

CHAPTER 450

PLAYGROUNDS, TOURIST CAMPS, BATH HOUSES AND  
PARKS, MUSEUMS, ART GALLERIES

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**450.01 MAY ESTABLISH RECREATIONAL DEPARTMENT.** The council of any village now or hereafter having a population of more than 8,000 may establish and maintain a recreational department for the purpose of establishing and maintaining recreational facilities for the general welfare of the inhabitants of the village.

[1933 c. 60 s. 2] (1192-2)

**450.02 TAX LEVY IN CITIES OF THE FIRST CLASS FOR ACQUISITION OF PLAYGROUNDS AS PART OF PARK SYSTEM.** Each city of the first class in the state, acting through its council or chief governing body by whatever name known, or through its board of park commissioners, is hereby authorized and empowered to levy annually on real and personal property of the city a tax not exceeding five-tenths of a mill on each dollar on the assessed valuation of the city for the purpose of acquiring, equipping, maintaining, and governing playgrounds for the public use as part of the system of parks and parkways of the city; provided nothing in sections 450.02 and 450.03 shall release the council or chief governing body or board of park commissioners from the supervision of the limit of the tax as provided in the charter of the city.

[1927 c. 270 s. 1] (1566-5)

**450.03 ADDITIONAL TO LEVIES ALREADY AUTHORIZED.** Any levy under sections 450.02 and 450.03 by any city of the first class shall not be in addition to any levy authorized by the charter of the city for the purpose.

[1927 c. 270 s. 2] (1566-6)

**450.04 CERTIFICATION TO COUNTY AUDITOR.** All taxes so levied shall be certified to the auditor of the county in which the city is situated on or before the tenth day of October of each year, and shall be included in and as a part of the general taxes for state, city, and county purposes, and the same shall be collected with and the payment thereof enforced in the same manner as such general taxes and with like penalties and interest. These taxes when collected shall be paid to the city treasurer and placed in a fund to be known as playgrounds fund, and shall be paid out by warrants ordered by the board of park commissioners and signed by the president and secretary of the board and countersigned by the city comptroller.

[1915 c. 230 s. 2] (1566-8)

**450.05 REGULATORY ORDINANCES.** The board of park commissioners shall have power to adopt ordinances to secure the quiet, orderly, and suitable use and enjoyment of the playgrounds 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 violation may include fines not exceeding \$100.00, or confinement in the city workhouse not exceeding 90 days.

[1915 c. 230 s. 3] (1566-9)

**450.06 PUBLIC PLAYGROUNDS IN CITIES OF THE THIRD CLASS.** All cities of the third class in the state, whether incorporated under general or special law, shall, in addition to all other powers now or hereafter given such cities by any law of this state, have power and authority to acquire and maintain public parks and public playgrounds and places of recreation for children, and to provide by ordinance, or otherwise, rules and regulations for the use, government, and protection thereof and to provide for the arrest and punishment of any person violating the provisions of any such ordinance.

[1911 c. 105 s. 1] (1711)

**450.07 LANDS OUTSIDE CITY LIMITS.** The power of every city of the third class to acquire lands for park purposes shall extend to the acquisition of lands lying outside of the corporate limits of the city and contiguous to and adjacent to a park or parks of the city lying within its corporate limits.

[1911 c. 105 s. 2] (1712)

**450.08 CONDEMNATION OF LANDS FOR PUBLIC PLAYGROUNDS BY CITIES OF THE FIRST CLASS.** Any city of the first class in this state, shall have the right, power, and authority to condemn lands under the right of eminent domain for public playgrounds and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 117. Any city of the first class shall have the right, upon the filing of the award of the commissioners provided for in chapter 117, and upon giving the notice therein required of the filing of the award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of this entry and appropriation, the city shall be bound absolutely to pay all damages awarded, whether by the commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in chapter 117. In case the city shall appeal from the award of commissioners appointed pursuant to the condemnation proceedings the city shall not be required to give or file any appeal bond therein.

