CHAPTER 15

Municipal Parks and Recreational Facilities

ARTICLE 1

General Provisions

**SECTION 51‑15‑10.** Golf courses.

 Any city or town in this State may construct, maintain and operate a municipal golf course or courses and for that purpose may acquire by purchase or gift such lands as may be necessary therefor. Any such golf course shall be operated on such terms and conditions and in such manner and such charges may be made for the use thereof as the city or town council may provide.

HISTORY: 1962 Code Section 51‑101; 1952 Code Section 51‑101; 1942 Code Section 7270; 1932 Code Section 7270; 1929 (36) 8.

**SECTION 51‑15‑20.** Municipal regulations for public parks inside or outside corporate limits.

 Municipalities may make, ordain and establish all necessary and proper rules and police regulations for the protection of property and the preservation of peace, order and propriety of conduct in all public parks owned and maintained by any such municipality, whether situated wholly within or wholly without, or partly within and partly without, the corporate limits of such municipality. Such rules and regulations shall have, within the limits of any such parks, like force and effect as though such parks were situated wholly within the corporate limits of such municipality. Such municipalities may prescribe punishment by imprisonment for a period not exceeding thirty days or a fine not exceeding one hundred dollars for violation of any such rules and regulations.

HISTORY: 1962 Code Section 51‑104; 1952 Code Section 51‑104; 1942 Code Section 7387; 1932 Code Section 7387; 1924 (33) 1079.

**SECTION 51‑15‑30.** Violators subject to arrest.

 The municipal courts of such municipalities shall have jurisdiction of all offenses against such rules and regulations and all offenders against them shall be subject to arrest and detention by the police officers of such municipalities in the same manner and to the same extent as in cases of violation of municipal ordinances within the corporate limits of such municipalities.

HISTORY: 1962 Code Section 51‑105; 1952 Code Section 51‑105; 1942 Code Section 7388; 1932 Code Section 7388; 1924 (33) 1079.

ARTICLE 3

Municipalities Between 36,000 and 55,000

**SECTION 51‑15‑110.** Definitions.

 As used in this article:

 (1) The term "such municipality" refers to and means any city of this State with a population of between thirty‑six thousand and fifty‑five thousand, according to the last United States Government census.

 (2) The term "governing body" means the mayor and city council, the commissioner and commissioners, or either or both as the case may be, or the governing body by whatever name called, of any such city.

HISTORY: 1962 Code Section 51‑165.1; 1954 (48) 1809; 1958 (50) 1911.

**SECTION 51‑15‑120.** Application of article.

 This article shall apply to all cities of this State with a population between thirty‑six thousand and fifty‑five thousand, according to the last United States Government census.

HISTORY: 1962 Code Section 51‑165; 1954 (48) 1809; 1958 (50) 1911.

**SECTION 51‑15‑130.** Operation of recreational facilities must be public and governmental functions.

 The establishment, conduct, equipment and maintenance of parks, playgrounds, recreational centers and recreational activities, by any such municipality shall each and all be public and governmental functions of such municipality.

HISTORY: 1962 Code Section 51‑165.2; 1954 (48) 1809.

**SECTION 51‑15‑140.** Establishment and maintenance of parks and recreational facilities; acquisition of property; police jurisdiction; personnel.

 Any such municipality may use for parks, playgrounds, recreational centers and other recreational purposes and activities, any public parks or park areas of such municipality, or any lands or buildings, or both, owned or leased by such municipality; and such municipality may, by and through its park and recreation board, in such manner as may now or hereafter be authorized or provided by law for the acquisition of lands or buildings for public purposes by such municipality, acquire or lease lands or buildings, or both, within or beyond the corporate limits of such municipality for parks, park areas, playgrounds, recreational centers, and other recreational purposes and activities, and when acquired for any such purposes such municipality shall have full police jurisdiction thereover whether within or beyond its corporate limits. Any such municipality may, by and through its park and recreation board, establish, provide, conduct, develop, equip, improve and maintain parks, park areas, street and highway planting, playgrounds, recreation centers, and other recreational activities and facilities, and for any or all such purposes or in connection therewith by and through such board, may employ engineers, architects, landscape artists, playground directors, play leaders, supervisors, recreation superintendents, or such other officers or employees as may be deemed necessary, and their compensation shall be fixed by the governing body.

