

PARKS AND RECREATION

A GUIDE FROM KLC MUNICIPAL LAW

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PARKS AND RECREATION

In order to play any game, you must first learn the rules. The same holds true for the law surrounding parks and recreation. It is impossible to carry out the duties of parks and recreation unless you familiarize yourself with the applicable state statutes, as well as your local ordinances, that govern.

Statutes are not contained in some magical spell book. There is no forbidden wisdom in a statutory code book. You do not need a law school education to understand their meaning. We wanted to remove some of the mystique from the law by compiling this simple pdf document. It contains the entire portion of Kentucky Revised Statutes which pertain to parks and recreation.

Feel free to use this guide in any way that you deem fit. The reason we wanted to present this as a pdf though is because a pdf does have just a little bit of magic, truth be told. A pdf is word searchable. If you have the pdf on a laptop during a meeting and an issue comes up - you can plug the words in and hopefully the relevant portion of the law pertaining to parks and recreation will pop up. Failing that, you can always call the KLC Municipal Law Department at 800.876.4552.

The KLC Municipal Law Team

97.010 City and county recreation facilities

- (1) The acquisition, development, maintenance and operation of parks, playgrounds and recreation centers, which may include but is not limited to zoos and museums, is a proper municipal purpose for all cities and counties. The legislative body of any city or the fiscal court of any county may dedicate for use as parks, playgrounds and recreation centers any lands or buildings owned or leased by the city or county and not devoted to an inconsistent public use and may acquire real property for such purpose by purchases, lease, condemnation or otherwise, at any place reasonably accessible to the inhabitants of the city or county and either within or without the boundaries of the city or the county.
- (2) Any two (2) or more cities, or any city and county, may jointly establish, maintain and conduct a park and recreation system. Any school district may join with any city or county in providing and conducting public parks, playgrounds and recreation centers.

97.020 Establishment of local recreational facilities

The legislative body of any city or the fiscal court of any county may establish a park, playground and recreation system and may vest the power to provide, maintain and conduct parks, playgrounds and recreation centers in a park board, board of education, playground and recreation board or other existing board. Any board so designated may maintain and equip parks, playgrounds and recreation centers and the buildings thereon, and may employ trained and qualified park superintendents, playground directors, supervisors, recreation superintendents or other officers and employees as it deems proper.

97.030 Creation of board to administer recreation facilities

If the legislative body of any city or fiscal court of any county determines that the power to provide, conduct and maintain parks, playgrounds and recreation centers shall be exercised by a playground and recreation board, or a parks, playground and recreation board, the legislative body of the city or fiscal court may, by resolution or ordinance, establish a playground and recreation board, or a parks, playground and recreation board, which shall possess all the powers and be subject to all the responsibilities of KRS 97.010 to 97.050. The board shall consist of five (5) persons to be appointed by the mayor or county judge/executive, to serve for terms of four (4) years and until their successors are appointed, except that the members first appointed shall be one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years and two (2) for four (4) years. Vacancies shall be filled in the same manner as original appointments and for the unexpired term.

97.035 Establishment of joint system of recreational facilities; joint board; effect of compact; effect on joint department upon establishment of consolidated local government

- (1) If two (2) or more political subdivisions determine to jointly establish, maintain, and conduct a park and recreation system or systems, which may include but shall not be limited to the establishment, maintenance, and conduct of zoos and museums, the legislative bodies of such counties, cities, or other districts involved may by ordinance, order, or resolution approve a plan for the establishment of such joint project and for the creation of a joint board representative of the subdivisions involved, and possessed with all the powers and duties of KRS 97.010 to 97.050. This subsection authorizes the creation of a joint board by any two (2) or more cities or any city and county for purposes of establishment, maintenance, and conduct of zoos and the creation of another joint board for purposes of establishment, maintenance, and conduct of museums.
- (2) Except in a county containing a consolidated local government, such board shall consist of not less than five (5) members. The plan shall provide for distribution of membership and all participating

governmental units shall have representation thereon. The members of the board shall be appointed by the county judge/executive, mayor of the city, or governing body of the district, as the case may be, for terms of four (4) years to serve at the pleasure of the appointing authority. Vacancies shall be filled for unexpired terms by appointment of the authority appointing the member whose office is vacant. The terms of office of such members shall be staggered as provided by order or resolution of the political subdivisions concerned. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

- (3) The board shall be a body corporate for all purposes, and shall elect from its membership a chairman, secretary, and treasurer. The treasurer shall execute a bond conditioned on the faithful performance of his or her duties sufficient in amount to cover funds coming into his or her hands. The premium on such bond shall be paid from board funds.
- (4) Any park, playground, or recreation system operated jointly by two (2) or more political subdivisions as provided in KRS 97.010 (2), on June 19, 1958, shall be governed by this section.
- (5) Notwithstanding subsections (1), (2), and (3) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, such city and county shall by joint action create a joint city/county department to maintain and conduct a park and recreational system or systems. In such event, the board shall be dissolved as a corporate entity and all assets and liabilities of the board shall be transferred to the joint department. An advisory board may be established by joint agreement of such city and county. Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the joint department shall become a department of the consolidated local government and all assets and liabilities of the joint department shall be transferred to the consolidated local government. An advisory board may be established or maintained by a consolidated local government. Members of the advisory board shall be appointed pursuant to the provisions of KRS 67C.139 and shall serve at the pleasure of the mayor of the consolidated local government.

97.040 Gifts for recreation facilities

Any authority in which is vested the power to provide, conduct and maintain parks, playgrounds, and recreation centers under KRS 97.030 or 97.035, may accept any grant or devise of real estate or any bequest or gift of money or any donation, the principal or income of which is to be used for park, playground, or recreation purposes. Money received for such purposes shall, unless otherwise provided by the terms of the bequest, be deposited with the treasurer or department of finance of the city or with the county treasurer or treasurer of the joint board to the account of the authority having charge of such parks, playgrounds, and recreation centers and may be withdrawn and paid out in the same manner as money appropriated for recreational purposes.

