PARKS, ZOOLOGICAL GARDENS, AND AIRPORTS

Act 90 of 1913

AN ACT authorizing and empowering the boards of supervisors of counties to purchase, acquire by condemnation, accept gifts and devises of real estate for, and to improve and maintain public parks and zoological gardens, airports and landing fields, and to contribute to the improvement and maintenance of public parks and public zoological gardens, airports and landing fields, owned or held in trust by cities, villages or townships or used for the benefit of the public; to authorize the making of reasonable rules and regulations relative to the public use of park property; and to provide penalties for violations of such rules and regulations.

History: 1913, Act 90, Eff. Aug. 14, 1913 ;-- Am. 1929, Act 210, Eff. Aug. 28, 1929 ;-- Am. 1931, Act 268, Eff. Sept. 18, 1931 ;-- Am. 1953, Act 165, Imd. Eff. June 3, 1953

The People of the State of Michigan enact:

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123.61 County park, zoological garden or airport; land, acquisition, appropriation; vote.

Sec. 1.

It shall be lawful for and the several boards of supervisors are hereby authorized and empowered to purchase, acquire by condemnation, and to accept gifts and devises of real estate for purposes of public parks, public zoological gardens, airports and landing fields either or both, when such lands lie within the boundaries of their respective counties or within the boundaries of any adjoining county, and to make appropriations covering the costs of such purchases or acquisitions by condemnation and incidental to the acceptance of such gift or devise: Provided, When such lands are purchased, acquired by condemnation, given or devised to any county adjoining a county wherein such lands are situate, they shall be conveyed or devised to such counties jointly: Provided further, however, That a 2/3 vote of the members-elect of a board of supervisors shall be necessary to authorize the purchase or condemnation of real estate designed for such public park, public zoological garden, airport and landing field purposes.

History: 1913, Act 90, Eff. Aug. 14, 1913 ;-- CL 1915, 2318 ;-- Am. 1921, Act 36, Eff. Aug. 18, 1921 ;-- Am. 1929, Act 210, Eff. Aug. 28, 1929 ;-- CL 1929, 2393 ;-- Am. 1931, Act 268, Eff. Sept. 18, 1931 ;-- CL 1948, 123.61

123.62 County park, zoological garden or airport; land, acquisition; appropriation for improvement and maintenance.

Sec. 2.

It shall be lawful for and the several boards of supervisors are hereby authorized and empowered to make appropriations for the improvement and maintenance of such public parks, public zoological garden property, airports and landing fields, as shall have been purchased or acquired by condemnation or accepted by way of gift or devise or if used for the benefit of the public.

History: 1913, Act 90, Eff. Aug. 14, 1913 ;-- CL 1915, 2319 ;-- Am. 1929, Act 210, Eff. Aug. 28, 1929 ;-- CL 1929, 2394 ;-- Am. 1931, Act 268, Eff. Sept. 18, 1931 ;-- CL 1948, 123.62

123.63 County park, zoological garden or airport; owned or held in trust.

Sec. 3.

It shall be lawful for, and the several boards of supervisors are hereby authorized and empowered to make appropriations by way of contributing toward the improvement and maintenance of any such public parks, public zoological gardens, airports and landing fields, either owned or held in trust by any township, city or village within their respective counties or any adjoining county, or for any public parks, public zoological gardens, airports and landing fields, either owned or held in trust by any adjoining county, or for any public parks, zoological gardens, airports or landing fields, either owned or held in trust by 2 or more adjoining counties.

History: 1913, Act 90, Eff. Aug. 14, 1913 ;-- CL 1915, 2320 ;-- Am. 1921, Act 36, Eff. Aug. 18, 1921 ;-- Am. 1929, Act 210, Eff. Aug. 28, 1929 ;-- CL 1929, 2395 ;-- CL 1948, 123.63

123.64 Providing funds for public park, zoological garden, airport, or other authorized purpose; appropriation; property tax; limitation.

Sec. 4.

