

SEC. 13. Any inspector of mines appointed hereunder failing to comply with the requirements of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than one hundred or more than one thousand dollars and be dismissed from office, and the said board of commissioners shall remove him from office for neglect of duty, drunkenness, incompetency, malfeasance in office and other good cause.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 13, 1905.

CHAPTER 167.

H. F. No. 679.

*An act relating to parks and parkways in certain villages.*

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

SECTION 1. Any village now or hereafter located in any county of the state now or hereafter having a population exceeding two hundred and twenty-five thousand (225,000) inhabitants, is hereby authorized to create a board of park commissioners, and to acquire, govern and administer lands for parks and parkways by proceedings in the manner provided in this act.

Village parkways.

The city council of such village may submit to the voters thereof at any general election or at any special election ordered for the purpose, the question whether to adopt the provisions of this act. The vote shall be by ballot, the form of which shall be as follows:

“For a park and parkway system and the election of a board of park commissioners.

Form of ballot.

Yes ..... 


No ..... 


Those voting in the affirmative shall make a cross after the word “Yes,” and those voting in the negative after the word “No.” If a majority of the votes cast upon that question are in the affirmative the provisions of this act shall be deemed to be adopted, otherwise not.

The village council shall at the said election provide for the election of three park commissioners, and prescribe the form of ballots in accordance with the general election law. If the provisions of this act are adopted by the vote taken as aforesaid, the three candidates receiving the

Park commissioners.

highest number of votes shall be elected as park commissioners. The one receiving the highest vote shall hold office until the third annual village election next ensuing; the one receiving the second highest, until the second annual village election next ensuing; and the one receiving the third highest until the first annual village election next ensuing, and until their respective successors are elected. Thereafter one park commissioner shall be elected at each annual village election to serve for three years, and until his successor is elected and qualified. The newly elected park commissioner shall take office at the same time as the newly elected members of the village council. Each park commissioner shall before entering on the duties of his office, subscribe and file with the village recorder an oath faithfully to perform his duties as such park commissioner and to the best of his ability.

Terms of office.

Officers of commission.

SEC. 2. The said park commissioner shall constitute a department of the village government, by the name of the board of park commissioners of the village of . . . . . They shall elect one of their own number annually as chairman and shall make rules for their meetings and for the conduct of their business. In case a vacancy occurs it shall be filled by election by the village council until the next annual village election when a park commissioner shall be elected to fill the unexpired term. The village recorder shall be the recording officer of the board.

Duties.

SEC. 3. It shall be the duty of such board of park commissioners to devise and adopt a system of parks and parkways for the village, and from time to time to add thereto. The board shall have power to acquire lands for parks and parkways by gift, devise, lease, purchase and dedication, to administer and govern the same as parks and parkways, and to ordain and establish rules and ordinances to secure the quiet, suitable and appropriate use thereof. The lands so acquired shall be held for public use as parks and parkways.

Levy of taxes.

SEC. 4. The village council shall annually at the time of levying other village taxes, levy such sum as it shall deem necessary, not to exceed one mill upon the dollar of taxable property of the village, for park purposes and such taxes shall be collected with an as a part of other village taxes, and paid into the village treasury, and set apart as a village park fund. The board of park commissioners shall have power to expend such fund in the acquisition, maintenance and improvement of parks and

parkways. All warrants drawn upon such fund shall be accompanied by receipted vouchers showing the purpose for which the warrant is drawn, and shall be signed by the president of the board and by the village recorder, and countersigned by the president of the village council. The board of park commissioners may with the consent of the village council, take any land within the village, which has been acquired or dedicated as a public park or common, and thereafter administer and govern the same as if acquired by purchase under the provisions of this act. The board of park commissioners may also, with the consent of the village council, take as a parkway any street or highway or portion thereof, and thereafter administer and govern the same in all respects and with like powers as if it had been originally acquired as a parkway under the provisions of this act. The board of park commissioners shall have power to regulate, control and govern the traffic upon and over any parkway, and may exclude therefrom all vehicles excepting those in use for carrying passengers, or impose lesser restrictions thereon as it may deem best.

Warrants.

Govern the traffic.

Prosecution of offenses.

SEC. 5. All offenses against ordinances of the board of park commissioners may be prosecuted before any justice of the peace or municipal court of the county. The penalty for violating such ordinance shall be by imprisonment not exceeding ninety (90) days or by fine not exceeding one hundred (\$100) dollars for each offense; and in case the fine is not paid, by imprisonment not exceeding ninety (90) days.

SEC. 6. For the purpose of acquiring lands for parks and parkway purposes, the village shall have the power of eminent domain, and the power of levying special assessments to be exercised in the manner prescribed by sections 214 to 242 inclusive, and sections 261 to 266 inclusive of chapter 8 of the General Laws of Minnesota for 1895. The proceedings therein provided for shall be conducted by the village council and the duties prescribed to be performed by the city controller and the city clerk by said chapter 8, shall be performed by the village recorder. Duties prescribed to be performed by the city engineer and city treasurer may be performed by any engineer employed by the city council, and by the village treasurer respectively. Notices may be published in any newspaper published in the village.

Power of eminent domain.

Publication of notice.

SEC. 7. The board of park commissioners shall have power to erect docks, boat houses, bath houses, refresh-

Power to erect docks, etc.

ment booths, amusement halls, pavilions and other structures for the comfort of the people, and to operate and administer the same and to make reasonable charges therefor. The board shall also have power with the consent of the village council to make contracts and leases for the construction and operation of such buildings for terms not exceeding ten (10) years. Every such contract and lease shall provide that the structure shall be operated for the public use and convenience, and that the charges shall be reasonable, and shall reserve to the board of park commissioners power to prescribe reasonable rules and regulations from time to time for the conduct of the privilege.

SEC. 8. In case any such park or parkway shall embrace the shore of any navigable lake, the board shall have power to lease to private clubs the privilege of occupying limited areas in the bed of the lake adjacent to such shore for club house purposes, for periods not exceeding ten (10) years in any case. The space to be occupied by any one private club shall not exceed one acre. No such club house shall be located so as to interfere with navigation. Every such lease shall reserve to the board full power and authority to make from time to time reasonable rules and regulations to secure quiet and good order on the premises. The lessee in such case shall have power to retain the club house for the use of its own members and guests. Every area so leased shall be subject to all the ordinances of the village, and in particular to the ordinance relating to the sale and use of malt and intoxicating liquors.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 13, 1905.

H. F. No. 1.

## CHAPTER 168.

*An act proposing an amendment to article nine of the Constitution of the State of Minnesota relating to taxation.*

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

The following amendment to article nine of the Constitution of the State of Minnesota, to take the place of sections one, two, three, four and the amendment

Lease to private clubs.

Constitutional amendment.