97.050 Appropriations for recreation facilities

Whenever the legislative body of any city or the fiscal court of any county or one (1) of them in conjunction with a school district establishes a supervised park, playground and recreation system as provided in KRS 97.010 to KRS 97.040, or jointly, as provided in KRS 97.035, the legislative body or the fiscal court or other authority participating may appropriate money out of the general fund of the city or county or other authority for the purpose of expanding, equipping, maintaining and operating such park, playground or recreation center.

97.055 Revenue bonds for recreation facilities

For the purpose of establishing or acquiring parks, playgrounds and recreation centers, and appurtenances thereto, a playground and recreation board or a board, as provided in KRS 97.030 or 97.035, shall have the same authority to issue revenue bonds granted to cities by KRS 97.150 to 97.240 and all of the provisions of said section shall be applicable in the case of issuance of revenue bonds by such boards.

97.090 Charges for use of park facilities

The city may, by ordinance, prescribe admission, fees, rentals, concessions and other charges for the use of any such area or its facilities, or may delegate such power to the commission.

97.095 Method for creating or joining regional park authority; powers; tax levy; governing board; compliance with KRS 65A.010 to 65A.090

- (1) For the purpose of acquiring, building, operating, and maintaining parks and green space, two (2) or more counties may form a regional park authority.
- (2)
 - (a) The regional park authority may be established by a vote of the fiscal courts of the participating counties or by a vote of the majority of the voters in each participating county voting in an election. The issue shall be placed upon the ballot if supported by a petition signed by a number of people from the participating counties equal to one percent (1%) of the voters in the last regular election.
 - (b) A county may join an existing regional park authority by a vote of the fiscal court of each participating county and of the fiscal court of the joining county, or by a vote of the majority of voters from each participating county and the joining county voting in an election. The issue shall be placed upon the ballot if supported by a petition signed by a number of people from the participating and joining counties equal to one per cent (1%) of the voters from each participating county and one percent (1%) of the voters from the joining county, voting in the last regular election.
- (3) A regional park authority is authorized to:
 - (a) Levy taxes and issue bonds;
 - (b) Accept donations, land, and equipment;
 - (c) Reject unusable or unmanageable land donations;
 - (d) Hire employees and contract for services; and
 - (e) Enter into agreements with public and private entities under the provisions of the Interlocal Cooperation Act, KRS 65.210 to 65.300, and contracts authorizing the use of private facilities for public recreation.
- (4) A regional park authority may levy taxes not exceeding five cents (\$0.05) on each one hundred dollars (\$100) of all taxable property within the regional park authority's boundaries. The tax shall not be levied until a public referendum has been conducted in accordance with the provisions of KRS 83A.120 and has been adopted by the majority of the voters voting in an election in each county involved.

- (5) A regional park authority shall be governed by a board made up of three (3) citizens from each participating county. Board members shall be appointed by the fiscal court from a list of candidates provided by the cities within the county and by the county planning commission if there is one in that county.
- (6) A regional park authority shall comply with the provisions of KRS 65A.010 to 65A.090.

97.100 Cities of all classes may acquire and operate recreational projects; definition

- (1) In addition to any other method authorized by statute, a city of any class may, under the provisions of KRS 97.100 to 97.240, establish, acquire, maintain and operate municipal recreational projects and all necessary club houses, bathhouses, locker rooms, shower rooms and necessary appurtenances, within or without the corporate limits of the city, for the purpose of supplying the city with suitable and safe recreational facilities.
- (2) "Project," as used in KRS 97.100 to 97.240, means golf courses, tennis courts, bridle paths, swimming pools, bathing pools and other similar projects made available to the public for recreational purposes, but does not mean any recreational facility conducted in connection with the maintenance of public parks established by a city under the general law.

97.110 City recreational commission to be established; general powers

Any city establishing or acquiring and desiring to maintain and operate a recreational project or projects under the provisions of KRS 97.100 to 97.240 shall by ordinance provide for the appointment of a city recreational commission to operate and control the project or projects. The commission shall be a corporation with perpetual succession, and may contract and be contracted with, sue and be sued, have and use a corporate seal and alter and renew it at pleasure.

97.120 Appointment of recreational commission; members; terms; removal; vacancies; rules and regulations; revenues; fees; compliance with KRS 65A.010 to 65A.090

- (1) In cities of the first class and in cities with populations equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census, the city recreational committee shall consist of not less than three (3) nor more than seven (7) members, the exact number to be at the discretion of the city legislative body. In cities with populations of less than twenty thousand (20,000) based upon the most recent federal decennial census, the city recreational committee shall consist of three (3) members.
 - (a) In cities of any class the city recreational committee shall be appointed by the mayor, with the approval of a majority of the members of the legislative body of the city, for terms of four (4) years, except that the members first appointed shall be so appointed that the terms of the members will expire in different years.
 - (b) The members shall serve without compensation.
 - (c) The members shall be legal voters of the city.
 - (d) If any member during the term of his or her office becomes a candidate for, or is elected or appointed to any public office, he or she shall automatically vacate his membership on the commission and another person shall be appointed in his or her place; but this provision shall not prevent a member of the commission from serving as a member of any other appointive commission of the city, county, state or federal government.