[1911 c. 162 s. 1] (1567)

**450.09 CERTAIN CITIES OF THE SECOND CLASS TO MAINTAIN PUBLIC PLAYGROUNDS AND SKATING RINKS.** All cities of the second class in the state located upon navigable boundary waters are hereby authorized and empowered to establish and maintain public playgrounds and public skating rinks within the corporate limits of the city and, for that purpose, to acquire by grant, gift, purchase, lease, or otherwise lands within the corporate limits of the city and to appropriate money therefor and for the maintenance of the public playgrounds and public skating rinks whenever the council of the city shall, by a majority vote thereof, deem the same necessary or advisable.

[1937 c. 198 s. 1] (1664-94)

**450.10 PUBLIC BATH HOUSES IN CITIES OF THE SECOND CLASS.** Any city of the second class in the state is hereby authorized and empowered to establish and maintain a public bath house and grounds and park in connection therewith and, for that purpose, to acquire by grant, gift, purchase, lease, or otherwise, lands within or without the corporate limits of the city, including land on any island in any navigable river lying in close proximity to the city in this or an adjoining state, and appropriate money therefor and for the maintenance thereof, whenever the council of the city, by a majority vote thereof, deems the same necessary or advisable.

[1907 c. 22 s. 1; 1911 c. 53 s. 1] (1631)

**450.11 BOARD OF DIRECTORS.** When the council of any city of the second class shall have decided to establish and maintain a public bath house and grounds and park in connection therewith, under the provisions of sections 450.10 to 450.13, the mayor of the city shall, with the approval of the council, proceed to appoint a board of three directors for the same, choosing from the citizens at large, with reference to their fitness for the office, and not more than one member of the council shall be, at any time, a member of the board; the president of the board of health and the president of the park board of the city shall be ex officio members of this board of directors.

[1907 c. 22 s. 2] (1632)

**450.12 TERMS; REMOVAL.** These directors shall hold office, one for one year, one for two years, and one for three years, from the first day of May following their appointment, and the mayor of the city appointing this board, shall designate the respective terms of each member so appointed, and annually thereafter, the

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mayor of the city shall, before the first of May, appoint one director to take the place of the retiring director who shall hold his office for three years and until his successor is appointed. The mayor of the city, may, by and with the consent of the council, remove any director for misconduct or neglect of duty.

[1907 c. 22 s. 3] (1633)

**450.13 VACANCIES; COMPENSATION.** Vacancies in the board of directors occasioned by removal, resignation, or otherwise, shall be reported to the council and be filled in like manner as original appointments, and no director shall receive compensation for services rendered as a director.

[1907 c. 22 s. 4] (1634)

**450.14 DUTIES AND POWERS.** These directors shall, immediately after appointment, file their written acceptance and meet and organize by the election of one of their number, president, and by the election of such other officers as they may deem necessary. They shall make and adopt by-laws, rules, and regulations for their own guidance and for the government of the bath house, grounds, and park, or either of them, not inconsistent with sections 450.10 to 450.18, or any ordinance passed by the council of the city. They shall have the control of the expenditures of all moneys collected and placed to the credit of the bath house fund, and of the construction of any bath house building or addition thereto, or the improvement of the grounds and park in connection therewith, and of the supervision, care, and custody of the grounds, bath house, and buildings constructed, leased, or used in connection therewith, subject to the approval of the council of the city. All moneys received for the bath house and grounds shall be deposited in the treasury of the city to the credit of the bath house and grounds fund kept separate and apart from the fund of the city, and paid out only upon the properly authenticated voucher of the bath house board. The board shall have the power to appoint a suitable person to take care of the bath house and grounds and necessary assistants and fix their compensation, and shall also have power to remove these appointees and shall in general carry out the spirit and intent of sections 450.10 to 450.18.

