of land not condemned in said terri-
18 try, and such lots and pieces of land adjacent thereto with-
19 in the boundaries of said city, which said appraisal com-
20 missioners shall determine to be specially benefitted there-
21 by; and the proportion or amount of benefits to the city at
22 large, and to fix the date and place in said territory at which
23 they will meet and proceed to assess said damages and
24 benefits and appraise said property, and shall give notice

25 by one publication in the official city paper at least one
26 week prior thereto, to landowners and interested persons
27 of the time and place of said meeting, which notice shall
28 state that said meeting shall commence at some point to be
29 designated in said territory and move from lot to lot and
30 tract to tract to be condemned or to be benefitted or valued
31 until completed, adjourning from time to time as may be
32 deemed necessary, and, upon the completion of their duties,
33 they shall make a full report in writing, signed by them, and
34 file the same with the city clerk of such city. In said re-
35 port said commissioners shall accurately describe each lot
36 and tract of land taken, and appraise each owner's interest,
37 and assess the damages allowed on account of such taking
38 separately, and shall assess and fix against the city the
39 proportion or amount of benefits to the public of the city
40 generally resulting from the acquisition of said land and
41 from the improvement of the same, and shall accurately
42 describe each lot and tract of land not taken in said ter-
43 ritory and adjacent thereto within the boundaries of said
44 city, which said appraisal commissioners shall determine to
45 be specially benefitted thereby, and shall assess and fix the
46 proportion or amount of benefit to the same separately,
47 such amounts to aggregate the estimated cost of said land

48 and said improvements less the proportion and part there-
49 of to be paid by the city.

SEC. 4. Upon the filing of said report, the board of
2 commissioners of such city shall fix a time to hear any com-
3 plaints that may be made as to the amount or proportion to
4 be paid by the city at large and the amount or remainder
5 to be paid by the several lots and pieces of land specially
6 benefitted thereby, and the amount and portion of said
7 remainder to be paid by each lot and piece of land described
8 in said report as specially benefitted thereby, and as to the
9 relative value of any lot or tract of land appraised as afore-
10 said, and notice of such meeting shall be given by publica-
11 tion by the board for ten days, and said board, at such
12 meeting, shall hear and determine all complaints made to
13 said report in said particulars, and may alter and amend the
14 same by increasing the amount or proportion to be paid by
15 the city at large and reducing the remainder, and the part
16 of said remainder to be paid by the said lots and pieces of
17 land determined to be specially benefitted thereby as a
18 whole and separately, and by equalizing the proportion of
19 benefits of the same, raising the proportion of benefits of
20 such lots and pieces of land which, in their judgment, are
21 relatively fixed too low and lowering the proportion or
22 amount of benefits of such lots and pieces of land which

23 are, in their judgment, relatively valued too high, and said
24 report, when confirmed by said board, after such hearing,
25 shall be final and conclusive as to all matters contained
26 therein, except as the same may be modified on appeal.

SEC. 5. Any person being or claiming to be the owner
2 of any lands so condemned or appropriated, and deeming
3 himself aggrieved by the decision or award of said com-
4 missioners, may appeal therefrom within ten days after
5 confirmation of said report by said board of com-
6 missioners of such city, by serving a written notice
7 to that effect upon the mayor and filing with the city clerk
8 a bond which shall be approved by said clerk, conditioned
9 that he appeals to the district court and that he will faith-
10 fully prosecute said appeal to effect, and that he will pay all
11 costs if he does not recover a judgment for a larger amount
12 than that allowed him by said commissioners, and it shall
13 be the duty, and sufficient, for the city clerk to certify to
14 the clerk of the district court copy of said notice and bond.
15 That after said appeal is finally disposed of, the city may
16 elect whether it will pay the amount of the award or re-
17 linquish its right to said land. Condemnation proceedings
18 once had shall not be a bar to further proceedings to con-
19 demn the same land.

SEC. 6. Upon the confirmation of said report by the
2 board of commissioners of such city, the city clerk shall
3 forthwith prepare two copies of said report and order of
4 confirmation and deposit the same in the office of the treas-
5 urer of such city, and whenever there shall be deposited
6 with the city treasurer, for the benefit of the owners of the
7 lands taken, the amount of the award of the same, the
8 treasurer shall thereupon certify such fact upon both copies
9 of said report and order of confirmation, and shall pay the
10 awards to such persons as shall be respectively entitled
11 thereto, redelivering one copy thereof to the city clerk,
12 who shall at once file and record the same in the office of
13 the register of deeds of the county. The title to lands con-
14 demned by any city for parks, playgrounds and boulevards
15 shall vest in the city upon the deposit of the amount of said
16 award with the city treasurer, and upon the filing with the
17 register of deeds of said copy of said report and order of
18 confirmation, with the indorsement by the city treasurer
19 thereon; the right to the possession of the lands condemned
20 shall vest in the city, and the city shall have the right to
21 forthwith take possession of, occupy, use and improve said
22 lands for the purposes specified in said proceedings. The
23 taking of any appeal from said award shall not operate in
24 any manner to prevent the city from taking possession of

25 said land. In all cases where the names of the owners or
26 the ownership of land so condemned are unknown, uncer-
27 tain or disputed, it shall be sufficient to deposit the award
28 made on account of such condemnation of such land with
29 the city treasurer, for the benefit of the unknown owners
30 thereof.

SEC. 7. The board of commissioners of such city shall,
2 after acquiring land for the purpose mentioned in this act,
3 and after entering into a contract or contracts for making
4 improvements thereon, which shall be let in accordance
5 with cost for similar work by the city, shall, by resolution,
6 apportion and levy, in accordance therewith, special as-
6½ sessments for the full cost of such lands and of such im-
7 provements, the proportion or amount of benefit to the
8 public of such city generally as fixed by said report shall be
9 assessed against the city at large, and the remainder of
10 the cost of said land and improvements shall be assessed
11 against the lots and pieces of land determined in said report
12 and order of confirmation to be specially benefitted thereby,
13 according to the proportion or amount of benefit as fixed by
14 said report. At least one-tenth of the amount of such as-
15 sessment shall be collected each year. The board of com-
16 missioners shall have power to issue general improvement

17 bonds of the city for the full cost of said land and improve-
18 ments for which special assessments are levied, and said
19 cost may be paid with funds obtained by the sale of such
20 general improvement bonds, none of which bonds shall run
21 longer than ten years nor bear interest to exceed five per
22 cent per annum, and assessments may be levied for the
23 payment of such bonds together with the interest thereon
24 as aforesaid. The amount assessed against the city at large
25 shall be paid by general improvement bonds of the city, of
26 the same tenor and effect and under the same restrictions
27 as those hereinbefore mentioned, and such bonds and the
28 interest thereon shall be paid by the levy of a general tax on
29 all the property in the city. The credit of the city shall be
30 pledged for the payment of all bonds issued. Bonds may
31 be issued to the contractor constructing improvements in
32 payment therefor, or the board may sell the same and pay
33 such contractor from the proceeds thereof. Bonds shall not
34 be issued in amount in excess of the full cost of said land
35 condemned and of said improvements, except that the in-
36 stallment coupons shall include interest to the maturity
37 thereof. The bonds shall be in denominations not exceed-
38 ing five hundred dollars, and whenever by reason of the
39 amount of the price of said lands or improvements the issu-
40 ing of a bond in any sum less than five hundred dollars is

41 found necessary by the board, such bond may be issued.
42 Where bonds are issued under this act for land or im-
43 provements, the cost of which is by law charged in whole
44 or in part by special assessments against specific property,
45 the board shall levy special assessments or taxes each year
46 sufficient to redeem the installment of such bonds next
47 thereafter maturing; but in computing the amount of the
48 special assessment to be levied against each lot or piece of
49 land liable therefor, interest thereon shall be added at the
50 rate of five per cent per annum from the date of the issu-
51 ance of said bonds until the maturity of the installment of
52 bonds next thereafter maturing. Such special assessments
53 shall be made upon the lots or pieces of land chargeable
54 for the same, respectively, and shall be levied and collected
55 in the same manner as other taxes, but the proportion of
56 benefit fixed by said report as confirmed shall be followed
57 and retained for all the installments of said bonds. The
58 owner of any lot or piece of land liable to any such special
59 assessment may redeem his property from such liability,
60 at any time prior to the issuance of the bonds, by paying the
61 entire amount chargeable against his property, the city
62 clerk being required to mail a written or printed notice of
63 the entire assessment against the same thirty days before
64 the issuance of the bonds; all sums so paid shall be applied

65 solely to the payment of such lands and improvements, and
66 when any piece of property has been redeemed from lia-
67 bility for the cost of such lands and improvements as
68 herein provided, such property shall not thereafter be liable
69 to further special assessment for the cost of the same. The
70 funds raised by such special assessment shall be applied
71 towards the redemption of said bonds and toward reim-
72 bursing the city when said bonds are redeemed from gen-
73 eral taxes. All bonds issued under this act shall contain a
74 recital that the same are issued under the provisions of
75 this act and in conformity with the provisions, restric-
76 tions and limitations thereof, and shall be registered by
77 the state auditor, and he shall certify to such registration
78 on the back thereof.

SEC. 8. All property in such territory annexed for park,
2 playgrounds and boulevard purposes shall be subject to the
3 annual tax now provided by law, levied by the board of
4 commissioners of such city for the acquisition, improve-
5 ment and maintenance of public parks; provided, that all
6 revenue derived from such tax on property in such terri-
7 tory shall be kept separate and used only for supervision
8 and maintenance of the parks, playgrounds and boulevards
9 in such territory.

SEC. 9. Whenever the board of commissioners of such
2 city determine that any real estate acquired under this act
3 is not necessary nor desirable to be used for the purposes
4 for which the same was acquired, they are hereby au-
5 thorized to lease or dispose of the same upon such terms
6 and in such manner as shall be deemed for the best interests
7 of said city, and the proceeds thereof shall be applied to-
8 wards the redemption of the bonds issued for the cost of
9 said lands and improvements, proportionately in reduction
10 of the special assessment against specific property remain-
11 ing unpaid and the general bonds of the city issued for its
12 share of said cost; and if said lands are not sold until after
13 the payment of said special assessment and bonds, the pro-
14 ceeds thereof shall become a part of the supervision and
15 maintenance fund of parks, playgrounds and boulevards
16 in said territory.

SEC. 10. None of the restrictions and limitations on the
2 issue of general and improvement bonds contained in any
3 other statutes heretofore enacted shall apply to or in any
4 way affect the bonds authorized or issued under this act.

SEC. 11. The board of commissioners of any city avail-
2 ing itself of the provisions of this act, shall have superior
3 supervising control of the parks, playgrounds and boule-
4 vards established and constructed thereunder, so far as

5 necessary for the purposes of this act, and the exercise of
6 the powers herein conferred in and over the territory
7 within the boundaries of the city and the territory annexed
8 for park, playground and boulevard purposes; provided,
9 that in the establishment and maintenance of any such im-
10 provements they shall not change or remove any levee, dyke
11 or embankment constructed or erected by any drainage or
12 levee district organized or existing under any law of this
13 state without first efficiently providing for the protection of
14 the property in said district.

SEC. 12. This act shall take effect and be in force from
2 and after its publication in the official state paper.

MR. SPEAKER: Your Committee on Cities of the First Class, to whom was referred House bill No. 321, An act relating to cities of the first class, providing for the annexation of territory for park and playground and boulevard purposes, providing for the acquisition of land and construction of improvements therein, and taxes and bonds for obtaining the necessary funds in connection therewith, have had the same under consideration, and direct me to report it back with the recommendation that it be passed. W. A. S. BIRD, *Chairman*.

Will this pass?
If so keep
track of report.

HOUSE No. 420

Resolve accompanying the petition of Benjamin F. Haines for an investigation relative to the establishment of a metropolitan police district and a metropolitan fire district. Metropolitan Affairs. January 13.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

RESOLVE

To provide for an Investigation as to a Metropolitan Police District and a Metropolitan Fire District.

1 *Resolved*, That the governor, with the advice and con-
2 sent of the council, shall, within thirty days after the
3 passage of this resolve, appoint three persons who, with
4 the police commissioner and the fire commissioner of
5 the city of Boston, shall serve as a commission to in-
6 vestigate the subject of a metropolitan police district
7 and a metropolitan fire district, or some form of co-
8 operation or co-ordination between the police and fire
9 departments of Boston and the surrounding cities and
10 towns, to the end that said territory may be more
11 economically and efficiently policed and protected from
12 fire. The members of the commission shall receive such
13 compensation and may incur such expenses in the per-

Any information as
to progress of this bill

14 formance of their duties as may be authorized by the
 15 governor and council; and the commission shall report
 16 the result of their investigations and their recom-
 17 mendations for legislation, with drafts of bills embodying
 18 such recommendations, to the next general court on or
 19 before the second Wednesday in January.