- (2) Any member of the commission may be removed by the vote of three-fourths (3/4) of the elected members of the city legislative body. Vacancies shall be filled in the same manner as in the original appointment. The city may require each commissioner to execute a bond in the penal sum of one thousand dollars (\$1,000). If the commissioners are required to execute bonds, the bonds shall be approved by the legislative body of the city, and the cost thereof may either be paid by the city or by the commission out of its revenue.
- (3) The commission shall provide rules and regulations for the management of the recreational project or projects, and out of the revenue derived from the project or projects it shall pay all operating expenses, provide for necessary repairs and additions, provide a sufficient reserve fund to insure the buildings and improvements against fire and tornado, provide a fund for payment of any incidental or emergency expenses that may arise, and set up a fund to provide for the payment of any debts created in connection with the establishment and maintenance of the project or projects.
- (4) The commission may levy and collect fees for the use of or admission to the project or projects and expend or invest the income from the fees for the purposes set forth in this section.
- (5) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

97.130 Property and admission fees to be tax-exempt

All property which a city acquires for the establishment and maintenance of a recreational project under KRS 97.100 to 97.240 shall be exempt from taxation to the same extent as other public property used for public purposes. All fees charged or collected for the admission to or the use of such a project shall be exempt from taxation.

97.140 Property which cities may acquire; methods of acquisition; title in city

Any city that establishes a recreational project may purchase solely from the funds provided under the authority of KRS 97.100 to 97.240, or may acquire by gift, devise, bequest or grant, lands, structures, rights of way, franchises, easements or other interests in land necessary for the establishment and maintenance of the project, upon such terms, prices and considerations as the city considers reasonable. Title to all property acquired for such purposes shall be taken in the name of the city.

97.150 Issuance of bonds to finance project

For the purpose of defraying the cost of establishing, erecting, and acquiring any recreational project and necessary appurtenances, any city may borrow money and issue bonds. The bonds may be issued bearing interest at a rate or rates or method of determining rates, payable at least annually, and shall be executed in a manner and be payable at times, not exceeding thirty (30) years from the date of issuance, and at a place as the legislative body determines.

97.160 Bonds to be negotiable and tax-exempt; sale; cities not to be obligated

The bonds issued pursuant to KRS 97.150 shall be negotiable and shall not be subject to taxation. If the officers whose signatures or countersignatures appear on the bonds or coupons cease to be officers before delivery of the bonds, the signatures or countersignatures shall nevertheless be valid. The bonds shall be sold in a manner and upon the terms as the legislative body of the city deems for the best interests of the city, or any contract for the acquisition of a project may provide that payment shall be made in bonds. The bonds shall be payable solely from the revenue funds derived from the operation of the project, and the bonds and other obligations incurred for the establishment and maintenance of a recreational project shall not constitute an indebtedness of the city.

within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 97.100 to 97.240 and does not constitute an indebtedness of the city within the meaning of the Constitution.

97.170 Use of money received from sale of bonds

All money received from any bonds issued pursuant to KRS 97.150 shall be applied solely to the establishment, erection and acquisition of the recreational project and necessary appurtenances, except that the money may be used to advance the payment of interest on bonds during the first three (3) years following the date of the bonds and to advance the expenses of operation and maintenance for one (1) month after the opening of the project.

97.180 Bondholders' lien; action to enforce

There shall be a statutory mortgage lien upon the recreational project and necessary appurtenances acquired through the issuance of bonds, in favor of the holders of the bonds and the holders of the coupons. The project and appurtenances shall remain subject to the lien until the payment in full of the principal and interest of the bonds. Any holder of the bonds or coupons may, by action at law or in equity, protect and enforce the lien and compel performance of all duties required by KRS 97.100 to 97.240, including the making and collecting of sufficient fees and the segregation and application of the revenue.

97.190 Receiver in case of default

If there is a default in the payment of the principal or interest of any of the bonds, any court having jurisdiction may appoint a receiver to administer the project on behalf of the city, with power to charge and collect rates for the services rendered and for the use of or admission to the project sufficient to provide for the payment of any bonds or obligations outstanding and for payment of the operating expenses. The receiver shall apply the revenue in conformity with KRS 97.100 to 97.240.

97.200 Funds for payment of bonds, maintenance and depreciation

At or before the issuance of bonds the legislative body of the city shall, by ordinance, set aside and pledge the revenue of the project into a special fund to be used and applied in payment of the cost of the project and its maintenance, operation and depreciation. The ordinance shall definitely fix the amount of revenue necessary to be set aside and applied to the payment of the principal and interest of the bonds, and the portion of the balance of the revenue to be set aside as a proper and adequate depreciation account, and the remaining portion of the balance shall be set aside for the reasonable and proper operation and maintenance of the project. The fees to be charged for the use of or admission to the project shall be fixed and revised from time to time so as to be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal when it becomes due, and to provide for operation and maintenance and an adequate depreciation account. If any surplus is accumulated in the operating and maintenance fund equal to the cost of maintaining and operating the project during the remainder of the calendar or fiscal year, the commission may at any time transfer the excess to the depreciation account to be used for any improvements or additions to the project.

97.210 Depreciation account; disposition of

The funds accumulating to the depreciation account shall be expended in balancing depreciation or in making new constructions or additions to the project. Any such accumulations may be invested as the commission designates, and the income from the investments shall be carried into the depreciation account.

97.220 Refunding and additional bonds

- (1) The city may issue new bonds for the purpose of providing funds for the payment of any outstanding bonds, subject to the procedure described in KRS 97.100 to 97.240. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds that are refunded.
- (2) If the legislative body of the city finds that the original bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure described in KRS 97.100 to 97.240.

97.230 Bonds for additions and improvements

Any city acquiring a recreational project may at any time provide for the addition to and improvement of the project by an additional issue of bonds, subject to the procedure required for the issuance of original bonds, or the city may, at the time of issuing bonds for the acquisition, provide for additional bonds for additions and permanent improvements to be placed in escrow and to be negotiated from time to time as necessary. The bonds placed in escrow shall, when negotiated, have equal standing with bonds of the same issue.

