

# MINNESOTA STATUTES 1953 ANNOTATIONS

**448.01, 448.02 PARKS, PARKWAYS; PARK DISTRICTS; PARK BOARDS** 1150

## CHAPTER 448

### PARKS, PARKWAYS; PARK DISTRICTS; PARK BOARDS

**448.01, 448.02** Repealed, 1949 c 119 s 110.

#### **448.04 PARKS AND GOLF COURSES**

The city of Detroit Lakes may issue bonds for constructing a club house on the public golf course. OAG Dec. 8, 1948 (59-A-7).

A city may not grant an easement to a third party in, above, or over park property. OAG Dec. 16, 1947 (59-A-40).

A city of fourth class may acquire land for park and recreational purposes and may accept gifts of land for such purposes but may not lease land so acquired to an athletic association. OAG March 9, 1948 (59-B-11).

This section does not apply to cities operating under a home rule charter which does not restrict the area that may be required for park or golf courses. OAG July 26, 1951 (59-B-11).

Funds being available a city of fourth class may lease premises for park purposes. OAG May 18, 1950 (59-B-11).

#### **448.05 PARK BOARDS IN CERTAIN CITIES**

A city of the first class may acquire lands through eminent domain proceedings both within and without the city limits for corporate purposes. If the rights acquired include a lake or lake bed the rights of the riparian owner may be acquired, but if the body of water is navigable, under the federal rule the state is the owner of the lake bed below the low water mark. The city may regulate the use and may maintain general supervision and control of navigable water within, upon, and adjacent to the city limits. OAG July 30, 1948 (817-F).

#### **448.09 CITIES OF THE SECOND OR THIRD CLASS MAY ACQUIRE LANDS FOR PARKS AND PARKWAYS**

**HISTORY.** Amended, 1949 c 277 s 1.

**448.27** Repealed, 1949 c 119 s 110.

#### **448.32 COMMISSION, POWERS**

**HISTORY.** 1909 c 486 s 5; 1951 c 338 s 1; 1953 c 13 s 1.

Where a park district was an instrumentality of the city of Bemidji, employees of the district were employees of the city for the purposes of the Public Employees Retirement Act and, as such, these employees were subject to the act. OAG Oct. 29, 1952 (331-B-1).

**448.36-448.42** Repealed, 1949 c 119 s 110.

#### **448.43 PARK BOARDS**

**HISTORY.** Amended, 1949 c 119 s 111.

#### **448.44 POPULATION, HOW DETERMINED**

**HISTORY.** Amended, 1949 c 119 s 111.

**448.45 BOARD, HOW CONSTITUTED AND APPOINTED, TERM**

HISTORY. Amended, 1949 c 119 s 111.

**448.46 POWERS AND DUTIES OF PARK BOARD**

HISTORY. Amended, 1949 c 119 s 111.

A city may not surrender its power of control and supervision of the use of its parks, but where the public is served it may permit use of a park by a private organization furnishing amusement or recreation. OAG April 16, 1947 (59-A-40).

**448.47 COMPENSATION OF MEMBERS**

HISTORY. Amended, 1949 c 119 s 111.

A member of a village park board created under sections 448.43 to 448.48 may not be a member of the village council. OAG Aug. 12, 1947 (258-E-9).

**448.48 PROVISIONS, HOW AVAILED OF**

HISTORY. Amended, 1949 c 119 s 111.

**CHAPTER 449**

**ENTERTAINMENT**

**449.01, 449.02** Repealed, 1949 c 119 s 110.

**449.03** Repealed. See OAG Oct. 29, 1929 (481-B-3). See Laws 1927, Chapter 79. See State v Keyes, 188 M 79, 246 NW 547.

**449.04 PARK BOARD OF CITY OF THE FOURTH CLASS MAY FURNISH ENTERTAINMENT**

Where two villages propose to organize a joint band, each village may vote separately on the question of levying a tax for establishing such band and, if both villages vote favorably, the bands may operate jointly under the provisions of section 471.59. OAG Sept. 27, 1949 (519-H).

**449.06 ENTERTAINMENT TAX IN CITIES OF THE FOURTH CLASS**

HISTORY. 1913 c 329 s 1; 1919 c 518 s 1; 1919 c 578 s 1; 1949 c 100 s 1.

Laws 1949, Chapter 100, and Laws 1949, Chapter 563, relating to the levying of a tax for municipal bands and municipal musical entertainment, are not inconsistent but are cumulative. Cities of fourth class coming within the purview of the statutes may proceed under either or both. OAG June 1, 1949 (519-H).

**449.08 TAX LEVY FOR MUSICAL ENTERTAINMENTS IN CITIES OF THE THIRD CLASS**

HISTORY. 1923 c 337 s 1; 1949 c 721 s 1.

A city of third class may contract with a school district whereby the school band furnishes public concerts for which the city pays the school district. OAG June 2, 1948 (59-B-3).

A city of the third class may levy a tax for musical entertainment under its charter or under section 449.08, subject to all limitations on tax levies. OAG March 16, 1949 (519-H).