*Investigating the position of Benjamin F. Haines as an
 investigation relative to the establishment of a metropolitan police
 district and a metropolitan fire district. Metropolitan Police and
 Fire Districts.*

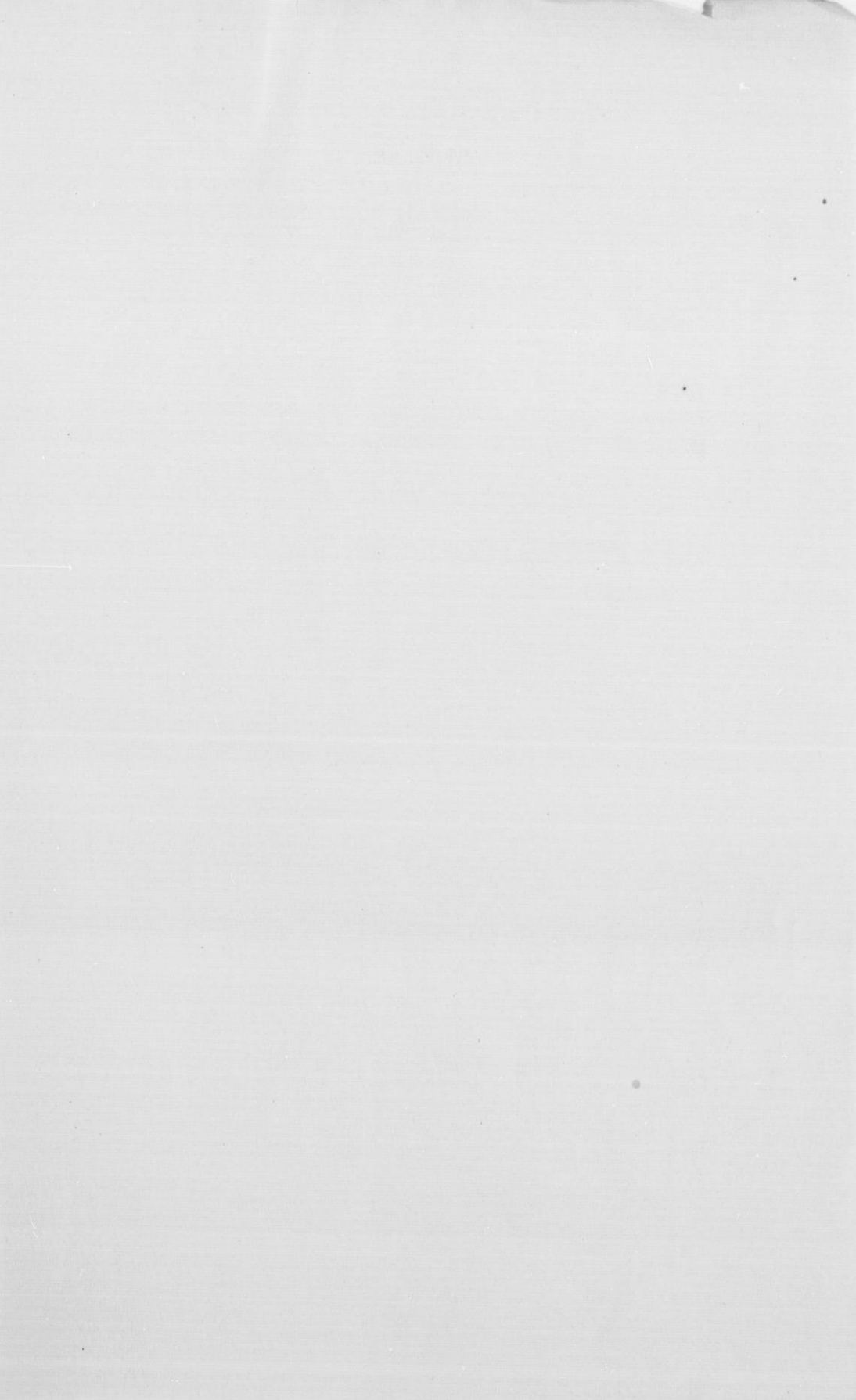
The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fourteen.

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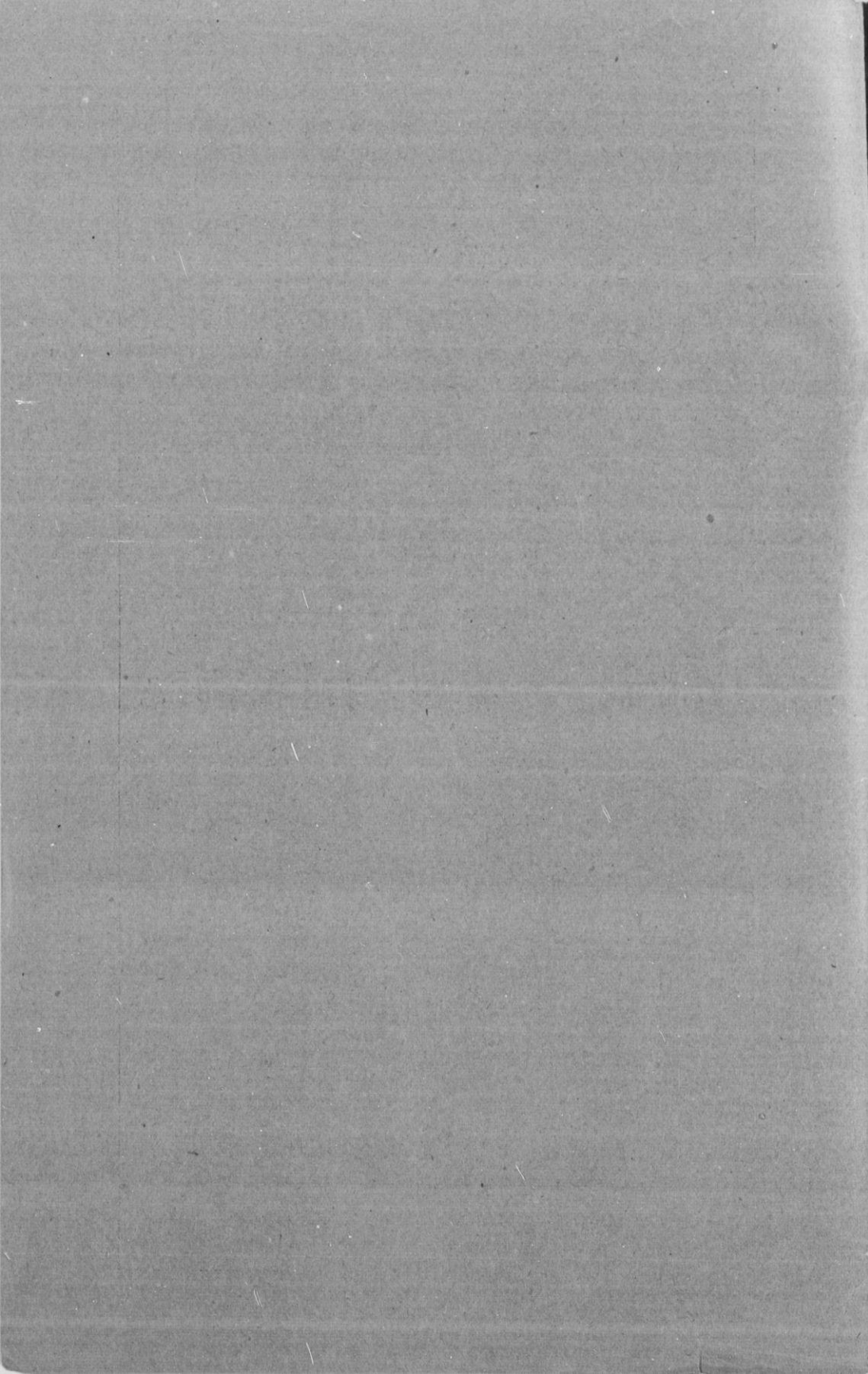
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BOARD ACT,
RULES and ORDINANCES

Board of
Park Commissioners
of the
City of Minneapolis

Compiled May, 1905



BOARD ACT,
RULES and ORDINANCES

Board of
Park Commissioners
Of the
City of Minneapolis

Compiled May, 1905

PARKS AND PARKWAYS.

An Act to Consolidate and Amend all Acts Relating to Parks and Park Ways in the City of Minneapolis and Incident thereto; and Defining the Powers and Duties of the Board of Park Commissioners of said City.

(Approved March 11, 1889, Chapter 30, Special Laws 1889, Page 560.)

SECTION.

1. Board of Park Commissioners.—Composition of—Election of officers—Secretary—duties, etc.
2. Board to maintain Parks and Parkways—Lands platted for Parks—Title to lands—Contract for purchase—No personal or general liability of city—Board to pay.—Donations.
3. Condemnation of lands—Appraisers—Duties—Method of procedure.
4. Assessment of benefits—Park assessors—Powers—Objections—Assessments—Liens.
5. Issuance of bonds.
6. Assessment of tax for interest—Collection—City Park Fund.
7. Vacation and closing of streets—No road, highway or railroad through Park.
8. Construction of bridges and viaducts.
9. Expenditures of money received for benefits.
10. Shore rights—Boats not prohibited.

SECTION.

11. Lands acquired subject to lien for Bonds issued—Liens enforced by sales.
12. Sales of lands not available for Park purposes—Not valid, when.
13. Police and Police regulations—Penalties—Fines collected turned into Park Fund—City Attorney to prosecute—Police, how appointed—Powers.
14. Opening, improving and vacation of streets—Water mains and sewers in street—How assessed—Parkways outside city limits.
15. City Forester duties—Compensation—Trees.
16. Shade trees—Assessment for—Limit of assessments—Collection of.
17. No state law to repeal.
18. Pending proceedings—how completed.
19. Public act.
20. Inconsistent acts repealed.
21. Act to take effect.

SECTION 1. The Board of Park Commissioners of the City of Minneapolis shall consist of the four (4) Commissioners elected on the fifth day of April, one thousand eight hundred and eighty-seven (1887), and the eight (8) Commissioners elected on the sixth (6th) day of November, one thousand eight hundred and eighty-eight (1888); together with the Mayor for the time being of the City of Minneapolis, ex officio, the chairman for the time being of the standing committee on public grounds and buildings, and the chairman, for the time being, of the standing committee on roads and bridges of

Board of
Park Com-
missioners—
to consist of.

PARKS AND PARKWAYS.

To be a department of the city government.	the City Council of said city, ex officii, and their successors in office; all of whom shall continue in office until the expiration of their several terms, and until their successors are elected or appointed and qualified, as provided by law. And the said Board of Park Commissioners, and its successors shall be a department of the government of said city.
To make contracts.	Said Board of Park Commissioners shall have a common seal, and shall be capable of entering into, making, performing and enforcing contracts in the name of, and in behalf of the City of Minneapolis, to carry out the purposes expressed in this act. And all contracts so made and entered into shall be signed and executed by the president and secretary under the direction of the board.
How executed.	
Oath of office.	All persons elected to the office of park commissioner, shall before entering upon the discharge of their duties severally file a written acceptance and oath of office in the office of the City Clerk of the City of Minneapolis.
Election of officers.	The said Board of Park Commissioners shall elect annually from their own number a President and a Vice President, and shall appoint annually a Secretary who shall not be a member of said board. And said officers shall hold their respective offices until their successors are elected and qualified.
Term of office.	
Time of holding election.	The said election shall be held on the third Saturday in January of each year; <i>Provided</i> , that the persons now holding said offices shall continue in office until the third Saturday in January, one thousand eight hundred and ninety (1890), and until their successors are elected and qualified, and whenever vacancies shall occur in said offices they shall be at once filled in like manner for the unexpired term.
Vacancy.	Whenever a vacancy may occur in the office of an elected commissioner, it shall be filled by the board.
Bond of Secretary.	The person elected as secretary, before entering upon the duties of his office, shall file with the Comptroller of said city a bond in the penal sum of ten thousand (10,000) dollars, with at least three (3) good and sufficient sureties, acceptable to said Board of Park Commissioners. Said Secretary shall have power and is hereby authorized to administer oaths in all proceedings under this act and incident thereto.
Powers and duties of Secretary.	It shall be the duty of the said secretary to submit to the said board at the first meeting in January, a report showing the transactions of his office, and other information necessary for the conduct of business.
Annual reports.	
Rules.	The said Board of Park Commissioners shall make rules to govern its proceedings, and may meet from time to time, as it may by rule or vote determine, and adjourn its said meetings. It shall make and publish from time to time, rules, ordinances and regulations for the government of its officers, agents, servants and employes, and for the government and regulation of the parks and parkways, which may be required under and pursuant to the provisions of this act. A majority of the members of said board shall constitute a quorum; but no action of said board, designating or purchasing or leasing lands, creating a bonded debt, or filling vacancies in the Board of Park Commissioners, shall be valid unless voted for by ten (10) members of said board; and a record of its proceedings shall be kept, and the
Ordinances.	
Quorum.	
Acts not valid, when.	