A county board of commissioners may provide funds for 1 or more of the following purposes by an appropriation from the county general fund and may raise these funds by an ad valorem property tax levy on property within the county subject to taxation for county purposes, but, except upon approval of a majority of the qualified electors of that county voting on a question of whether to increase this limitation, said tax shall never exceed in any 1 year 1/4 of 1 mill on the equalized valuation of the county:

(a) Purchasing or acquiring by condemnation property for a public park, zoological garden, airport, or other purpose authorized by this act.

(b) Improving or maintaining property purchased or acquired pursuant to subdivision (a).

(c) Contributing towards the maintenance of a public park, zoological garden, airport, or other facility authorized by this act which is owned or held in trust by a township, city, or village within the county, or by an adjoining county.

History: 1913, Act 90, Eff. Aug. 14, 1913 ;-- CL 1915, 2321 ;-- Am. 1921, Act 36, Eff. Aug. 18, 1921 ;-- Am. 1929, Act 210, Eff. Aug. 28, 1929 ;-- CL 1929, 2396 ;-- Am. 1931, Act 268, Eff. Sept. 18, 1931 ;-- CL 1948, 123.64 ;-- Am. 1982, Act 164, Imd. Eff. May 25, 1982

123.65 Construction of powers; boulevards.

Sec. 5.

The powers and authority granted in this act, shall be deemed to include power and authority to purchase and accept gifts of lands for boulevards and highways to be laid out as boulevards by county authority and power and authority to improve the same, and the words "parks owned or held in trust by townships, cities and villages," shall be deemed to include boulevards or highways or streets laid out as boulevards and owned or held in trust by the municipalities aforesaid.

History: 1913, Act 90, Eff. Aug. 14, 1913 ;-- CL 1915, 2322 ;-- Am. 1921, Act 36, Eff. Aug. 18, 1921 ;-- CL 1929, 2397 ;-- CL 1948, 123.65

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123.66 County park trustees; board of county road commissioners; rules and regulations, resolution, publication; report to board of supervisors.

Sec. 6.

Whenever the board of supervisors of any county shall have adopted a resolution to purchase, condemn or to accept certain lands for park purposes, and make an appropriation therefor under the provisions of sections 1 and 2 of this act, there shall be created a board of 3 members to be known and designated as "county park trustees." In counties operating under the county road system, the board of county road commissioners is hereby designated and shall then act as the county park trustees. In all other counties the board of supervisors, at the time of making the appropriation above provided for, shall name and appoint from their number 3 members to be known and designated as county park trustees. Said board of trustees shall have the management, control and expenditure of such funds when collected and shall hold in trust for the county the title to any real estate so purchased, acquired by condemnation or accepted by way of gift or devise for park purposes, and shall supervise the improvement of any such property so purchased, acquired or accepted as authorized by the board of supervisors. Said board of park trustees shall have the power to impound water on any property so purchased, acquired by condemnation or accepted for park purposes and to form a lake thereon whenever they deem it necessary in the course of improving such property for park purposes. Such trustees shall also have the care and control of such park property and may make reasonable rules and regulations and enforce the same when made respecting the use by the public of such park property: Provided, That no such rule or regulation shall become effective until (1) it has been approved by resolution of the board of supervisors, (2) such resolution containing such rule or regulation has been published at least once in a newspaper of general circulation within the county, and (3) such rule or regulation has been posted in at least 3 conspicuous places in such park property, the posters to be not less than 10 inches by 12 inches in size and printed in legible type. Such posting shall be continuously maintained. They shall elect a chairman and secretary from among their number. All expenditures of funds so appropriated shall be paid only by the county treasurer on the warrant or voucher of the chairman and 1 other member of such board. The trustee so appointed shall make a full report to the board of supervisors at each October session as to the condition of the property and the expenditure of funds. The members of such board of county park trustees shall continue to act until their successors have been duly elected or appointed. In all counties of this state operating under the county road system when this act takes effect, the board of "county park trustees" heretofore appointed shall be immediately dissolved and cease to exist, and the board of county road commissioners shall take the place thereof and thereafter exercise the powers and perform the duties of the board of county park trustees, taking possession of all books, records and office equipment of such former board.

