

No. 138, A.]

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CHAPTER 179.

AN ACT to define the powers and duties of the park commissioners, and establish a fund for the maintenance of parks and boulevards by the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Park commissioners to have control of parks and boulevards.

SECTION 1. All lands acquired by the city of Milwaukee, under the provisions of chapter 488, of the laws of 1889, and all lands that shall hereafter be acquired by said city for the purpose of public parks and boulevards, shall be named and controlled by said board of park commissioners as public parks and boulevards, for the recreation, health and benefit of the public, and shall be free to all persons subject to such necessary rules and regulations as shall be from time to time adopted by said board of park commissioners for the well-ordering and government thereof.

Same.

SECTION 2. The said board shall have the full and exclusive power to govern, manage, control and improve said parks and boulevards, and to lay out and make rules for the regulation and government thereof; to restrict traffic and prohibit heavy teaming thereon; to appoint such engineers, surveyors, clerks and such other officers as may be necessary for the proper care and management thereof and the proper preservation of order therein, including special police, who are hereby granted the powers now granted to the police of the city of Milwaukee; and to define and prescribe their respective duties and authority; to fix the amount of the compensation of all such officers and employes; and generally in regard to said parks and boulevards, the said board of park commissioners shall have and possess all powers and authority now by law conferred upon or possessed by the common council and board of public works of the city of Milwaukee, in respect to the public squares and places in said city.

SECTION 3. The said board of park commission-

ers of the city of Milwaukee shall, at their first meeting after the third Tuesday in April of each year elect a secretary, not a member of the board, and said commissioners may fix the salary of said secretary at a sum not exceeding the sum of one thousand five hundred dollars per year. It shall be the duty of said board to require a bond with satisfactory sureties, from their secretary, conditioned in an amount to be fixed by said board, for the faithful performance of his duties, and it shall not be lawful for the said secretary to receive any compensation for his services until he has filed such bond with the city clerk of the city of Milwaukee, with the approval of the city attorney as to the form and execution of said bond endorsed thereon. Each of the sureties shall make affidavit that he is worth the sum named in the penalty of the bond in property liable to execution in the state of Wisconsin, over and above all debts, liabilities and exemptions; bond and sureties to be approved by a majority of said board of park commissioners.

Boards to elect a secretary; his salary and bond.

SECTION 4. The said board shall have power to establish building lines for the purpose of regulating the erection of buildings upon property fronting upon any of said parks or boulevards.

Board may establish building lines.

SECTION 5. It shall be the duty of the board of park commissioners within ten days after the appointment of any salaried employe, to report to and file with the city comptroller the name of the person so appointed, with the amount of salary allowed, and the time or times fixed for the payment thereof. All claims and demands against the city, before they are allowed by the said board of park commissioners, shall be audited and adjusted by the comptroller, and immediately after their allowance by said board of park commissioners, they shall furnish the said comptroller with a list of all accounts or bills which have been allowed by said board, stating the character of the materials furnished or services rendered, and for which such allowance was made. It shall be the duty of said board to transmit to the common council of said city, at its first regular meeting in April of each year, a full and detailed report of all transactions of said board of park commissioners for the preceding year, together with an itemized account of all expendi

Board to make report to common council.

tures, a list of employes, and an inventory of property, and purchase price thereof, which may be, at the time of making such report, under the control of said board.

Common council to provide by taxation a park and boulevard fund.

SECTION 6. The common council shall include in the tax levy of 1891, and annually thereafter, upon all taxable property of the said city, at the same time and in the same manner as other city taxes are levied and collected by law, a special tax not exceeding one-half of a mill upon each dollar of the assessed value of said taxable property, the amount of which tax shall be determined by said board of park commissioners, and certified to the common council and to the city comptroller at the time of making their annual report to said council; and the entire amount of such special tax shall be collected, paid into, and held in the city treasury as a separate and distinct fund, to be known as the "Park and Boulevard Fund," and shall not be used or appropriated, directly or indirectly, for any other purpose than for the improvement, maintenance, and control of the public parks and boulevards, and for the payment of the salaries of the employes and other proper expenses of said board.

Park and boulevard fund how dispersed.

SECTION 7. All moneys received or raised in the city of Milwaukee for parks and boulevards under the control of said park commissioners, shall be paid over to the city treasurer, and shall be disbursed according to resolution of the board of park commissioners authorizing the payment of bills and accounts after the same have been audited and ordered by the board and orders directed to be issued therefor, which shall be signed by the president and secretary of said board; but before the city treasurer pays such orders the resolution of the board, and the accounts and bills shall be presented to the comptroller and audited by him, and thereupon the orders shall be countersigned by him. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the only vouchers of the said treasurer for his payment from the park fund. All moneys heretofore paid into the city treasury for park or boulevard purposes, and not used for the purchase of real property, shall be credited to the park and boulevard fund hereby created, and shall be disbursed upon the orders of the presi-

dent and secretary of the board of park commissioners as herein provided. It shall not be lawful for the board of park commissioners to expend or contract a liability for any sum in excess of the amount levied in any one year for the park fund on account of such fund.

SECTION 8. Said board of park commissioners is hereby authorized to contract for the purchase of lands within the county of Milwaukee for the city of Milwaukee, for park or boulevard purposes, and to lease lands therein for such purposes with the privilege of purchasing the same but no such lease or purchase shall be made until the same shall have been ordered by the common council of said city, by resolution adopted by an affirmative vote of a majority of the aldermen elect, specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment, or the terms of option in case of lease by the city with the privilege of purchasing. Any such purchase may be made in whole or part on credit; and for that purpose the proper officers of said city may execute and deliver to the vendor of such land, or property purchased, an instrument creating a lien thereon and on the improvements thereon, for such purchase money, without creating any corporate liabilities therefor, to secure the whole or any part of the price in one payment, or by installments extending not more than twenty years from the date of such purchase, which installments may bear interest at such rates as shall be agreed on, not exceeding seven per centum per annum. The interest upon, and annual installments of such purchase, heretofore or hereafter made, shall be included by the common council in its annual estimate of expenses.

Powers of board as to purchase and lease of lands.

SECTION 9. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after the passage and publication.

Approved April 6, 1891.