

time, the issuer did not have sufficient funds or credit with the drawee and that he failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order to pay the check or other order within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision .

Notice of nonpayment or dishonor shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, to the address of record. Refusal by the maker or drawer of the check to accept certified mail notice shall not constitute a defense that notice was not received.

Approved March 14, 1974.

CHAPTER 107—H.F.No.835
[Coded in Part]

An act relating to divorce; abolishing the action and substituting proceedings for dissolution; amending Minnesota Statutes 1971, Sections 518.001; 518.01; 518.03; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.15; 518.16; 518.17; 518.175, Subdivision 1; 518.25; 518.27; 518.54; 518.55; 518.551; 518.57; 518.58; 518.59; 518.62; 518.63; 518.64 and 518.66; repealing Minnesota Statutes 1971, Sections 518.08; 518.26 and 518.28.

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

Section 1. Minnesota Statutes 1971, Section 518.001, is amended to read:

518.001 NO-FAULT DIVORCE; REPORTS OF DISSOLUTION AND ANNULMENT. Subdivision 1. For each ~~divorce-dissolution~~ and annulment of marriage granted by any court in this state, a report shall be prepared and filed by the clerk of court with the state registrar of vital statistics. The report shall include only the following information: Name and date of birth of the husband and the wife, county of decree, date of decree, and the signature of the clerk of court and the date signed.

Subd. 2. On or before the 11th day of each month the clerk of court shall forward to the state registrar of vital statistics the report of each ~~divorce-dissolution~~ and annulment granted during the preceding calendar month.

Sec. 2. Minnesota Statutes 1971, Section 518.01, is amended to read:

518.01 VOID OR VOIDABLE MARRIAGES. All marriages which are prohibited by law on account of consanguinity, or on account of ei-

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ther or both parties being under the age established for marriage by Minnesota Statutes, Section 517.03, or on account of either party having a former husband or wife then living, if solemnized within this state, shall be absolutely void, without any decree of ~~divorce-dissolution~~ or other legal proceedings; provided, that if any person whose husband or wife has been absent for five successive years, without being known to such person to be living during that time, marries during the lifetime of such absent husband or wife, the marriage shall be void only from the time that its nullity is duly adjudged.

Sec. 3. Minnesota Statutes 1971, Section 518.03, is amended to read:

518.03 ACTION TO ANNUL. When the validity of a marriage is disputed for any of the causes mentioned in section 518.01 or 518.02, either party may begin an action in the district court of the county where either resides, to annul the same. In such action the complaint shall be filed and proceedings had thereon as in ~~actions for divorce proceedings for dissolution~~ and, upon due proof of the nullity of the marriage, it shall be adjudged null and void.

Sec. 4. Minnesota Statutes 1971, Section 518.06, is amended to read:

518.06 GROUNDS. ~~A divorce from the bonds of matrimony may be adjudged by the district court for any of the following causes:~~

- (1) ~~Adultery;~~
- (2) ~~Impotency;~~
- (3) ~~A course of conduct detrimental to the marriage relationship of the party seeking the divorce;~~
- (4) ~~Sentence to imprisonment in any state or United States prison or any state or United States reformatory subsequent to the marriage; and in such case a pardon shall not restore the conjugal rights;~~
- (5) ~~Wilful desertion for one year next preceding the commencement of the action;~~
- (6) ~~Habitual drunkenness for one year immediately preceding the commencement of the action;~~
- (7) ~~Three years under commitment pursuant to the provisions of chapter 253A for mental illness or previous commitment statutes, provided that: (a) Commitment itself be sufficient with or without institutionalization; (b) the three years need not be continuous; (c) in granting a divorce upon this ground, notice of the pendency of the action shall be served in such manner as the court may direct, upon the guardian of the person and the guardian of the estate of such mentally~~