PARKS AND PARKWAYS.

said board shall make and publish an annual report setting forth their general proceedings, and containing a statement of the receipts and expenditures of said board; which statement of receipts and expenditures shall be submitted to the City Comptroller and audited by him in the same manner as accounts of city officers. The said commissioners shall receive no compensation for their services, but may receive such sums for actual and necessary expenses incurred in performing their official duties as may be audited and allowed by the said board. The board of commissioners shall be authorized to employ and dismiss such attorneys, surveyors, agents and employes as may be necessary, and to fix the compensation of all its appointees and employes, which shall be payable from the fund hereinafter established for the purpose of this act, upon the order of said board, countersigned by the City Comptroller.

Record kept and published.

Receipts and expenses.

Compensation of Board.

Compensation of employes.

No commissioner shall be interested in any contract made under the authority of said board, or in any lands to be required by said board, except that if any commissioner shall be owner of, or interested in, any lands which may be designated or appropriated for the uses of this act, he shall be entitled to receive compensation therefor as provided herein, but shall not act officially in respect to any matter in which he may be pecuniarily interested.

Commissioners not to act, when.

Any commissioner may be removed from office by the District Court of Hennepin county, after trial and conviction, upon the petition with sworn charges presented by not less than ten (10) reputable freeholders of said city, if it shall appear at the trial that such commissioner has been guilty of misdemeanor, or malfeasance in office.

Commissioners removed, when.

Upon the presentation of such petition to one of the judges of said court he shall issue an order returnable before such judge, or the court, requiring such commissioner to appear and show cause why he shall not be removed from his office, and upon the return of such order the court or judge shall direct the method of hearing and procedure.

Method of procedure.

The office of any commissioner under this act who shall not attend meetings of the board for three (3) successive months after having been duly notified of said meetings, without reasons satisfactory to the board, or without leave of absence from said board, may by said board be declared and thereupon shall become vacant.

Office of commissioner vacant, when.

*SEC. 2. The Board of Park Commissioners of the City of Minneapolis and its successors shall have the power and it shall be its duty, to devise, adopt, and maintain parks and parkways in and adjacent to the City of Minneapolis, and from time to time to add thereto; to designate lands and grounds to be used and appropriated for such purposes; to cause the same to be platted, surveyed, and plats thereof filed in the office of the secretary of said board, and in the office of the City Engineer of the City of Minneapolis; and the right to take possession, upon obtaining title to the same or any part thereof, of same or any part thereof; to hold, improve, govern and administer the same for such purposes.

To maintain parks and park-ways.

Lands to be platted.

To take possession.

The said board of commissioners, and their successors, shall have power, and it is hereby authorized, to obtain title for and in the name

Power to obtain title to lands.

*Entire section 2, as amended by chapter 103, section 1, Special Laws 1889, p. 720.

PARKS AND PARKWAYS.

of the City of Minneapolis, to any lands so designated by it for the purpose of this act, by gift, devise, purchase or lease.

Contract for purchase of lands.

And said board may enter into any contract in the name of said city, for the purchase of any lands to be paid for in such time, or times, and in such manner as the board may agree to; and said board may accept title to lands and give back a mortgage or mortgages in the name of said city, with or without bonds to secure the unpaid purchase price. *Provided*, that no personal or general liability on the part of said city shall be created by any such contract, or mortgage, or bond beyond the means at the time available therefor, except the liability to pay such amounts as may be realized from benefits assessed on benefited property on account of the lands included in such contract or mortgage.

No personal or general liability of city.

Board to pay.

And it is hereby made the duty of said board to pay on each such contract or mortgage an amount equal to the sum or sums so realized from such assessments; and said board shall have power to accept and receive donations of money, property or lands, for the use of the said city for the purposes contemplated in this act.

Donations.

Authority to condemn land and method of procedure.

SEC. 3. The Board of Park Commissioners shall have power, and it is hereby authorized to condemn for the use of said city, any tract or tracts, parcel or parcels of land, or any interest therein, which it may have designated as hereinbefore provided in the second (2d) section of this act; and when such condemnation shall have been completed and the land paid for as herein provided, the title to such land shall pass, and be vested in fee simple in the said city. For the purpose of making and perfecting such condemnation, the said Board of Commissioners shall proceed in the manner following:

Appraisers appointed.

1st. The Board of Park Commissioners shall appoint five (5) appraisers who shall be disinterested freeholders and qualified voters of said city, and none of whom shall be residents of the ward or wards in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making said improvements; said appraisers shall be notified as soon as practicable by the secretary of said board to attend at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such appraiser, upon being so notified shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars (\$50), and shall be liable to be prosecuted therefor before the Municipal Court of said city, as in case of a violation of an ordinance of said city. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the Board of Park Commissioners.

Failure to qualify.

Vacancy.

Appraisers sworn.

2nd. The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the Board of Park Commissioners.

Notice published.

3d. The said appraisers shall with all reasonable speed give notice by publication in the official newspaper of said city once a week for two (2) consecutive weeks; which last publication shall be at least ten (10) days before the day of such meeting; which notice shall contain a general description of the lands designated by the Board of Park

PARKS AND PARKWAYS.

Commissioners, and give notice that a plat of the same has been filed, and the said appraisers will meet at a place and time designated in said notices and thence proceed to view the premises, and appraise the damages for property to be taken, or which may be damaged by such improvement.

4th. At the time and place according to said notice, the said appraisers shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine and appraise the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement.

Appraisers meet.

5th. If there should be any building standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall in each case determine the amount of damage which should be paid to the owner or owners thereof in case such building, or so much thereof as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case he or they should elect to remove such building.

Damage for taking and removing of buildings.

6th. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the appraisers. *Provided*, that neither such award of the appraisers nor the confirmation thereof by the Board of Park Commissioners shall be deemed to require payment of such damages to the person or persons named in said award, in case it shall transpire that such person or persons are not entitled to receive the same.

Awards to different parties.

Appraisers report not deemed to require payment of damages.

7th. The said appraisers having ascertained and appraised the damage aforesaid, shall make and file with the secretary of said Board of Park Commissioners a written report of said Board of Park Commissioners of their action in the premises, embracing a schedule and appraisement of the damages in each case, with a description of the lands and names of the owners if known to them, and also a statement of the costs of the proceedings.

Report of appraisers filed.

8th. Upon such report being filed the Secretary of the Board of Park Commissioners shall give notice that such appraisement has been returned, and that the same will be considered by the Board of Park Commissioners at a meeting thereof to be named in the notice; which notice shall be published in the official newspaper of said city once a week for two (2) successive weeks, and the last publication shall be at least ten (10) days before such meeting.

Notice by secretary published.

Any person interested in any building, standing in whole or in part upon any land required to be taken by such improvement, shall on or before the time specified for said meeting, in such notice, notify the said Board of Park Commissioners in writing of his election to remove such building, if he so elect.

Owners of buildings notify board.

The Board of Park Commissioners, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the appraisement, in whole or in

Board to confirm, revise or annul appraisement

PARKS AND PARKWAYS.

part; giving due consideration to any objections interposed by parties interested in manner hereinafter specified, *provided* that said board shall not have the power to reduce the amount of any award.

New appraisers to be appointed, when.

In case the appraisal is annulled, in whole or in part, the board may thereupon appoint new appraisers who shall proceed in like manner, as in case of the first appraisal, as to any lands as to which the former appraisal was annulled; and upon the coming in of their report the board shall proceed in like manner and with the same powers as in case of the first appraisal, and may order re-appraisal so often as it shall deem proper.

Damages paid out of park fund.

9th. The damages shall be paid out of the park fund, and shall be so paid, or be deposited and set apart in the treasury of said city to and for the use of the parties entitled thereto, within six (6) months after the confirmation of such appraisal and report; but in case any appeal or appeals shall be taken from the order confirming said appraisal, then the amount of such damage shall not in any case be required to be paid or deposited and set apart as aforesaid, until sixty (60) days after the determination of all appeals which shall have been so taken.

Appeals.

Re-appraisements.

And in case of any re-appraisal or re-appraisements, the amount of such damage shall not in any case be required to be paid or deposited or set apart, as aforesaid, until sixty (60) days after final action and determination, including determination upon appeals of such re-appraisements, it being the intention that said board shall be enabled to ascertain the entire cost of any improvement before paying for any part of such improvement.

Land not to be taken until paid for.

The land and property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall have been paid to such owner or his agent, or deposited and set apart for his use as aforesaid. And in case the said Board of Park Commissioners shall be unable to determine to whom the damages so awarded should in any particular case be paid, or in case of disputed claims in relation thereto, or in case of the legal disability of any person interested, the amount of damage in any such case may be deposited by order of the Board of Park Commissioners in the District Court of Hennepin County, in the same manner as moneys are paid into court as provided by law, and in every case such deposit of the money in court shall satisfy all requirements of this act; and said court upon the proper application of any person claiming the award or any part thereof, shall determine to whom the same shall be paid.

Money paid to district court, when.

Buildings to be removed within 30 days.

10th. In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the Board of Park Commissioners may allow for the purpose, and shall thenceforth be entitled to payment from said park fund of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time prescribed, such buildings or so much thereof as may be necessary, upon

Buildings may be sold, when.

PARKS AND PARKWAYS.

payment or depositing the damages awarded for such taking, in manner aforesaid, may be taken and appropriated, sold or disposed of as the said Board of Park Commissioners shall direct, and the same or the proceeds thereof shall belong to the said park fund.

11th. Any person whose property is proposed to be taken or interfered with, under any provisions of this act, and who deems that there is any irregularity in the proceedings of the said Board of Park Commissioners, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property, may at any time before the time specified for the consideration of the award by the Board of Park Commissioners, file with the secretary of said board, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property in which he is interested affected by such proceedings, and his interest therein, and if, notwithstanding such objections, the said board shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the board to the District Court of the County of Hennepin, within ten (10) days after such order; such appeal shall be made by serving a written notice of such appeal upon the secretary of said board, which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, and by also delivering to said secretary a bond to the City of Minneapolis, executed by the appellant, or by some one on his behalf, with two (2) sureties who shall justify in the penal sum of fifty dollars (\$50), conditioned to pay all costs that may be awarded against the appellant. Thereupon the said secretary shall make out and transmit to the Clerk of the said District Court a copy of the award of said commissioners, as confirmed by the board, and of the order of the board confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said secretary to be true copies, within ten (10) days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the secretary, in appeal subsequent to the first, shall send up anything except a certified copy of the appellant's objection. There shall be no pleading on such appeal, but the court shall determine in the first instance whether there was in the proceeding any such irregularity or omission of duty prejudicial to the appellant and specified in said written objections, that as to him the award or appraisalment or (of) the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises. The case may be brought on for hearing in eight (8) days notice, at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings, only so far as the said proceedings affect the property of the appellant proposed to be taken or damaged, and described in said written objection. In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, appoint three (3) disinterested freeholders, residents of said city, appraisers, to re-

Objections.

Appeal.

Bond.

Transcript
to clerk of
district
court.

Trial.

Court
appraisers.

PARKS AND PARKWAYS.

appraise such damages. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers; they shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested with their allegations and proofs pertinent to the question of the amount of such damages; such appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and in all other material respects as are in this act made for the government of appraisers appointed by said board. They shall, after such hearing and view of the premises, make a report to said court of their appraisal of damages in respect to the property of such appellant. The award of such appraisers shall be final, unless set aside by the court for good cause shown. In case such report is set aside the court may in its discretion re-commit the same to the same appraisers or appoint new appraisers, as it shall deem best; said court shall allow a reasonable compensation for their services, and make such award of costs on such appeal, including the compensation of such appraisers, as it shall deem just in the premises. In case the court shall be of opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. The Board of Park Commissioners shall have the right at any time during the pendency of any proceedings for the acquisition of lands for any improvement authorized by this act, or at any time within sixty (60) days after the final order by the court, of all appeals taken in such proceedings, to abandon all such proceedings in respect to the whole improvement or any part thereof, whenever they shall deem it for the interest of the city so to do.

