

TABLE

HOUSE BILL 406

AN ACT to create W.S. 15.1-441.1 through 15.1-441.16 relating to park boards; providing that first class cities of Wyoming may establish park boards to manage and control city parks, pleasure grounds, boulevards and parkways; providing for appointment of members; providing for powers; providing for a "park fund"; providing for a staff; providing for eminent domain; providing for the method of bond elections; and providing an effective date.

James D. Van Velsor Mary K. Schwep

HOUSE BILL 706

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INTRODUCED

1975

STATE OF WYOMING

75LSO-669.01

HOUSE BILL NO. 406

Park boards.

Sponsored by: Representative VAN VELZOR

James D. VanVelzor

A BILL

for

Mary K. Schwabe

1 AN ACT to create W.S. 15.1-441.1 through 15.1-441.16
2 relating to park boards; providing that first class cities
3 of Wyoming may establish park boards to manage and control
4 city parks, pleasure grounds, boulevards and parkways;
5 providing for appointment of members; providing for
6 powers; providing for a "park fund"; providing for a
7 staff; providing for eminent domain; providing for the
8 method of bond elections; and providing an effective date.

9 Be It Enacted by the Legislature of the State of Wyoming:

10 Section 1. W.S. 15.1-441.1 through 15.1-441.16 are
11 created to read:

12 ARTICLE 3.1

13 PARK BOARD

14 15.1-441.1. Park board; members; vacancies.

15 (a) The care, custody, management and control of

1 parks, pleasure grounds, boulevards and parkways of
2 first-class cities may be vested exclusively in a park
3 board, composed of six (6) members who shall be electors
4 in the city and well-known for their ability, probity and
5 public spirit, one (1) of whom shall be president of the
6 board. The mayor of the city shall appoint, with the
7 advice and consent of the city council, the park board
8 members who shall serve terms of two (2) years from July 1
9 following their appointment. Of the members first
10 appointed one-half (1/2) shall serve for a term of one (1)
11 year. At their first regular meeting they shall cast lots
12 for the respective terms. Annually thereafter and before
13 July 1 of each year, the mayor, with the advice and con-
14 sent of the city council, shall appoint three (3) members
15 for the ensuing two (2) years to take the place of the
16 retiring members. All vacancies in such park board aris-
17 ing from any cause shall be filled by the mayor with the
18 advice and consent of the city council.

19 (b) The city council may by ordinance provide for
20 abolishment of the park commission and consolidation of
21 its functions and activities under the general control and
22 administration of the city as provided by ordinance. The
23 powers conferred upon the park board as specified in this
24 act may be exercised by the city in the manner provided by

1 ordinance. Any provision of this act to the contrary not-
2 withstanding, the city council of a city may appoint one
3 (1) or more advisory commissions or boards with respect to
4 parks, recreation and other municipal functions.

5 15.1-441.2. Members serve without compensation; no
6 interest in contracts. The members of the park board
7 shall serve without compensation except for their actual
8 expenses approved by the mayor and city council. No
9 member of the board shall be interested, directly or indi-
10 rectly, in any contract relating to the establishment or
11 maintenance of any of the properties under the control and
12 management of the board or in any contract providing for
13 the expenditure of any money in relation thereto. Any
14 member shall be considered as having vacated his office
15 upon the acceptance of any other public office.

16 15.1-441.3. Secretary; salary; duties. The board
17 may employ a secretary at a salary to be fixed by the
18 board, payable out of the park fund, who shall keep a
19 record of all proceedings of the board, have custody of
20 and preserve all its records and perform such other duties
21 as may be prescribed by the board.

22 15.1-441.4. Office of board; supplies. The board
23 shall be provided by the city with convenient offices,

1 facilities, stationery and supplies necessary for the per-
2 formance of its duties as the board deems necessary and
3 advisable.

4 15.1-441.5. Superintendent of parks; assistants;
5 salaries. The board may appoint a superintendent of parks
6 who shall be a practical landscape gardener, and who,
7 under the direction of the board, shall have active
8 charge, control and direction of all the parks, pleasure
9 grounds, boulevards and parkways which are under the con-
10 trol of the board, and who shall perform such other duties
11 as may be prescribed by the board, with such assistants
12 and employees at such salaries payable out of the park
13 fund as may be authorized by the board with the approval
14 of the mayor.

15 15.1-441.6. Meetings; quorum. The board shall hold
16 a regular meeting on the first Tuesday of each month and
17 may by rule provide for special meetings and service of
18 notice thereof. A majority of the members shall consti-
19 tute a quorum. No action of the board shall be binding
20 unless authorized by a majority of the members at a duly
21 called meeting thereof.