HISTORY: 1962 Code Section 51‑165.3; 1954 (48) 1809.

**SECTION 51‑15‑150.** Authority to acquire real property.

 For any or all of the purposes mentioned in this article, any such municipality, upon the recommendation of its park and recreation board, may purchase on time or partly for cash with balance on time or deferred payments, or otherwise acquire any real property or interest in real property within or without the limits of such municipality, securing the notes, claims for deferred payments and interest thereon, with mortgages or deed of trust on the land purchased, or with or by means of an instrument in writing retaining title thereto in the vendor, or enter into any other contractual arrangement whereby provision is made that such notes, claims, or other instruments for deferred payments and interest thereon, and all lawful charges, shall not be a charge against the general credit of such municipality or be a general liability thereof, but that the liability shall only extend to and be a charge against the land so purchased or acquired. Such method of acquisition provided for in this section shall not be considered or deemed exclusive but cumulative and in addition to all other methods of acquisition of lands or interest therein for public purposes heretofore, hereafter, or by other provisions in this article provided.

HISTORY: 1962 Code Section 51‑165.4; 1954 (48) 1809.

**SECTION 51‑15‑160.** Park and recreation board.

 The governing body of any such municipality may of its own initiative, by resolution or ordinance, establish and constitute in accordance with Section 51‑15‑170 a park and recreation board for the municipality. If the governing body shall neglect or refuse to proceed to establish and constitute a permanent park and recreation board as authorized in this article, the question of its action as authorized by this article shall, upon petition to that effect signed by not less than five per cent of the number of voters voting at the last election in such municipality, be submitted to the electors at the next election of any sort held, and if a majority of the votes cast upon such proposition shall be in favor thereof, then the governing body shall within thirty days establish a permanent park and recreation board for such municipality.

HISTORY: 1962 Code Section 51‑165.5; 1954 (48) 1809.

**SECTION 51‑15‑170.** Members of board; qualifications; compensation; terms.

 The park and recreation board shall be composed of five members, who shall be residents of such municipality. The members of the board shall serve without compensation and shall be chosen solely because of their character and fitness. Each of the members first selected shall be chosen by the governing body of such municipality. The term of office of each member shall be five years, except that the members first chosen by the governing body of such municipality shall be appointed for such terms that the term of one member shall expire annually after the date of appointment, and the governing body shall, in making such appointment, designate the term for which each such member is appointed, which shall be shown in the minutes of the meeting at which the appointments are made.

HISTORY: 1962 Code Section 51‑165.6; 1954 (48) 1809.

**SECTION 51‑15‑180.** Officers of board; meetings; rules and regulations.

 The members of the park and recreation board, when such board is constituted in accordance with Section 51‑15‑170, shall immediately meet and organize by selecting one of the members thereof as president and such other officers as may be necessary, who shall hold office for one year and until their successors are elected and qualified. Such board shall hold regular meetings at least once a month and shall establish rules and regulations for its government and for the performance of its duties and for the use, operation and conduct of all facilities and activities.

HISTORY: 1962 Code Section 51‑165.7; 1954 (48) 1809.

**SECTION 51‑15‑190.** Vacancies.

 As vacancies occur in the membership of the park and recreation board by reason of the expiration of the terms of any of the members, or for any other reason, such vacancies shall be filled by nomination upon a majority vote of the remaining members of the board, which nomination shall be certified to the governing body of the municipality, and such governing body shall, by majority vote, within ten days of the receipt of such certification or nomination, appoint or decline to appoint the nominee of the board to fill the vacancy, and such action shall be certified to the board. In like manner, the board shall continue to make and certify a nomination to the governing body of such municipality, until the governing body appoints a nominee of the board to fill the vacancy.

HISTORY: 1962 Code Section 51‑165.8; 1954 (48) 1809.

**SECTION 51‑15‑200.** Removal from office.

 The members of the park and recreation board of any such municipality may be impeached and removed from office upon the same grounds and in the same manner as is or may be provided by law for the impeachment or removal from office of the members of the governing body of the municipality.

HISTORY: 1962 Code Section 51‑165.9; 1954 (48) 1809.