97.240 No other proceedings necessary

No proceedings shall be required for the acquisition, establishment or management of any recreational project or the issuance of bonds under KRS 97.100 to 97.230 except the proceedings prescribed in those sections.

97.250 Powers of department of public parks and recreation in first-class cities; employees; director of parks and recreation

- (1) The department of public parks and recreation of any city of the first class shall exercise all of the powers and perform all of the functions and duties of any former board of park commissioners of the city, except as otherwise provided by law or by KRS 97.250 to 97.257. The agents and employees of the department of public parks and recreation, except as provided herein, shall be employed and governed in accordance with the merit system, as provided by any law or amendments thereof, and any rules and regulations issued pursuant thereto, authorizing, creating and governing any city board or commission empowered to administer and enforce civil service laws, rules and regulations in and for the city.
- (2) The department of public parks and recreation of any city of the first class shall be under the supervision and direction of a director to be designated director of parks and recreation, and shall have exclusive direction, supervision and control of all park property, as herein defined, except as otherwise provided by law or by KRS 97.250 to 97.257 or by ordinance of the legislative body of said city; and shall provide for and supervise all public amusements and recreation in parks, playgrounds, and community centers. The director of the department may adopt rules and regulations for the reasonable and proper use, management and control of public park, playground and community center property, and may organize the department for administrative purposes into the divisions necessary for the proper conduct of the business of said department, and appoint heads or chiefs of the divisions, who, under the supervision and control of the director, shall have the direction of such divisions.

97.251 Definition of “park property”

The term “park property” includes all parks, squares and areas of land owned or used by said city for park purposes, and all buildings, structures, improvements, seats, benches, fountains, walks, drives, roads, trees, plants, herbage, flowers, and other things thereon, and inclosures of the same; all shade trees on streets or thoroughfares throughout park property and said city; all resting places, watering stations, playgrounds, parade grounds, community centers, or the like; all connecting parkways and roads or drives between parks, and all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers and ornaments of any description thereon, acquired for park purposes; and all birds, animals or curiosities, or objects of interest or instruction placed in or on any of such inclosures, ways, parkways, roads or places; and said term shall be liberally construed.

97.252 Title to and control of park property; exemption from taxation; use for streets; contracts for use of aviation fields; control of public ways acquired for park purposes

- (1) The title to all property with all improvements and equipment acquired for park, airport or aviation field purposes, subject to any existing leases thereof, shall be held by the city in strict and inviolable trust for such public purposes, free from all taxation, imposts or assessments by state, county, district, municipal, or other governmental subdivision; but the city may use any portion of such property as is necessary and proper for the construction, extension, or widening of streets, boulevards, thoroughfares or other public ways, and may enter into contracts or agreements, with reference to properties acquired for airport or aviation field purposes, for the use of the field and airport for aviation purposes, with the United States government or any agency thereof, or any state government or any agency thereof, or any board of aviation established under any act of the General Assembly of this Commonwealth, or of any other commonwealth or state, or any individual, firm or corporation. However, it shall at no time and in no way enter into any contract or agreement that prevents its carrying out the main purpose of the establishment and maintenance of a public municipal aviation field and airport, for the general use of the citizens of the city as a park purpose.
- (2) Such park property as consists of all connecting parkways and roads or drives between public parks, and all avenues, roads, ways, drives, walks, outside of or on the boundaries of public parks which were or are acquired for park purposes, shall be under the direction, control, maintenance and management of the department of public works of the city, and any such property may be declared by resolution of the board of aldermen to be a part of the public ways of the city.

97.253 Employees are subject to civil service

- (1) The employees of any former board of park commissioners in any city of the first class, except the special park police, shall be employed by and continued in the service of the department of public parks and recreation. The employees, except as herein provided, are subject to any law or amendments thereof, or any rules and regulations issued pursuant thereto, governing any city board or commission empowered to administer and enforce civil service laws, rules and regulations in and for the city, it being the intent and purpose of KRS 97.250 to 97.257 to make such laws, rules and regulations applicable to the offices, positions and places of employment in the department of public parks and recreation.
- (2) The following offices, positions, and places of employment in the department of public parks and recreation, to wit: director of parks and recreation, private secretary to the director, golf professionals, golf greensmen, checkers, counter men, locker attendants, caretakers, janitors, janitresses, laundresses, cleaners, tractor and truck drivers, teamsters and stablemen, and laborers, are hereby specifically excepted from the provisions of the civil service law, rules and regulations. The foregoing excepted offices, positions, and places of employment, except the office of director, may hereafter be placed in the classified service, under the law, by the legislative body of the city by ordinance.

97.255 Power of police to arrest for offenses committed on park property

Officers and members of the division of police of the department of public safety of said city shall have the power to make arrests in any parks or any park property or upon any parkways or park boulevards under the control of any city of the first class, within the boundaries of said city; or in any place within the county wherein such city is located outside the boundaries of said city, if the offense or violation for which such arrest is being made was committed upon park property, parkways, park boulevards, or property under the control of said city; and any and all persons so arrested or taken into custody by members of said division of police shall be tried in courts having jurisdiction over the place where the offense for which such arrest was made was committed.

97.257 Power of condemnation for park purposes

Whenever property shall be needed by any city of the first class for any park, playground, or community center purpose contemplated in KRS 97.250 to 97.257, either within or beyond the boundaries of such city, in the county in which such city is located, the director of parks and recreation may, with the consent of the legislative body of such city, order the condemnation of such property in the manner provided in the Eminent Domain Act of Kentucky.