History: 1913, Act 90, Eff. Aug. 14, 1913 ;-- CL 1915, 2323 ;-- Am. 1921, Act 36, Eff. Aug. 18, 1921 ;-- Am. 1923, Act 215, Eff. Aug. 30, 1923 ;-- CL 1929, 2398 ;-- Am. 1931, Act 268, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 275, Eff. Sept. 29, 1939 ;-- CL 1948, 123.66 ;-- Am. 1953, Act 165, Imd. Eff. June 3, 1953

123.66a County airport committee; appointment, powers, organization.

Sec. 6-a.

Whenever a board of supervisors of any county shall have adopted a resolution to purchase, condemn or to accept certain lands for airport or landing field purposes and makes an appropriation therefor under the provisions of sections 1 and 2 of this act, there shall be

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created a board of 3 members to be known as a "county airport committee." These 3 members may be either 3 members of the board of county road commissioners or 3 members of the board of supervisors as determined by the majority vote of the members of the board of supervisors. Such county airport committee shall have the management, control and expenditure of such funds collected and shall hold in trust for the county the title to any real estate so purchased, acquired by condemnation or accepted by way of gift or devise for airport or landing field purposes and shall supervise the improvement of any such property so purchased, acquired or accepted as authorized by the board of supervisors. Such county airport committee shall have the care and control of all airport and landing field property and may make reasonable rules and regulations and enforce the same when made respecting the use by the public of such property. They shall elect a chairman and secretary from among the members. All expenditures of funds so appropriated shall be paid only by the county treasurer on the warrant or voucher of the chairman and 1 other member of such board. The committee so appointed shall make a full report to the board of supervisors at each October session as to the condition of the airport or landing field property and the expenditure of funds. The members of such committee shall continue to act until their successors have been duly elected or appointed.

History: Add. 1939, Act 275, Eff. Sept. 29, 1939 ;-- CL 1948, 123.66a

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123.67 Maintenance payment to local treasurer; misapplication penalty.

Sec. 7.

Funds appropriated and collected for the purpose of contributing towards the maintenance of public parks, public zoological gardens, airports and landing fields, owned by counties, townships, cities and villages, under the provisions of section 3 hereof, shall be paid by the county treasurer to the treasurer of the municipality owning such park. Any county, township, city or village misapplying any portion of such funds shall be liable to the county in the full sum so contributed, and for all costs and expenses incidental, to the recovery of the same. Any person or official who shall cause or assist in the misapplication of such funds shall be deemed guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than 100 dollars and not more than 1,000 dollars, or to imprisonment in the county jail for not more than 6 months, or to both such fine and imprisonment in the discretion of the court.

History: 1913, Act 90, Eff. Aug. 14, 1913 ;-- CL 1915, 2324 ;-- Am. 1929, Act 210, Eff. Aug. 28, 1929 ;-- CL 1929, 2399 ;-- CL 1948, 123.67

123.68 Violation of posted rule or regulation as misdemeanor; penalty; recreational trailway; posting of regulation; violation as municipal civil infraction.

Sec. 8.

(1) A person who violates a posted rule or regulation made pursuant to section 6 or 6a is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or work in a park cleanup program as an alternative to the imprisonment, or by a fine of not more than $500.00, or both.

(2) A rule or regulation adopted under section 6 that regulates a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.

(3) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by a rule or regulation adopted under section 6 is a municipal civil infraction,

whether or not so designated by the rule or regulation. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the rule or regulation or $500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that is excluded from the definition of municipal civil infraction in section 113 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.113 of the Michigan Compiled Laws.

History: Add. 1953, Act 165, Imd. Eff. June 3, 1953 ;-- Am. 1978, Act 559, Eff. Mar. 30, 1979 ;-- Am. 1982, Act 359, Eff. Mar. 30, 1983 ;-- Am. 1994, Act 85, Eff. Oct. 1, 1994

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