**SECTION 51‑15‑210.** Powers and duties.

 The planning of a park and recreation system, administration, improvement, development, conduct and supervision of the parks, park areas, street and highway planting, playgrounds, recreational centers and other recreational facilities and activities of each such municipality shall be vested in the park and recreation board of the municipality.

HISTORY: 1962 Code Section 51‑165.10; 1954 (48) 1809.

**SECTION 51‑15‑220.** Additional powers.

 The governing body of any such municipality may, in addition to the powers directly vested in the park and recreation board by this article confer upon and delegate to the board, when established and constituted, any other power or authority conferred upon such municipality by the terms of this article, or conferred upon such municipality by any other provisions of law, with respect to or in accordance with the establishment, conduct, development, improvement, equipment and maintenance of park and recreation systems, street and highway planting, parks, playgrounds, recreational centers and other recreational facilities and activities, as fully and completely as any or all such powers may be constitutionally delegated to such board.

HISTORY: 1962 Code Section 51‑165.11; 1954 (48) 1809.

**SECTION 51‑15‑230.** Gifts and loans.

 Any such municipality, by and through its park and recreation board, may accept any grant or devise of real estate or any gift or bequest of money or other property, or loan of personal property, or any donation to be applied, principal or income, or both, for either temporary or permanent use for parks, playgrounds or other recreational purposes, and if any such gift, bequest, devise or donation or loan be conditional, the proper authorities of such municipality may accept it upon the conditions attached, and comply with such conditions, if in the judgment of such authorities such conditions be reasonable, and to the best interests of such municipality. Money received in any such manner, unless otherwise provided by the terms of the gift or bequest, shall accrue to and become a part of the park and recreation fund of such municipality.

HISTORY: 1962 Code Section 51‑165.12; 1954 (48) 1809.

**SECTION 51‑15‑240.** Contracts that board members have pecuniary interest.

 No member of the park and recreation board of any such municipality, and no person who has been a member of such board within six months from the time of making of any contract in behalf of the municipality by or through the agency of such board, shall be directly or indirectly pecuniarily interested in any contract or in the profits of any contract made through the agency of such board. Any and all contracts made in violation of this provision are and shall be held to be against public policy and void, except that such contract may be enforced by such municipality, and no such contract at the instance of the contractor or any person claiming under or through the contractor shall be enforced by any court, nor shall any contractor or person claiming under or through such contractor recover on a quantum meruit for any work or labor done, or material or supplies furnished when the work or labor done or material furnished was done or furnished under a contract which is void under the provisions of this section. Any such municipality may sue for and recover all money paid under any contract which is void under the provisions of this section without statement on account of any work or labor done or material furnished under the contract.

HISTORY: 1962 Code Section 51‑165.13; 1954 (48) 1809.

**SECTION 51‑15‑250.** Sales that board members have pecuniary interest.

 No member of the park and recreation board of any municipality, and no person who has been a member of such board within six months from the time of making of the sale, shall be directly or indirectly pecuniarily interested in the sale of any material or supplies of any kind or character for construction, betterment, or improvement in developing, beautifying or otherwise improving any park or other property by and through the agency of such board, or in the sale of any material or supplies to any contractor or subcontractor to be used on or in furtherance of work let by or through the agency of the park and recreation board, and no suit can or shall be maintained in any court by the seller or person claiming under or through the seller for the purchase price or value of material or supplies sold in violation of the provisions of this section. Such municipality may sue for and recover from the seller the amount of all money paid to the seller for material and supplies sold in violation of the provisions of this section.

HISTORY: 1962 Code Section 51‑165.14; 1954 (48) 1809.

**SECTION 51‑15‑260.** Real estate transactions that certain board members have pecuniary interest.

 No person who has been a member of the park and recreation board within six months from the time of making of the sale or purchase shall be directly or indirectly pecuniarily interested in the sale to or purchase from such municipality by or through the agency or instance of such board of any land or interest in land, and any sale to or by such municipality made in violation of this provision, shall, at the instance of such municipality, be held to be against public policy and void and may be rescinded by such municipality. If any member of the board is a stockholder in a corporation owning land or interest in land desired by such municipality for park and recreation purposes, or is the owner of an individual interest in the land desired for such purposes, or if any member of the board is a stockholder in a corporation desiring to purchase land proposed to be sold by such municipality at the instance of the board, such member may in open meeting of the board disclose his interest, which shall appear on the minutes of the meeting, and retire from the meeting of the board, and the other members of the board, if a quorum remains, may consider the matter and decide it as they deem best; and any such sale shall be legal and valid. If any member of the board is the owner of the land which it is desired to acquire for such municipality for any such purpose, the land, if acquired, shall be acquired by the exercise of the right of eminent domain, and the petition or proceeding for condemnation shall set forth the facts in regard to the ownership by a member of the board.

