

1967 c. 26 s. 94; 1967 c. 291 s. 14; 1969 c. 276 ss. 185, 583 (1), 588 (3), (4); 1969 c. 392 s. 87 (7).

CHAPTER 27.

Public Parks and Places of Recreation.

27.01 History: Stats. 1915 s. 1494t-3m, 1494t-3n, 1494t-4, 1494t-5; 1917 c. 262 s. 2; Stats. 1917 s. 27.01; 1919 c. 91, 194; 1919 c. 558 s. 1, 2; 1919 c. 702 s. 10; 1921 c. 26, 312; 1921 c. 422 s. 49; 1923 c. 335; 1925 c. 104, 404; 1925 c. 445 s. 3; 1927 c. 434, 495; 1929 c. 126, 127, 190, 331; 1929 c. 530 s. 3; 1931 c. 67 s. 155; 1931 c. 79 s. 3; 1931 c. 254 s. 1; 1935 c. 112, 283, 383; 1937 c. 257; 1947 c. 549; 1949 c. 360; 1951 c. 457; 1959 c. 379; 1961 c. 608; 1967 c. 110; 1969 c. 276 ss. 186, 588 (3), (4), 596; 1969 c. 407.

On the conservation act see notes to 23.09.

The power granted to the conservation commission by 27.01 (2) (g) to lease parts or parcels of state park land or grant easements thereto is not restricted to leases for park purposes only. State ex rel. Evjue v. Seyberth, 9 W (2d) 274, 101 NW (2d) 118.

The conservation commission may adopt rules excluding peddlers and itinerant vendors from state parks. 5 Atty. Gen. 565.

The conservation commission has authority to acquire for state park purposes the life estate in lands, the fee in which has already been acquired for such purposes. 5 Atty. Gen. 782.

The conservation commission has no power to grant a right of way for a railroad over a state park. 6 Atty. Gen. 68.

Conveyances to the state of lands for park purposes should not conflict with the terms of statutes relating to state parks. 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. 756.

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. 297.

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. 36 Atty. Gen. 264.

The conservation commission has statutory power to lease park land 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. 257.

27.011 History: 1959 c. 379; Stats. 1959 s. 27.011; 1969 c. 392 s. 87 (16).

27.012 History: Stats. 1917 s. 4442m, 4442n; 1919 c. 146 s. 1, 2; Stats. 1919 s. 26.03 (4), (5); 1947 c. 549; Stats. 1947 s. 27.012; 1955 c. 10, 696; 1965 c. 424, 625; 1969 c. 276.

27.015 History: 1919 c. 693; 1919 c. 702 s.

68c; Stats. 1919 s. 1458—11; 1923 c. 152 s. 187; Stats. 1923 s. 97.17; 1929 c. 479 s. 1, 3; 1935 c. 550 s. 194; Stats. 1935 s. 27.015; 1943 c. 229; 1947 c. 281; 1957 c. 97; 1959 c. 228 s. 68; 1965 c. 19; 1967 c. 29 s. 1; 1969 c. 276 ss. 583 (1), 588 (4); 1969 c. 392.

A county rural planning committee established under 97.17, Stats. 1931, is abolished by creation of a county park commission under 27.02. 20 Atty. Gen. 1051.

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.

27.015 (7) (f), Stats. 1947, relating to rural planning does not impliedly amend statutes relating to distribution of highway allotments to counties but merely places all roads in county parks under county board police regulation. 36 Atty. Gen. 547.

See note to 27.03, citing 44 Atty. Gen. 333.

A county which has no county park commission has power under 59.07 (1), Stats. 1955, acting through its rural planning committee pursuant to 27.015 (10), to lease lands for park purposes and to construct improvements thereon. 46 Atty. Gen. 168.

27.02 History: 1907 c. 250; Stats. 1911 s. 1787o—1; 1913 c. 454; Stats. 1913 s. 697—68; 1917 c. 262 s. 3; Stats. 1917 s. 27.02; 1919 c. 264 s. 1; 1919 c. 362 s. 34; 1919 c. 558 s. 3; 1919 c. 702 s. 11; 1939 c. 301; 1953 c. 547; 1957 c. 119.