Report of
appraisers.

Court may
set aside.

Board may
abandon
proceedings.

Commission-
ers to make
a statement
of damages.

12th. As soon as said proceedings for acquiring the title to such lands shall have been completed, it shall be the duty of said commissioners to make, or cause to be made, an accurate description of all such lands as shall have been so acquired, with a statement of the amount of damages awarded and paid to each former owner for the land so acquired, which shall be certified by the President and Secretary of said board, under the official seal of said board, and be filed in the office of the Secretary of the Board of Park Commissioners, and for record in the office of the Register of Deeds of said County of Hennepin; and it is hereby made the duty of said Register of Deeds to record the same among the records of transfers of real estate in said county, which records shall be prima facie evidence of title to such land, and of the transfer of all the interests of such former owner in the same to said City of Minneapolis.

Where
recorded.
Records to
be evidence
of title.

Plats,
where filed.

It shall also be the duty of said Board of Park Commissioners to have correct plats of all such lands as they may acquire for the purposes of this act, prepared and filed in the office of the Secretary of said Board of Park Commissioners, in the office of the City Engineer of the City of Minneapolis, and in the office of the Register of Deeds of Hennepin county; which said plat shall be kept on file and of record in the office of said Register of Deeds in like manner as plats of additions to the City of Minneapolis.

PARKS AND PARKWAYS.

SEC. 4. As soon as the amount required for the purchase and condemnation of the land selected for any park or parkway, or park purposes, shall have been ascertained by said Board of Park Commissioners with reasonable certainty, it shall determine what percentage, if any, of the amount so ascertained shall be assessed upon the lands benefited by said park or parkway, and it shall apply to the district court of Hennepin county for the appointment of three (3) freeholders of the City of Minneapolis, as park assessors, none of whom shall be residents of the ward or wards in which the property so designated is situated.

Assessment of benefits.

Appointment of park assessors.

Notice of such application shall be given by publication thereof in the official newspaper of said city at least six (6) days successively, the last of which publication shall be at least three (3) days prior to the date fixed therefor, and all persons interested may appear and be heard by the court touching such appointment. After such hearing the court shall appoint three (3) disinterested assessors who shall proceed to assess upon such lots, blocks, tracts and parcels of land in the City of Minneapolis as they shall deem to be specially benefited by such park or parkway, whether such land shall adjoin and abut upon such park or parkway or not, and whether exempted from assessment or not, such sum as they shall deem a just proportion respectively of the total sum so to be assessed for benefits; and the determination of said assessors as to what lots, blocks and parcels of land especially are specially benefited shall be deemed to include all the lands so benefited. In case of the purchase of lands for any such parks or parkways, or of any part thereof, it shall be competent for said Board of Park Commissioners to agree with the vendor or vendors of the land so purchased upon a price therefor, which may in addition to the purchase price thereof include exemption from an assessment for benefits upon any remaining contiguous or adjacent lands owned by such vendor or vendors, the amount of which exemption shall be specifically agreed upon in the contract or conveyance; *provided* in all such cases an accurate description shall be furnished to said board by the party to be exempted, specifying the lands so to be exempted, which description shall be filed in the office of the Secretary of said Board and a certified copy thereof shall be recorded in the office of the Register of Deeds of Hennepin county; and it shall be the duty of said Register of Deeds to file and record the same. Before proceeding to act under such appointment the said assessors shall make oath faithfully and impartially to discharge the duties of their said office, and shall then give notice of the time and place of their meeting, for the purpose of making said assessment, by publication thereof for six (6) successive days in the official newspaper of said city, the last of which publications shall be at least three (3) days before the time of meeting; all parties interested may appear before said assessors and be heard touching any matter connected with the assessment.

Purchase of lands.

Exemption from assessment.

Description on file.

Oath.

Notice of meeting.

The assessors shall have power to administer oaths to witnesses and shall hear and consider any pertinent testimony offered and they may adjourn their meetings from time to time until the assessment is completed. When completed the assessment shall be signed by the assessors or by a majority who shall concur therein, and shall be returned to and filed in the office of the clerk of said district court.

Power of assessors.

Assessment returned.

PARKS AND PARKWAYS.

Notice of
assessment.

The Board of Park Commissioners shall cause to be published in the official newspaper of the City of Minneapolis at least six (6) days successively, a notice of the filing of said assessment roll; which notice shall set forth the boundaries of the district in which said assessments have been levied; and that they will on a day named therein apply to said court for the confirmation of said assessment, the last of which publications shall be at least five (5) days prior to said application.

Court to
revise or
confirm.

Said district court shall have power to revise, correct, amend and confirm said assessment in whole or in part, and may make or order a new assessment in whole or in part, and the same revise, correct, amend and confirm upon like notice. All parties interested may appear before said court at the time of such application, and object to said assessment either in whole or in part, but all objections shall be in writing specifying the tracts or parcels of land in respect to which objection is made, and shall be filed with the clerk of said district court at least two (2) days before the time fixed for the application. Objections which relate merely to the amount assessed upon the premises specified shall not be available, unless the court shall be satisfied that the assessors in fixing such amount were governed by improper motives, or proceeded upon erroneous principles, or under an obvious mistake of facts. After the confirmation of such report, the Board of Park Commissioners shall cause a copy thereof, as amended and confirmed, to be filed in the office of the Auditor of Hennepin county, and the copies of such assessment rolls as have heretofore been filed in the office of the clerk of said court, shall be transferred to and filed in the office of said county auditor. Such assessment shall be a lien upon the several tracts or parcels of land so assessed for benefits, as aforesaid, and ten (10) per cent of the amount thereof shall be due and payable annually.

Objections
filed.

Assessment,
how filed.

Assessment,
a lien.

Auditor to
include in
tax list.

The auditor of said Hennepin county shall include in the general tax list for the collection of state, county and city taxes, ten (10) per cent of said assessment for each year, until the whole sum is paid, setting opposite the several tracts or parcels of land assessed the amount of such assessment in an appropriate column to be headed "park assessments," and like proceedings, in all respects, shall be had for enforcing the collection of the same as is now provided by law for the collection of state, county and city taxes. In case any of the tracts or parcels of land which have been or which may hereafter be assessed for benefits, as aforesaid, have been or shall hereafter be replatted or otherwise subdivided, said county auditor shall have power to apportion the amount originally assessed thereon among the several lots, blocks or parcels into which the same has or shall be so subdivided, in such manner that the several subdivisions thereof shall bear their just proportion of the benefit tax as so assessed or confirmed. Said county auditor shall provide, and keep, as one of the records of his office, a suitable book or books, in which he shall enter the several tracts and parcels of land so assessed, with a statement of the amounts assessed thereon respectively, and all payments made on account of such assessments, with such other facts in relation thereto as he may deem advisable; and the Board of Park Commissioners may compensate said auditor for such services in any sum which said board shall deem just and reasonable.

Re-platting
—re-apportionment.

County
auditor to
keep record
of assess-
ments.

Compensa-
tion of
auditor.

PARKS AND PARKWAYS.

If the owner of any tract or parcel of land assessed as aforesaid, shall at any time make payment of such sum as being put at simple interest at seven per cent per annum would amount to the sum of the several installments of such entire assessment, at the time they would respectively become due under the provisions of this section, the said lands shall henceforth be free from the lien of the assessments so paid and discharged.

SEC. 5. For the cost of acquiring a title to lands for said parks and parkways, the said Board of Park Commissioners shall have power to borrow, from time to time, for such times as it shall think expedient, not exceeding fifty (50) years, a sum of money the annual interest upon which for all the moneys so borrowed, including the sums heretofore borrowed, shall not exceed thirty-five thousand dollars (\$35,000), and for that purpose shall have authority to issue bonds of the City of Minneapolis, to be denominated "park bonds," secured upon said parks and the improvements thereon; which bonds shall issue under the seal of said Board of Park Commissioners, and shall be signed by the president and secretary of said board, and countersigned by the Comptroller of the City of Minneapolis, and shall bear interest not exceeding four and a half (4½) per cent per annum. And in no case shall bonds be issued by said commissioners so that the bonded debt of the city shall exceed the limit fixed by law. It shall be the duty of the Secretary of said Board of Park Commissioners and of the City Comptroller to keep an accurate register of all bonds issued, showing the amount, number and date of each bond. And for the payment of the principal and interest of said bonds, the said parks and improvements thereon shall be irrevocably pledged with a first lien thereon, and the City of Minneapolis shall be irrevocably bound; *provided* that all lands shall be first subject to the unpaid purchase price thereof; and said bonds may be sold by said Board of Park Commissioners, upon such terms and for such prices as in its judgment are the best that can be obtained for the same.

SEC. 6. The said Board of Park Commissioners shall annually, on or before the first (1st) day of October in each year, transmit to the Auditor of Hennepin county an estimate in writing of the amount of money necessary for the payment of interest on bonds issued by said board, and that will be required for the purchase, improvement, maintenance and government of said parks and parkways during the succeeding year; which amount shall not exceed what will be raised by a tax of one (1) mill upon each dollar of valuation of the taxable property in said city; and the said auditor shall proceed to determine what per cent said sum is on the taxable property of said city according to the assessor's returns, and shall, in the next general tax list for the collection of city, state and county taxes, in said city, set down the amount chargeable to the several persons, corporations, lots or parcels of ground in a separate or appropriate column, and the proper officers shall proceed to collect the same in the manner now provided by law for the collection of city, state and county taxes, and all the provisions of law in respect to the collection of city, state and county taxes, and proceedings to enforce the same as far as applicable, shall apply to said assessments and taxes; the said sum of money, together with all

Owner may pay assessment.

Issuance of bonds.

Bonded debt not to exceed limit.

Secretary to keep a register.

Lands subject to purchase price.

Assessment of tax for interest.

Auditor to determine tax.

Collection.

City park fund.

PARKS AND PARKWAYS.

other moneys provided for the purpose of this act, shall be placed by the City Treasurer of the City of Minneapolis to the credit of said Board of Park Commissioners, and shall be drawn by said board from the City Treasurer by warrant signed by the president and secretary of the board and countersigned by the City Comptroller and in no other way; and shall constitute a special fund to be known and denominated the "city park fund."

Vacation and closing of streets.

SEC. 7. It shall be lawful for said Board of Commissioners to vacate and close up any and all public roads and highways excepting railroads which may pass through, divide or separate any lands selected or appropriated by it for the purpose of parks; and no such road, highway nor any railroad shall be laid out through said parks or any of them, except such as the said Board of Commissioners shall itself lay out and construct or shall consent to.

No road, highway or railroad through park.

Construction of bridges and viaducts.

SEC. 8. The said board shall have power to construct all necessary bridges and viaducts over water courses and railroads within or on the line of said parks and parkways.

Expenditure of money received for benefits.

SEC. 9. The funds which may be received for and upon the special assessments of benefits herein provided for, shall be paid into the city treasury as a part of the park fund.

Shore rights.

SEC. 10. Whenever the title shall have been acquired for the purpose of this act, to the land constituting the shore or shores of any stream of water, lake or pond, said board may regulate and control the use of such shore or shores and the water contiguous thereto, and in case such ownership shall embrace the entire shore of any such lake or pond, said board is hereby empowered to take any and have exclusive charge and control of the waters of said lake, and may in all things regulate and govern the use of such waters, and may prescribe penalties for the violation of such rules and ordinances as it may adopt for that purpose; *provided*, that said board shall not prohibit the use of sail or row boats on such waters.

Sail or row boats not prohibited.

Lands acquired subject to lien for bonds issued

SEC. 11. The lands which may be designated and obtained under the provision of this act, shall remain forever for parks and parkways for the use of all the inhabitants of the said city, subject to such rules and regulations as the Board of Park Commissioners shall prescribe, said parks being subject to the lien of the bonds which may be issued for their purchase, provided that land purchased shall be first subject to the unpaid purchase price; which lien, in case of non-payment of said bonds at the maturity thereof, may be enforced by sales pursuant to any decree of a court of competent jurisdiction.

Lien enforced by sales.

Sale of lands not available for park purposes.

SEC. 12. Whenever the title to any piece or parcel of real estate that has, or may hereafter be, acquired under the provisions of this act, either by purchase or condemnation and the proceedings for the establishment of a particular park or parkway, of which said piece of land, or parcel of land, was designated to form a part has been, or may hereafter be, abandoned by said board, as by this act authorized, in consequence of which abandonment said piece or parcel of land has or may become unavailable as a park of said park system, such lands may be sold and conveyed by deed executed in the name of said city by the president and secretary of said board, at such price and upon such terms as said board may direct or approve. No such sale shall be

PARKS AND PARKWAYS.

valid, however, unless authorized by the district court of Hennepin county by its order describing the premises to be sold and entered upon the petition of such board, after hearing of all interested parties, upon such notice by publication or otherwise, as such court may prescribe. And such district court is hereby empowered to make and enforce all such orders, judgments and decrees as it may deem proper in the premises; and such conveyance so authorized and executed shall vest in the grantee all right, title and interest of the City of Minneapolis in such lands acquired by such condemnation or purchase.