HISTORY: 1962 Code Section 51‑165.15; 1954 (48) 1809.

**SECTION 51‑15‑270.** Tax levies; election.

 Upon petition signed by at least five per cent of those voting at the last election of such municipality requesting the governing body of such municipality to levy annually a special tax, as specified in the petition, for the operation, maintenance, development, equipment of park and recreation systems, parks, street and highway planting, playgrounds, recreation centers and other recreation facilities and activities, of not to exceed six mills upon each dollar of the assessed valuation of all properties subject to taxation within such municipality, the question of the levying of such tax shall be submitted to the electors by the governing body of such municipality at the next general election of any sort held. And if a majority of the votes cast upon such proposition shall be in favor thereof, then the governing body of such municipality shall annually levy such specified mills upon each dollar of the assessed valuation of all properties subject to taxation within such municipality.

HISTORY: 1962 Code Section 51‑165.16; 1954 (48) 1809; 1958 (50) 1911.

**SECTION 51‑15‑280.** Appropriations.

 Each year during which there is not levied and collected for such municipality a special tax to be devoted to park and recreation purposes sufficient for such purposes the governing body of each municipality may make an adequate appropriation for such purposes and cause such appropriation to be paid into and credited to the park and recreation fund, which appropriation shall be made at such time as appropriations are made for other departments of each such municipality. The governing body of such municipality may from time to time make additional appropriations to the park and recreation fund and cause them to be paid into and credited to such fund.

HISTORY: 1962 Code Section 51‑165.17; 1954 (48) 1809.

**SECTION 51‑15‑290.** Fees.

 Reasonable fees or charges for access to or use or enjoyment of any playgrounds, recreation centers, recreational activities, or other places of recreation so established, maintained, or conducted by any such municipality may be charged and collected.

HISTORY: 1962 Code Section 51‑165.18; 1954 (48) 1809.

**SECTION 51‑15‑300.** Park and recreation fund.

 The governing body of each such municipality shall cause to be set aside and kept maintained a park and recreation fund and cause to be kept an account of all receipts for and disbursements of such fund. The fund shall be kept with the funds of such municipality in such depository to the credit of the municipality as the governing body may direct. All payments and disbursements from this fund as and when made shall be validated by the countersignature of the officer or person designated by the governing body of such municipality to countersign or validate checks drawn for other municipal purposes.

HISTORY: 1962 Code Section 51‑165.19; 1954 (48) 1809.

**SECTION 51‑15‑310.** Moneys going into fund.

 All funds received from fees and charges authorized by Section 51‑15‑290 shall be paid into and become a part of the park and recreation fund of such municipality. The proceeds from the sale of all bonds issued by any such municipality for park and recreation purposes shall be paid into and credited to such fund. All sums accruing from the special tax authorized by Section 51‑15‑270 shall be credited to the fund. In addition thereto, the fund shall be allowed all receipts and revenues arising from the operation of the various recreation activities under the administration of the board and whatever further amount, if any, the governing body of such municipality may set apart in its annual budget for the use and benefit of the board and any other funds arising from donations, legacies, bequests, devises or from any other sources.

HISTORY: 1962 Code Section 51‑165.20; 1954 (48) 1809; 1958 (50) 1911.

**SECTION 51‑15‑320.** Limitations on obligations, pledge of general credit; applicable to all board powers.

 The park and recreation board of any such municipality shall have no power or authority in behalf of or in the name of such municipality to contract any debts or obligations, except for items in the budget approved by the governing body, and no debts or obligations contracted by such board in violation of this provision shall be or shall be held to be a personal or general obligation of such municipality, nor shall the general credit of the city be pledged for the purchase or acquisition of lands or buildings, or both, unless the pledging of the city's credit is authorized by a resolution of the governing body of such municipality. The limitations contained in this section shall be applicable to each and every power conferred by any provision of this article upon the park and recreation board of any such municipality.

