CHAPTER 40-55
PUBLIC RECREATION SYSTEM

40-55-01. Definitions.

1. "Governing body" as used in this chapter means city council, board of trustees or commissioners of any city or township, the board of county commissioners on behalf of any unorganized township, the trustees of any school district, and the commissioners of any park district in North Dakota.
2. "Municipality" as used in this chapter refers to and means any city or organized or unorganized township in North Dakota.

40-55-02. Municipality, school, and park district recreation centers - Appropriation.

The governing body of any municipality, park district, or school district may dedicate and set apart for use as playgrounds, recreation centers, and other recreation or character-building purposes and community centers, lands or buildings, or both, owned or leased by such municipality, school district, or park district, and not dedicated or devoted to another, inconsistent public use. A municipality, school district, or park district, in such manner as may now or hereafter be authorized or provided by law for the acquisition of lands or buildings for public purposes by such municipality, school district, or park district, may acquire or lease lands or buildings, or both, within or beyond the corporate limits of such municipality, school district, or park district, for community centers, playgrounds, recreation centers, or other recreation and character-building purposes. When the governing body of such municipality, school district, or park district, so dedicates, sets apart, acquires, or leases lands or buildings for such purposes, on its own initiative, it may provide for their conduct, equipment, and maintenance according to the provisions of this chapter by making an appropriation from the general municipal, school district, or park district funds.

40-55-03. Providing and maintaining recreational facilities - May be vested in an existing body - Powers of body.

The governing body of any municipality, school district, or park district may establish a system of public recreation and it may vest the power to provide, maintain, and conduct playgrounds, community centers, recreation centers, and other recreation and character-building areas, structures, facilities, and activities in any existing municipal body, in the school district, in the park district, or in a recreation board or commission, as the governing body may determine. Any board, commission, or other body so designated shall have the authority to maintain and conduct community centers, playgrounds, recreation centers, and other recreation and character-building areas, structures, facilities, and activities. For the purpose of carrying out the provisions of this chapter, it may employ play leaders, playground and recreation center directors, supervisors, recreation superintendents, and such other employees as it deems proper.

40-55-04. Municipalities, school, or park districts may provide and establish joint recreation centers and facilities.

Any two or more municipalities, school districts, or park districts, jointly, may provide, establish, maintain, and conduct a public recreation system, and acquire property therefor, and establish and maintain community centers, playgrounds, recreation centers, and other recreational and character-building areas, structures, facilities, and activities.

40-55-05. Bonds may be issued providing for such facilities.

The governing body of any municipality, school district, or park district, pursuant to law, may provide that the bonds of such municipality, school district, or park district may be issued in the manner provided by law for the issuance of bonds for other purposes, for the purpose of acquiring lands or buildings for community centers, playgrounds, recreation centers, and other recreational and character-building purposes and for the equipment thereof.

40-55-06. Establishing recreation board or commission - Members - Terms - Vacancy - Compensation.

If the governing body of any municipality, school district, or park district determines that a public recreation system shall be established, the governing body shall by resolution or ordinance establish in such municipality, school district, or park district a recreation board or commission that shall possess all the powers and be subject to all the responsibilities of the local authorities under this chapter. The members of the recreation board or commission shall be appointed by the mayor or presiding officer of the municipality, park district, or school district that establishes the recreation system. The recreation board or commission when established shall consist of at least five but not more than nine persons, as the governing body may determine, to be appointed by the mayor or presiding officer of the municipality, park district, or school district, with the consent of the governing body. One member of the recreation board or commission must be chosen from the legal membership of the park district board, or board of park commissioners of the area involved, one member must be chosen from the membership of the governing body of the municipality, and one member must be chosen from the legal membership of the school district board or boards involved. The remaining members must be chosen at large from the largest geographic area represented by the municipality, park district, or school district involved. The term of office of all members of such recreation board or commission shall be for three years except that the members of such recreation board or commission first appointed shall be for staggered terms so that the terms of at least one but not more than three members expire annually. If a vacancy occurs during the term of office of any member, the mayor or presiding officer of the municipality, school district, or park district involved, with the consent of the governing body, shall appoint a successor to serve for the unexpired term. Membership on the recreation board or commission shall be without compensation or remuneration.

