

## LCMR Parks Study Group

### Statutes Related to Parks in Minnesota

#### 1. Maintaining Como Park Zoo as a free attraction.

Minn. Laws 1998, Chap. 404, Sec. 7, Subd. 5

(b) \$3,900,000 of this appropriation is for a grant to the metropolitan council to prepare a site for, design, construct, furnish, and equip, including utility infrastructure, the Como Park Education Resource Center, Phase One. The grant is contingent upon the city of St. Paul maintaining Como Park zoo as a free attraction for the life of the bonds. The city may, however, charge a fee for use of the Como Park golf course and the conservatory and for special event facility rentals at the park, including the zoo and the conservatory. The center must report to the chair of the senate environment and agriculture budget division, the chair of the house environment and agriculture finance committee, and the chairs of the senate and house environment and natural resources policy committees as soon as the center has secured half of the total project costs from nonstate sources. (Emphasis added.)

#### 2. Fees for county parks not to exceed fees in state parks. (See attachment for Minn. Stat. §§398.31 to 398.36.)

Minn. Stat. §398.31 Application; exercise of powers.

Except as otherwise expressly provided or indicated by the context, sections 398.31 to 398.36 apply to all counties other than Hennepin and Ramsey, in which no park districts have been activated as provided by this chapter, as amended, and the term "county" as used in said sections means any such county

398.33 Funds.

Subdivision 1. Tax levy. For the purposes of sections 398.31 to 398.36 the county board of any county may levy taxes on all the taxable property in the county.

Subd. 2. Fees. For the purposes of sections 398.31 to 398.36 the county board of any county may prescribe and provide for the collection of fees for the use of any county park or other unit of the county park system or any facilities, accommodations, or services provided for public use therein, such fees not to exceed that prescribed in state parks. (Emphasis added.)

#### 3. Minn. Laws 2003, Chap. 95 authorizing counties to require dedication of land for public parks. Attached.

## **Minn. Laws, Chap. 398 Park Districts**

Minn. Laws 398.31 Application; exercise of powers.

Except as otherwise expressly provided or indicated by the context, sections 398.31 to 398.36 apply to all counties other than Hennepin and Ramsey, in which no park districts have been activated as provided by this chapter, as amended, and the term "county" as used in said sections means any such county. Except as otherwise expressly provided, all powers vested in a county by sections 398.31 to 398.36 shall be exercised by the county board.

HIST: 1961 c 512 s 1; 1973 c 76 s 1

398.32 County parks.

Subdivision 1. Acquisition, establishment, and maintenance. Any county may acquire by purchase, lease, or gift or by condemnation as provided by law any land or water areas or interests therein within or outside of the county which the county board deems suitable for use by the residents of the county for public park purposes and related outdoor recreational purposes, may establish and name the same as county parks or other units, and may hold, improve, maintain, supervise, control, and operate the same for said purposes; provided, that no such area situated in any other county as defined by section 398.31 or otherwise shall be acquired without the approval by resolution of the county board thereof, and no such area situated within the limits of any city shall be acquired without the approval by resolution of the governing body thereof.

Subd. 2. Existing areas. Except as otherwise expressly provided, all areas heretofore or hereafter acquired by any county under any other law for public park purposes, public access to waters, or related outdoor recreational purposes shall be deemed to be county parks or other units of the county park system and subject to the provisions of sections 398.31 to 398.36 so far as applicable.

Subd. 3. Public use facilities, accommodations, and services; public or private operation. The county board of any county having a county park or parks may provide for the construction, installation, maintenance, and operation therein of suitable facilities, accommodations, and services for public use for the purposes specified in subdivision 1, or may authorize private persons or corporations to do so under leases or contracts upon such terms and conditions as the board may prescribe in the public interest.

Subd. 4. Surveys and plans. The county board of any county may provide for surveys to determine the need for county parks and the location and suitability of areas available therefor, for general plans for a county park system, and for plans for the improvement of any county park or the construction or installation of facilities, accommodations, or services for public use therein.