Sale not valid, when.

Court to enforce.

SEC. 13. Said board shall have the power to adopt rules and ordinances to secure the quiet, orderly and suitable use and enjoyment of said parks and parkways by the people, and to fix and ordain penalties for the violation thereof; which ordinances shall take effect from and after the publication thereof in the official newspaper of said city, and the same shall be enforced by prosecution in the Municipal Court of said city, as in the case of other ordinances of said city. The Clerk of the Municipal Court of said City of Minneapolis shall receive all fines and penalties imposed by the said Municipal Court for the violation of park ordinances, and shall keep full, accurate and detailed account of the same; and shall, on the first Monday of every month, deliver over to the City Treasurer of the City of Minneapolis all moneys so received; which moneys so received when so paid to the said City Treasurer shall become a part of the park fund of said city.

Rules.

Penalties.

Fines and penalties credited to park fund.

The City Attorney of the City of Minneapolis shall have charge of all prosecutions, and shall prosecute all violations of park ordinances before the Municipal Court of said City of Minneapolis.

City attorney.

The Mayor of the City of Minneapolis shall, upon request of the Board of Park Commissioners, appoint as policemen such persons as such board may request; and which policemen shall be under the control and direction of said board, and may be discharged by said board, and said board shall provide for the payment of such policemen out of the park funds.

Policemen, how appointed, discharged and paid.

All policemen so appointed shall possess all the common law and statutory powers of constables; and any warrant for search or arrest issued by any magistrate or court of record in Hennepin county may be executed in any part of said county by any member of said police force.

Powers of policemen.

*SEC. 14. The said Board of Park Commissioners shall have and exercise all such powers and jurisdiction over and in relation to parkways as now is, or hereafter may be, conferred upon the City Council in respect to the laying out, opening, widening and improving, vacating and discontinuance of streets; the grading, paving, and curbing thereof; the construction of sidewalks; and the cost of all lands acquired, and of all improvements made by said board pursuant to this section shall be levied upon and collected from the property specially benefited thereby. And the proceedings for the condemning of land and for assessing benefits for improvements shall be conducted in the manner hereinbefore in this act provided for condemning lands and assessing benefits.

Opening, improving and vacation of streets, how.

*Entire section 14 as amended by chapter 103, section 2, Special Laws 1889, p. 721.

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Water mains and sewers in streets.

The City Council of said City of Minneapolis shall have the same power and jurisdiction in respect to laying water mains and sewers along parkways in the said city as it now has in respect to laying the same along the public streets; and the same proceedings for levying and collecting special assessments for water mains and sewers along such streets shall apply to levying and collecting the same for water mains laid along the parkways.

How assessed.

Park-ways subject to control of Park Board.

All parkways which have been or which may be acquired in or adjacent to the City of Minneapolis shall be subject to the control and government of the Board of Park Commissioners of said city, in respect to the construction, maintenance, regulation and government thereof; and to the use, travel and traffic over and upon the same; *provided*, that no street, alley or public place, or any part thereof, shall be taken for a parkway without the consent of the City Council of said city.

Park-ways outside city limits.

The said Board of Park Commissioners may acquire by gift, lands without the corporate limits of said city for the purpose of continuing or completing any system of parkways within said limits; and shall possess the same powers and jurisdiction over said parkways as if they were wholly within the city limits.

Planting of trees, etc.

SEC. 15. (12) The Board of Park Commissioners of the City of Minneapolis shall hereafter have the authority to direct and regulate the planting and preservation of shade and ornamental trees and shrubbery in the streets, alleys and public grounds of said city. And to appoint, upon the recommendation of its president, a City Forester, whose general duties it shall be to inspect, and in his discretion condemn and destroy any trees or shrubs offered for sale in said city, if so ordered by said Park Board. To superintend and regulate the planting and culture of the same in said streets, alleys and public grounds, and to perform such other similar duties as said board may by ordinance prescribe.

City forester—Duties of.

Compensation.

Said board is also authorized to enact such ordinance or ordinances as it may deem proper to carry out the purposes of this act and shall provide for the proper compensation of such City Forester to be paid out of the park funds.

Trees, etc.—Not removed.

No shade or ornamental trees or shrubbery growing in the streets, alleys and public grounds of said city, shall be destroyed or removed except by leave in writing first obtained from the president of said Board of Park Commissioners; the same to be duly countersigned and recorded by the secretary of said board.

Penalties for violation of ordinances.

And the said Board of Park Commissioners may, by proper ordinances, provide for the enforcement of this section, fix penalties for the violation thereof; and the Municipal Court of said city shall have jurisdiction of all offenses against such ordinances.

Shade trees.

SEC. 16. Said Board of Park Commissioners may in its discretion cause suitable shade trees to be planted along, and upon any street or alley, or any portion thereof, and upon any public grounds in said city; and may cause to be assessed upon the piece or parcels of land abutting and upon such street, alley or public ground, and benefited by such improvement, the cost of purchasing and planting such trees, together with such sum as may be deemed necessary for the proper care of said trees for the period of three (3) years after such planting.

Assessment for.

PARKS AND PARKWAYS.

The sum so assessed shall not be greater than fifty (50) cents per front foot upon any piece or parcel; and any trees that may die within three years after having been planted by said Board of Park Commissioners, shall be replaced by said board without additional assessment.

Limit of assessment.

The said board shall, by resolution, direct the amount to be assessed against each piece or parcel of land; and its assessment shall be deemed to include all pieces or parcels benefited, and the secretary of said board shall, on or before the first (1st) day of October, of each year, transmit to the County Auditor of Hennepin County a certified copy of all such resolutions not previously certified to said County Auditor.

Board shall direct amount to be assessed.

And the said County Auditor shall extend the assessments in proper columns against the pieces or parcels assessed, and such assessments shall be collected and the payment thereof enforced with, and in like manner as state, county and other taxes are collected, and the payment thereof enforced. And such assessments when collected shall be paid over by the County Treasurer to the City Treasurer of the City of Minneapolis and be placed by him in the park fund.

Assessment collected.

SEC. 17. No law of the state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

No state law to repeal.

SEC. 18. Nothing in this act shall be deemed to impair, invalidate, or in any way affect any actions or proceedings of the Board of Park Commissioners of said city as the same has heretofore existed; *provided*, that in all matters where the provisions of this act can so apply without injury to the interests of said city, the same shall apply as to unfinished proceedings.

Pending proceedings how completed.

SEC. 19. This act shall be a public act, and need not be pleaded or proved in any case.

Public act.

SEC. 20. All acts and parts of acts, whether in the charter of the City of Minneapolis or elsewhere, inconsistent with any provisions of this act, are hereby repealed.

SEC. 21. This act shall take effect and be in force from and after its passage.

Act to take effect.

AMENDMENTS TO PARK BOARD ACT.

Chapter 281, Special Laws 1883, Page 404.

Division of Act.	Approved.	Year.	Chap.	Sec.	Page.
Section 1—See also.....	Mar. 4	1887	20	—	457
Section 2.....	Feb. 26	1887	18	1	455
Section 4—Subd'n 1.....	Feb. 22	1887	19	1	455
— 6.....	Feb. 24	1885	96	1	265
— 8.....	Feb. 22	1887	19	2	456
— 9 to read.....	Feb. 24	1885	96	2	265
— 12.....	Feb. 24	1885	96	3	265
— 12.....	Feb. 22	1887	19	3	456
Section 5—to read.....	Feb. 24	1885	96	4	266
Section 9.....	Feb. 26	1887	18	2	454
Section 13.....	Feb. 26	1887	18	3	454
Section 14—to read.....	Feb. 26	1887	18	4	455
Entire act—to read.....	Mar. 11	1889	30	—	560
Section 2—to read.....	Apr. 22	1889	103	1	720
Section 14—to read.....	Apr. 22	1889	103	2	721
See also.....	Mar. 9	1885	304	—	546
See also.....	Feb. 19	1887	17	—	453
See also.....	Mar. 4	1887	20	—	457
See also.....	Mar. 25	1891	140	—	771

PARK BONDS.

An Act to Regulate the Issue of Bonds by the Board of Park Commissioners of the City of Minneapolis.

(Approved March 25, 1891, Chapter 140, Special Laws 1891, Page 771.)

SECTION.

1. Issuance of Bonds—How Signed—Register.
2. Bonds void, when.

SECTION.

3. Inconsistent Acts Repealed.
4. Act to Take Effect.

No bonds issued without consent of council.

SECTION 1. No bonds shall be issued by the Board of Park Commissioners of the City of Minneapolis for any purpose whatsoever, except with the consent and upon the direction and approval of the City Council of said city.

How signed.

All bonds so issued by said board shall be countersigned by the Mayor and Comptroller of said city;

Bonds already ordered.

Provided, That nothing in this act contained shall be construed as prohibiting the issuance of park bonds to the amount of fifty thousand (50,000) dollars, already ordered by resolution of said board, to defray the expense of contemplated improvements.

Register.

And it shall be the duty of said Board of Park Commissioners and of the City Comptroller to keep an accurate register of all bonds issued, showing the amount, number and date of each bond.

Bonds, void when.

SEC. 2. Any bonds issued by said board, except as provided in this act, shall be void.

Inconsistent acts repealed.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

RULES OF THE
BOARD OF PARK COMMISSIONERS
OF THE
CITY OF MINNEAPOLIS.

MEETINGS.

SECTION 1. Regular meetings of the board shall be held at its office at 8 o'clock p. m., on the first and third Monday in each month, from April to October inclusive, and on the first Monday in each month from November to March inclusive.

SEC. 2. Special meetings may be called by the president whenever he deems the same expedient; and shall be so called whenever three commissioners shall request the same in writing.

SEC. 3. The board may adjourn from time to time, absentees being notified thereof, and in case there shall be no quorum present on the day fixed for a regular, adjourned, or special meeting, the commissioners present may adjourn from time to time, until a quorum be obtained; or may adjourn said meeting *sine die*.

SEC. 4. Each commissioner shall be notified, at least two days previous to any special meeting, of the time, place and purpose of the same.

Said notice shall be given by the secretary, and shall be in writing and served personally, or deposited in the postoffice, at least two days before the day appointed for holding such meeting.

CONDUCT OF BUSINESS.

SEC. 5. No business shall be transacted at any special meeting other than that named in the call therefor; except by consent of two-thirds of the entire board (or unanimous consent if less than two-thirds are present), in which event any measure adopted by a vote of the majority of the entire board shall have the same effect as if so adopted at a regular meeting; provided that a call for a special meeting "for the transaction of general business," shall be deemed to cover any and all business that might properly be transacted at a regular meeting.

SEC. 6. Meetings shall be called to order by the president, or, in his absence, by the vice-president.

In the absence of both, the secretary shall call the meeting to order, when those present may elect a president *pro tem*.

SEC. 7. The roll shall be called at the opening of each meeting, and a record made of the commissioners present or absent.

The minutes of previous meetings shall then be read for approval, and errors noted and corrected, after which the regular order of business shall be taken up;

Provided, that the reading of the minutes may be laid over to a subsequent time.

SEC. 8. The order of business, after roll call and approval of minutes, shall be as follows, unless otherwise ordered by the board:

1. Petitions and communications.
2. Presentation of claims.
3. Reports of officers.
4. Reports of standing committees.
5. Reports of special committees.
6. Unfinished business.
7. New business, motions, etc.
8. Adjournment.

SEC. 9. All reports shall be in writing; as shall also motions and resolutions, when it is desired that more than the substance thereof be entered on the minutes.

ELECTION OF OFFICERS.

SEC. 10. At the annual meeting in January of each year the board shall elect a president, vice-president, secretary, attorney, superintendent, and such other officers as it may deem necessary; but in case of failure to elect at the time specified the election shall take place at a subsequent meeting without delay.

The president, vice-president, secretary, attorney, and superintendent shall hold their respective offices until the next annual meeting after their election, and until their successors are elected and qualified.

They shall perform the duties devolving upon them by law, and such other duties as the board may prescribe, and their compensation shall be fixed by the board.

DUTIES OF PRESIDENT.

SEC. 11. The president shall perform the duties devolving upon him by law, and shall preserve order and decorum, and enforce the rules and regulations of the board.

