27.05

Public Parks and Places of Recreation.

The conservation commission has authority to lease lands for park purposes. 5 Atty. Gen. 768.

The conservation commission may adopt rules excluding peddlers and itinerant vendors from state parks. 5 Atty. Gen. 569.

A county which has no county park commission has power under 97.17, relating to rural planning, to lease lands for park purposes and to construct improvements thereon. 46 Atty. Gen. 168.

The conservation commission has no power to grant a right of way for a railroad over a state park. 7 Atty. Gen. 260.

The conservation commission has no power or authority to enter into a contract by which it or the state becomes subject to liability for negligence. 10 Atty. Gen. 796.

A concessionaire at a state park whose lease with the state permits him to sell beer is subject, nevertheless, to licensing provisions imposed by the municipality in which the park is located. 30 Atty. Gen. 267.

The conservation commission as an administrative agency of the state has not been delegated full power of the state to develop parks and improve them with dams and artificial lakes. The commission's power extends at most to incidental dam construction. 30 Atty. Gen. 264.

The conservation commission has statutory power to lease land park owned by the state in fee for the purpose of constructing a radio and television transmission tower. The attorney general cannot determine the adequacy or inadequacy of the consideration; that is a question that can be decided only by a court of competent jurisdiction. 46 Atty. Gen. 287.

CHAPTER 27.

Public Parks and Places of Recreation.

27.01 History: Stats. 1915 s. 1494-3m, 1494-4n, 1494-5, 1919 c. 263 s. 2; Stats. 1917 s. 27.01; 1919 c. 91, 1919 c. 558 s. 1, 2; 1919 c. 702 s. 10; 1921 c. 26, 312; 1921 c. 425 s. 49; 1923 c. 335; 1925 c. 184, 404; 1925 c. 445 s. 3; 1927 c. 434, 492; 1929 c. 128, 130, 331, 1929 c. 580 s. 3; 1931 c. 67 s. 3; 1931 c. 79 s. 3; 1937 c. 254 s. 1; 1937 c. 112, 268, 393; 1947 c. 549; 1949 c. 360; 1951 c. 467; 1959 c. 379; 1961 c. 698; 1967 c. 310; 1969 c. 782.

The commission may adopt rules excluding peddlers and itinerant vendors from state parks. 5 Atty. Gen. 569.

The conservation commission has authority to acquire for state parks purposes the life estate in lands, the fee in which has already been acquired for such purposes. 5 Atty. Gen. 768.

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Milwaukee County v. Lake, 259 W. 206, 47 NW (2d) 87.

A county park commission may not use moneys raised for park purposes to beautify highways which are not connected with any park. 21 Atty. Gen. 382. A county park commission has power to install filling stations at a county park airport and to buy and sell gasoline in connection therewith, together with power to settle all bills for gasoline supplies. Such power is subject to general regulatory and supervisory power of the county board over the county park commission. 22 Atty. Gen. 911.

A county board or county park commission cannot provide for criminal action against a violator of park rules. Forfeitures can be collected from such violators either by the county board or the county park commission, under 27.05 (1). Section 59.07 (1) does not empower the board to prescribe criminal penalties; civil action may be instituted. 24 Atty. Gen. 530.

Counties may acquire and maintain park properties, and may authorize the construction, operation and maintenance of public fee golf courses on county-owned land. 27 Atty. Gen. 710.

County commissions may expend county funds for the construction of landing places on lakes within federal forest areas from the proper federal source. 44 Atty. Gen. 710.

A county has no power to appropriate general funds to the county park commission for use in addition to the proceeds of a special tax under this section, in operation and maintenance of county parks. 30 Atty. Gen. 297.

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A county board or the county park commission, under the power of the county board over the county park commission. 22 Atty. Gen. 911.

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