Subd. 5. Sale or disposal of surplus tracts. The county board of any county, after public hearing upon notice given by the county auditor by publication for two successive weeks in the official newspaper of the county, may, upon determining that any tract of land or water or interest therein acquired under or subject to the provisions of sections 398.31 to 398.36 is no longer needed for the purposes thereof, sell, lease, or otherwise dispose of such tract or interest upon such terms as it deems best in the public interest,

or may provide for the use thereof for other purposes, so far as not inconsistent with any lawful restrictions on the use or disposal of such tracts or interests therein.

Subd. 6. Cooperation with other agencies. A county or any other governmental subdivision or public agency of the state may be a party to a joint cooperative project, undertaking, or enterprise with any one or more other counties as defined in section 398.31 or otherwise or other governmental subdivisions or public agencies for any purpose under sections 398.31 to 398.36 upon such terms as may be agreed upon between the governing bodies or authorities concerned not inconsistent with law. Without limiting the effect of the foregoing provision or any other provision of sections 398.31 to 398.36, any such county or other governmental subdivision or public agency, with respect to any of said purposes, may act under and be subject to the provisions of section 471.59, as now in force or hereafter amended, or any other appropriate law now in force or hereafter amended, or any other appropriate law now in force or hereafter enacted providing for joint or cooperative action between governmental subdivisions or other public agencies.

HIST: 1961 c 512 s 2; 1973 c 123 art 5 s 7

#### 398.33 Funds.

Subdivision 1. Tax levy. For the purposes of sections 398.31 to 398.36 the county board of any county may levy taxes on all the taxable property in the county.

Subd. 2. Fees. For the purposes of sections 398.31 to 398.36 the county board of any county may prescribe and provide for the collection of fees for the use of any county park or other unit of the county park system or any facilities, accommodations, or services provided for public use therein, such fees not to exceed that prescribed in state parks.

Subd. 3. Contributions from other governmental subdivisions. Contributions of funds for the purposes of sections 398.31 to 398.36 with respect to any county park or other unit of the county park system may be made to the county to which the same belongs by any city, town, or school district within or without the county or by any other county as defined in section 398.31 or otherwise to whose residents the park may be of substantial benefit for park or recreational purposes.

Such contributions may be made out of the general funds of the contributing governmental subdivisions or out of funds raised or designated for park purposes or out of funds raised expressly for the purpose of such contributions, and the governing bodies of such subdivisions may levy taxes therefor, subject to any applicable limitations. The governing body of a governmental subdivision making such a contribution may specify the particular purpose for which the same is to be used within the general purposes aforesaid, and such contributions shall be used only for the purposes so specified. Subject to such restrictions, if any, all such contributions shall be paid into the county park fund of the county receiving the same and used for the purposes herein authorized.

Subd. 4. Gifts, grants, and loans. The county board of any county may, in the name and behalf of the county, accept gifts, grants, or loans of money or other property from the United States, the state, or any other source for any purpose under sections 398.31

to 398.36, may enter into any agreement for repayment or otherwise required in connection therewith, and may hold, use, and dispose of such money or property for said purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

Subd. 5. County park fund. All moneys received from any source specified in sections 398.31 to 398.36 shall be paid into the county treasury, placed in a special fund designated as the county park fund, and used only for the purposes authorized in said sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable to such moneys or any part thereof.

Subd. 6. Bonds. To raise funds for the cost and expense of acquisition of areas for county parks or other units of the county park system or for the improvement thereof, or to refund bonds issued for said purposes, the county board of any county may issue the bonds of the county in the manner and subject to the conditions prescribed by chapter 475, as heretofore or hereafter amended, so far as applicable to counties, except as herein otherwise expressly provided, and may levy all taxes necessary therefor. Such bonds and interest thereon and the expense of issuance thereof may be paid out of the proceeds of tax levies or out of revenue from fees or other sources, or both, and the county board may pledge any such proceeds or revenues thereto. Such bonds may be issued in addition to all other bonds authorized by law. No limitation hereafter prescribed by law shall apply to such bonds unless expressly so provided.