97.425 “Park property” defined

The term “park property” as used in KRS 97.425 to 97.485 shall be liberally construed, and includes all parks, squares, and areas of land within the management of the city; all buildings, structures, improvements, seats, benches, fountains, trees, plants, herbage, flowers, and other things thereon and the inclosures of same; all shade trees on street or thoroughfares, resting places, watering stations, playgrounds necessary and incidental to such public parks and property, parade grounds, and the like; all connecting parkways and roads or drives between parks, all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers, and ornaments of any description; all birds, animals, or curiosities or objects of interest or instruction placed in or on any such inclosures, ways, parkways, roads, or places; all maintenance and construction equipment, recreation supplies, and facilities, and any interest or right which the city is able to exercise.

97.441 Powers and duties of cities over parks and boulevards

- (1) Any city that has the care, management and custody of the parks and grounds used for park purposes, the boulevards and parkways belonging to the city or in the control of the city, and all property acquired for park purposes or public squares by the city may:
 - (a) Acquire and hold property for public parks and public squares and for parkways connecting the parks, by condemnation, contract, purchase or gift;
 - (b) Lay out and improve the parks, parkways, squares and other property held or managed by it with walks, drives, roads, trees and other proper improvements, and contract for such improvements;
 - (c) Protect all park property and improvements belonging to the city or under its management or control from injury or decay;
 - (d) Adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all parks, parkways, public squares, boulevards, driveways, walks and park property generally;
 - (e) Prevent disorder and improper conduct within the precincts of any park or inclosure, or upon any drive, walk or avenue under the control of the city;

- (f) Control and manage the planting and care of all shade trees along the sidewalks and thoroughfares of the city, and adopt and enforce rules and regulations necessary for the protection and care of the trees.
- (2) In locating parks the city shall regard the needs of the different sections of the city and the suitability of the ground for park purposes, as well as the cost thereof. The city shall have discretion as to the location and improvement of parks.
- (3) The police power of the city extends over the park property of every kind, as it is acquired. All violations of the park rules and regulations and all other offenses committed within any park property or precinct shall be punished as provided by law in cases of misdemeanors and violations of city ordinances.

97.455 Board of park commissioners; membership; appointment; term; removal

There shall be established in each city electing to operate under KRS 97.425 to 97.485 a board to be known as the "Board of Park Commissioners." The board shall consist of not less than five (5) nor more than seven (7) members as determined by the legislative body of the city and shall be appointed by the mayor with the approval of a majority of the legislative body for terms of four (4) years, except that the members first appointed shall be so appointed that the terms of not more than two (2) members shall expire in the same year. Any member of the board may be removed by a majority vote of the members of the city legislative body.

97.465 Board of park commissioners, advisory only; election of officers of board; rules; promotion of park facilities

The board of park commissioners shall be an advisory board only, it being the intention of KRS 97.425 to 97.485 to vest all powers relating to parks, playgrounds, and recreation in the city, subject to the provisions of KRS 97.020. The board of park commissioners, after their appointment, shall convene and elect a president of the board and a secretary. It shall establish rules, not inconsistent with the provisions of KRS 97.405 to 97.485, and shall fix the time and place for the holding of its meetings. The board shall advise the legislative body of the city on appropriate park and recreational programs and projects, and shall promote the full use of all park facilities in the interest of the public.

97.475 Park police

The legislative body of the city may from time to time provide by ordinance for special park police.

97.485 Construction of KRS 97.425 to 97.485

Nothing in KRS 97.425 to 97.485 shall be construed to conflict with the provisions of KRS 97.020.

97.530 Powers of cities with respect to parks, cemeteries, squares, avenues, and fountains

The legislative body of any city may, by ordinance, acquire, establish and maintain public cemeteries, parks, squares, avenues, promenades, and fountains, either within or without the city; repeal ordinances heretofore or hereafter enacted creating such public cemeteries, parks, squares, avenues, promenades, and fountains where the same were not acquired or given to the city for such specific purposes, and provide, by appropriate ordinances, for the use of said lands, easements, buildings, and appurtenances thereon or appertaining thereto for other purposes; make all necessary appropriations for the cost and maintenance of same; and make regulations for the use, management and direction thereof.

97.540 Condemnation of property by city for parks or cemeteries

Whenever, in the opinion of the legislative body of any city, land or other property located either within or without the boundaries of the city and within the county in which the city is located is needed for cemetery or park purposes and the legislative body is not able to contract with the owner of the property for its purchase, the legislative body may, by resolution reciting such need, order the condemnation of such property. The proceedings shall be conducted in the manner provided in the Eminent Domain Act of Kentucky.

97.550 Local governments may acquire property for parks or playgrounds; appointment of park board; terms of office

- (1) Cities of any class, counties, charter counties, and urban-county governments may acquire, by purchase or donation, property for the purpose of maintaining public parks or playgrounds within the jurisdictional limits.
- (2) The city legislative body, the fiscal court, or the legislative body of a charter county or an urban-county government may appoint a park board of not more than eight (8) persons, whose qualifications shall be prescribed by the city legislative body or fiscal court, and whose terms of office shall be for two (2) years and until their successors are appointed and qualified, except that three (3) members of the first board appointed shall be appointed for terms of only one (1) year. The members of the board shall not receive any salary for their services. The board shall be a corporation with perpetual succession, and may, in its corporate name, contract and be contracted with, sue and be sued, have and use a corporate seal, and alter or renew it at pleasure.

97.560 Oath of board members

Each person appointed to the board shall appear before the city clerk and make and subscribe to an oath that he will faithfully, diligently and to the best of his ability perform all the duties as member of the board; that he will not in any manner, directly or indirectly, be concerned in any contract, purchase, sale or emolument of any kind in connection with or growing out of any business of the board, or the providing, purchasing, managing or improving of any park or playground property. The oath shall be filed in the office of the city clerk and shall be a public record.

