

## CHAPTER 449

## ENTERTAINMENT

Sec.		Sec.	
449.04	Park board of city of the fourth class may furnish entertainment	449.09	Bands, orchestras or choruses, tax levy
449.05	Appropriation	449.10	Tax levy election; petition
449.06	Entertainment tax in cities of the fourth class	449.11	Election
449.07	Free open air concerts in cities of the second class	449.12	Vote necessary
449.08	Tax levy for musical entertainments in cities of the third class	449.13	Rescission of tax levy
		449.14	Use of funds

**449.01, 449.02** [Repealed, 1949 c 119 s 110]

**449.04 PARK BOARD OF CITY OF THE FOURTH CLASS MAY FURNISH ENTERTAINMENT.** Any city of the fourth class in this state, in which a park board has been created, may authorize the park board, in addition to other duties, to furnish educational or musical entertainment for its inhabitants.

[1911 c 165 s 1] (1735)

**449.05 APPROPRIATION.** For the purpose of carrying out the provisions of section 449.04 the council of any city of the fourth class may appropriate annually out of the revenues of the city received from taxes, a sum of money not exceeding \$200, the money so received to be disbursed for the purpose therein mentioned, in such manner and subject to such rules and regulations as the park board shall direct.

[1911 c 165 s 2] (1736)

**449.06 ENTERTAINMENT TAX IN CITIES OF THE FOURTH CLASS.** The governing body of any city of the fourth class in this state operating under a home rule charter of commission form of government, is hereby authorized to annually levy a tax not exceeding one and one-half mill on the dollar in excess of existing mill limitations but not in excess of any existing per capita limitations against taxable property in the city for the purpose of providing musical entertainments to the public in public buildings or upon public grounds. The total sum that may be levied or expended in any year shall not exceed the sum of \$3,500.

[1913 c 329 s 1; 1919 c 518 s 1; 1949 c 100 s 1] (1737)

**449.07 FREE OPEN AIR CONCERTS IN CITIES OF THE SECOND CLASS.** In any city of the second class in this state, the council shall have the power annually to raise by taxation and appropriate the sum of not more than \$1,500 to be expended under the direction of the council for the purpose of providing free open air concerts for the benefit of the people of the city.

[1909 c 155 s 1] (1640)

**449.08 TAX LEVY FOR MUSICAL ENTERTAINMENTS IN CITIES OF THE THIRD CLASS.** The council of any city of the third class is hereby authorized and empowered to levy a tax of not exceeding one mill on all the taxable property within the city for the purpose of providing free musical entertainment for the general public. This tax shall be levied by the council in the same manner and at the same times as taxes for other purposes are levied, and shall be collected in the same manner. The proceeds of this tax shall be used only for the purpose of providing free musical entertainment for the public. The annual expenditure for this purpose is hereby limited to the sum of \$3,000.

[1923 c 337 s 1; 1949 c 721 s 1] (1712-1)

**449.09 BANDS, ORCHESTRAS OR CHORUSES, TAX LEVY.** Cities of the second, third, or fourth class, villages, boroughs, or towns, however organized, may, when authorized as hereinafter provided, levy each year a tax not to exceed three mills for the purpose of providing a fund for the maintenance, transportation or employment of a band, orchestra, or chorus for municipal purposes. No levy by any municipality shall exceed, in any one year, \$10,000 except in cities of the second class, situated in a county having over 45,000 and less than 49,000 inhabitants according to the 1950 federal census, wherein such levy shall not exceed \$25,000 in any one year. No levy by any town shall exceed \$1,500. All sums shall be sepa-

rately levied and when collected these sums shall be paid into special fund and used for these purposes. When taxes are levied and collected for the maintenance or employment of a band, orchestra, or chorus for municipal purposes and the band, orchestra, or chorus is discontinued or the city, village, borough, or town by a vote of the people as now provided by law decide not to employ a band, orchestra, or chorus, the governing body may transfer the sums so levied and collected to the general fund; no levy shall be made of any such fund when there is in the fund an unexpended balance equal to the maximum levy permitted by law therefor.

[1927 c 79 s 1; 1931 c 171 s 1; 1937 c 82 s 1; 1949 c 563 s 1; 1955 c 109 s 1; 1957 c 44 s 1; 1959 c 607 s 1] (1933-17)

**449.10 TAX LEVY ELECTION; PETITION.** Such authority shall be initiated by a petition signed by ten percent of the legal voters of the city, village, borough, or town, as shown by the last regular municipal election. This petition shall be filed with the governing body of the city, village, borough, or town, and shall request that the following question be submitted to the voters: "Shall a tax of not exceeding ..... mills be levied each year for the purpose of furnishing a band, orchestra, or chorus fund?"

[1927 c 79 s 2; 1937 c 82 s 2; 1959 c 607 s 2] (1933-18)

**449.11 ELECTION.** When this petition is filed, the governing body of the city, village, borough, or town shall cause the question to be submitted to the voters at the first following general municipal election of the city, village, borough, or town.

[1927 c 79 s 3; 1937 c 82 s 3] (1933-19)

**449.12 VOTE NECESSARY.** The levy shall be deemed authorized if a majority of the votes cast at the election be in favor of the proposition, and the governing body of the city, village, borough, or town shall then levy a tax sufficient to support or employ the band, orchestra, or chorus, not to exceed the rate authorized by the election.

[1927 c 79 s 4; 1937 c 82 s 4; 1959 c 607 s 3] (1933-20)

**449.13 RESCISSION OF TAX LEVY.** A like petition may at any time, be presented to the governing body of the city, village, borough, or town asking that the following proposition be submitted: "Shall the power to levy a tax for the maintenance or employment of a band, orchestra, or chorus be canceled?" The submission shall be made at any general municipal election, as provided in section 449.11, and if a majority of the votes cast at such election be in favor of the question no further levy for that purpose shall be made until such time as the question may again be voted upon favorably.

[1927 c 79 s 5; 1937 c 82 s 5; 1959 c 607 s 4] (1933-21)

**449.14 USE OF FUNDS.** All funds derived from the levy shall be expended as set out in section 449.09 by the governing body of the city, village, borough, or town.

[1927 c 79 s 6; 1937 c 82 s 6] (1933-22)