He may present to the board such matters as, in his judgment require attention, and need not vacate his chair for that purpose unless proposing to discuss the same.

He shall direct the yeas and nays to be taken and entered on the record, on any question before the board, at the request of any commissioner.

Where the board has no established rule of parliamentary practice, the president shall be guided, as near as may be, by Roberts' Rules of Order.

The president shall exercise a general supervision over the business, papers and property of the board, and shall execute all bonds, deeds, contracts, or other instruments required or directed to be executed on behalf of the board, the same to be attested by the secretary.

DUTIES OF VICE-PRESIDENT.

SEC. 12. The vice-president shall act, in the absence of the president, at any meeting, and when the president is absent from the city, all the duties of his office or as a member of any committee of which he may be a member, shall temporarily devolve upon the vice-president,

but he shall not sign park-bonds, incurring indebtedness, unless expressly authorized by the board.

DUTIES OF SECRETARY.

SEC. 13. The secretary shall perform the duties required by law, and all duties properly devolving upon such officer.

He shall have charge of and attend the office of the board when the board shall not be in session, as the board may from time to time direct.

He shall attend all meetings of the board, and of its committees, when required.

He shall keep a true and complete record of the proceedings of said board, and have charge of all books, documents and papers which properly belong to his office.

He shall draw all orders on the city treasurer, payable out of the "City Park Fund," for all bills ordered paid by the board; which orders shall be signed by the president.

He shall keep, in proper form, books of account, showing the moneys received by and paid out of the "City Park Fund."

He shall cause all paid vouchers to be filed and properly preserved, and have custody of the corporate seal, attaching the same to all documents which require sealing.

He shall furnish any information attainable from the books of the board, at the request of any commissioner.

Upon receipt of the monthly payroll, he shall carefully compare the same with the foremen's time books and data, submitted by the superintendent, and certify to the correctness of the entries and footings, and upon the approval thereof by the board or its finance committee he shall enter a true copy of the same as approved, in a suitable book, provided for that purpose.

He shall have the custody of a fund for the payment of discharged employees, as may be fixed by the board, to be called the "Labor Revolving Fund."

He shall attend to the payment of employees upon the work, when practicable, and shall take and file in his office laborer's receipts for amount paid them.

He shall at the first meeting of the board in each month report in writing the cash received by him during the preceding month from the sale of trees, the sale (or operation) of boating, skating, or refreshment privileges, or from any other source, specifying the source from which obtained, and shall pay the same to the treasurer to the credit of the city park fund, when ordered so to do by the board.

DUTIES OF ATTORNEY.

SEC. 14. The attorney shall attend all meetings of the board and of committees when required. He shall examine and report upon titles to lands purchased by the board, take charge of all cases in court in which the board may be interested and act as the legal adviser of the board.

DUTIES OF SUPERINTENDENT.

SEC. 15. The superintendent of parks shall have general charge thereof, and shall, except as otherwise expressly directed, act under the

supervision of the board, and shall give his entire time and attention to the duties of the board.

As soon as practicable after the first of each month he shall make out or cause to be made out, a monthly payroll of park employees, certify to its correctness, and submit the same, together with the foremen's time books and all other data from which it is prepared, to the secretary.

When employees shall have been discharged, and hardship would otherwise ensue, he may give a time check for the amount due.

Discharged employees having such time checks, may, on presentation of the same to the secretary, be paid from the fund provided, the same being reimbursed at each settlement of the monthly payroll.

He shall make a yearly inventory of property coming into his hands and account for all he may have received.

He shall be ex-officio superintendent of park police and shall, unless otherwise ordered by the board, perform the duties of forester.

He shall make a report of progress to the committee on improvements for the information of the board at each regular meeting beginning with May and ending with November.

DUTIES OF COMMITTEES.

SEC. 16. Standing committees shall be appointed at the annual meeting in each year, or as soon thereafter as may be, as follows:

- (1) On improvements.
- (2) On finance.
- (3) On designation and acquisition of grounds.
- (4) On employment and supplies.
- (5) On privileges and entertainments.

SEC. 17. Except as otherwise ordered by the board, committees shall consist of five (5) members each.

The president shall appoint all committees unless the board shall otherwise direct, and shall be an additional member ex-officio of all standing committees, without a vote.

The board may at any time change the number of members of any committee in such a way as it may deem best.

SEC. 18. The first member named on a committee shall be the chairman thereof, unless the majority of the committee shall decide otherwise.

The chairman of a committee shall call the same together at such time and place as he may deem proper whenever there is any business requiring the attention of the committee.

SEC. 19. Committee on Improvements. The Committee on Improvements shall have general supervision of improvements ordered by the board, and the care and maintenance of the parks and parkways.

They shall make monthly reports to the board, and recommend such improvements from time to time as they may deem advisable, together with the estimated cost thereof.

SEC. 20. Committee on Finance. The Committee on Finance shall have general supervision of the finances of the board, examine and pass upon claims before the same are allowed, but no claim shall be considered by them unless it shall have first been presented to the board, nor shall any claim be allowed which is not certified by the committee or officer ordering the material or labor charged for, unless the attention of the board is called to the fact that it is not so certified.

They shall estimate and present a rate of tax levy, cause the books of the secretary to be audited annually, and pass upon financial reports of officers.

They shall present to the board at the regular meeting in February of each year (or at the next succeeding meeting) a financial exhibit which shall show in detail,

(1) The total estimated resources of the board for the current year, and the sources from which derived.

(2) An estimate of the respective sums necessary to maintain and operate each park and parkway during the year, also the expenses of administration, and the amount of interest on bonds and coupons on park certificates payable during the year.

(3) A detailed estimate of all sums to be expended during such year according to the terms of any contract entered into by the board with former land owners, or otherwise.

(4) The probable amount which shall be available for improvements.

They may approve any payroll for park employees, pending a meeting of the board, whenever they shall deem the same advisable, in which event a warrant may be drawn therefor, and the facts subsequently reported to the board.

They shall submit to the board at the regular meeting in February of each year (or at the next succeeding meeting) and at other times when necessary, a schedule of salaries to be paid the superintendent, secretary, attorney, park police, regular park employees, and such other officers or employees as the board may require.

SEC. 21. Designation and Acquisition of Grounds. The Committee on Designation and Acquisition of Grounds shall examine and report upon all propositions for new parks, parkways and extensions, and take charge of the acquisition of the necessary lands, and secure the titles thereof.

They shall, subject to the approval of the board, designate names for parks and pieces of land coming into the control of the board, and perform such other duties as may be proper.

SEC. 22. Employment and Supplies. The Committee on Employment and Supplies shall have general supervision of the hiring of employes, the purchase of supplies and personal property and the necessary printing, subject to the directions of the board.

They shall have general supervision of the park police, shall make recommendations for appointment, and shall see that all police regulations are enforced.

They may at any time, upon the recommendation of the superintendent, suspend or discharge any park policeman, and shall report thereon to the park board at its next meeting.

SEC. 23. Committee on Privileges and Entertainments. The Committee on Privileges and Entertainments shall have general supervision of the use of shores for boating purposes, all matters relating to privileges for refreshment stands, bath houses, boat landings, use of park grounds for picnic purposes, music, fireworks displays, skating rinks, toboggan slides and speeding tracks, subject to the approval of the board.

SEC. 24. Nothing in the foregoing shall be construed as waiving the rights of the board at any time to increase or curtail the duties of any committee, or to direct or control their actions.

SEC. 25. Special Committees. Special committees may at any time be appointed by the board in such manner and for such purposes as may be deemed proper by the board.

SEC. 26. Written orders, in duplicate, on blanks prepared for the purpose, shall be given for all supplies ordered for the board, the same to be signed by the officer ordering the same; which order shall accompany the claims for payment, when presented to the board, the duplicate to be returned to the secretary by the officer giving the order on the first of the next succeeding month.

SALE OF TREES.

SEC. 27. No trees, shrubs, or plants shall be sold to private parties, nor shall the same be planted by the board employees, unless payment therefor be made in advance, in such manner as the board may from time to time direct.

PAYMENT OF INTEREST.

SEC. 28. In event that, by reason of lack of quorum or any oversight, the board should neglect to provide for a warrant for funds for payment of interest, the proper officers shall draw such warrants, reporting the fact to the board at its next meeting.

SEC. 29. No commissioner or committee shall in any way bind the board to do or not to do any certain thing, unless expressly authorized so to do; and no such action shall in any way be recognized by the board, unless expressly ratified or approved.

BOND FOR CONTRACTOR.

SEC. 30. No contract shall be awarded to any person for any construction or other work to be done in any park or parkway, where the contract price exceeds one hundred dollars, and in which the materials and labor are in whole or in part to be furnished by others, unless a bond, conditioned, among other things, for the payment for such material and labor, shall be executed and approved, unless such bond is expressly waived by the board.

Said bond shall be in a sum double the amount to be paid on said contract, and shall be approved by the attorney of the board as to form, and by the president and chairman of the committee on finance as to the responsibility of sureties.

SEC. 31. These rules and regulations, or any of them, may be suspended by two-thirds vote at any regular meeting, and may be amended or repealed at any regular meeting, subsequent to the meeting when the same is proposed, by a vote of a majority of the entire board.

As passed January 4, 1892, and amended April 2, 1900.

ORDINANCES OF THE
BOARD OF PARK COMMISSIONERS
OF THE
CITY OF MINNEAPOLIS.

AN ORDINANCE.

To secure the quiet, orderly and suitable use and enjoyment of the parks and parkways of the City of Minneapolis, by the people.

The Board of Park Commissioners of the City of Minneapolis do ordain as follows:

Section 1. The word "Board" and the term "The Board" as used in this ordinance are hereby defined to mean "The Board of Park Commissioners of the City of Minneapolis" and the term "Parks and Parkways" is defined to mean the Parks and Parkways under the control of said Board in said City.

Sec. 2. No person, not an employe of the Board, shall enter, be, or remain in any park except during the hours designated by the Board for such purpose, nor in any event between midnight and sunrise.

Sec. 3. No person shall cut, break nor in any way injure or deface any building, fence or other structure, construction or improvement upon or within any park or parkway.

Sec. 4. No person not an employe of the Board, shall pick or cut any wild or cultivated flower, or cut, break, or in any way injure or deface any tree, shrub or plant within the limits of any park or parkway; nor carry within or out of any park or parkway any wild flower, tree, shrub, plant, nor any newly plucked branch or portion thereof.

Sec. 5. No person shall tie or fasten any animal to any fence, building, railing, tree, shrub or plant in or upon any such park or parkway.

Sec. 6. No person shall ride any velocipede, bicycle or other similar vehicle on any footwalk in any park; nor shall any person ride any such vehicle on any park or parkway at a greater speed than ten miles an hour; provided, however, invalid's chairs and children's carriages may be allowed on such footwalks to such an extent and in such a manner as shall not interfere with the use of such walks by pedestrians; and provided, further, the Board may by resolution designate any portion of any

park or parkway as a "Bicycle Path"; and whenever such path is designated it shall be kept for and used exclusively by persons riding bicycles and other similar vehicles, and no person shall take or drive any animal on said path nor go in any carriage drawn by any animal thereon, nor use said path as pedestrian. All persons riding or driving in parks or parkways and all riders of bicycles and other similar vehicles shall keep and pass to the right when meeting any other person riding or driving in such park or parkway, and shall keep to the left when passing from the rear. No person shall ride in any park or parkway any bicycle or other similar vehicle without a bell or horn attached to the front of such vehicle.

Sec. 7. No person shall go on foot or otherwise upon the grass or turf of any park or parkway where any prohibitory sign is posted.

Sec. 8. Excepting as provided in section 6, no vehicle, horse or other animal, shall be permitted on the footwalks of any park or parkway, nor shall any vehicle, horse or other animal of burden, go or be taken upon any part of such park or parkway, except upon the carriage drives or roadways thereof.

Sec. 9. No vehicle or animal shall be permitted to stand upon the carriage drives or roadways of any park or parkway to the obstruction of the way or to the inconvenience of travel; nor shall any person solicit passengers within or upon any park or parkway, except at stands specially designated by the Board.

Sec. 10. Except as provided in sections 6 and 50, no person shall ride upon any part or portion of any park at a rate of speed exceeding five miles an hour, nor upon any parkway at a rate of speed exceeding seven miles an hour.

Sec. 11. No cart, dray, wagon, truck or other vehicle carrying goods, merchandise, building material, manure, dirt, or other articles, or in use for carrying goods, merchandise, building material, manure, dirt or other articles shall be allowed to pass or enter upon any drive or carriage roads in any park nor upon any part of any parkway excepting such portions thereof as may be designated by the Board for traffic purposes; provided, that for purposes of access to premises having no other access

from streets or alleys, such vehicles may use the parkway to the nearest intersecting street or alley.