22 15.1-441.7. Expenditures for park purposes. The
23 board, with the approval of the mayor and city council,

1 shall have full, complete and exclusive power and author-
2 ity to expend, for and on behalf of the city, all sums of
3 money that may be raised by general taxation for park pur-
4 poses, and all other sums of money appropriated by the
5 council from the general revenues for the same purposes,
6 and all moneys that may be realized by the board from the
7 sale of privileges in or near the parks of the city.

8 15.1-441.8. Annual report. During the month of July
9 of each year the board shall make an annual report to the
10 mayor and city council of all moneys received and expended
11 in the purchase, improvement and maintenance of parks,
12 showing when, where and in what manner the same were
13 received and expended and what improvements were made
14 during the year preceding the report.

15 15.1-441.9. Management; powers; licenses; fran-
16 chises.

17 (a) The board has exclusive management and control
18 of all parks, pleasure grounds, boulevards and parkways
19 within the city's jurisdiction and exclusive power to lay
20 out, regulate and improve them, and to prohibit certain or
21 heavy traffic therein and thereon, and to grant or refuse
22 licenses to sell goods on the streets or sidewalks within
23 three hundred (300) feet of any park entrance and on the

1 streets and sidewalks adjoining parks. It shall establish
2 and maintain necessary rules and regulations for the
3 proper supervision and government thereof. The board
4 shall have such additional powers relating thereto as may
5 be prescribed by ordinance, and the city council shall
6 provide by ordinance for the enforcement of the rules and
7 orders of the board.

8 (b) No franchise, license or permit for the con-
9 struction or maintenance of any railway other than min-
10 iature railway shall ever be granted within the limits of
11 any park or pleasure ground or lengthwise upon any boule-
12 vard or parkway, nor shall any franchise for the mainte-
13 nance of any other special privilege within any park or
14 pleasure ground be granted other than by the park board
15 upon such terms as it may determine.

16 15.1-441.10. Bequests for park purposes. Real or
17 personal property may be granted, bequeathed, devised or
18 conveyed to the city for the purpose of the improvement or
19 ornamentation of any park, pleasure ground, boulevard or
20 parkway, or for the establishment or maintenance in parks
21 or pleasure grounds of museums, zoological or other gar-
22 dens, collections of natural history, observatories,
23 libraries, monuments or works of art upon such trusts or
24 conditions as may be approved by the board. All such

1 property or the rents, issues and profits thereof shall be
2 subject to the exclusive management and control of the
3 board.

4 15.1-441.11. Acquisition by ordinance or by submis-
5 sion to electors; bonds.

6 (a) Lands or interests in land which may be neces-
7 sary, suitable or proper for any of the purposes named in
8 W.S. 15.1-441.10, either within or without the corporate
9 limits, may be acquired by purchase, gift, devise or other
10 transfer. No lands or interests in land shall be so
11 acquired by purchase unless the city council of the city
12 has adopted an ordinance therefor. No indebtedness shall
13 be created nor shall any bonds be issued for acquiring
14 such lands or interest in land unless the question of
15 incurring such debt and issuing such bonds has been sub-
16 mitted at a regular election to a vote of those persons
17 qualified to vote on authorization of other municipal
18 bonded indebtedness and approved.

19 (b) The city council of such city, upon petition of
20 the electors of the city equal in number to at least one-
21 tenth (1/10) of the number of electors voting at the last
22 regular election of the city, shall submit at the next
23 regular election either or both of the questions of acqui-

1 sition or of incurring bonded indebtedness by separate
2 ordinance. In the ordinance submitting the question of
3 the acquisition of such lands or interests in land, the
4 city council shall state the location of the land or
5 interests in land proposed to be acquired, describing it
6 by legal subdivision, wherever practicable, and the con-
7 sideration to be given for purchase and the manner of pay-
8 ment, and, in the ordinance submitting the question of
9 incurring indebtedness, the city council shall state the
10 maximum net effective interest rate at which the bonds may
11 be issued. If the only question to be submitted is the
12 acquisition of such properties, the question may be sub-
13 mitted at a regular or special election. If the acquisi-
14 tion or incurring of indebtedness or both have been
15 approved, the city council shall acquire such lands or
16 interests in land, incur the indebtedness, or both, pur-
17 suant to the authorization.

18 15.1-441.12. Park fund; certified vouchers. The
19 park fund shall consist of moneys levied, collected and
20 appropriated therefor by the city council and coming into
21 the fund by donation or otherwise. All moneys collected
22 and credited to the park fund shall be used for the
23 maintenance and improvement of parks, parkways and boule-
24 vards and shall be expended by the board as in its judg-

1 ment the needs of such property require. The fund shall
2 be expended as are other city funds, upon vouchers prop-
3 erly authenticated by the president and secretary of the
4 park board.

