

CHAPTER 42.

PARK COMMISSIONERS.

H. F. 411.

AN ACT to amend title five (V), chapter nine (9) of the code and amendments thereto relating to park commissioners, [repealing sections eight hundred and fifty (850) to eight hundred and sixty-two (862) inclusive, of the code and supplement to the code and amendments thereto, and enacting substitutes therefor].

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repealed. That sections 850 to 862 of the code inclusive and sections 850 to 862 of the supplement of the code inclusive and amendments thereto, be repealed and the following enacted in lieu thereof:

SEC. 2. Park commissioners—election. There shall be elected at the regular municipal election in each city containing a population of forty thousand or over, and all other cities and towns may, by ordinance provide for the election of three park commissioners whose terms of office shall be six years, one to be elected at each regular municipal election but at the first election three shall be elected and hold their offices respectively for two, four and six years, their respective terms to be decided by lot and their successors shall be elected for the full term of six years, provided however that in all cities and towns not now having park commissioners the ordinance establishing such park commissioners shall not be in force until it has been submitted to the voters at a special or regular municipal election and approved by a majority of the votes cast at such election.

SEC. 3. Qualification—organization—treasurer—compensation. The commissioners shall, within ten days after their election, qualify by taking the oath of office and organize as a board by the election of one of their number as chairman and one as secretary, but each commissioner, before he enters upon the duties of his office, shall give a bond with sureties to be approved by the council, in the penal sum of one thousand dollars, conditioned for the faithful discharge of his office. The city treasurer shall be the treasurer of said board and pay out all moneys under the control of the board as ordered on orders signed by the chairman and secretary, but shall receive no compensation for his services as such treasurer. Each of the commissioners shall receive such salary as shall be fixed by the city council, not to exceed in the aggregate annually ten dollars for each one thousand population or fraction thereof according to the last state or federal census. Said compensation to be paid out of the park fund.

SEC. 4. Tax certified. The board shall on or before the first day of August of each year, determine and fix the amount or rate not exceeding two mills on the dollar in all cities and towns on the valuation of such city or town to be levied, collected and appropriated for the ensuing year, for park purposes, and shall cause the same to be certified to the city or town council, which shall levy such tax or so much thereof as it may deem necessary to promote park interests, and certify the per cent thereof to the county auditor, and the other taxes for said year. In cities having a population of over twenty-five thousand said board is further authorized in its discretion to certify to the county auditor in the year 1907, and cause to be collected an additional tax for park purposes of one mill on the dollar on all taxable property of the city, but the power to levy such additional tax shall cease at the end of the year above specified.

SEC. 5. Park fund—how expended. No money of this fund shall be appropriated or expended for any purpose except as provided in this chapter.

Such fund may be used in purchasing or acquiring real estate for park purposes including streets or highways to connect one park with another or to connect a park with streets or highways or for other purposes necessary and incident to the establishment and maintenance of parks and paving streets adjacent thereto and for the purpose of improving and maintaining the same and defraying the necessary expenses connected therewith, including the compensation of the board, its officers and employes and when any annual tax or part thereof has been pledged for the payment of any bonds or the interest thereon, such tax or part thereof shall be devoted to no other purpose. For the payment of one or more park policemen to be recommended by the board and appointed by the mayor. For the purpose of paying for the necessary lights as fixed by the park board and paying for such water supply as may be necessary in such parks.

SEC. 6. Acquisition of real estate—powers of board. Said park board may acquire real estate within or without the city for park purposes, by donation, purchase or condemnation and take the title to the same in the name of the board in trust for the public and hold the same exempt from taxation. It may sell, subject to the approval of the city council, exchange or lease any real estate acquired by it which shall be found unfit or not desirable for park purposes; shall keep a report of all transactions; shall have exclusive control of all parks and pleasure grounds acquired by it or of any other ground owned by the city and set apart for like purposes and may make contracts, sue and be sued, but shall incur no indebtedness in excess of the amount of taxes already levied and available for the payment thereof except bonds hereby authorized. It shall make an annual detailed report of the amounts of money expended and the purposes for which used, to the council at the regular April meeting, and such annual statement shall be published as part of the annual municipal report. For the purpose of paying for real estate it may issue bonds for such sums and amounts as found necessary but the aggregate annual interest of all bonds issued by it and at any time outstanding shall not exceed one-fifth of the amount of the annual tax authorized by this chapter.