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ill person; if such guardian or guardians have been appointed and have qualified; and if such mentally ill person be confined; upon the superintendent of the institution in which such mentally ill person is confined; (d) such guardian and superintendent of the institution shall be entitled to appear and be heard upon any and all issues; (e) the rights of the parties as to the support and maintenance of the mentally ill person shall not be altered in any way by the granting of the divorce; (f) the person be under commitment for mental illness at the time of the commencement of the action; and (g) a guardian ad litem shall be appointed for such mentally ill person;

(8) Continuous separation under decree of limited divorce for more than five years next preceding the commencement of the action; and continuous separation under an order or decree of separate maintenance for a period of two years immediately preceding the commencement of the action:

(9) A decree of divorce may be adjudged to either husband or wife notwithstanding that both have conducted themselves in such manner as to constitute grounds for divorce: Subdivision 1. A dissolution of a marriage may be granted by a court of competent jurisdiction upon a showing to the satisfaction of the court that there has been an irretrievable breakdown of the marriage relationship.

Subd. 2. A court may make a finding that there has been an irretrievable breakdown of the marriage relationship if the finding is supported by evidence of any of the following:

(1) A course of conduct detrimental to the marriage relationship of the party seeking the dissolution;

(2) Sentence to imprisonment in any state or United States prison or any state or United States reformatory subsequent to the marriage; and in such case a pardon shall not restore the conjugal rights;

(3) Habitual alcoholism or chemical dependency for a period of one year immediately prior to the commencement of the proceedings;

(4) Commitment pursuant to the provisions of chapter 253A for mental illness or previous commitment statutes, provided that: (a) Commitment itself be sufficient with or without institutionalization; (b) in granting a dissolution upon this ground, notice of the pendency of the action shall be served in such manner as the court may direct, upon the guardian of the person and the guardian of the estate of such mentally ill person, if such guardian or guardians have been appointed and have qualified, and if such mentally ill person be confined, upon the superintendent of the institution in which such mentally ill person is confined; (c) such guardian and superintendent of the institution shall be entitled to appear and be heard upon any and all issues; (d) the rights of the parties as to the support and maintenance of the mentally ill person shall not be altered in any way by the granting of the

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dissolution; (e) the person be under commitment for mental illness at the time of the commencement of the action; and (f) a guardian ad litem shall be appointed for such mentally ill person;

(5) Continuous separation under an order of decree of separate maintenance for a period of one year immediately preceding the commencement of the proceeding;

(6) Serious marital discord adversely affecting the attitude of one or both of the parties toward the marriage.

Sec. 5. Minnesota Statutes 1971, Section 518.07, is amended to read:

518.07 RESIDENCE OF PETITIONER. No ~~divorce~~ dissolution shall be granted unless the ~~plaintiff petitioner~~ has resided in this state one year immediately preceding the filing of the ~~complaint~~, ~~except for adultery committed while the plaintiff was a resident of this state~~ petition .

Sec. 6. Minnesota Statutes 1971, Section 518.09, is amended to read:

518.09 PROCEEDING; HOW AND WHERE BROUGHT; VENUE. ~~An action for divorce or separate maintenance may be brought by a wife in her own name; and all actions for divorce shall be commenced by summons and complaint in the county where the plaintiff resides; as hereinafter provided; subject to the power of the court to change the place of trial by consent of parties; or when it shall appear that an impartial trial cannot be had in the county where the action is pending; or that the convenience of witnesses and ends of justice would be promoted by the change. A proceeding for dissolution or separate maintenance may be brought by a petitioner and all such proceedings shall be commenced by summons and petition in the county where the petitioner resides, as hereinafter provided, subject to the power of the court to change the place of hearing by consent of the parties, or when it shall appear to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change.~~

Sec. 7. Minnesota Statutes 1971, Section 518.10, is amended to read:

518.10 REQUISITES OF PETITION. ~~The complaint shall state:~~

(1) ~~The names and ages of the parties, the date and place of marriage; and the facts relating to the residence of the plaintiff in this state;~~

(2) ~~The names and dates of birth of the minor and dependent chil-~~

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dren of the parties;

(3) The statutory ground of the action:

The facts relied upon as the statutory ground of the action shall be furnished in a verified bill of particulars within ten days after a written demand therefor. The time to answer or reply shall begin to run from the time such bill of particulars is furnished. The court may, upon motion therefor, order either party to furnish such a verified bill of particulars; or if the bill of particulars furnished is insufficient, to require such additional facts so as to advise the other party of the facts relied upon as the statutory ground of the action. The petition for dissolution of marriage shall:

(1) State the name and address of the petitioner and his attorney;

(2) State the place and date of marriage of the parties;

(3) State the name and address, if known, of the respondent;

(4) State the name and age of each minor child by date of birth whose welfare may be affected by the controversy;

(5) State whether or not a separate proceeding for dissolution of marriage has been commenced by the respondent and whether such proceeding is pending in any court in this state or elsewhere;

(6) Allege that the petition has been filed in good faith and for the purposes set forth therein;

(7) Allege that there has been an irretrievable breakdown of the marriage relationship;

(8) Set forth any application for temporary support of the petitioner and any children;

(9) Set forth any application for permanent alimony or support, child custody, or disposition of property, as well as attorneys' fees and suit money, without enumerating the amounts thereof; and

(10) State that the petitioner has been for the last year a resident of the state.

The petition shall be verified by the petitioner, and its allegations established by competent evidence.

Sec. 8. Minnesota Statutes 1971, Section 518.11, is amended to read:

518.11 **SERVICE; PUBLICATION.** Copies of the summons and ~~complaint~~ petition shall be served on the ~~defendant~~ respondent person-

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ally, and, when such service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same, ~~with the certificate of the clerk of the court of the county to the identity of the officer taking the affidavit,~~ and when made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister, charge d'affaires, commissioner, consul or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; or before an officer authorized to administer an oath with the certificate of an officer of a court of record of the country wherein such affidavit is taken as to the identity and authority of the officer taking the same, but, if personal service cannot well be made, the court may order service of the summons by publication, which publication shall be made as in other actions.

Sec. 9. Minnesota Statutes 1971, Section 518.12, is amended to read:

518.12 TIME FOR ANSWERING. The ~~defendant~~respondent shall have 30 days in which to answer the ~~complaint~~ petition. In case of service by publication, the 30 days shall not begin to run until the expiration of the period allowed for publication.

Sec. 10. Minnesota Statutes 1971, Section 518.13, is amended to read:

518.13 FAILURE TO ANSWER; REFERENCE. If the ~~defendant~~ respondent does not appear after service duly made and proved, the court may hear and determine the action proceeding at a general or special term, or in vacation; provided, that the court or judge, upon application, may refer the ~~action proceeding~~ to a referee to take and report the evidence therein. ~~When issue is joined, like proceedings shall be had as in civil actions.~~ Hearings for dissolution of marriage shall be heard in open court or before a referee appointed by the court to receive the testimony of the witnesses, or depositions taken as in other equitable actions. However, the court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court to the affected parties and necessary witnesses if any.

Sec. 11. Minnesota Statutes 1971, Section 518.14, is amended to read:

518.14 TEMPORARY SUPPORT MONEY; COSTS AND DISBURSEMENTS AND ATTORNEY'S FEES. In any ~~action proceeding~~ brought either for ~~divorce-dissolution~~ or separate maintenance, the court, in its discretion, may require one party to pay a reasonable amount, necessary to enable the other spouse to carry on, or to ~~defend the action~~ contest the proceeding, and to support such spouse and the children during its pendency. The court may adjudge costs and dis-

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bursements against either party. The court may authorize the collection of any money so awarded by execution, or out of any property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the ~~action-proceeding~~ or in the final judgment survives the ~~action-proceeding~~ and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought by the attorney in his own name. If the ~~action-proceeding~~ is dismissed or abandoned prior to determination and award of attorney's fees the court may nevertheless award attorney's fees upon the attorney's motion and such award shall also survive the ~~action-proceeding~~ and may be enforced in the same manner as last above provided.