A county board cannot by resolution change the statutory power of the chairman under 27.02 (1), Stats. 1933, to name members of the county park commission. 24 Atty. Gen. 338.

An alderman may be a member of a county park commission. 25 Atty. Gen. 698.

See note to 59.15, citing 52 Atty. Gen. 69.

27.03 History: 1907 c. 250; Stats. 1911 s. 1787o—1; 1913 c. 454; Stats. 1913 s. 697—69; 1917 c. 262 s. 4; Stats. 1917 s. 27.03.

Under 27.015 (7) (f) and 27.03 (2), Stats. 1955, the county park commission is authorized to employ personnel to promote recreational activities at parks supervised by the commission. If the county board wishes to establish a recreational program extending beyond the limits of the parks, this may be done under 59.07 (26) and 59.87. 44 Atty. Gen. 333.

27.04 History: 1907 c. 250; Stats. 1911 s. 1787o—2; 1913 c. 454; Stats. 1913 s. 697—70; 1917 c. 262 s. 5; Stats. 1917 s. 27.04; 1925 c. 442 s. 1; 1967 c. 29 s. 4.

27.05 History: 1907 c. 250; 1909 c. 352; 1911 c. 663 s. 331; Stats. 1911 s. 1787o—3, 1787o—3a, 1787o—3b; 1913 c. 454; Stats. 1913 s. 697—71; 1917 c. 262 s. 6; Stats. 1917 s. 27.05; 1919 c. 613; 1923 c. 300; 1927 c. 225 s. 1; 1927 c. 248; 1939 c. 191; 1947 c. 378; 1949 c. 105, 456; 1967 c. 29 s. 2; 1969 c. 240.

27.05 (3) does not deprive the county board of power to institute and prosecute proceedings to acquire lands for flowage purposes in maintaining a dam constructed by the county for park purposes. Vaudreuil Lumber Co. v. Eau Claire County, 239 W 538, 2 NW (2d) 356.

See note to 114.11, on local airports, citing

Milwaukee County v. Lake, 259 W 209, 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. 332.

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 park commissions may expend county funds for the construction of landing places on lakes within federal forest areas where consent is granted by letter authority from the proper federal source. 44 Atty. Gen. 225.

Counties are authorized to acquire, by lease, lands located outside the county within three-fourths mile of the county line for a county park. County funds may be spent to improve parks and regulations may be established and enforced. 52 Atty. Gen. 222.

27.06 History: 1907 c. 250; 1909 c. 352; Stats. 1911 s. 1787o-4; 1913 c. 454; Stats. 1913 s. 697-72; 1917 c. 262 s. 8; Stats. 1917 s. 27.06; 1919 c. 558 s. 5; 1927 c. 248; 1945 c. 270; 1953 c. 73; 1959 c. 138.

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. 207.

27.065 History: 1925 c. 442 s. 2; Stats. 1925 s. 27.065; 1927 c. 190; 1929 c. 280; 1931 c. 79 s. 4; 1931 c. 131, 268, 335; 1933 c. 265; 1937 c. 313; 1939 c. 122; 1943 c. 73; 1957 c. 132; 1959 c. 640; 1963 c. 6; 1965 c. 252; 1967 c. 26; 1967 c. 29 s. 1.

On taking private property for public use see notes to sec. 13, art. I.

27.07 History: 1919 c. 558 s. 7; Stats. 1919 s. 27.07; 1933 c. 430 s. 4.

27.08 History: Stats. 1931 s. 27.08, 27.09 (4); 1933 c. 403 s. 1, 2, 3; Stats. 1933 s. 27.08; 1943 c. 193; 1957 c. 610.

Where historical property known as the Villa Louis, along with certain other real estate, was conveyed to a city for maintenance as a "public park, playground, and historical museum," on condition that the grantor and certain others be life members of a "Dousman municipal park board" to be created by the city council and the council

created such a board, to assist the council in managing the Villa Louis as a museum, this section did not preclude the council itself from making a contract to convey the Villa Louis to the state historical society for maintenance as an historical site, since the board created by the council pursuant to the terms of the grant to the city was not the statutory board. State ex rel. State Historical Society v. Carroll, 261 W 6, 51 NW (2d) 723.