The following portions of parkways are designated for traffic purposes:

Hennepin avenue from Groveland avenue to Lake street.

Lyndale avenue from Western avenue to 29th avenue north.

Sec. 12. No band, procession, military company or any company with flags, banners or transparencies, shall be allowed in or upon any park or parkway.

Sec. 13. No cattle, horses, mules, swine, sheep, goats or fowls, shall be turned into or be allowed to run at large in or upon any park or parkway; and the tying or securing by means of a rope or otherwise of any such animal for grazing purposes, or suffering any such animal to graze, whether attended by watchers or not, shall also be deemed running at large within the meaning of this section; nor shall any dog or other animal be permitted to go into any lake or waters of any park, and any dog within any park not being led by its owner or attendant shall be deemed to be running at large; and any dog running at large within any park may be expelled by any park policeman or other park employe.

Sec. 14. It shall be the duty of each policeman and employe of the parks to take up any animal or animals known to him to be running at large in any park or parkway, and under the direction of the Superintendent impound the same until the expense of keeping is paid.

Sec. 15. No person shall throw or cast any stone or any other missiles within any park or parkway.

Sec. 16. No person shall post, paste, paint or affix any placard, bill notice or sign upon any structure or thing within any park, or upon any of the fences or enclosures thereof, nor upon any part of any parkway.

Sec. 17. No person shall distribute any circulars, cards or any other printed or written matter in any park or parkway, excepting programs of concerts or entertainments as directed by the Board given therein.

Sec. 18. No person shall fire or discharge any cannon, fowling piece, pistol, revolver or firearm of any description; or fire, explode or set off any squib, cracker or other thing containing powder, or other combustible or explosive material, within the limits of any park or parkway; excepting exhibitions of fire works given by or under the direction of the Board.

Sec. 19. No person shall rob, injure or destroy any bird's nest within the limits of any park or parkway, nor aim or discharge any airgun, sling, shot, other weapon, or throw any stone or other missile at any bird or bird's nest within any park or parkway, nor in any manner capture or kill any bird therein.

Sec. 20. No person shall fly any kite, or play ball, tennis or other game, upon or within any park or parkway, except upon ball, tennis or other athletic grounds established by the Board.

Sec. 21. No person shall bathe in or enter the waters of or adjoining any park or parkway except at the bath houses established by the Board. No person shall ride, drive or send any animal into the waters of any park or parkway.

Sec. 22. No person shall tease, annoy, disturb or interfere with any bird or animal or fish kept by the Board in any park or parkway.

Sec. 23. No person shall throw, deposit or leave any paper, article or anything in the park or parkway except in the receptacles provided for waste.

Sec. 24. No person shall keep for rent or hire any sailboat, rowboat, or other pleasure boat upon any waters under the control of the Board; and the fact that any boat is so rented or hired shall be conclusive evidence that it was so kept, but this prohibition shall not apply to the lessees of the Board.

Sec. 25. No person shall keep or suffer to remain for a longer period than one hour any boat on any parkway or grounds controlled by the Board, except at the docks and under the regulations established by the Board.

Sec. 26. No person shall sell or offer for sale any articles or thing whatever in any park or parkway. But this prohibition shall not apply to sales of refreshment and other like articles at the pavilions and stands authorized by the Board. No person shall solicit patronage at such pavilions or stands except by the display of goods and by neat and appropriate printed signs in such pavilions or stands.

Sec. 27. No threatening, profane, abusive, disorderly, insulting or indecent language, conduct or behavior, nor any act tending to a breach of the public peace, shall be allowed in or upon any park or parkway; nor shall any person play at games of chance, drink intoxicating liquor, or be drunk, or do any indecent or improper act therein.

Sec. 28. The following acts are prohibited within skating rink and ponds of the parks and parkways: Skating in groups of more than three persons, racing, skating a speed greater than six miles per hour, lounging or loafing on the ice or in the waiting rooms; boisterous or disorderly talk or conduct.

Sec. 29. Any drunk or disorderly person, or any person, doing any act injurious to the park or parkway in which he then is, or who is in the act of violating any rule, regulations or ordinance of the Board may be removed from such park or parkway by the keeper thereof, or by the Superintendent of Parks or by the Park or City Police.

Sec. 30. No person shall take into or upon any park, nor into or upon any parkway, any intoxicating liquor, either for sale to others or for his own use, or for the use of others in said park or parkway; nor shall any person sell, give away, or in any way dispose of any intoxicating liquor in or upon any park or parkway.

Sec. 31. No person shall make any excavation in the surface of any park or parkway for the purpose of making sewer, water or gas connections, nor for any other pur-

pose except in accordance with and upon compliance with the following regulations:

Section 32. Any one desiring to make any opening or excavation in the surface of any park or parkway, for the purpose of making sewer, water or gas connections, or for any other lawful purpose, shall first apply to the Secretary of the Board for a permit; and in the application shall agree to comply with and perform all the conditions in the permit, and at the time of the application shall deposit in the City Treasury the sum of twenty-five (\$25.00) dollars, as security for the performance of such conditions, and to reimburse the Board for the expense of the work to be done by it, as hereinafter provided.

Sec. 33. The Secretary, upon receiving such application and the City Treasurer's receipt for such deposit, shall issue a permit for the making of such opening and excavation, if the purpose thereof is lawful, in which permit it shall be specified and provided that the earth shall be replaced in the excavation, and made as firm and solid by tamping as before it was removed, and that the macadam, paving or other surface shall be replaced in like manner and made as firm and in as good condition as before it was removed. Such permit shall also provide that the entire work to be done by the applicant shall be completed within a specified number of days after the date thereof, the time so to be limited shall be reasonable time, considering the extent and character of the work, and the extent and character of the use of the park or parkway and the interruption to travel, but in no case less than seven (7) days nor more than fifteen (15) days. Such permit shall be countersigned by the Superintendent of Parks.

Sec. 34. The Superintendent of Parks shall observe and inspect the work done during its progress and at its completion and report to the Secretary if the work is done in all respects in compliance with the permit. If the terms of the permit are not fully complied with, the Superintendent of Parks shall refill the excavation and replace the macadam, paving or other surface in the manner provided in the permit and report the cost thereof to the Secretary.

Section 35. The applicant shall cause guards to be placed and kept about such opening from the time it is commenced until it is refilled, and the surface entirely restored, and shall cause red lights to be kept burning from sundown until sunrise during every night from the date of the commencement of such opening, until the surface is completely restored, and such lights shall be sufficient in number and so placed as to fully guard and protect all portions of such excavation as well as all portions of the earth or materials which may be piled adjacent.

Sec. 36. The said application and permit may be in the following form:

"APPLICATION."

To the Board of Park Commissioners of the City of Minneapolis—

Gentlemen:

The undersigned applies for permission

to make an opening and excavation in the surface of the park or parkway at (specifying definite location) for the purpose of (specifying the particular purpose.) Said excavation and such work shall be completed within _____ days after date.

The undersigned agrees to comply with and perform all the conditions of such permit, and all the conditions and provisions of the permit and of an ordinance of the Board of Park Commissioners of the City of Minneapolis, entitled "An Ordinance to secure the quiet and orderly and suitable use and enjoyment of the parks and parkways of the City of Minneapolis, by the people," adopted _____.

The applicant has deposited twenty-five (\$25.00) dollars with the City Treasurer for the purpose of reimbursing the Board of Park Commissioners for the expense of refilling the excavation and replacing the paving or macadam or surface in case the undersigned shall fail to comply with the permit.

Dated, Minneapolis, Minnesota.

(Signature of applicant.)

PERMIT.

Permission is hereby granted to _____ to make an opening and excavation in the surface of the park or parkway at _____ for the purpose of _____. The entire work shall be completed within _____ days after date.

This permit is granted upon condition that said _____ shall fully and faithfully comply with all the provisions and requirements of an ordinance of the Board of Park Commissioners of the City of Minneapolis, entitled "An Ordinance to secure the quiet, orderly and suitable use and enjoyment of the parks and parkways of the City of Minneapolis, by the people," adopted, and replace the earth in the excavation and make it as solid and firm by tamping as before its removal and the macadam, paving or other surface shall be replaced in like manner and in as good condition as before its removal.

Said _____ has deposited with the City Treasurer the sum of \$25.00 for the purpose of reimbursing the Board of Park Commissioners for the expense of refilling the entire excavation and replacing the pavement or macadam, or surface, in case the applicant shall fail to comply with the permit.

Dated, _____.

THE BOARD OF PARK COMMISSIONERS OF THE CITY OF MINNEAPOLIS.

By _____
Secretary.

Sec. 37. No person shall move along, across or upon any parkway any building or other structure.

Sec. 38. No person shall encumber or obstruct or cause to be encumbered or obstructed, any parkway or part thereof, by placing therein or thereon, any building materials or any article or thing whatsoever.

Provided that if any building is under construction so near to a parkway that the construction cannot well be carried on without depositing building material temporarily in the parkway, an application may be made to the Board of Park Commissioners for leave to deposit material, stating the circumstances of the case, the portion of the parkway which it is desired to occupy, the kind and quantity of material to be placed thereon, and the length of time which they shall remain, and thereupon the Board may, unless in its judgment the public interest will be injured, authorize a permit to be issued for so depositing materials, and in case a permit is authorized by the Board, the Secretary shall issue such permit, which shall contain provisions requiring the holder to confine materials to the designated portion of the parkway, to remove the same within the time specified and to replace all turf, shrubbery and other improvements which may be injured, and leave the same in as good condition as before, to keep such material guarded during the day time against falls and accidents, and to place red lights thereon from sunset to sunrise of each night.

The person receiving the permit shall endorse thereon an agreement to comply with all the conditions of the permit, and to save the Board of Park Commissioners and the City of Minneapolis harmless from any loss, damages or liability which may directly or indirectly result therefrom.

Sec. 39. Any person having the use of any portion of any parkway pursuant to this ordinance, shall cause red lights to be placed in conspicuous places in front of and at each end of the obstruction or excavation from sunset to sunrise each night such obstruction or excavation remains.

Sec. 40. No railway company, railroad engineer, train conductor or other person shall cause or allow any locomotive engine, car, cars or train of cars to stop in or remain on any park or parkway and railroad crossing for a longer period than five minutes at any one time, unless an accident shall take place at such crossing, in which case a reasonable time shall be allowed to remove the obstruction caused thereby.

Sec. 41. No person shall place or suffer to remain in any park or parkway any goods, wares, merchandise or other articles, in the nature of an obstruction to the free use and enjoyment of said park or parkway; nor shall any person place any straw, dirt, chips, paper, shavings, shells, ashes, swill or other rubbish whether offensive to health or not, in or upon the same.

Sec. 42. No entertainment or exhibition shall be given in any park or parkway excepting the entertainments given under the direction and authority of the Board.

Sec. 43. The Superintendent of Parks shall, and any employe of the Board may, remove or cause to be removed from any park or parkway any obstruction, article or thing therein placed, kept or found contrary to the provisions of this ordinance, at the expense of the owner, contractor or other person responsible for such obstruction, and said Superintendent of Parks is empowered to do every act which the Chief

of Police of the City of Minneapolis is empowered to do by city ordinance under similar circumstances, including the sale or other disposal of articles to be moved.

Sec. 44. All employes of the Board, whether employed as policemen or otherwise, shall pay over all fees received under the provisions of this ordinance or by virtue thereof, to the City Treasurer.

Sec. 45. Any member of the police force, whether appointed by the Board of Park Commissioners or otherwise, shall have power to arrest and take before the Municipal court of the City of Minneapolis, or to imprison between the sessions of said Court, any person or persons who shall be found violating any of the provisions of this ordinance.

Sec. 46. Any person claiming to have a permit from the Board or its officers, shall, on request, produce the same for inspection.

Sec. 47. The word "automobile" as used in this ordinance shall include automobiles, motor vehicles, motor cycles and every vehicle propelled by its own power and machinery.

Sec. 48. No person shall run or operate any automobile in any park or parkway of the City of Minneapolis, except upon the carriage drives.

Sec. 49. Every such automobile when used or operated in the parks or parkways during the hours of darkness, shall have fixed thereon in some conspicuous place upon the outside, at least one lighted lamp.

Sec. 50. No automobile shall be run or operated in any park or parkway at a rate of speed faster than fifteen miles per hour, nor over any crossing or cross walk at a rate of speed faster than four miles per hour, when there is another person or persons on any part of the crossing or cross walk.