Sec. 12. Minnesota Statutes 1971, Section 518.15, is amended to read:

518.15 **PROTECTION OF PARTY.** When ~~an action-a~~ proceeding is commenced, or about to be commenced, to annul a marriage, or for a ~~divorce-dissolution~~ or separation, the court may, at any time, on the petition of the wife-a party, prohibit the ~~husband-other party~~ from imposing any restraint on ~~her-the petitioning party's~~ personal liberty during the pendency of the ~~action-proceeding~~.

Sec. 13. Minnesota Statutes 1971, Section 518.16, is amended to read:

518.16 **CUSTODY OF CHILDREN DURING PENDENCY.** The court, on the application of either party, may make such order concerning the care and custody of the minor children of the parties, and their suitable maintenance, during the pendency of such ~~action-proceeding~~, and such temporary orders relative to the persons or property of the parties, as shall be deemed necessary and proper.

Sec. 14. Minnesota Statutes 1971, Section 518.17, is amended to read:

518.17 **CUSTODY AND SUPPORT OF CHILDREN ON JUDGMENT.** Upon adjudging the nullity of a marriage, or a ~~divorce dissolution~~ or separation, the court may make such further order as it deems just and proper concerning the care, custody, and maintenance of the minor children of the parties and may determine with which of the parents they, or any of them, shall remain, having due regard to the age and sex of such children and the children's relationship with each parent prior to the commencement of the ~~action proceeding~~. In determining the parent with whom a child shall remain, the court shall consider all facts in the best interest of the children and shall not prefer one parent over the other solely on the basis of the sex of the parent. In determining the ~~appropriate~~ amount of child support to be paid by each parent, the court shall consider the earning capacity and financial circumstances of each parent. On petition for any change in child support because of alleged change in circumstances the court shall take

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into consideration the earning capacity and financial circumstances of each parent and the custodial parent's spouse, if any.

Sec. 15. Minnesota Statutes 1971, Section 518.175, Subdivision 1, is amended to read:

518.175 VISITATION OF CHILDREN AND NONCUSTODIAL PARENT. *Subdivision 1.* In all ~~divorce proceedings for dissolution~~ , subsequent to the commencement of the ~~action proceeding~~ and continuing thereafter during the minority of the child, the court may, upon the request of the noncustodial parent, grant such rights of visitation as will enable the child and the noncustodial parent to maintain such child to parent relationship as will be beneficial to the child. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the ~~action proceeding~~ . The court may deny visitation rights to the noncustodial parent if such visitation is not in the best interest of the child. A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of visitation, unless such inability is willful.

Sec. 16. Minnesota Statutes 1971, Section 518.25, is amended to read:

518.25 REMARRIAGE; REVOCATION. When a ~~divorce dissolution~~ has been granted, and the parties afterward intermarry, the court, upon their joint application, and upon satisfactory proof of such marriage, may revoke all decrees and orders of ~~divorce-dissolution~~ , alimony, and subsistence which will not affect the rights of third persons.

Sec. 17. Minnesota Statutes 1971, Section 518.27, is amended to read:

518.27 EFFECT OF DISSOLUTION; NAME OF PARTY. When a decree of ~~divorce-dissolution~~ from the bonds of matrimony is granted in this state, such decree shall completely dissolve the marriage contract as to both parties. ~~In all actions for a divorce brought by a woman,~~ If a ~~divorce dissolution~~ is granted, the court may change the name of ~~such woman either party, upon the request of the party~~ , who shall thereafter be known by such name as the court designates in its decree.

Sec. 18. Minnesota Statutes 1971, Section 518.54, is amended to read:

518.54 DEFINITIONS. Subdivision 1. **TERMS.** For the purposes of sections 518.54 to 518.67, the terms defined in this section shall have the meanings respectively ascribed to them.

Subd. 2. **CHILD.** "Child" means an individual under 18 years of age, or an individual who, by reason of his physical or mental condition, is unable to support himself.

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Subd. 3. **ALIMONY.** "Alimony" means an award made in a ~~divorce~~ dissolution proceeding of payments from the future income or earnings of one spouse for the support and maintenance of the other.