27.09 History: Stats. 1931 s. 27.08 (10) (a) to (g); 1933 c. 430 s. 2, 3; Stats. 1933 s. 27.09; 1935 c. 213; 1935 c. 421 s. 3; 1943 c. 66; 1965 c. 252; 1969 c. 55.

27.10 History: Stats. 1917 s. 27.09 (7), (8), 27.10 (7), (9), (10), (12); 1919 c. 405; 1919 c. 558 s. 22, 23, 24; 1919 c. 702 s. 14; Stats. 1919 s. 27.10; 1921 c. 576 s. 6; 1933 c. 430 s. 1, 3; 1935 c. 421 s. 3; 1941 c. 129; 1945 c. 67; 1947 c. 362 s. 2; 1957 c. 132; 1965 c. 252.

27.11 History: 1911 c. 486; 1911 c. 664 s. 99, 106; 1913 c. 126; 1913 c. 609; 1913 c. 773 s. 53; 1915 c. 68; Stats. 1915 s. 959-145 to 959-157; 1917 c. 557, 626; 1917 c. 671 s. 8; Stats. 1917 s. 27.11; 1919 c. 362 s. 35; 1919 c. 558 s. 25; 1919 c. 702 s. 17; 1921 c. 213, 373, 383; 1921 c. 590 s. 81; 1923 c. 238; 1923 c. 347 s. 1; 1941 c. 203; 1947 c. 243; 1951 c. 734; 1953 c. 61; 1965 c. 35.

27.115 History: 1919 c. 218; Stats. 1919 s. 937g; 1921 c. 396 s. 89; Stats. 1921 s. 27.115; 1945 c. 397.

This section is invalid as it exists in the 1943 statutes and also as amended by ch. 397, Laws 1945. 34 Atty. Gen. 124.

27.12 History: 1897 c. 32; Stats. 1898 s. 959-9 to 959-17; 1915 c. 180 s. 2; Stats. 1915 s. 959-17m; 1917 c. 525; 1917 c. 557; 1917 c. 671 s. 23; 1917 c. 677 s. 19, 22; Stats. 1917 s. 27.09 (2), 27.10 (11); 1919 c. 558 s. 26; Stats. 1919 s. 27.12; 1935 c. 421.

27.13 History: 1919 c. 558 s. 27; Stats. 1919 s. 27.13; 1933 c. 430 s. 2.

27.14 History: 1919 c. 558 s. 28; Stats. 1919 s. 27.14.

27.15 History: 1921 c. 291; Stats. 1921 s. 27.15.

CHAPTER 28.

Public Forests.

28.005 History: 1967 c. 26; Stats. 1967 s. 28.005; 1969 c. 276.

28.01 History: 1949 c. 474; Stats. 1949 s. 28.01; 1967 c. 26 s. 94; 1969 c. 276 s. 588 (4).

On the conservation act see notes to 23.09.

28.02 History: 1925 c. 380; Stats. 1925 s. 28.02 (3); 1927 c. 481; 1931 c. 451; 1949 c. 474 s. 5, 6; Stats. 1949 s. 28.02; 1955 c. 255; 1965 c. 252; 1969 c. 276 s. 588 (4).

Sales of forest lands, as defined in 28.02 (1), are no longer subject to the restrictions contained in 24.11 (3) since enactment of ch. 474, Laws 1949. 39 Atty. Gen. 306.

28.03 History: 1949 c. 474; Stats. 1949 s. 28.03; 1967 c. 26 s. 94; 1969 c. 276 s. 588 (4).