40-55-07. Governing body, board, or commission may accept grants of real estate and money - Conditions.

The governing body of a municipality, school district, or park district, recreation board or commission, or other authority in which is vested the power to provide, establish, maintain, and conduct such supervised recreation system may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or recreation purposes, but if the acceptance thereof for such purposes will subject such municipality, school district, or park district, to additional expense for improvement, maintenance, or removal, the acceptance of any grant or devise of real estate shall always be subject to the approval of the governing body of such municipality, school district, or park district. Money received for such purpose, unless otherwise provided by the terms of the gift or bequest shall be deposited with the treasurer of the governing body to the account of the recreation board or commission or other body having charge of such work, and the same may be withdrawn and paid out by such body in the same manner as money appropriated for recreation purposes.

40-55-08. Election to establish recreation system - Funding.

1. The governing body of any city, school district, or park district to which this chapter is applicable, may and upon receipt of a petition signed by at least ten qualified electors but not less than five percent of those qualified electors who voted at the last general election of the city, school district, or park district, shall submit to the qualified electors the question of the establishment, maintenance, and conduct of a public recreation system at the next general election or special municipal election if the question to be placed on the ballot is filed thirty days prior to the date of the election.
2. If the electors of the city have approved a public recreation system, the governing body of the city may provide funding for the recreation system from revenues derived from its general fund levy authority in an amount not exceeding the revenue derived from a levy of two and five-tenths mills per dollar of taxable valuation of property within the city.

3. A school district or park district may provide funding from revenues derived from its general fund levy authority for the establishment, maintenance, and conduct of a public recreation system.

40-55-09. Voter-approved levy authority for city public recreation system.

1. The governing body of a city may, and upon receipt of a petition signed by at least ten qualified electors but not less than five percent of those qualified electors who voted at the last general election of the city shall, submit to the qualified electors the question of approval or disapproval of voter-approved levy authority for establishment, maintenance, and conduct of a public recreation system at the next general election or special municipal election if the question to be placed on the ballot is filed thirty days prior to the date of the election. The ballot measure question to approve a levy under this section must be stated to ask if the elector approves a voter-approved tax by the city for a public recreation system in a stated number of mills, not exceeding six mills. If approved by a majority of city electors voting on the question, the city may levy an additional tax within the limitation of subsection 13 of section 57-15-10. After January 1, 2015, approval or reauthorization by electors of voter-approved levy authority under this section may not be effective for more than ten taxable years. Any voter-approved levy under this section or section 40-55-08 approved by the electors of a city before January 1, 2015, remains effective for ten taxable years or the period of time for which it was approved by the electors after it was approved, whichever is less, under the provisions of law in effect at the time it was approved. The governing body of the city shall discontinue the levy for public recreation purposes if the qualified voters, at a regular or special election, by a majority vote on the proposition, decide to discontinue the levy. A vote of the qualified electors is not required to discontinue the levy under this section if the levy authority is no longer required as a result of a merger between a park district and a city public recreation system.
2. A vote that occurred pursuant to subsection 1 before a city public recreation system and a park district merged pursuant to subsection 2 of section 57-15-12 is no longer valid to authorize levying mills for a city public recreation system.

40-55-10. Public recreation under this chapter deemed governmental subdivision function.

The provision, conduct, operation, and maintenance of a system of public recreation under the provisions of this chapter shall be a governmental function of municipalities, school districts, or park districts.

40-55-11. Recreation centers or systems may be established as memorials.

The community centers, playgrounds, recreational centers and systems, or any recreational or character-building facility provided for herein may be erected or established as memorials in commemoration of the men and women of the locality who lost their lives in the service of their country during World War II and in gratitude to all who served in the armed forces. In such cases, the names of those so remembered shall be preserved in some manner in connection with the memorial.