Subd. 4. **SUPPORT MONEY.** "Support money" means an award in a ~~divorce~~ dissolution or annulment proceeding for the care, support and education of any child of the marriage or of the parties to the annulment proceeding.

Subd. 5. **PROPERTY ACQUIRED DURING COVERTURE.** Except as provided in this subdivision, "property acquired during coverture" means any property, real or personal, acquired by the parties, or either of them, to a ~~divorce~~ dissolution or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceedings. "Property acquired during coverture" does not include any property real or personal, acquired by either spouse before, during, or after coverture, where said property is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse, or any property transferred from one spouse to the other.

Sec. 19. Minnesota Statutes 1971, Section 518.55, is amended to read:

518.55 ALIMONY OR SUPPORT MONEY. Every award of alimony or support money in a judgment of ~~divorce~~ dissolution shall clearly designate whether the same is alimony or support money, or what part of the award is alimony and what part thereof is support money. Any award of payments from future income or earnings of the custodial parent shall be presumed to be alimony. Any award of payments from the future income or earnings of the non-custodial parent shall be presumed to be support money unless otherwise designated by the court. In any judgment of ~~divorce~~ dissolution the court may determine, as one of the issues of the case, whether or not either spouse is entitled to an award of alimony notwithstanding that no award is then made, or it may reserve jurisdiction of the issue of alimony for determination at a later date.

Sec. 20. Minnesota Statutes 1971, Section 518.551, is amended to read:

518.551 ALIMONY AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES. Notwithstanding any law to the contrary, any court having jurisdiction over ~~matters of divorce proceedings for dissolution~~ shall direct that all payments ordered for alimony and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the alimony and support payments will receive public assistance. Amounts so received by the board over and above the amount granted to the party receiving public assis-

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tance shall be remitted to that party.

The agency responsible for the welfare payments shall be notified by the plaintiff-petitioner of all ~~actions for divorce-proceedings for dissolution~~, separate maintenance or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of such ~~action proceeding~~. Failure of such notification shall not affect the validity of the ~~action for divorce-proceeding for dissolution~~, separate maintenance, or custody of the child.

Sec. 21. Minnesota Statutes 1971, Section 518.57, is amended to read:

518.57 MINOR CHILDREN, MAINTENANCE. Upon a decree of ~~divorce-dissolution~~ or annulment, the court may make such further order as it deems just and proper concerning the maintenance of the minor children as is provided by section 518.17, and for the maintenance of any child of the parties as defined in this act, as support money, and may make the same a lien or charge upon the property of the parties to such ~~action-proceeding~~, or either of them, either at the time of the entry of such judgment or by subsequent order upon proper application therefor.

Sec. 22. Minnesota Statutes 1971, Section 518.58, is amended to read:

518.58 DISPOSITION OF PROPERTY ACQUIRED DURING COVERTURE. Upon a ~~divorce for any cause-dissolution of a marriage~~, or upon an annulment, the court may make such disposition of the property of the parties acquired during coverture as shall appear just and equitable, having regard to the nature and determination of the issues in the case, the amount of alimony or support money, if any, awarded in the judgment, the manner by which said property was acquired and the persons paying or supplying the consideration therefor, the charges or liens imposed thereon to secure payment of alimony or support money, and all the facts and circumstances of the case.

Sec. 23. Minnesota Statutes 1971, Section 518.59, is amended to read:

518.59 HOUSEHOLD GOODS, FURNITURE, AND OTHER PROPERTY. Upon a ~~divorce for any cause-dissolution of a marriage~~; the court may also award to either spouse the household goods and furniture of the parties, whether or not the same was acquired during coverture, and may also order and decree to either spouse such part of the real and personal estate of the other not acquired during coverture, not exceeding in present value one-half thereof, as it deems just and reasonable, having regard to the amount of property decreed under section 518.58, the amount of alimony and support money awarded, if any, ~~the character and situation of the parties, the nature and determi-~~

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nation of the issues, and all other circumstances of the case.