97.570 Selection of officers; duties of officers

As soon as it is convenient, the members of the board shall meet and choose a president and a secretary from among its members, each to serve for a term of one (1) year, and annually thereafter a president and secretary shall be chosen. The duties of such officers shall be the usual duties incumbent upon such an office and such other duties as the board prescribes.

97.580 Powers and duties of board

The board shall have the care, management and control of all parks and playgrounds within the limits of the city, shall lay out and improve them with walks, drives, roads and trees, provide appliances and equipment for playgrounds, and provide for the proper lighting of the parks and playgrounds.

97.590 Tax levy; requirement of public referendum; disbursements; exception

- (1) For the purpose of purchasing and maintaining public parks within the jurisdictional limits, cities of any class, counties, charter counties, and urban-county governments may levy taxes not exceeding five cents (\$0.05) on each one hundred dollars (\$100) of all taxable property within the corporate limits, subject only to the aggregate limits on property taxes set forth in the Kentucky Constitution, but not subject to the recall provisions of KRS 132.017. No city, county, charter county, or urban-county government shall levy the tax until a public referendum has been conducted in accordance with the provisions of KRS 83A.120 in the case of a city, county, or charter county or in accordance with the provisions of KRS 67A.160 in the case of an urban-county government and has been adopted by the city's, county's, charter county's, or urban-county government's voters. The public referendum provisions in this section shall not apply to any city, county, charter county, or urban-county government that has in effect on July 15, 1998, a tax for park purposes in accordance with this section or KRS 97.550.
- (2) The funds derived from the levy shall be held by the treasurer of the city or the treasurer of the county in a separate and distinct fund designated the "Park Fund." The funds shall be paid out by the treasurer only upon order issued by the park board signed by the secretary and countersigned by the president after the bill for the withdrawal has been approved by the board, unless a park board has not been appointed under KRS 97.550 to 97.600, in which case the funds shall be appropriated by the city legislative body, the fiscal court, or the legislative body of the charter county government or urban-county government for purposes consistent with the levy. The treasurer shall not honor in any one (1) year orders for a greater sum than the amount apportioned and levied for that year for park and playground purposes.

97.600 Reports and records; compliance with KRS 65A.010 to 65A.090

- (1) The park board shall keep a set of books showing the receipts and expenditures of the board. The books shall at all times be subject to examination by the mayor or any committee of the legislative body authorized to make such examination, either by themselves or by a certified public accountant. The board shall each January transmit to the mayor and legislative body a full and detailed report and statement of the acts of the board for the preceding year, with a complete and itemized account of all receipts and disbursements of money and an itemized estimate of the money needed for park and playground purposes.
- (2) The board shall comply with the provisions of KRS 65A.010 to 65A.090.

97.610 Tax for maintenance of band or orchestra in cities of the home rule class; procedure; submission to vote

- (1) Cities of the home rule class may levy an annual tax of not more than ten (10) mills on the assessed valuation of the city, for the purpose of providing a fund for the maintenance or employment of a band or orchestra.
- (2) Before such tax may be levied a petition signed by five percent (5%) of the legal voters of the city, as shown by the last regular municipal election, must be filed with the city legislative body, requesting that the following question be submitted to the voters: "Shall a tax of not exceeding ten (10) mills be levied each year for the purpose of furnishing a fund for the maintenance or employment of a municipal band or orchestra?"

- (3) The petition shall be filed with the county clerk and the county clerk shall certify whether the petition is sufficient not later than the second Tuesday in August preceding a general election, and the legislative body shall cause the question to be submitted to the voters at the first following general municipal election.
- (4) The levy shall be authorized if a majority of the electors voting at the election cast votes in favor of the proposition, and the legislative body may then enact an ordinance carrying the plan into effect.

97.620 Repeal of tax

At any time not earlier than three (3) years thereafter, a similar petition may be presented to the legislative body asking that the following proposition be submitted: "Shall the power to levy a tax for the maintenance or employment of a band or orchestra be repealed?" The submission shall be made at any general municipal election, and if a majority of the vote cast is in favor of the repeal, no further levy shall be made.

97.630 War memorial commissions in cities of the first class and the home rule class

- (1) Any city of the first class that has constructed a war memorial under the provisions of Chapter 23 of the Acts of 1922 shall have a memorial commission consisting of seven (7) members. Members shall be not less than twenty-five (25) years of age and shall be bona fide residents of the county in which the city is situated. Upon the expiration of the terms of the members of the commission appointed or elected under the provisions of Chapter 23 of the Acts of 1922, the remaining members of the commission shall elect members to succeed those whose terms have expired, to serve for terms of seven (7) years each, and annually thereafter members to succeed those whose terms have expired shall be elected for terms of seven (7) years each by the remaining members of the commission. Vacancies in the terms of members shall be filled by the remaining members of the commission. Members selected to fill vacancies shall serve for the unexpired term. The members of the commission shall serve without compensation, but shall be allowed their necessary expenses for travel when engaged on the business of the commission.
- (2) A city of the home rule class that has constructed a war memorial under the provisions of Chapter 128 of the Acts of 1946, may, by ordinance, have a memorial commission consisting of fifteen (15) members. Members of the commission shall be nominated and appointed by the mayor and approved by the city legislative body. Five (5) of said members shall be appointed to serve five (5) years; five (5) members shall be appointed to serve six (6) years; and five (5) members shall be appointed to serve seven (7) years. Thereafter, members to succeed those whose terms have expired shall be elected by the remaining members of the commission for terms of three (3) years. Vacancies in the terms of members shall be filled by the remaining members of the commission. Members selected to fill vacancies shall serve for the unexpired term. The members of the commission shall serve without compensation, but shall be allowed their necessary expenses for travel when engaged in the business of the commission.
- (3) In lieu of the requirements of subsection (2) of this section, the legislative body of any city of the home rule class may enact an ordinance to establish an alternative number of members, not less than five (5), to serve on the city's war memorial commission, each for a term of three (3) years. The appointment, filling of vacancies, and compensation of members appointed pursuant to this subsection shall be governed in the same manner as provided in subsection (2) of this section. A city acting pursuant to this subsection that establishes a number of members less than are currently serving shall not require the removal of any serving member, but, upon expiration of the term, shall not fill such position, to ensure that the number of members equals that which the city has provided in the ordinance.