HIST: 1961 c 512 s 3; 1973 c 123 art 5 s 7; 1973 c 583 s 29,30

#### 398.34 Ordinances.

Subdivision. 1. Enactment. The county board of any county may enact ordinances relating to the county park system or to any county park or other unit subject to the provisions of sections 398.31 to 398.36 as hereinafter provided. Before acting on any such ordinance the county board shall hold a public hearing upon the proposal therefor upon at least three weeks' notice given by the county auditor by publication in the official newspaper of the county, stating briefly the subject matter and the general purpose of the proposed ordinance. The proposed ordinance may be amended by the county board before enactment in any manner not inconsistent with the terms of the notice of hearing thereon. Every such ordinance, upon enactment, shall be signed by the chair of the county board, attested by the county auditor, filed by the auditor, and published in the official proceedings of the board. Thereupon the ordinance shall take effect, subject to the further provisions of this section in the case of an ordinance affecting public waters. Every ordinance shall be recorded by the county auditor in an ordinance book with a notation of the date of publication. Such record or a certified copy thereof shall be prima facie evidence of the contents of the ordinance and of compliance with all requirements of law relating to the enactment and taking effect thereof.

Subd. 2. Ordinances regulating protection and use of parks. By ordinance adopted as hereinbefore provided the county board may prescribe regulations, not inconsistent with law, for the protection and use of any county park or parks or other units subject to the provisions of sections 398.31 to 398.36, including any waters lying within the boundaries of such a park or unit, and, in the case of waters extending beyond such boundaries, including also any part of such waters lying within 300 feet of that part of the shore

thereof lying within such boundaries; provided, that no provision of any such ordinance affecting public waters shall be valid except with the approval of the commissioner of natural resources. In case any provision of a proposed ordinance affects any public waters, notice of the hearing thereon with a copy of such provision shall be mailed by the county auditor to the commissioner of natural resources at least three weeks before the date of the hearing. Unless written approval of such provision by the commissioner of natural resources is filed with the county auditor at or before the hearing, it shall be stricken from the proposed ordinance, and, if incorporated therein, shall have no force or effect; provided, that the invalidity of such a provision shall not affect the validity of any other provision of an ordinance.

Subd. 3. Violations; penalties; disposal of fines. Every ordinance relating to any matter specified in subdivision 2 shall have the force and effect of law, and a violation of any provision thereof shall be a misdemeanor. The provisions of such ordinances shall not supersede any applicable provision of an ordinance of any city, but shall be supplementary thereto. All fines collected for violations of ordinances enacted hereunder shall be deposited in the county park fund.

HIST: 1961 c 512 s 4; 1969 c 1129 art 10 s 2; 1971 c 23 s 35; 1973 c 123 art 5 s 7; 1986 c 444

#### 398.35 Personnel.

Subdivision 1. Appointment. The county board of any county having or proposing to establish a county park or parks may appoint a superintendent thereof and such other personnel as may be necessary for the care, maintenance, and operation thereof or for other purposes authorized by sections 398.31 to 398.36, subject to other provisions of law relating to county employees so far as applicable.

Subd. 2. Police powers. The superintendent and such other county park employees as the county board may designate shall be peace officers, with the same powers as constables and other peace officers to enforce the laws of the state and the ordinances of the county board and to make arrests and institute prosecutions for violations thereof. The superintendent and every other employee so designated shall take an oath as provided by law for public officers and shall give bond to the county in such sum as the county board may direct, not less than \$1000 for the superintendent nor less than \$500 for each other such employee, conditioned for the faithful performance of their official duties and otherwise as provided by law, with corporate sureties at the expense of the county, to be approved and filed as provided by law for the bonds of county officers. In lieu of individual bonds such employees may be covered by a general or combination bond providing equivalent security.

HIST: 1961 c 512 s 5

#### 398.36 County park commission.

The county board of any county having or proposing to establish a county park or parks may by ordinance enacted as provided by section 398.34 create a county park commission, with such provisions for membership, terms of office, and other requirements as the county board may prescribe, and may delegate

to such commission, under such conditions as the county board may prescribe, authority to exercise any of the powers conferred on the board by sections 398.32 to 398.35, except the power to acquire or sell land or water or interests therein, to levy taxes, to appropriate money, or to enact ordinances. The commission may make recommendations to the county board in the respect of any matter relating to county parks requiring action by the board.

The provisions of sections 398.31 to 398.36 shall not repeal or supersede any existing law except so far as in direct conflict therewith, but shall be supplementary thereto.

HIST: 1961 c 512 s 6,7