[1907 c. 22 s. 5] (1635)

**450.15 RULES AND REGULATIONS.** Every bath house, including the grounds and parks in connection therewith, established under sections 450.10 to 450.18, shall be subject to such reasonable rules and regulations as the bath house board may adopt, not inconsistent with sections 450.10 to 450.18 or any ordinance passed by the council of the city in order to render the use of the bath house and grounds, or either of them of the greatest benefit to the greatest number, and the board may exclude from the use of the bath house or grounds, or either of them, any and all persons who shall wilfully violate those rules.

[1907 c. 22 s. 6] (1636)

**450.16 ANNUAL REPORT.** The board of directors shall make on or before the first day of April, an annual report to the council of the city, stating the conditions of their trust on the first day of March of that year, the various sums of money received, the sources from which received, how these moneys have been expended, and for what purposes, with other statistics, information, and suggestions as they may deem of general interest.

[1907 c. 22 s. 7] (1637)

**450.17 ORDINANCES.** The council of the city shall have power to pass ordinances for the control and regulation of the bath house, grounds, and parks in connection therewith, fixing suitable penalties for the punishment of persons violating the same and for committing injury to the bath house or grounds and the park in connection therewith, or any shrub, plant, or other property thereon or connected therewith.

[1907 c. 22 s. 8] (1638)

**450.18 GIFTS.** Any person desiring to make donations of money, personal property, or real estate for the benefit of the bath house and grounds and park in connection therewith, or either, shall have the rights to vest the title to the money, property, or real estate so donated in the city to be held and controlled by the board, subject to the direction and approval of the council of the city according to the terms of the deed, gift, or devise of the property.

[1907 c. 22 s. 9] (1639)

**450.19 TOURIST CAMPING GROUNDS IN CITIES, VILLAGES, TOWNS, AND BOROUGHES.** All cities, villages, towns, and boroughs in the state are hereby authorized and empowered to establish and maintain public tourist camping grounds

and the council or other legislative or governing body thereof is hereby empowered to acquire, by lease, purchase, or by gift, suitable lands located either within or without the corporate limits for use as public tourist camping grounds and to provide for the equipment, operation, and maintenance of the same. The amount expended for the acquisition of public tourist camping grounds shall not exceed the sum of \$6,000. The amount that may be expended for the maintenance, improvement, or operation of tourist camping grounds shall not exceed, in any one year, a sum equal to the amount which may be raised by a one mill tax upon the taxable property of the municipality and in no event to exceed the sum of \$5,000 per annum.

[1923 c. 277 s. 1] (1933-9)

**450.20 ART COMMISSION; WORK OF ART.** The council of any city of the first class may establish by ordinance a city art commission of five resident members to be appointed by the mayor, one each from lists of three persons each presented to him as follows: One by the oldest incorporated society of fine arts or other similar body of the city, one by the library board thereof, and one by the park board. The other two shall be selected, one from the resident painters, sculptors, and architects, and one from the citizens generally. If any list be not submitted within 30 days after request so to do from the mayor, he shall appoint without the recommendation. The terms of members shall begin January 1 next after appointment. The first board shall serve for one, two, three, four, and five years, respectively, as designated by the mayor, and thereafter the term of each shall be five years, and until his successor qualifies. Vacancies shall be filled for the unexpired terms by like appointments. After the commission is established, the city shall acquire no work of art, nor shall any such work be placed in any public place therein, unless the design and location thereof be approved by such commission; neither shall any work of art possessed by the city be removed, replaced, or altered without the approval of the commission. The mayor or council may request the commission to pass upon the design of any municipal building, bridge, approach, gate, fence, lamp, or other structure to be erected upon any public ground of the city, and upon any proposed grading, platting, or laying out of public grounds or ways; and in these cases the decisions of the commission shall be binding, and shall be obeyed. If the commission shall fail to decide upon any matter within 60 days after such request, its decision may be dispensed with and in cases of emergency the mayor or council may prescribe a shorter time. The term "work of art," as used herein, shall embrace all paintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountains, arches, gates, and other permanent structures for ornament or commemoration. Nothing herein shall apply to any building or grounds owned by the state or require any library or park board to accept any work of art to be displayed upon property under its control.