HISTORY: 1962 Code Section 51‑165.21; 1954 (48) 1809.

**SECTION 51‑15‑330.** Bonds to acquire property and facilities; elections.

 If, in the opinion of the park and recreation board of any municipality, the funds available for such purposes be inadequate to provide ample, appropriate and suitable land, buildings and equipment of a permanent nature for all the needed parks, park areas, playgrounds, park and playground systems, recreation centers and other recreational facilities and activities of such municipality, the board may petition the governing body of such municipality to call an election for the issuance of bonds on the credit of the municipality in an amount sufficient to provide the necessities of such municipality in these respects, subject to the limitations set out in the Constitution and the laws of this State, and the governing body of any such municipality shall call or cause to be called the election at the time requested in such petition.

HISTORY: 1962 Code Section 51‑165.22; 1954 (48) 1809.

**SECTION 51‑15‑340.** Intergovernmental cooperation.

 Any such municipality may, by and through its park and recreation board, join or cooperate with one or more other municipalities or with boards of education in providing, establishing and conducting parks, playgrounds, recreation centers, and other recreation facilities and activities.

HISTORY: 1962 Code Section 51‑165.23; 1954 (48) 1809.

**SECTION 51‑15‑350.** Annual report of board; recommendations; budget.

 The park and recreation board, at the end of each fiscal year, shall file with the governing body of such municipality, a full and detailed report of the business and operations of the board for the year thus ending, and make such recommendations to the governing body of the municipality as they may deem advisable and shall submit a detailed budget to the governing body at least sixty days before the beginning of the next ensuing fiscal year, looking to the improvement and betterment of the service of the park and recreation board.

HISTORY: 1962 Code Section 51‑165.24; 1954 (48) 1809.

**SECTION 51‑15‑360.** Agencies exempt from article.

 The provisions of this article may not apply to recreation or playground commissions, boards or systems which were created by special acts of the legislature on or prior to March 31, 1954.

HISTORY: 1962 Code Section 51‑165.25; 1954 (48) 1809.

ARTICLE 5

Municipalities of Over 50,000

**SECTION 51‑15‑510.** Acquisition of property for parks, playgrounds, and athletic facilities.

 All cities of more than fifty thousand inhabitants, as determined by the most recent United States census, may own, buy or receive donations of lands and properties within the city limits, or within twenty miles of the corporate limits of any such city, to be used by the city for the purpose of creating and maintaining parks, playgrounds, athletic grounds or stadiums.

HISTORY: 1962 Code Section 51‑171; 1952 Code Section 51‑171; 1942 Code Section 7553; 1933 (38) 295; 1963 (53) 204.

**SECTION 51‑15‑520.** Creation of corporations to acquire property for parks, playgrounds, and athletic facilities.

 Any such city or municipality may create corporations, own stock therein and name directors and officers for the management thereof, for the purpose of having the corporations acquire properties in like manner as provided in Section 51‑15‑510 for the uses set out therein. The Secretary of State may issue charters for such corporations just as charters are now issued for business corporations and such corporations when formed shall have the powers of usual business corporations, with special authority to buy, sell, own, lease or mortgage the real and personal property so acquired.

HISTORY: 1962 Code Section 51‑172; 1952 Code Section 51‑172; 1942 Code Section 7553; 1933 (38) 295.

**SECTION 51‑15‑530.** Municipal stockholder not liable for debts or acts of corporation.

 No city or municipality creating such a corporation or owning the stock therein shall be liable for any act of such corporation or for the debts or obligations thereof, nor shall such city or municipality be liable for any act of any officer or director of any such corporation or any of them or of any agent thereof.

HISTORY: 1962 Code Section 51‑173; 1952 Code Section 51‑173; 1942 Code Section 7553; 1933 (38) 295.

**SECTION 51‑15‑540.** Properties exempt from taxation.

 For tax purposes these properties, whether owned by the municipality or by a corporation created by the municipality, shall be considered just as other municipal property.

HISTORY: 1962 Code Section 51‑174; 1952 Code Section 51‑174; 1942 Code Section 7553; 1933 (38) 295; 1993 Act No. 181, Section 1279, eff July 1, 1994.

Effect of Amendment

The 1993 amendment reprinted this section with no apparent changes.