Sec. 51. Every automobile using gasoline as a motive power shall be provided with the "muffler" so-called, and the same shall not at any time be cut out or disconnected. Every automobile shall be provided with a bell or horn which shall be rung or blown by the operator whenever there is danger of collision or accident. The driver or operator of every automobile shall be governed by the usual law of the road, and shall turn to the right in meeting vehicles, teams and persons moving or headed in an opposite direction, and to the left in passing vehicles, teams or persons moving in the same direction.

Every person operating an automobile shall stop upon request or signal from any person in charge of a horse or horses; and shall also stop whenever a horse or horses show signs of fright at the automobile.

Sec. 52. Any person who shall violate any provision of this ordinance, shall on conviction thereof, in the Municipal Court of the City of Minneapolis, be punished by confinement in the City Workhouse for a period not exceeding ninety days, or by a fine of not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00), and in default of the payment of such fine, shall be confined in the City Workhouse until such fine is paid, not exceeding in all ninety days.

Sec. 53. That certain ordinance of this Board adopted on the 21st day of September, 1896, entitled an "Ordinance to secure the quiet, orderly and suitable use and enjoyment of the parks and parkways of the City of Minneapolis by the people," is hereby repealed, but this repeal shall not affect any offense heretofore committed, nor any prosecution now pending, and the offender shall be liable to the same penalties as if there had been no repeal.

Sec. 54. This ordinance shall take effect and be in force from and after its passage and publication.

Adopted February 6, 1905.

FRED L. SMITH, President.
A. RIDGWAY, Secretary.

PRINTER'S AFFIDAVIT

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN. } ss.

Herman D. Maul, being first duly sworn, deposes and says: that he knows of his knowledge that the publication of

AN ORDINANCE

hereunto attached, was cut from the columns of the daily newspaper known as the DAILY LEGAL NEWS, formerly known as the Minneapolis Daily Report and Legal News, that said publication was printed and published in said newspaper one day; that said publication was first printed and published in said newspaper on Saturday, the 18th day of February, A. D. 1905; that during the time aforesaid said newspaper was regularly printed and published daily (except Sunday). Deponent further says that he now is, and during the time of the printing of said publication was the publisher of said newspaper; that during said time and for more than one year next preceding the date of the first printing of said publication, said newspaper has been printed and published daily (except Sunday) in the English language in the city of Minneapolis, in said County of Hennepin, and generally circulated in said City and County, and during all of said time has been a collection of reading matter in columns and sheet form, the matter consisting of general and local news, comments and miscellaneous literary items, and during all of said time has consisted of four pages or more of five columns or more to each page, each column not less than seventeen and three-quarters inches long, and has never been a duplicate nor substantially a duplicate of any other newspaper or publication, and has never been made up wholly of patents, nor of plates and patents and advertisements and during all of said time has been printed daily (except Sunday) at an established office, or known place of business, said office being equipped with the necessary materials and skilled workman for preparing and printing the same in said City where said newspaper is dated; that at each regular issue thereof during all the time aforesaid, there was printed, published and delivered not less than two hundred and forty (240) complete copies of such publication to regular paying subscribers; that prior to the date of the first printing of said publication, the publisher of said newspaper filed in the office of the County Auditor of said county of Hennepin the affidavit required by Chapter 33 of the General Laws of Minnesota for 1893, as amended by the Laws of 1895, and that this paper has been admitted to the United States mails as second class matter for more than one year next preceding and continues to be received as such second class mail matter.

HERMAN D. MAUL,

Subscribed and sworn to before me this 18th day of February, A. D. 1905.

ALFRED R. MAUL,

[SEAL.]

Notary Public,
County of Hennepin, Minn.

AN ORDINANCE.

Directing and Regulating the Planting and Preservation of Shade and Ornamental Trees and Shrubbery in the Streets, Alleys and Public Grounds of the City of Minneapolis.

The Board of Park Commissioners do ordain as follows:

Sec. 1. No tree shall be planted in any street, avenue or parkway of the City of Minneapolis at a distance of less than twenty-five (25) feet from any other tree, standing in the streets or parkway; but the word TREE as used herein, shall not be construed to include those usually classified as shrubs, and which from their natural habits do not usually grow to a height higher than fifteen (15) feet.

Sec. 2. No tree of the boxelder or of the cottonwood variety shall be planted in any street, avenue or parkway of the City of Minneapolis.

Sec. 3. No tree, as the word is defined in Sec. 1, shall be planted in any street, avenue, or parkway of the City of Minneapolis until the location therefor, including as well, the level or grade at which the highest roots are to be planted, as the point of planting have been fixed and established by the Superintendent of this Board.

Anyone desiring the location and grade for planting trees shall apply to the Secretary of the Board and he shall refer the application to the Superintendent of the Board. There shall be no charge for the service.

Sec. 4. No person shall remove, destroy, cut, deface, trim or in any way injure or interfere with any tree or shrub in any of the streets, avenues or public grounds, including parks or parkways of the City of Minneapolis, except as expressly authorized so to do by the Board of Park Commissioners. Any application for permission to remove, destroy, cut, deface, trim or in any way injure or interfere with any such shade or ornamental tree or shrub shall be first presented to the Board of Park Commissioners, and all such applications are hereby referred to the Committee on Improvements with power to act thereon. The Secretary shall issue all permits directed by such committee. Each permit shall specifically describe the work to be done under it and shall be void in thirty (30) days after its date, provided that nothing in this section shall be construed to prevent the Superintendent of Parks or the City Forester, from properly trimming and carrying for such trees and shrubs.

Sec. 5. No person whether licensed or otherwise, shall move any building along any street in such a way as to interfere with or injure any tree or shrub in any street, alley or public ground, including

parks and parkways in the City of Minneapolis, without a special permit obtained as provided in Section 4.

Sec. 6. No person shall hitch or fasten any horse or other animal to any tree or shrub in any street, alley or public ground, including parks and parkways in the City of Minneapolis, nor shall any person suffer or permit any horse or animal to stand or be near enough to any such tree or shrub to bite, rub against or in any manner injure or deface the same.

Sec. 7. Any person who shall violate any section of this ordinance, shall on conviction thereof, in the Municipal Court of the City of Minneapolis, be punished by confinement in the City Workhouse for a period not exceeding ninety days, or by a fine of not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00), and in default of the payment of such fine, shall be confined in the City Workhouse until such fine is paid, not exceeding in all ninety days.

Adopted February 6, 1905.

FRED L. SMITH, President.

J. A. RIDGWAY, Secretary.

PRINTER'S AFFIDAVIT.

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN. } ss.

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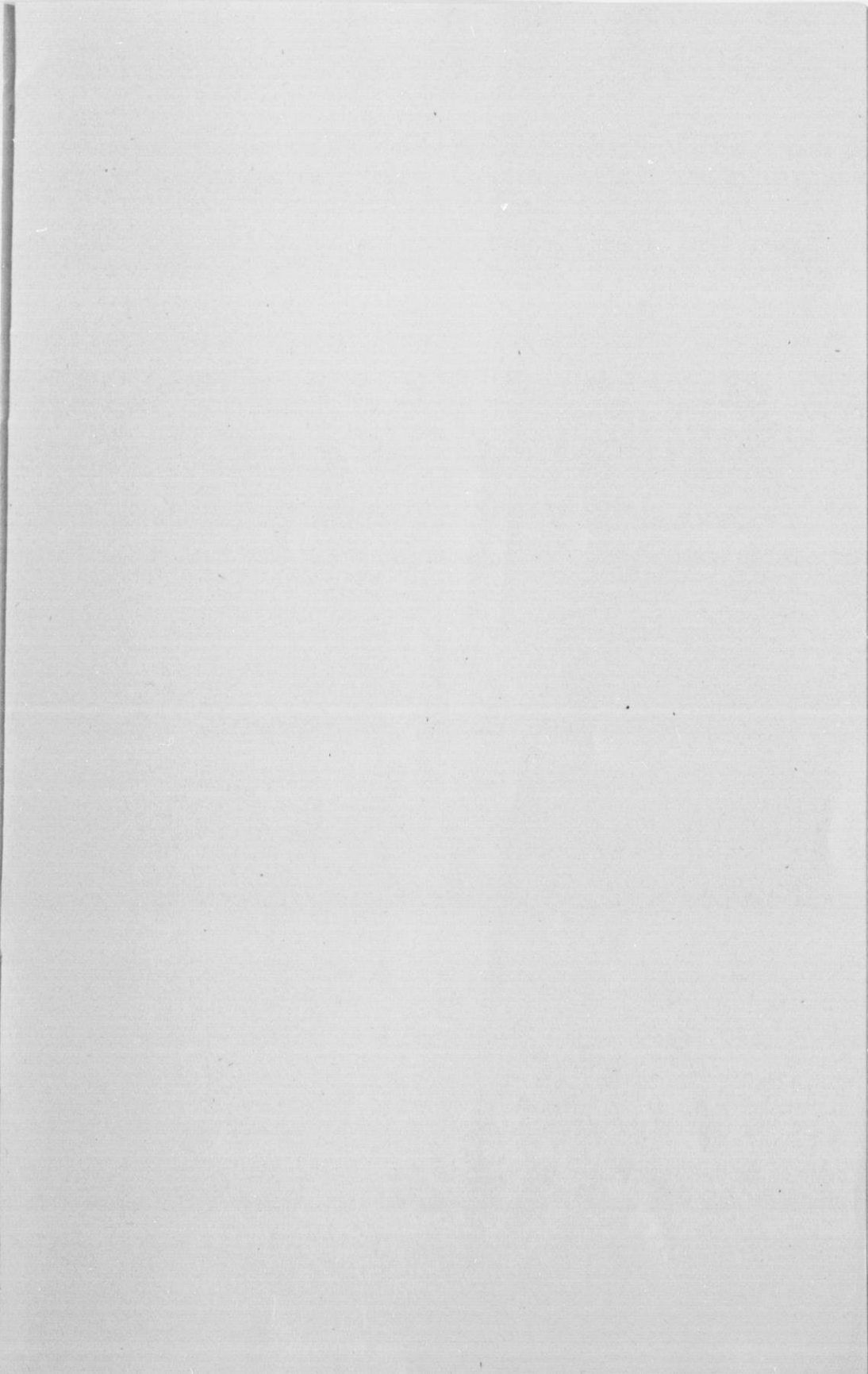
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HERMAN D. MAUL.

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ALFRED R. MAUL,
Notary Public,
County of Hennepin, Minn.

[SEAL.]



Section 1. It shall be lawful for the Board of Aldermen, or other governing body of any city of this state, to ordain that the shade and ornamental trees in the public highwats of such city shall be planted, regulated and cared for by the authorities having the management of the public parks in any such city.

Section 2. When the authorities having the management of the public parks in any city of this state are empowered, as heretofore provided, to plant, regulate and care for the shade trees in the public highways, it shall thereupon become the duty of such authorities to regulate and care for the trees now standing in the public highways and to plant such trees therein as may be applied for by abutting property holders upon such terms and conditions as the said authorities may by rule make; provided, however, that the cost of planting shall be defrayed by such applying property owner.

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Section 1. In cities having a population of over 200,000 inhabitants in this state, the mayor thereof may appoint a commission of three resident freeholders of said city who shall serve without compensation, and who shall have the exclusive and absolute control and power to plant, set out, maintain, protect and care for shade trees in any of the public highways of their respective cities, the cost thereof to be borne and paid for in the manner hereinafter directed ~~provided~~ and the office of which commission so appointed shall extend during the term of office to which the mayor so appointing such commission was elected.

Section 2. Whenever such commission shall propose to make any such improvements as setting out or planting any shade trees, or changing the same in any highway, they shall give notice of such contemplated improvement (specifying the trees or portions thereof where such trees are intended to be planted) in one of more of the newspapers of their said cities, if there be any newspaper published in said place, for at least two weeks prior to any meeting

in which they shall decide to make such improvement.

Section 3. The cost of planting and transplanting any trees in any highway, and boxes or guards for the protection thereof, when necessary, shall be borne by the real estate in front of which such trees are planted or set out, and the cost thereof as to each tract of real estate shall be certified by such commission to the person having charge of the collection of taxes for said city; and upon the filing of such certificate, the amount of the cost of such improvement shall be and become a lien upon said lands in front of which said trees were planted, or set out, and the said collecting officers shall place the assessment so made against any property in the actual tax bills rendered to owner or owners of such property, and the same shall be collectible in the same manner as the other taxes against said property are collected.

Section providing that all money necessary to carry out account shall be raised by general taxes.

Section giving shade tree commission charge and control of all city parks.