[R. L. s. 764] (1590)

**450.21 EXPENDITURES OF CITIES OF THE FIRST CLASS FOR EXHIBITION OF PRIVATE SCIENTIFIC AND ART COLLECTIONS.** Any city of the first class in this state is hereby authorized and empowered, from time to time, to appropriate and expend money, in such sums as may be determined by two-thirds vote of all members of its council or governing body, for the purpose of defraying the expense of housing, maintaining, and exhibiting scientific and art collections for the benefit of the public which are owned or controlled by private corporations or associations.

[1913 c. 32 s. 1] (1590-1)

**450.22 CONDITIONS PRECEDENT.** No money shall be appropriated or expended under section 450.21 by any city of the first class unless the collections are kept and maintained within the city for the general use and benefit of the public, under such reasonable rules and regulations as shall be first approved by the mayor of the city; nor unless the corporation or association owning or controlling the collections shall first provide by its articles of incorporation that the mayor and at least two other officials of the city shall be ex officio members of its governing board.

[1913 c. 32 s. 2] (1590-2)

**450.23 GIFTS OR DEVISES FOR PUBLIC PARKS, MUSEUMS, GALLERIES, OR SCHOOLS OF ARTS OR CRAFTS.** The board of park commissioners of any city of the first class is authorized to receive and accept, in the name of the city, any gift or devise of land or buildings to be used for a public park, museum,

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gallery, or school of arts or crafts, or for the construction, equipment, improvement, maintenance, or use thereof or for any one or more of such purposes, with the right reserved by the donor or deviser to the free and exclusive occupancy, management, control, and use of the building by any incorporated society of this state organized for the general purposes of fostering and promoting educational, artistic, and scientific interests, or some one or more of them, and not for any purpose of pecuniary gain or profit to any of its members, and upon such other conditions, but subject to such regulations and restrictions, as shall be approved by the board of park commissioners.

The board may likewise accept gifts and bequests of money and other personal property to be used for any of these purposes.

[1911 c. 95 s. 1] (1592-1)

**450.24 EXPENDITURES.** The board of park commissioners, out of any moneys received under the provisions of sections 450.23 to 450.25, or from any gift or bequest applicable thereto, shall care for and maintain, as a public park, any land or grounds so acquired and used and shall maintain and keep in repair, alter, enlarge, improve and equip, heat, light, and care for any and all these buildings, maintain proper insurance thereon, and make suitable provision for the custody of, and for keeping, preserving, and exhibiting, any and all collections, objects, and specimens contained therein. In case of the destruction or damage of any such building from any cause, the proceeds of any insurance thereon, together with any funds available therefor received under the provisions of sections 450.23 to 450.25, shall be used for the restoration of the building. The board shall have power to make any contracts or arrangements, in the name of the city, necessary or convenient to promote the general purposes of sections 450.23 to 450.25, and shall have power to make rules and regulations for the use and government of the lands and buildings and, for that purpose, may adopt rules and ordinances, and provide penalties for their violation.

[1911 c. 95 s. 2] (1592-2)

**450.25 TAX LEVY.** After the acquirement of any museum, gallery or school of arts or crafts, there shall be annually levied and it shall be the duty of the board of park commissioners to cause to be included in the annual tax levy, upon all the taxable property of the city, a tax of one-eighth of one mill upon each dollar of the assessed valuation of property in the city subject to taxation, and the board shall certify the levy to the auditor of the county in which the city is situated, and the same shall be added to, and collected with and as part of, the general, real, and personal property taxes, with like penalties and interest, in case of non-payment and default, and all provisions of law in respect to the levy, collection, and enforcement of other taxes shall, so far as applicable, be followed in respect of these taxes. All of these taxes, penalties, and interest, when collected, shall be paid to the city treasurer and shall be credited to a fund to be known and denominated as the park museum fund, and shall be used for the purposes specified in sections 450.23 to 450.25, and for no other purpose. Any part of the proceeds of the levy not expended for the purposes specified in section 450.24 may be used for the erection of new buildings for the same purposes.

[1911 c. 95 s. 3] (1592-3)