SEC. 7. Bonds—lien on property—mortgage. Bonds issued under the provisions of this chapter shall be a lien upon all of the real estate acquired by the commissioners therewith or with the proceeds thereof and such bonds or proceeds shall be used for the purchase of real estate only. The board shall have the power to mortgage any real estate purchased by such proceeds to a trustee for the purpose of securing the payment of said bonds and after the issuance there shall be pledged for the payment of the interest thereon such amount of the annual tax levied by virtue of this chapter as shall be necessary to make such payment, and the residue of said tax may be used by the board for the payment of such bonds, for the purchase of real estate or improvement of the park and pleasure grounds of the city.

SEC. 8. Jurisdiction. The jurisdiction of such board shall extend over all lands used for parks within or without the corporate limits and all ordinances of such cities and towns shall be in full force and effect in and over the territory occupied by such parks. Any person who shall, except by the authority of such commissioners, cut, break or deface any tree or shrub growing in such park or parks, or any avenue thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days.

SEC. 9. Rules and regulations. The board may in writing prescribe rules and regulations for the government of the parks or public grounds under their control and persons resorting thereto, which rules and regulations shall be in

force when entered in the record of the proceedings of the board, and a copy thereof signed by the commissioners has been posted at each gate or principal entrance to any such park or public grounds, and a wilful violation thereof shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days.

SEC. 10. City engineer—poles and wires on park grounds. The board shall be entitled to the services of the city engineer, when requested, without expense to it. It shall have the power to regulate or forbid the erection of poles or the stretching of wire for electric light, street railway, or other corporations or persons in such parks or in or along streets, highways or over public places laid out or controlled by it.

SEC. 11. Park districts—condemnation of property. Where any such city shall contain more than one organized township, at least one commissioner shall be a resident of each of said townships, and unless all of the commissioners shall agree upon the location of one park for a whole city, each township shall constitute a separate park district, and the proceeds of any bonds shall be apportioned to and expended in each district, in proportion to the tax levied thereon, and all funds received from taxes collected shall be expended in the same manner. If said board and the owners of any property desired by it for park purposes cannot agree as to the price to be paid therefor, it may cause the same to be condemned in the manner provided for taking land for municipal purposes.

SEC. 12. Appropriation for park purposes. In cities and towns not having a park board the council may appropriate each year not exceeding five per cent of the general fund for the improvement and maintenance of public parks.

SEC. 13. How expended. Said fund so appropriated shall be expended under the direction of a committee of three persons, consisting of the mayor, one member of the council appointed by the council, and one resident property owner of such city or town appointed by the council, which committee shall receive no compensation for their services.

SEC. 14. Existing contracts and bonds. Nothing in this act shall be construed to affect any contracts heretofore entered into by any park board or any bonds issued by such boards but all such contracts shall be carried out and all such boards [bonds] shall be paid under the terms thereof.

SEC. 15. Acts in conflict repealed—tenure of office. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, but nothing in this act shall be construed as affecting the tenure of office of park commissioners heretofore elected in cities or towns heretofore having a park commission.

Approved April 13, A. D. 1907.

CHAPTER 43.*

LEVY OF ADDITIONAL TAX FOR PARK PURPOSES.

S. F. 341.

AN ACT to amend the law as it appears in section eight hundred and fifty-two (852) of the supplement to the code as amended by chapter thirty-four (34) of the laws of the Thirtieth General Assembly, authorizing the levy of an additional tax of one mill on the dollar on all taxable property for park purposes, relating to park commissioners, their powers and duties.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Additional tax in certain cities. That the law as it appears in section eight hundred fifty-two (852) of the supplement to the code

*NOTE—Section eight hundred and fifty-two (852), which this act amended, was repealed by the preceding act, known as chapter 42. Section four (4) of the said chapter is the substitute enacted for section eight hundred and fifty-two (852.)