Sec. 24. Minnesota Statutes 1971, Section 518.62, is amended to read:

518.62 TEMPORARY ALIMONY. Temporary alimony may be awarded as provided in section 518.14, and temporary support money may be awarded as provided in section 518.16, for the support of any children of the parties, including children as defined in section 518.54; and the court may also award to either party to the ~~action proceeding~~ , having due regard to all the circumstances and the party awarded the custody of the children, the right to the exclusive use of the household goods and furniture of the parties pending the ~~action proceeding~~ and the right to the use of the homestead of the parties, exclusive or otherwise, pending the ~~action proceeding~~ ; and the court may order and direct either party to remove from the homestead of the parties upon proper application to the court for such order, pending the ~~action proceeding~~ .

Sec. 25. Minnesota Statutes 1971, Section 518.63, is amended to read:

518.63 HOMESTEAD, OCCUPANCY. The court, having due regard to all the circumstances and the custody of any children of the parties, may award to either party the right of occupancy of the homestead of the parties, exclusive or otherwise, upon a final decree of ~~divorce-dissolution~~ , or proper modification thereof, for such period of time as may be determined by the court, and such award of the right of occupancy of the homestead, whether exclusive or otherwise, may be in addition to the maximum amount which may be awarded under section 518.59.

Sec. 26. Minnesota Statutes 1971, Section 518.64, is amended to read:

518.64 ALTERATION OF ORDERS OR DECREES. After an order or decree for alimony or support money, temporary or permanent, or for the appointment of trustees to receive and hold any property awarded as alimony or support money, the court may from time to time, on petition of either of the parties revise and alter such order or decree respecting the amount of such alimony, or support money, and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any order respecting these matters which it might have made in the original ~~action proceeding~~ , except as herein otherwise provided. Except for an award of the right of occupancy of the homestead, all divisions of real and personal property provided by sections 518.58 and 518.59 shall be final, and subject only to the power of the court to impose a lien or charge thereon at any time while such property, or subsequently acquired property, is owned by the parties or either of them, for the payment of alimony or support money, or to se-

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quester the property as is provided by Minnesota Statutes ~~1949~~, Section 518.24.

Sec. 27. Minnesota Statutes 1971, Section 518.66, is amended to read:

518.66 POWER OF COURT NOT LIMITED. Nothing contained in sections 518.54 to 518.67 shall be construed as limiting the power of the court in appropriate cases to make adequate provision for the support and education of any children of the parties to any ~~divorce~~ dissolution or annulment action where such ~~divorce-dissolution~~ or annulment is denied.

Sec. 28. **[518.002] DISSOLUTION; DEFINITION.** Wherever the word "divorce" is used in the statutes, it has the same meaning as "dissolution" or "dissolution of marriage".

Sec. 29. Minnesota Statutes 1971, Sections 518.08; 518.26; and 518.28 are repealed.

Sec. 30. This act is effective on the day following final enactment and applies to all proceedings commenced after that date and may be invoked by either party in proceedings pending on that date.

Approved March 14, 1974.

CHAPTER 108—H.F.No.1962
[Not Coded]

An act relating to the park and recreation board of the city of Minneapolis; providing a tax levy limit for the tree preservation and reforestation fund; amending Laws 1969, Chapter 593, Section 3.

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

Section 1. Laws 1969, Chapter 593, Section 3, is amended to read:

Sec. 3. MINNEAPOLIS, CITY OF; TREE PRESERVATION AND REFORESTATION FUND. Notwithstanding any provision of the charter of the city of Minneapolis or any other statute, the ~~board of park commissioners~~ park and recreation board of the city of Minneapolis is hereby authorized and empowered, in addition to all other powers by it now possessed, to establish a fund to be known and designated as the "Tree Preservation and Reforestation Fund" which shall be kept distinct from all other funds of the city and park and recreation board. Said fund shall be in lieu of existing tax levies for the planting, caring for, maintenance and removal of trees and shrubbery and shall be used for the accomplishment of the purposes enumerated in section 1

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