97.640 Officers and employees of commissions

- (1) A commission in a city of the first class shall annually elect a chairman from its members, to serve for the term of one (1) year. The commission may elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of the commission, and may receive a salary to be fixed and paid by the commission, not exceeding \$2,500 per annum. The commission may select and fix the compensation of such officers or employees as it deems necessary to properly carry on the work of the commission, to serve at the pleasure of the commission. The compensation of all officers and employees of the commission employed in the operation or maintenance of the memorial shall constitute maintenance expenses and shall be paid as such.
- (2) A commission in a city of the home rule class shall annually elect a chairman from its members, to serve for the term of one (1) year. The commission may elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of the commission, and may receive a salary to be determined by the commission. The commission may select and fix the compensation of such officers or employees as it deems necessary to properly carry on the work of the commission, to serve at the pleasure of the commission. The compensation of all officers and employees of the commission employed in the operation or maintenance of the memorial shall constitute maintenance expenses and shall be paid as such.

97.650 Powers of commission

The commission shall be a corporation and may:

- (1) Arrange for and supervise the maintenance of the grounds and structures of the memorial.
- (2) Exact from any of its officers or employees such surety or indemnity bonds for the appropriate performance of their respective duties as the commission deems proper.
- (3) Establish and enforce reasonable rules and regulations for its own government, and for the supervision, protection, management and conduct of its work and the maintenance of the memorial structures, and for the cost thereof, which rules and regulations, to the extent they are not in conflict with law, shall have the force of law.
- (4) Make and enter into, in its corporate name, any and all contracts, agreements or stipulations, germane to the scope of its duties, or in accordance with the purposes of KRS 97.630 to 97.780.
- (5) Sue and be sued in its corporate name, adopt a corporate seal and alter it at pleasure.
- (6) Do all other acts reasonable or necessary to effectively carry out the work intended or required by KRS 97.630 to 97.780.

97.660 Bonds of officers; payment of bond premiums

The chairman and secretary and treasurer of the commission shall each give bond with approved surety, in a sum fixed by the commission. The bonds shall be payable to the commission, and shall obligate the makers to faithfully perform the duties of their offices and to faithfully account for and pay over all money or other thing of value that comes into their hands. The premiums for such bonds shall be paid by the commission.

97.670 Form of the memorial; title to property; tax exemption

The memorial shall commemorate the valorous and patriotic deeds and service of the soldiers and sailors, of the city and county in which the commission acts, who were engaged in the Army and Navy of the United States during the World War of 1914 to 1918, the World War of 1941 to 1945, the Korean and Vietnam conflicts, and other international armed conflicts in which the United States participated. The memorial shall be permanent in character, and shall take the form of a building or buildings, with halls and auditoriums ample for both large and small assemblages, conventions, theatrical, musical and other entertainments, and with suitable offices, rooms, and equipment to properly maintain and operate the building or buildings, and appropriate statuary and works of memorial art, and all grounds necessary or appropriate for such purposes, all of which shall be embraced by the term "memorial." The commission may maintain in the memorial such flags, insignia, mementos, records, and archives of the war, or of historical significance in connection therewith, as may fittingly exemplify or illustrate the patriotic services rendered the United States in the war by the soldiers and sailors, as well as by the citizens and residents of the city and county who were not engaged in the military or naval service of the United States during the war. The title to the memorial and all property acquired by the commission shall be vested in the commission and shall be held in trust for the city for the purposes contemplated in KRS 97.630 to 97.780, free from all taxation or assessments.

97.680 Power of commission to acquire property; methods of acquisition

The commission may acquire, by gift, purchase, lease or condemnation, any real or personal property situated wholly within the city or county, or any interest, franchise, easement, right or privilege in the city or county, of any buildings, tools, machinery, materials or supplies that may be required for the purpose of furnishing, maintaining or operating the memorial. The proceedings for condemnation shall be conducted in the name of the commission in the method prescribed by the Eminent Domain Act of Kentucky. All property acquired by the commission shall be held, used and controlled by it for the purposes named in KRS 97.630 to 97.780.

97.690 Work to go to lowest and best bidder; work may be done by commission

All work to be done or supplies or materials to be purchased involving an expenditure of five hundred dollars (\$500) or more shall be awarded by contract to the lowest and best bidder, but the commission may reject any bid. The commission may do any part of the work, under such conditions as it prescribes, by day labor or other noncontract method, whenever, in its judgment, this is the best method to pursue. This section does not limit the power of the commission in the employment of architects, employees, clerks or agents.