5 15.1-441.13. Maximum tax levy; moneys credited.

6 (a) As a part of the annual levies authorized by
7 law, the council shall annually levy, assess and collect
8 upon each dollar of taxable property within the city not
9 more than one and one-half (1 1/2) mills for the purposes
10 of the park fund, the proceeds of which shall be collected
11 in the same manner as other city taxes and shall be appro-
12 priated by the city council for the park fund.

13 (b) All moneys collected or received or levied or
14 appropriated by the city council for park purposes shall
15 be deposited in the treasury of the city to the credit of
16 the "park fund" and shall be kept separate and apart from
17 other moneys of the city. Any portion thereof remaining
18 unexpended at the end of any fiscal year or at any other
19 time shall not in any event be converted into the general
20 fund nor be subject to appropriation for general purposes.

21 15.1-441.14. Acquisition by condemnation. For the
22 purpose of acquiring lands for parks, pleasure grounds,
23 boulevards and parkways the park board is authorized, with

1 the approval of the mayor, and city council to select and,
2 by a suitable proceeding in the name of the city, without
3 the passage of any ordinance, condemn real estate or with
4 the approval of the mayor and city council, to purchase
5 any real estate so selected for any one (1) or more parks,
6 pleasure grounds, boulevards or parkways and to select
7 routes and streets for the purpose of establishing and
8 maintaining a system of connecting boulevards and pleasure
9 ways or parkways therein. All such condemnation proceed-
10 ings shall be in accordance with rule 71.1, Wyoming Rules
11 of Civil Procedure, but the benefit to other lands shall
12 be ascertained and assessed.

13 15.1-441.15. Park bonds. The parks, pleasure
14 grounds, boulevards and parkways established in any city
15 or such part thereof as may be determined by the mayor and
16 city council, and park board may be paid for in park bonds
17 of the city of date and form prescribed by the park board,
18 bearing the name of the city, and payable to bearer at
19 such times and in a sufficient period of years to cover
20 the period of payments provided for, with interest annu-
21 ally at a rate such that the net effective interest rate
22 of the issue of bonds does not exceed the maximum net
23 effective interest rate authorized by W.S. 15.1-411. The
24 bonds shall be signed by the mayor, and attested by the

1 clerk and have the seal of the city with the approval of
2 the president of the park board endorsed thereon, the
3 interest to be evidenced by suitable coupons attested by a
4 facsimile of the signature of the city clerk.

5 15.1-441.16. Cities control park grounds outside
6 limits; eminent domain.

7 (a) In all cases where any city has acquired lands
8 outside its corporate limits for parks, parkways, boulevards or roads, such city has full police power and jurisdiction and full municipal control and full power and authority in the management, control, improvement and maintenance of and over any such lands so acquired.

13 (b) It has power and authority to provide by ordinance for the regulation and control of its lands so acquired, and to prevent the commission of any acts which are or may be declared unlawful pursuant to the provisions hereof, and to prosecute and punish the violation of any ordinances in its municipal courts. A city also has like power and jurisdiction to prevent pollution of the water in all reservoirs, streams and pipes which may be included within any such parks, parkways, boulevards or roads and over the stream or source from which such water is taken as far as ten (10) miles above the point from which it is

1 diverted. A city has like power and jurisdiction to regu-
2 late and prevent the erection, construction and mainte-
3 nance within three hundred (300) feet of any such park,
4 parkway, boulevard or road outside of its corporate limits
5 of any advertisement or of any billboard or other struc-
6 ture for advertisements. A city also has like power and
7 jurisdiction over the use of any public roads, boulevards
8 or parkways within such parks, and running over or through
9 or between such lands and any public roads, boulevards or
10 parkways between any such park or pleasure ground and its
11 municipal boundaries and not included within the corporate
12 limits of any incorporated city or town.

13 (c) In all cases where the right to take private
14 property for public use without the owner's consent or to
15 acquire lands for parks, parkways, boulevards or roads
16 outside the corporate limits of any city is authorized by
17 the general laws of the state, it is lawful for any such
18 city or the department or branch thereof having authority
19 in the premises, to take, by right of eminent domain,
20 subject to W.S. 15.1-410(h), the property so sought to be
21 taken and appropriated, such condemnation proceedings to
22 be in accordance with rule 71.1, Wyoming Rules of Civil
23 Procedure. The power and authority to so acquire lands
24 for such purposes outside the corporate limits of any city

1 by gift, devise, purchase or right of eminent domain, is
2 granted by this section.

3 Section 2. This act is effective June 1, 1975.

4 (END)