97.700 Appropriation or tax levy to maintain memorial

- (1) In order to provide sufficient funds for maintaining the memorial and for carrying on the work of the commission the city legislative body in cities of the first class shall annually appropriate from the general fund of the city such sums as in the judgment of the legislative body shall, when supplemented by any funds received by the commission from gifts or earnings of the memorial, be reasonably necessary for such purposes. All moneys so appropriated may be paid over to the commission by the director of finance of such city in regular monthly installments. If it appears from the report or statement of the commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate for the purpose, the appropriation for such year may be withheld by the legislative body.
- (2) For the purpose of providing necessary funds for maintaining such memorial and for carrying on the work of the commission a city legislative body of cities of the home rule class may annually appropriate from the general fund of the city or annually levy and collect a tax not exceeding five cents (\$0.05) on each one hundred dollars (\$100) worth of taxable property in such city as determined by the last regular

assessment of such city, and the taxes so levied shall be collected in the customary way and shall be paid over to said commission for the purpose named in this section; provided, however, that if it shall appear from the report or statement of the commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate therefor after deductions therefrom are made as herein provided, the said tax levy for such year may be withheld by the city legislative body.

97.710 Limit on expense to be incurred

Except with the approval of the city legislative body, the commission shall not incur for maintenance purposes of the memorial, or permit the incurrence of, any liability or expense exceeding the total funds derived or to be derived for any fiscal year by appropriation from the city for such year, or the levying and collection of taxes for such purpose in the fiscal year, supplemented by income from the memorial and by donations in money or property reduced to money made to the commission for maintenance purposes.

97.720 Fiscal year; annual financial statement; improvement and replacement fund; compliance with KRS 65A.010 to 65A.090

- (1) The fiscal year of the commission shall be the same as that of the city. The commission shall, each May, prepare and certify to the mayor, to be by him transmitted to the legislative body, a statement showing the total funds that, in the judgment of the commission, will be needed for maintaining the memorial for the ensuing fiscal year; setting forth in detail the sums needed for the different classes of expenditure; setting forth the estimated balance that will be on hand on the first of July following the certification of the statement and available for expenditure during the ensuing fiscal year for maintenance purposes; and indicating, as nearly as possible, what additional assets other than those derived from the city appropriation will become available for maintenance purposes for the ensuing fiscal year.
- (2) The legislative body, in making the appropriation or levy of the tax for maintenance purposes, shall take into consideration the amount of funds held or derived by the commission from donations for maintenance purposes. The commission may set aside and retain from year to year, out of the maintenance funds derived by gift or appropriation, a reasonable fund to be known as an “improvement and replacement fund,” to cover needed improvements, replacements and equipment for, and depreciation of, the memorial. The funds shall be placed at interest in a bank of the city, with the mayor’s approval, or invested in United States government interest-bearing bonds, or bonds of the city or any of its instrumentalities. The amount set aside each year for such purposes shall be made with the approval of the mayor, and shall be held and used as occasion requires as a further memorial building and improvement fund to improve and further equip the memorial, and for replacement purposes if the memorial or any portion of it is destroyed by casualty or decay. The cost of ordinary repairs shall be paid for out of maintenance funds.
- (3) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

97.730 Annual report of operations; records; examination of records

Within sixty (60) days after the close of each fiscal year the commission shall make a full, detailed report to the mayor of the city, showing all the financial operations and the general scope of the operations of the commission and of the memorial during the preceding fiscal year. The report shall be transmitted by the mayor to the city legislative body. The commission shall adopt and maintain an efficient system of accounting, covering all of its fiscal work and that of the memorial. The mayor may cause the accounts and records to be examined at any time, and report of such examinations shall be made to the mayor. The mayor and the legislative body may call upon the commission at any time for any information or report concerning the fiscal or other operations of the commission.

97.740 Operation of memorial; charges for use

The commission may use and permit the use of the memorial for conventions, theatrical and musical performances, public entertainments and other like meetings or assemblages, and may collect reasonable charges therefor, except where such use is for purposes of such a distinct civic character or purely public benefit as shall, in the discretion of the commission, render any charge for such use undesirable. All revenues thus derived shall be held and used by the commission to the extent necessary to maintain and operate the memorial, and to provide for a replacement and improvement fund as provided for in KRS 97.770, with balances to be covered with the city treasury under certain circumstances as provided in KRS 97.630 to 97.780.

97.750 Gifts to the memorial commission

The commission may accept gifts of property of any description, for any of the purposes of the commission, if the gift is accompanied by a suitable instrument, executed by the donor, setting forth the purposes for which the gift is made. The gift or the proceeds thereof when reduced to money shall be used by the commission only for the purpose for which given. The commission may exchange or sell, for the purposes set out in KRS 97.630 to 97.780, any of the property given to it for such purposes.

97.760 Procedure in sale of bonds; disposition of proceeds

Bonds issued pursuant to Chapter 23 of the Acts of 1922 shall be placed under the control of the commission, which shall determine when, and at what price and how they shall be sold. Any premium obtained from the sale of the bonds shall constitute a part of the sinking fund for their ultimate retirement. As the bonds are sold, their proceeds shall go to the credit of the commission in the same depositories that are selected for the deposit of the funds held by the commissioners of the sinking fund of the city, upon like agreements as to interest. The proceeds of the bonds shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned in a manner and accompanied by a voucher as may be prescribed by administrative regulations promulgated by the commission.

97.770 Disposition of income after bonds are paid

After the bonds issued pursuant to Chapter 23 of the Acts of 1922 are fully paid, the commission, with the mayor's approval, may annually set aside a portion of the income derived from the operation of the memorial, and it shall be either deposited, at interest, in banks or trust companies selected by the commission with the mayor's approval, or invested by the commission, with the mayor's approval, in high-class interest-bearing securities, and so held, to be used in either case for the purposes of improvement, replacement or reconstruction of the memorial, or any portion thereof, as conditions may require or render advisable. All such work shall be done by or under the supervision of the commission. The remainder of the annual income, less such portion as may be required or used for the maintenance of the memorial, shall be paid into the city treasury.



97.780 Legal services

All legal services or advice required by the commission shall be rendered by the city attorney and his assistants, without additional compensation.